



# CITY COUNCIL AGENDA

**MARCH 30, 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.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**  
**9:00 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.**
- **Invocation (District 3)**  
The San José High Academy String Quartet performed a selection from Bach's Brandenburg concerto and an original piece for the Invocation.
- **Pledge of Allegiance**  
Mayor Reed and third-grade students from Success Academy led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Items 2.3(a) and Item 3.3 deferred to 04/06/10.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation recognizing Boynton High School as a 2010 Model Continuation High School. (Constant)  
**Mayor Reed and Council Member Constant recognized Boynton High School as a 2010 Model Continuation High School.**
- 1.2 Presentation of a proclamation declaring the Month of March 2010 as “Women’s History Month” in the City of San José. (Herrera)  
**Mayor Reed and Council Member Herrera recognized the Month of March 2010 as “Women’s History Month” in the City of San José.**
- 1.3 Presentation of a commendation to the San José Giants for providing thousands of San José residents the opportunity to participate in affordable family entertainment and for winning the 2009 California League Championship. (Nguyen)  
**Mayor Reed and Council Member Nguyen commended the San José Giants for providing thousands of San José residents the opportunity to participate in affordable family entertainment and for winning the 2009 California League Championship.**
- 1.4 Presentation of a proclamation declaring March 30, 2010 as “Welcome Home Vietnam Veterans Day” in the City of San José. (Herrera/Nguyen)  
(Rules Committee referral 3/24/10)  
**Mayor Reed and Council Members Nguyen and Herrera recognized March 30, 2010 as “Welcome Home Vietnam Veterans Day” in the City of San José.**

# 2. CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Regular Minutes of February 2, 2010.
- (b) Economic Development Strategy Study Session Minutes of February 8, 2010.
- (c) Regular Minutes of February 9, 2010.
- (d) 2010-2011 Budget Planning Study Session Minutes of February 16, 2010.
- (e) Regular Minutes of February 23, 2010.
- (f) Joint City Council/San José Financing Authority Minutes of February 23, 2010.

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28727 – Rezoning certain real property situated at the northwest and southwest corners of Coleman Avenue and Newhall Drive, to A(PD) Planned Development Zoning District. PDC09-004  
**Ordinance No. 28727 adopted.**

## 2. CONSENT CALENDAR

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### 2.3 Approval of Council Committee Reports.

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

- (b) Public Safety, Finance and Strategic Support Committee Report of March 18, 2010. (Nguyen)
- (c) Rules and Open Government Committee Report of March 10, 2010. (Mayor)  
[Deferred from 3/23/10 – Item 2.3(b)]

**Approved.**

- (a) Rules and Open Government Committee Report of March 17, 2010. (Mayor)  
**Deferred to 4/6/10 per Orders of the Day.**

### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for an excused absence for Councilmember Pyle from the Closed Session and Regular Session of the City Council on March 16, 2010 due to illness. (Pyle)  
(Rules Committee referral 3/17/10)
- (b) Request for an excused absence for Councilmember Pyle from the Regular Meeting of the Rules and Open Government Committee on March 17, 2010 due to illness. (Pyle)  
(Rules Committee referral 3/17/10)
- (c) Request for an excused absence for Councilmember Chu from the Regular Meeting of the Neighborhood Services and Education Committee on April 8, 2010 due to Authorized City Business: League of California Cities Housing Policy Committee Meeting in Sacramento, CA. (Chu)  
(Rules Committee referral 3/17/10)

**Excused.**

### 2.5 City Council Travel Reports.

**None presented.**

### 2.6 Amendments to Banking Service Agreements with Union Bank of California and Wells Fargo Bank.

**Recommendation:** Adopt a resolution authorizing the City Manager and the City Manager's authorized designees to negotiate and execute:

- (a) The Eleventh Amendment to the General Banking Services Agreement with Union Bank of California to increase the maximum annual compensation by \$141,500 from \$178,500, to an amount not to exceed \$320,000 to provide final banking and transition services from July 1, 2009 through June 30, 2010; and

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.6 Amendments to Banking Service Agreements with Union Bank of California and Wells Fargo Bank (Cont'd.)

- (b) The Second Amendment to the Agreements with Wells Fargo Bank for General Banking Services and Merchant Card Processing Services to decrease the maximum annual compensation by \$141,500 from \$715,500, to an amount not to exceed \$574,000 for the initial term through June 30, 2010, with no change in the total appropriation for banking services as approved by Council on June 23, 2009.

CEQA: Not a Project. (Finance)

**Resolution No. 75319 adopted.**

### 2.7 Accept Funds for Enforcing the California Health and Safety Code for Underground Storage of Hazardous Substances.

**Recommendation:** Adopt a resolution authorizing the City Manager to sign and submit a Declaration for Acceptance of Funds, in the amount of \$200,000 in September 2012, from Final Judgment in the People of the State of California v. Equilon Enterprises LLC, et al for the enforcement of the California Health and Safety Code for Underground Storage of Hazardous Substances. CEQA: Not a Project. (Fire)

**Resolution No. 75320 adopted.**

### 2.8 Agreement for Signal Retiming Services.

**Recommendation:** Approve a consultant agreement with Kimley-Horn and Associates, Inc. for signal timing services associated with the implementation of the Signal Retiming for San José Traffic Light Synchronization Project from the date of execution to June 30, 2011 in a total amount not to exceed \$678,000. CEQA: Resolution Nos. 60197 and 63179, File No. PP08-154. (Transportation)

**Approved.**

### 2.9 Agreement for Intelligent Transportation System Technology.

**Recommendation:** Approve an agreement with Kimley-Horn & Associates, Inc. for intelligent transportation system technology consultant services for the Wide and Metropolitan Area Network Redesign, Installation, and Configuration from the date of execution to June 30, 2011, in a total amount not to exceed \$272,000. CEQA: Resolution No. 68905, File No. PP02-07-193. (Transportation)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.10 South Bay Information Sharing System Memorandum of Understanding.

**Recommendation:** Adopt a resolution authorizing the City Manager and the Chief of Police to execute the Memorandum of Understanding between the Santa Clara County Sheriff's Office and the South Bay Region Node Member Agencies to establish the South Bay Information Sharing System. CEQA: Not a Project. (Police)  
(Rules Committee referral 3/24/10)

**Resolution No. 75321 adopted.**

END OF CONSENT CALENDAR

## 3. STRATEGIC SUPPORT SERVICES

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

**The City Manager provided a report on discussions with bargaining units. She noted there were no offers on the table and no agreements.**

### 3.2 Actions Related to the Silicon Valley Regional Interoperability Project and Proposed Joint Powers Agreement Structure.

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on March 18, 2010:

- (a) Adopt a resolution:
  - (1) Making a determination that the public interests and necessity demand:
    - (a) The Silicon Valley Regional Interoperability Authority (SVRIA) acquire, construct, maintain, and operate the Silicon Valley Regional Interoperability Project (SVRIP) and the projects entered into pursuant to the SVRIA Joint Powers Agreement; and
    - (b) The SVRIA be empowered to exercise the power to issue revenue bonds.
  - (2) Authorizing the City Manager to execute SVRIA Joint Powers Agreement;
  - (3) Authorizing the City Manager to execute the Amendment to the Second Amended Joint Funding Agreement (JFA Amendment) to allow the Silicon Valley Regional Interoperability Project to transfer its assets to a joint powers authority; and
- (b) Recommend that the Mayor appoint two elected City officials and alternates to represent the City on the SVRIA Board of Directors.

(City Manager's Office)

[Public Safety, Finance and Strategic Support Committee referral 3/18/10 – Item D(2)]

**Deferred to 4/20/10 per Administration.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Procurement Report and Proposed Amendments to Sections 4.12 and 4.16 of the Municipal Code to Streamline Procurements and the Disposition of Surplus Personal Property.

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on March 18, 2010:

- (a) Accept the Procurement Report.
- (b) Direct the City Attorney to draft an ordinance amending the San José Municipal Code provisions with respect to:
  - (1) Council Appointees' contract authority:
    - (a) Include a Consumer Price Index for All Urban Consumers adjustment to automatically increase the contract approval authority limits every three years; and
    - (b) Include incidental services as part of the purchase of supplies, materials, and equipment.
  - (2) The procurement of goods and services:
    - (a) Change the protest procedures for purchases under \$100,000;
    - (b) Allow for an online formal bid procedure, including a reverse auction process to purchase goods and services;
    - (c) Expand the conditions for cooperative purchases to include non-profit organizations that are made up of multiple public agencies in California or elsewhere;
    - (d) Establish that the list of required award factors used in requests for quotes and requests for proposals is subject to revision by the Director of Finance, on a case-by-case basis, if it is determined that it is in the best interest of the City to do so;
    - (e) In formal bidding, allow award of contract to more than one bidder when exact quantities and or delivery dates are unknown; and
    - (f) For Request for Quotes (RFQ) and formal Request for Proposals (RFP) allow award of contract to more than one proposer when such action is in the best interest of the City.
  - (3) Unclaimed and Surplus Personal Property:
    - (a) Streamline the noticing requirements for bids of surplus personal property; and
    - (b) Raise the threshold requiring the sale of surplus personal property by sealed bid or auction from \$400 to \$1,000.

(Finance)

[Public Safety, Finance and Strategic Support Committee referral 3/18/10 – Item D(5)]

**Deferred to 4/6/10 per Orders of the Day.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Public Hearing on Five Year Consolidated Plan 2010-2015, Annual Action Plan FY 2010-2011 for Federal Housing and Community Development Funding and Analysis of Impediments to Fair Housing Choice.

**Recommendation:** Conduct a Public Hearing on the draft Consolidated Plan - Five Year Plan 2010–2015 and Annual Action Plan FY 2010-2011, which is required by the U.S. Department of Housing and Urban Development in order to receive federal housing and community development funding, and announce that as of March 22, 2010, the draft Consolidated Plan and its associated Analysis of Impediments to Fair Housing Choice are available to the public for review and comment. CEQA: Not a Project. (Housing)  
**No action taken. Public Hearings continued to May 4, 2010.**

### 4.2 Direction on Municipal Regulations and Enforcement Pertaining To Medicinal Use of Cannabis.

**Recommendation:** As referred by the Rules and Open Government Committee on January 27, 2010, accept reports providing an overview of current Municipal Code provisions and enforcement policies as they relate to the issue of cultivation, possession and distribution of cannabis for medicinal purposes and provide direction on any further municipal regulations or enforcement guidelines on this topic. (City Attorney’s Office/ Police)

**Reports Accepted. Memorandum from Council Member Oliverio dated March 29, 2010 approved, as modified (no moratorium approved), with direction to Staff to return to Council on June 8, 2010 with: 1) a draft ordinance establishing regulations for the control and taxation of collectives and reflecting principles 1, 2, and 4 outlined in the Joint Memorandum dated March 25, 2010 from Mayor Reed and Vice Mayor Chirco; 2) a community outreach plan; and 3) an analysis for Council consideration about the process for placing the issue on the November 2, 2010 ballot asking for Citywide support for the restricted zoning of medical marijuana collectives/cooperatives in San José according to State law by taxing them at 3% per \$1,000 gross receipts including the allowance for indexing for inflation.**

**Noes: Campos, Chu, Nguyen, Pyle.**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Community Center Reuse Update and RFP Recommendations.

**Recommendation:** As referred by the Neighborhood Services and Education Committee on March 11, 2010, accept the Reuse Update and approve Administration’s recommendations:

- (a) Remove three facilities (St. James Senior Center, Capitol Park/Goss Neighborhood Center, and Hank Lopez Community Center) from the approved 2009-2010 Community Center Reuse list and transfer to other City uses.

**Approved.**

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

*(Item Continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Community Center Reuse Update and RFP Recommendations (Cont'd.)

- (b) Adopt a resolution authorizing the City Manager to demolish the St. James Senior Center and convert to parkland consistent with the November 2002 St. James Park Master Plan Update. CEQA: Exempt, File No. PP02-108.

**Resolution No. 75322 adopted.**

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

- (c) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Community Child Care Council of Santa Clara County (4Cs) for a term of up to five years as lead service provider for the JTS Northside Community Center consistent with the proposal submitted by 4Cs in response to the City's Reuse Request for Proposal (RFP) issued on December 23, 2009 that shall include provisions for teen, senior, and veteran's services. If negotiations are unsuccessful, authorize the City Manager to negotiate and execute an agreement per Recommendation #d.

**Resolution No. 75323 adopted.**

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

- (d) Adopt a resolution authorizing the City Manager to continue to solicit, negotiate, and execute agreements with viable service providers for the Los Paseos Youth Center and the Alma Youth/Senior Center utilizing existing Council-approved policies including, but not limited to, Council Policy 7-1 (Below Market Lease), Council Policy 7-12 (Reuse Policy), and/or because the RFP process failed to elicit acceptable proposals for these two facilities, enter into direct negotiations on a sole-source basis for these two facilities. If unsuccessful, facility closures would occur on June 30, 2010.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 3/11/10 – Item D(3)]

**Resolution No. 75324 adopted.**

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

**Staff directed to return to Council with recommendations regarding policy considerations outlined in the Joint Memorandum dated March 26, 2010 from Council Members Campos and Kalra. The Council referred to the City Manager and the Budget Process a discussion about applying any cost savings realized through employee concessions, City Auditor recommendations for changes, or other efficiencies in operations to staffing or other assistance in order to keep community centers open.**

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

## 5. NEIGHBORHOOD SERVICES

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### 5.3 Reduce Citywide Aquatics Program.

**Recommendation:** Approve the recommendation to reduce the Citywide Aquatics Program to operate during the 2010 Summer only at Camden and Mayfair Community Centers. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)  
**Deferred to 4/6/10 per Administration.**

### 5.4 Audit of Community Center Staffing.

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on March 18, 2010, accept the Audit of Community Center Staffing. (City Auditor)  
[Public Safety, Finance and Strategic Support Committee referral 3/18/10 – Item D(7)]  
**Accepted.**

## 6. TRANSPORTATION & AVIATION SERVICES

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## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Amendments to Solid Waste Service Agreements.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate contract amendments as follows:
- (1) Amend the Residential Recycle Plus Services Agreements to extend the term of the Agreement with GreenWaste Recovery, Inc. for Citywide yard waste collection and processing, residential street sweeping, and multi-family dwelling solid waste processing services; and GreenTeam of San José for District B and multi-family solid waste collection and processing services through June 30, 2015; to enhance services; and to modify the compensation provisions.
  - (2) Exercise the option to extend the Recycle Plus Services Agreements with California Waste Solutions and Garden City Sanitation for an additional two years to June 30, 2015, and to negotiate and execute amendments to these Agreements for enhanced services and modified compensation.
  - (3) Exercise the option to extend the Agreement with GreenWaste Recovery, Inc. for Neighborhood Clean-Up Services in Recycle Plus Collection Districts A and C for an additional two years to June 30, 2015, and amend the Agreement to include enhanced services and modified compensation.

*(Item continued on the next page)*

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Amendments to Solid Waste Service Agreements (Cont'd.)

- (a) (4) Amend the Agreement with GreenWaste Recovery, Inc. for Public Litter Can Solid Waste Collection Services Citywide to extend the maximum term for an additional four years to June 30, 2015; to modify the compensation; and to make technical adjustments to Agreement terms.
- (5) Amend the Agreement with GreenTeam of San José for Integrated Collections at City Facilities to extend the term an additional 30 months to expire June 30, 2015; to modify the compensation; and to make technical adjustments to the Agreement terms.

**No action taken.**

- (b) In the alternative, if the Council decides to not engage in a competitive procurement, adopt a resolution authorizing the City Manager to negotiate new solid waste collection agreements with the existing contractors through June 30, 2021, and include as part of this direction that:
  - (1) During the negotiation and until the Administration returns to Council with the proposed agreements, all contact between the existing contractors and the City must be directed to the Administration staff designated for negotiations and all inquiries to staff, elected officials and consultants must be referred to the designated staff;
  - (2) Require contractors to provide an option for billing, customer service and remittance processing services; and
  - (3) Return to Council in June 2010 with two-year extension amendments for Council consideration if the Administration and the contractors are unable to agree on proposed terms for service through June 30, 2021.

CEQA: Not a Project. (Environmental Services)

**Resolution No. 75325 adopted, with direction given to Staff to strive to reach an eight-year agreement and return in one year with a proposal for the Evergreen area.**

## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### REDEVELOPMENT AGENCY BOARD CONVENED TO CONSIDER ITEM 9.1 IN A JOINT SESSION

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

##### **Recommendation:**

- (a) Holding of a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing by the City in connection with the 2010A Bonds relating to certain affordable housing projects identified in Exhibit A. **(Hearing Held on 3-23-10)**
- (b) Adoption of a resolution of the Redevelopment Agency Board:
  - (1) Authorizing the issuance of the following series of Redevelopment Agency of the City of San Jose Merged Area Redevelopment Project housing set-aside tax allocation bonds:
    - (a) Housing Set-Aside Tax-Exempt Refunding Tax Allocation Bonds, Series 2010A in an amount not to exceed \$57,000,000 (the “2010A Bonds”);
    - (b) Housing Set-Aside Taxable Tax Allocation Bonds, Series 2010B in an amount not to exceed \$15,000,000 (the “2010B Bonds”); and
    - (c) Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C in an amount not to exceed \$93,000,000 (the “2010C” Bonds and collectively with the 2010A Bonds and 2010B Bonds, the “Bonds”).

##### **Redevelopment Agency Resolution No. 5955 adopted.**

- (2) Approving in substantially final form the Bonds, Eighth Supplemental Fiscal Agent Agreement, Subordinate Fiscal Agreement, a Continuing Covenant Agreement supplementing the Subordinate Fiscal Agreement, a Bond Purchase Agreement relating to the 2010A and 2010B Bonds, one or more Continuing Disclosure Agreements, a 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 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, and;
- (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.

##### **Redevelopment Agency Resolution No. 5956 adopted.**

*(Item continued on the next page)*

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

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

#### **Recommendation:**

- (c) Adoption of 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;
  - (2) Authorizing the City Manager and her designees to take all necessary actions in connection with issuance of the Bonds, and;
  - (3) Certifying that a TEFRA hearing was held in accordance with applicable federal regulations.

CEQA: Exempt, File No. PP10-058. (City Manager's Office/ Redevelopment Agency)  
(Deferred from 3/23/10 – Item 9.3)

**Resolution No. 75328 Adopted.**

- **Open Forum**

None presented.

- **Adjournment**

**The Council of the City of San José adjourned at 6:55 p.m. in memory of Raymond William McWard, Father of Jennifer Maguire, Budget Director. (City Manager's Office)**