



# CITY COUNCIL AGENDA

**MARCH 23, 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

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

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](http://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, 2<sup>nd</sup> 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](mailto: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**  
**9:30 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: None.**  
  
**1:30 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
**7:02 p.m.** - Final Public Hearing on Mayor's March Budget Message  
**Absent Council Members: None.**
- **Invocation (District 3)**  
Diego Gomez presented a poem "Dancing to the Beat of Your Heart" for the Invocation.
- **Pledge of Allegiance**  
Mayor Reed and the Third Graders from De Vargas Elementary School led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda with Item 2.3(b) deferred to 03/30/10.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring of the month of March 2010 as “Women Veterans’ Month” in the City of San José. (Herrera)  
**Mayor Reed and Council Member Herrera recognized March 2010 as “Women Veterans’ Month” in the City of San José.**
- 1.2 Presentation of a commendation to the San José Elks for their service in keeping the city, streets, and highways clean with the Adopt-A-Highway Program. (Nguyen)  
**Heard in the evening.**  
**Mayor Reed and Council Member Nguyen recognized and commended the San José Elks for their service in keeping the city, streets, and highways clean with the Adopt-A-Highway Program.**
- 1.3 Presentation of a proclamation declaring the week of March 21 through 27, 2010 as “National Surveyors Week” in the City of San José. (Constant)  
(Rules Committee referral 3/17/10)  
**Mayor Reed and Council Member Constant recognized the week of March 21 through 27, 2010 as “National Surveyors Week” in the City of San José.**
- 1.4 Presentation of a proclamation to the Iranian-American Public Employees recognizing the Iranian New Year in the City of San José. (Pyle)  
(Rules Committee referral 3/17/10)  
**Mayor Reed and Council Member Pyle recognized the Iranian New Year in the City of San José.**
- 1.5 Presentation of a proclamation to the Assyrian Church of the East Tea Time Committee recognizing the Assyrian New Year in the City of San José. (Pyle)  
(Rules Committee referral 3/17/10)  
**Mayor Reed and Council Member Pyle recognized the Assyrian New Year in the City of San José.**
- 1.6 Presentation of a proclamation declaring the month of March 2010 as “Red Cross Month” in the City of San José. (Mayor)  
(Orders of the Day)  
**Mayor Reed recognized March 2010 as “Red Cross Month” in the City of San José.**

# 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
**There were none presented.**
- 2.2 **Final adoption of ordinances.**  
**There were none presented.**

## 2. CONSENT CALENDAR

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### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of March 3, 2010. (Mayor)
- (c) Neighborhood Services and Education Committee Report of March 11, 2010. (Campos)

**Approved.**

- (b) Rules and Open Government Committee Report of March 10, 2010. (Mayor)  
**Deferred to 03/30/10 per Orders of the Day.**

### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for excused absences for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on March 3, 2010 due to Authorized City Business: Travel to Washington, D.C. to meet with Federal legislative officials to advocate on the behalf of the City of San José. (Mayor)
- (b) Request for excused absences for Council Member Pyle from the Regular Meeting of the Rules and Open Government Committee on March 10, 2010 due to illness. (Pyle)

(Rules Committee referral 3/10/10)

**Excused.**

### 2.5 City Council Travel Reports.

**There were none presented.**

### 2.6 Amendment to Hitachi Park Maintenance Agreement.

**Recommendation:** 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)  
(Deferred from 3/9/10 – Item 2.8)

**Approved.**

### 2.7 Increase Compensation for the Repair of the Concrete Deck in the Convention Center Parking Garage.

**Recommendation:** Increase the amount of maximum compensation to the Purchase Order between the City and Watertight Restoration, Inc., by \$47,000 from \$494,500 to \$541,500, to repair previously unidentified cracks in the concrete deck in the San José Convention Center Parking Garage. CEQA: Exempt, File No. PP08-292. Council District 3. (Finance)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.8 Agreement for Investment Advisory Services.

**Recommendation:** Adopt a resolution authorizing the Director of Finance to negotiate and execute an agreement with Main Street Capital Advisors to serve as the City's Investment Advisor for the term of April 1, 2010 to June 30, 2012, in an amount not to exceed \$172,600, with two one-year options for extension through June 30, 2014, not to exceed \$48,700 per option year, subject to annual appropriation of funds. CEQA: Not a Project. (Finance)

**Resolution No. 75311 adopted.**

### 2.9 Purchase of Additional Seating for the Airport.

**Recommendation:**

- (a) Increase the existing contingency amount by \$206,000 from \$183,330 to \$389,330, to purchase additional seating from Zoefitg International for the Norman Y. Mineta San José International Airport; and
- (b) Authorize the Director of Finance to execute purchase orders for any additional furniture that may be required for the completion of the new Airport, subject to the appropriation of funds.

CEQA: Resolution Nos. 67380 and 71451, File No. PP10-017. (Finance/Airport)

**Approved.**

### 2.10 Grant Application for the Development of two Urban Corridor Plans.

**Recommendation:** Support the City's application to Caltrans for its Community-Based Transportation Planning and Environmental Justice Grants and adopt the following two resolutions:

- (a) Authorize the Director of Planning, Building and Code Enforcement to file an application on behalf of the City to compete for the Caltrans Community-Based Transportation Planning Grant in an amount not to exceed \$300,000 to develop an urban corridor plan for South Bascom Avenue and Southwest Expressway, and authorize the City Manager to negotiate and execute all contracts and related documents required for the acceptance of the grant by the City, and as may be required by Caltrans for the completion of the grant funded projects.

**Resolution No. 75312 adopted.**

- (b) Authorize the Director of Planning, Building and Code Enforcement to file an application on behalf of the City to compete for the Caltrans Environmental Justice Grant in an amount not to exceed \$300,000 to develop an urban corridor plan for East Santa Clara Street, and authorize the City Manager to negotiate and execute all contracts and related documents required for the acceptance of the grant by the City of San José, and as may be required by Caltrans for the completion of the grant funded projects.

CEQA: Not a Project. Council Districts 3 and 6. SNI: University, Thirteenth Street and Five Wounds/Brookwood Terrace. (Planning, Building and Code Enforcement)

**Resolution No. 75313 adopted.**

## 2. CONSENT CALENDAR

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### 2.11 Contract Change Order for the San José Environmental Innovation Center Phase 1 Project.

**Recommendation:**

- (a) Adopt a resolution authorizing the director of Public Works to execute Contract Change Order Number 2 for a credit of \$245,000 with CalState Construction, Inc., for the San José Environmental Innovation Center Phase 1 Project.

**Resolution No. 75314 adopted.**

- (b) Approve an increase in the contingency for the San José Environmental Innovation Center Phase 1 Project in the amount of \$245,000 from \$225,657 for a total contingency of \$470,657.

CEQA: EIR, File No. PP06-100 and Resolution No.73929 certified by the San José Planning Commission on June 11, 2007, and approved by Council on June 26, 2007, respectively and addenda thereto, File No. PP09-112. (Public Works)

**Approved.**

### 2.12 Actions Related to the Willow Glen Community Benefit District.

**Recommendation:**

- (a) Approve an agreement with the Willow Glen Business Association from the date of execution to December 31, 2024 to provide services for the Willow Glen Community Benefit District as specified in the agreement and as outlined in the Willow Glen Community Benefit District Management Plan and Engineer's Report.

**Approved.**

- (b) Adopt the following 2009-2010 Appropriation Ordinance and Funding Sources Resolution amendments in the Business Improvement Districts Fund:
- (1) Establish a Willow Glen Community Benefit District appropriation to the Department of Public Works in the amount of \$196,737;
  - (2) Establish an estimate for Earned Revenue – Willow Glen Assessment (CBD) in the amount of \$196,737;
  - (3) Establish an Administration Services appropriation to the Department of Public Works in the amount of \$5,000; and
  - (4) Establish a Transfer from the General Fund in the amount of \$5,000.

**Ordinance No. 28728 adopted.**

**Resolution No. 75310 adopted.**

- (c) Adopt the following 2009-2010 Appropriation Ordinance amendments in the General Fund:
- (1) Decrease the Non-Personal/Equipment appropriation in the Environmental Services Department by \$5,000; and
  - (2) Establish a Transfer to the Business Improvement Districts Fund in the amount of \$5,000.

CEQA: Exempt, File No. PP08-097. Council District 6. (Public Works/City Manager)

**Ordinance No. 28729 adopted.**

## 2. CONSENT CALENDAR

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### 2.13 Actions Related to Fire Station No. 19, located at 3292 Sierra Road.

**Recommendation:**

- (a) Approve an increase in the construction contingency for the Fire Station No. 19 construction contract with Applegate Johnston Construction Company, Inc., by \$100,000 from \$172,775 for a total contingency amount of \$272,775.
- (b) Approve the Second Contract Amendment for Don Dommer Associates, Inc., for the Fire Station No. 19 Project, and increasing the amount of compensation by \$52,000 from \$360,000 to \$412,000 and extending the term of the agreement from March 31, 2010 to December 31, 2010.

**Approved.**

- (c) Adopt the following Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (Fund 475) for 2009-2010.
  - (1) Increase the Fire Station 19 – Relocation (Piedmont) appropriation by \$150,000; and
  - (2) Decrease the Fire Station 36 Silver Creek/Yerba Buena appropriation by \$150,000.

CEQA: Exempt, File No. PP06-116 (Fire Station No. 19) and Exempt, File No. PP08-232 (Fire Station No. 19) for monopole. Council District 4. (Public Works/Fire/City Manager's Office)

**Ordinance No. 28730 adopted.**

### 2.14 Mayor Reed's Travel to Washington, D.C.

**Recommendation:** Approve travel by Mayor Reed to Washington, D.C. on March 3-6, 2010 to meet with Federal legislative officials and departments to advocate for legislation beneficial to the City of San José. Source of Funds: Mayor's Office Budget. (Mayor) (Rules Committee referral 3/10/10)

**Approved.**

### 2.15 Healthy Neighborhoods Leadership Committee Appointments.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 17, 2010, approve the appointments of Carmen Johnson and Melanie Espino to serve as Committee Members on the Healthy Neighborhoods Leadership Committee. (City Manager's Office)

[Rules Committee referral 3/17/10 – Item G(1)]

**Approved.**

### 3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone Airlines announced that Volaris Airlines will be providing direct service between San José and Guadalajara, Mexico, beginning Friday, April 30, 2010.

#### 3.2 Status Report on the Citywide Capital Improvement Program.

**Recommendation:** Accept the FY 2009-2010 Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project. (Public Works)  
(Deferred from 3/16/10 – Item 3.2)

**Deferred to 4/6/10 Per Mayor.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Annual Progress Report on the Implementation of the San José 2020 General Plan Housing Element.

**Recommendation:** Accept the Annual Progress Report on the Implementation of the San José 2020 General Plan Housing Element covering the period from January 2009 through December 2009. CEQA: Not a Project. (Planning, Building and Code Enforcement/Housing)  
**Accepted.**

#### 4.2 Conditional Use Permits for Drinking Establishments that Operate after Midnight and have Occupancy Greater than 250 Persons within the Downtown Core Downtown Primary Commercial Zoning District.

**Recommendation:** Consider an ordinance amending provisions of Chapters 20.70 and 20.100 of Title 20 of the San José Municipal Code to establish the City Council as the Decision Making Body for Conditional Use Permits for Drinking Establishments that operate after midnight and have an occupancy greater than 250 persons within the Downtown Core Downtown Primary Commercial Zoning District. CEQA: EIR Resolution No. 72767, File No. PP10-049. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)  
Citywide

**Ordinance No. 28731 passed for publication, as amended. (Mandate that all Public Drinking Establishments, regardless of occupancy load, have a “Management Plan” to obtain a Conditional Use Permit. The Plan may vary in length or detail based on the size/occupancy of the establishment, memorandum from Council Member Liccardo, dated March 23, 2010.)**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.3 Sign Code 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)

(Continued from 1/12/10 – Item 4.3, et al and deferred from 3/9/10 – Item 4.1)

**Heard last in Afternoon.**

**The report was accepted.**

- (1) Option 1: Supergraphics in North San José, Edenvale and the Airport, was approved.**
- (2) Other Proposed Minor Amendments approved:**
  - **Allow flat mounted attached signs on buildings adjacent to a freeway to be displayed higher than 30 feet above grade.**
  - **Identify additional provisions for temporary signage to accommodate art and other temporary displays.**
  - **Explore creation of a San Pedro Square Sign Zone with regulations that reflect the area’s unique character.**
  - **Retain current sign area regulations: 2.5 sq. ft. per linear ft. of street frontage. (Skyline signs, roof signs and marquees are allowed in addition to this signage area).**
  - **Fin Signs – Allow to project above top of building. Vertical Projecting Signs – Allow higher and lower on a building (15 to 70 ft. above grade) and allow to project above top of building.**
  - **Allow small animated sign components and “vertical roof signs” as an integral element of the design of a 1 or 2 story building.**
  - **Make Downtown Sign Zone coterminous with Downtown Core Area**

**Staff directed to return with recommendations to address temporary A-Frame signage in Neighborhood Districts, including time limits and a more stringent enforcement mechanism for temporary signs and for banners.**

## **5. NEIGHBORHOOD SERVICES**

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## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Blossom Hill Pedestrian Overcrossing Agreements.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) A Cooperative Agreement between the City of San José and Santa Clara Valley Transportation Authority (VTA), to define VTA's responsibility for the delivery of the Blossom Hill Pedestrian Overcrossing Bridge and City's associated operation and maintenance responsibility.
- (b) A New Pedestrian Crossing Developer Agreement between the City, VTA, and Union Pacific Railroad (UPRR), for the maintenance and use of the pedestrian overcrossing by the City over UPRR's rail corridor.
- (c) An agreement between the City and VTA for the transfer of ownership and maintenance of the pedestrian overcrossing from VTA to the City upon completion of the Blossom Hill Pedestrian Overcrossing project.
- (d) An agreement between the City and State of California for the maintenance of the Blossom Hill Pedestrian Overcrossing that crosses State property.

CEQA: Exempt. Council District 2. (Transportation)

**Resolution No. 75315 adopted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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The Joint Council/Redevelopment Agency convened at 2:36 p.m. to consider Items 9.1, 9.2 and 9.3 in a Joint Session.

### 9.1 Monument Policy.

**Recommendation:** 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.

**Resolution No. 75316 adopted, approving Council Policy 9-14 as amended:**

- (1) **Extend the appeals window to thirty days with the approval and appeals process written out and included in the application.**
- (2) **Rules Committee to review any monuments which create division in the community.**
- (3) **Forward to the Rules Committee all applications and City Manager's recommendations.**

- (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)]

(Deferred from 3/9/10 – Item 9.2)

**Redevelopment Agency Board Resolution No. 5952 adopted, as amended.**

### 9.2 Actions related to the Sale of 2112 Monterey Road from EHC to Charities Housing Development.

**Recommendation:**

- (a) Adopt a City Council resolution:
- (1) Approving the Replacement Housing Plan for the Markham Terrace Apartments, located at 2112 Monterey Road; and,
  - (2) Authorizing the transfer of the CDBG obligations set forth in the \$220,000 CDBG loan from the Markham Terrace Apartments to the Boccardo Regional Reception Center, located at 2011 Little Orchard Street.
  - (3) Authorizing the Director of Housing to: (i) accept and execute an Assignment Agreement from the Redevelopment Agency of the Public Use Rights contained in the Owner Participation Agreement between the Redevelopment Agency and EHC Lifebuilders for 2112 Monterey Road, and (ii) negotiate and execute the documents required to transfer the Public Use Rights from 2112 Monterey Road to 2011 Little Orchard Street.

**Resolution No. 75317 adopted.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.2 Actions related to the Sale of 2112 Monterey Road from EHC to Charities Housing Development (Cont'd.)

- (b) Agency Board approval of an Assignment Agreement with the City to assign the Public Use Rights contained in the Owner Participation Agreement between the Redevelopment Agency and EHC Lifebuilders for 2112 Monterey Road.

CEQA: Mitigated Negative Declaration, File Nos. GP08-07-04 and PDC09-015. Council District 7. (City Manager's Office/Redevelopment Agency)

**Approved.**

### 9.3 Redevelopment Agency Housing Set-Aside Tax Allocation Bonds.

#### **Recommendation:**

- (a) City Council hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing in connection with the 2010A Bonds relating to certain affordable housing projects identified in Exhibit A.

**The TEFRA Hearing was held. Action continued to 03/30/10.**

- (b) Adopt a resolution of the Redevelopment Agency Board:
- (1) Authorizing the issuance of the following series of Redevelopment Agency of the City of San José Merged Area Redevelopment Project housing set-aside tax allocation bonds:
    - (a) Housing Set-Aside Tax-Exempt Refunding Tax Allocation Bonds, Series 2010A in an expected amount not to exceed \$57,000,000 (the "2010A Bonds").
    - (b) Housing Set-Aside Taxable Tax Allocation Bonds, Series 2010B in an expected amount not to exceed \$12,000,000 (the "2010B Bonds").
    - (c) Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C in an expected amount not to exceed \$93,000,000 (the "2010C" Bonds and collectively with the 2010A Bonds and 2010B Bonds, the "Bonds").
  - (2) Approving in substantially final form the Bonds, Eighth Supplemental Fiscal Agent Agreement, Subordinate Fiscal Agreement, Continuing Covenant Agreement, a Bond Purchase Agreement relating to the 2010A and 2010B Bonds, one or more Continuing Disclosure Agreements, preliminary Official Statement relating to the 2010A and 2010B Bonds; authorizing the Agency's Executive Director and Chief Financial Officer to execute and, as appropriate, negotiate these documents and other related documents as necessary after consultation with Bond Counsel, Agency General Counsel, and the financial advisor for the Bonds.
  - (3) Authorizing the Agency's Executive Director and Chief Financial Officer, and their designees, to take all necessary actions in connection with the issuance of the Bonds.
  - (4) Authorizing the Agency General Counsel to negotiate and execute an agreement with Hawkins, Delafield & Wood LLC, for a total amount not to exceed \$270,000 for Bond Counsel and Disclosure Counsel fees.

**9.3(b)(c) continued to 3/30/10 per Administration.**

## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **9.3 Redevelopment Agency Housing Set-Aside Tax Allocation Bonds (Cont'd.)**

- (c) Adopt a resolution of the City Council:
- (1) Approving the issuance of the Bonds by the Redevelopment Agency; approving the execution and delivery of one or more tax regulatory agreements; and making a finding pursuant to Redevelopment Law that the Merged Area will benefit from the projects located outside of the Merged Area that are financed or refinanced by the Bonds;
  - (3) Authorizing the City Manager and her designees to take all necessary actions in connection with issuance of the Bonds; and
  - (4) Certifying that a TEFRA hearing was held in accordance with applicable federal regulations.

(City Manager's Office/ Redevelopment Agency)

**9.3(b)(c) continued to 3/30/10 per Administration.**

**The Joint Council/Redevelopment Agency was adjourned at 3:10 p.m.**

- **Open Forum**  
**Ross Signorino acknowledged and honored his cousin Sam La Porto, Purple Heart Recipient, who died during World War II in the Battle of the Bulge.**
  
- **Adjournment**  
**The Council of the City of San José adjourned the afternoon session at 4:41 p.m.**

## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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**The Joint Council/Redevelopment Agency convened at 7:06 p.m. to consider Items 9.4 in a Joint Session.**

### **9.4 Public Hearing and approval of the FY 2010-2011 Mayor's March Budget Message.**

**Recommendation:** Conduct a Public Hearing and approve the FY 2010-2011 Mayor's March Budget Message. (Mayor)

**Heard in the evening.**

**The Public Hearing was heard.**

**The FY 2010-2011 Mayor's March Budget Message was approved, with the following amendments:**

- (1) City Manager directed to seek 10% in personnel cost savings with a minimum of 5% ongoing and another 5% from concessions that could include one-time personnel costs savings with flexibility to help save additional services.**
- (2) City Manager directed to meet with representatives from the City Bargaining Units to solicit ideas on how to meet the additional 5% reduction, make a good faith effort to pursue and review all proposals from the Bargaining Units, and further, to provide verbal reports on proposals under the standing item "City Manager's Report" on the regular Council Agenda.**
- (3) Add libraries to the list of Neighborhood Services priorities.**

**Noes: Constant, Liccardo, Oliverio.**

**The Joint Council/Redevelopment Agency was adjourned at 9:58 p.m.**

- **Open Forum**  
**Eric Peterson raised issues related to ADA Compliance at Libraries and the Council Chambers. He also suggested City Employees clearly display their identification badges. Mayor Reed referred him to the General Services Department.**
  
- **Adjournment**  
**The Council of the City of San José was adjourned at 10:00 p.m.**

# 8. JOINT REDEVELOPMENT AGENCY ITEMS

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The Joint Redevelopment Agency Board convened at 3:22 p.m. to consider Items 8.1, 8.2 and 8.3 in a Joint Session.

**8.1 Approval of a Cooperation Agreement authorizing conveyance of property at 406 N. Autumn Street.**

**Recommendation:** City Council and Redevelopment Agency Board approval of a Cooperation Agreement authorizing the conveyance of the property located at 406 N. Autumn Street from the City to the Agency. CEQA: Autumn Extension/Coleman Widening EIR, Resolution No. 74870. [JULIAN/STOCKTON]  
**Deferred to 04/13/10.**

**8.2 Approval of a Purchase and Sale Agreement for 445 Old West Julian Street to allow for development of the Autumn Street Extension Project.**

**Recommendation:**

(a) Redevelopment Agency Board approval of a Purchase and Sale Agreement with Huntly L. Gordon and Donna L. Gordon, of the Huntly L. Gordon and Donna L. Gordon Revocable trust, dated October 8, 2008, and Carole J. Gober in the amount of \$1,011,000 plus related closing costs, for the acquisition of 445 Old West Julian Street to allow for development of the Autumn Street Extension Project.

**Approved.**  
**Noes: Campos.**

(b) Adoption of a resolution by the City Council authorizing the City Manager to accept those properties acquired by the Redevelopment Agency for the Autumn Street Extension Project and to execute any and all documents related to such transfers.

CEQA: Autumn Extension/Coleman Widening EIR, Resolution No. 74870. [JULIAN/STOCKTON]

**Resolution No. 75318 adopted.**  
**Noes: Campos.**

**8.3 Acceptance of the Winchester Enhancement Strategy Report.**

**Recommendation:** Acceptance of the Winchester Enhancement Strategy Report, which provides ideas for future development and improvements for Winchester Boulevard. CEQA: Not a Project. [SNI: WINCHESTER] (Deferred from 02/23/10 - Item 4.1)  
**Accepted.**

The Council of the City of San José and Redevelopment Agency Board was adjourned at 3:40 p.m.