

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, APRIL 13, 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 9:25 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation of significant exposure (Claim Not Filed) in one (1) matter. (B) to confer with Legal Counsel with respect to Public Employment/Public Employee Appointment pursuant to Government Code Section 54957: Department: Independent Police Auditor; Title: Independent Police Auditor. (C) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to anticipated litigation in two (2) matters. (D) 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 (IAFF); 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; 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

CLOSED SESSION (Cont'd.)

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/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:30 a.m. and reconvened to Regular Session at 1:34 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

Avatamsaka Buddhist Lotus Society presented the Buddha-Dharma-Sangha prayer. (District 4)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 2.3(a) was deferred to April 20, 2010. (11-0.)

CLOSED SESSION REPORT

Mayor Reed announced the appointment of LaDoris Hazzard Cordell as the new Independent Police Auditor.

Council Vote: Ayes: Campos, Chirco, Chu, Herrera, Kalra, Liccardo, Nguyen, Pyle.

Noes: Constant, Oliverio; Reed.

Disqualified: None.

Absent: None.

City Attorney Doyle disclosed the following Closed Session actions of April 13, 2010:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in two matters. The names of the action(s) and the defendant(s), as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action(s) are formally commenced.

Council Vote: Ayes: Campos, Chirco, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Noes: None.

Disqualified: None.

Absent: None.

CEREMONIAL ITEMS

1.1 Presentation of commendations to D9 Stars. (Chirco)

Action: Mayor Reed and Vice Mayor Chirco recognized and commended the “D9 Stars” Hilary Eden, Patti Linder-Dodd and Jim Zetterquist.

1.2 Presentation of a proclamation declaring the week of April 11 through April 17, 2010 as “National Public Safety Dispatcher’s Week” in the City of San José. (Mayor)

Action: Mayor Reed recognized the week of April 11 through April 17, 2010 as “National Public Safety Dispatcher’s Week” in the City of San José.

- 1.3 Presentation of a commendation to the National Association of Latino Arts and Culture for their 20 years of dedication to promoting, advancing, and cultivating the Latino arts field. (Campos)**
(Rules Committee referral 3/30/10)

Action: Mayor Reed and Council Member Campos recognized and commended the National Association of Latino Arts and Culture for their 20 years of dedication to promoting, advancing, and cultivating the Latino arts field.

- 1.4 Presentation of a commendation recognizing Mrs. Ulleseit's 5th grade class from James Franklin Elementary School for their efforts in accomplishing their goal of collectively writing a novel for National Novel Writing Month. (Herrera)**
(Rules Committee referral 04/07/10)

Action: Mayor Reed and Council Member Herrera recognized and commended Mrs. Ulleseit's 5th grade class from James Franklin Elementary School for their efforts of collectively writing a novel for "National Novel Writing Month".

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.3 Approval of Council Committee Reports.**
(a) Rules and Open Government Committee Report of March 24, 2010. (Mayor)

Action: Deferred to April 20, 2010 per Orders of the Day.

- 2.5 City Council Travel Reports.**

Council Member Constant provided an oral report on his trip to Washington, D.C., attending as a member of the National League of Cities' Public Safety and Crime Prevention Steering Committee. He summarized the purpose and outcome of the trip.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Chirco and carried unanimously, the report from Council Member Constant was received. (11-0.)

- 2.6 Adopt a resolution:**
(a) Authorizing the City Manager to submit an application to the Foreign Trade-Zones Board for establishing a Foreign Trade Subzone at Lam Research Corporation facilities in Fremont and Livermore.
(b) Authorizing the City Manager to negotiate and execute an agreement with Lam Research Corporation for management and operation of the Subzone upon the Foreign Trade-Zones Board's approval of the application.
CEQA: Not a Project. (Economic Development)

2.6 (Cont'd.)

Documents Filed: Memorandum from Chief Development Officer Paul Krutko, dated March 29, 2010, recommending adoption of a resolution.

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

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, [Resolution No. 75332](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to File an Application for Foreign Trade Zone Subzone Authority for LAM Research Corporation", was adopted. (11-0.)

- 2.7 (a) **Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund for Public Art in City Hall from the estate of Alba Joyce Martini for 2009-2010:**
- (1) **Increase the estimate for Earned Revenue by \$100,000.**
 - (2) **Establish an appropriation to the Office of Economic Development for The Albino, Erminia and Alba Joyce Martini Memorial Fund in the amount of \$100,000.**
- (b) **Appoint the Arts Commission to oversee the use of the funds in compliance with the terms of the will.**

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

Documents Filed: Memorandum from Chief Development Officer Paul Krutko and Budget Director Jennifer Maguire, dated March 22, 2010, recommending adoption of appropriation and funding sources resolution amendments and appointing the Arts Commission to oversee the use of funds.

Action: [Ordinance No. 28733](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the Gift Trust Fund for the Albino, Erminia and Alba Joyce Martini Memorial Fund; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and [Resolution No. 75333](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 74956 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2009-2010 to Adjust Revenues in the Gift Trust Fund", were adopted and the Arts Commission was appointed to oversee the use of the funds in compliance with the terms of the will. (11-0.)

- 2.8 **Adopt a resolution amending the Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish a General Code Reinspection Fee of \$141.75 for services provided by the City's Code Enforcement Division effective immediately.**
CEQA: Not a Project. (Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated March 22, 2010, recommending adoption of a resolution.

2.8 (Cont'd.)

Action: [Resolution No. 75334](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72737 as Previously Amended by Resolution Numbers 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981 and 75135 to Establish a Reinspection fee for Code Enforcement Services to be Effective Immediately", was adopted. (11-0.)

- 2.9 (a) **Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2009-2010:**
- (1) **Increase the estimate for Earned Revenue by \$504,800.**
 - (2) **Establish an appropriation to the Department of Public Works for the Municipal Stadium Transformer Replacement Project (PSM 602) in the amount of \$24,800.**
 - (3) **Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Nisich Park Project (PSM 604) in the amount of \$480,000.**
- (b) **Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:**
- (1) **The Municipal Stadium Transformer Replacement Project as more specifically described in the memorandum from the Redevelopment Agency, dated January 29, 2009.**
 - (2) **The Nisich Park Project as more specifically described in the memorandum from the Redevelopment Agency, dated February 24, 2010.**

CEQA: Municipal Stadium Transformer Replacement Project: Exempt, File No. PP09-015; Nisich Park Project: Exempt, File No. PP06-164, dated November 2, 2006. (Parks, Recreation and Neighborhood Services/Public Works/City Manager's Office)

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Parks, Recreation and Neighborhood Services Albert Balagso and Budget Director Jennifer Maguire, dated March 22, 2010, recommending adoption of appropriation and funding sources resolution amendments and resolutions.

Council Member Nguyen thanked the Redevelopment Agency for providing funding for Municipal Stadium Transformer Replacement Project and the Nisich Park Project.

Council Member Liccardo voiced his opposition.

2.9 (Cont'd.)

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried, [Ordinance No. 28734](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the Municipal Stadium Transformer Replacement Project and for the Nisich Park Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Resolution No. 75335](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 74956 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2009-2010 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund”; [Resolution No. 75336](#), entitled: “A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Strong Neighborhoods Initiative Redevelopment Project Area” and [Resolution No. 75337](#), entitled: “A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Tully-Senter Strong Neighborhoods Initiative Redevelopment Project Area”, were adopted. (10-1. Noes: Liccardo.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone reported on ongoing labor negotiations and efforts to seek 10% concessions. She noted that two memorandums will be released shortly regarding compensation changes for the Association of Building, Mechanical and Electrical Inspectors (ABMEI) and unrepresented employees of Unit 99.

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 As recommended by the Community and Economic Development Committee on March 22, 2010:

- (a) **Adopt a resolution:**
 - (1) **Amending the Schedule of Fees and Charges (Resolution No. 72737, as amended):**
 - (a) **To increase the cap on gated event ticket prices and to reduce the collection of gate fees from 5% to 0% of gate fees for the period of January 1, 2009 to June 30, 2010.**
 - (b) **To repeal the Special Events Traffic Enforcement Unit Fee.**
 - (2) **Authorizing the Chief Development Officer to issue refunds to event organizers who paid gate fees retroactive to January 1, 2009.**
- (b) **Direct the City Manager and City Attorney's Office to present Council with recommended amendments to San Jose Municipal Code Section 11.12.050 to authorize the City Manager to temporarily or permanently appoint staff to perform traffic control in accordance with the requirements of Subdivisions (e) of the California Vehicle Code Section 21100.**

**CEQA: Statutorily Exempt. (City Manager's Office)
(Deferred from 04/06/10 – Item 4.3)**

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Liccardo and Pyle, dated April 4, 2010, recommending acceptance of the original staff memorandum dated March 5, 2010 and the staff supplemental memorandum dated March 26, 2010, with additions. (2) Memorandum from City Clerk Lee Price, MMC, dated March 25, 2010, transmitting the recommendations of the Community and Economic Development Committee. (3) Supplemental memorandum from Chief Development Officer Paul Krutko, dated March 26, 2010, forwarding additional recommendations from the Community and Economic Development Committee. (4) Staff presentation outlining Managing Costs of City Services for Outdoor Special Events. (5) Memorandum from Scott Knies, San José Downtown Association, dated March 22, 2010, regarding special event services and costs. (6) Statement from Fil Maresca, Filco Events, Products of San José America Festival, dated April 13, 2010, regarding special event services and costs.

Deputy Director of Cultural Affairs Kerry Adams Hapner summarized Managing Costs of City Services for Outdoor Special Events.

4.1 (Cont'd.)

Motion: Council Member Liccardo moved approval of the memorandum he cosigned with Mayor Reed and Council Member Pyle. Council Member Pyle seconded the motion.

Mayor Reed provided meeting disclosures.

A brief discussion followed.

Public Comments: Speaking in support to the memorandum from Mayor Reed and Council Members Liccardo and Pyle and the motion on the floor were Blage Zelalich, Chris Wilder and Geoff Roach, San José Jazz and Kevin Kittila. David Wall expressed opposition. Ross Signorino encouraged the Council to think about the costs during these difficult times.

Action: On a call for the question, the motion carried unanimously, [Resolution No. 75338](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72737 as Previously Amended by Resolution Numbers 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135 and 75334 To Increase the Maximum Ticket Charge for Gated Events on Public Property, To Reduce the Gated Event on Public Property Fee for the Period of January 1, 2009 to June 30, 2010, To Repeal the Special Events Traffic Enforcement Unit Fee and To Authorize the Chief Development Officer to Issue Refunds to Special Event Organizers Who Paid Gated Event on Public Property Fees Retroactive to January 1, 2009”, was adopted and the City Manager and City Attorney’s Office were directed to present Council with recommended amendments to San Jose Municipal Code Section 11.12.050 to authorize the City Manager to temporarily or permanently appoint staff to perform traffic control in accordance with the requirements of Subdivisions (e) of the California Vehicle Code Section 21100, as amended, the memorandum from Mayor Reed and Council Members Liccardo and Pyle, dated April 09, 2010, which was approved as modified: the Staff recommendations were approved with the following direction: (1) *Return to Council during the “Fees and Charges” discussion in May/June with a policy to grant the City Manager the immediate authority to deviate from the Council Policy on “full cost recovery” based on content-neutral, fiscally-based criteria and consider such options as City Sponsorship and predetermined rebates on City fees.* (2) *Return to Council in June with a revised fee schedule that eliminates arbitrary elements in fees that do not appear directly related to service costs, as suggested by some of the examples cited in the San José Downtown Association’s memorandum dated March 22, 2010.* (3) *After consultation with the City Attorney, return to the Community and Economic Development Committee in the Fall with criteria identifying events or circumstances to guide the City Manager’s use of her discretion. The criteria might include: (a) Revenue generated to the General Fund, Parking Fund and other City Funds. (b) Economic Impact. (c) Attendance levels. (d) The history and duration of the event’s success. (e) Publicity event brings to the City. (f) Proven record of safe management. (g) The uniqueness of the event to San José.* (4) *Include recommendations regarding how a scaled City service fee might be applied for these events or a method of recovering costs from revenues subsequently received by the City.* (11-0.)

NEIGHBORHOOD SERVICES

- 5.1 Conduct a public hearing and consider the adoption of a resolution setting forth the new Schedule of Parkland Fees to reflect the 2009 Residential Land Value Study to be effective on June 14, 2010. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
(Continued from 3/16/10 – Item 5.1)**

Division Manager of Director of Parks, Recreation and Neighborhood Services Matt Cano presented the Parkland In Lieu Fee Update.

Director of Parks, Recreation and Neighborhood Services Albert Balagso and Division Manager of Director of Parks, Recreation responded to Council questions.

Motion: Council Member Constant moved approval to defer Item 5.1 to April 20, 2010 and to direct Staff to meet with Council Member Constant to discuss the disparity of the Multiple Listing Service (MLS) zone in the City of San José. Council Member Herrera seconded the motion.

Action: On a call for the question, the motion carried unanimously, Item 5.1 was deferred to April 20, 2010, with Staff directed to meet with Council Member Constant to discuss the disparity of the Multiple Listing Service (MLS) zone in the City of San José. (9-0-2. Absent: Chu, Oliverio.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) Approve second amendments to the On-Airport Rental Car Operations and Lease Agreements with Avis Budget Car Rental, LLC; DTG Operations, Inc.; EAN, LLC; Fox Rent A Car, Inc.; and The Hertz Corporation to provide for the City to demolish and remove all tenant improvements constructed by the On-Airport Rental Car Companies after the companies move to the new Consolidated Rental Car Facility, and to provide for the payment by the On-Airport Rental Car Companies of all such demolition costs incurred by the City.**
- (b) Adopt a resolution authorizing the Director of Aviation to negotiate and execute any future amendments to the On-Airport Rental Car Operations and Lease Agreements as necessary to allocate maintenance, repair and utility expenses between the City and the On-Airport Rental Car Companies.**
- CEQA: Resolution Nos. 67380 and 71451, File No. PP 10-060. (Airport)**

Documents Filed: Memorandum from Director of Aviation William Sherry, dated March 22, 2010, recommending approval of the second amendments and adoption of a resolution.

6.2 (Cont'd.)

Action: Upon motion by Council Member Nguyen, seconded by Council Member Herrera and carried unanimously, the second amendments to the On-Airport Rental Car Operations and Lease Agreements with Avis Budget Car Rental, LLC; DTG Operations, Inc.; EAN, LLC; Fox Rent A Car, Inc.; and The Hertz Corporation to provide for the City to demolish and remove all tenant improvements constructed by the On-Airport Rental Car Companies after the companies move to the new Consolidated Rental Car Facility, and to provide for the payment by the On-Airport Rental Car Companies of all such demolition costs incurred by the City were approved and [Resolution No. 75339](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Negotiate and Execute Any Future Amendments to the On-Airport Rental Car Operations and Lease Agreements as Necessary to Allocate Maintenance, Repair and Utility Expenses Between the City and the On-Airport Rental Car Companies", was adopted. (9-0-2. Absent: Chu, Oliverio.)

- 6.2 (a) Report on bids and award a construction contract for the San José Various Streets Resurfacing and Rehabilitation Project to the low bidder, Top Grade Construction, Inc. in the amount of \$5,167,464.**
- (b) Approve a five percent (5%) contingency in the amount of \$258,375. CEQA: Exempt, File No. PP06-066. (Transportation)**

Documents Filed: (1) Memorandum from Acting Director of Transportation Hans Larsen, dated March 22, 2010, recommending award of the contract to the low bidder, with related contingency. (2) Staff presentation summarizing the 2010 Pavement Maintenance Program.

Acting Director of Transportation Hans Larsen outlined the 2010 Pavement Maintenance Program.

Acting Director of Transportation Hans Larsen and Deputy Director of Transportation Kevin O'Connor responded to Council questions.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, the construction contract for the San José Various Streets Resurfacing and Rehabilitation Project to the low bidder, Top Grade Construction, Inc. in the amount of \$5,167,464, with related contingency was approved. (11-0.)

OPEN FORUM

Ross Signorino suggested that the route for the proposed high speed rail travel from San José to Los Angeles in lieu of San Francisco to Los Angeles, in order to allow less competition to the already financially strapped Norman Y. Mineta San José International Airport.

Urging the City Council to keep the Washington United Community Youth Center open were Cristian Avendano, Mario R. Mendez, Krystal Sanchez, Vanessa Romo, Jeanette Mercado, Michelle Wheeler, Brinay Carrera and Rubi Reyes.

ADJOURNMENT

The Council of the City of San José was adjourned at 4:00 p.m. in memory of Arts Commissioner Tim Shannon who unexpectedly passed away at his home on April 6, 2010. Tim was a popular theatre teacher at Fremont High School and a charismatic City of San José Arts Commissioner and served on its Executive Committee. He was a passionate advocate for arts education, a creative thinker, an active contributor to civic life and a warm, considerate person. (Mayor/Liccardo)

RECESS/RECONVENE

The Council of the City of San José reconvened to Closed Session at 4:05 p.m. and adjourned at 4:30 p.m.

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

Absent: Council Members - None.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/04-13-10 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

JOINT REDEVELOPMENT AGENCY ITEMS

The Redevelopment Agency Board convened at 3:28 p.m. to consider Items 8.1, 8.2, 8.3, 8.4, 8.5, 8.6 and 8.7 in a Joint Session.

- 8.1 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]**

Action: Deferred to April 20, 2010.

- 8.2 (a) The Redevelopment Agency Board approval of a Purchase and Sale and Development Agreement with Sobrato Interests III for the sale of Agency-owned properties located at 285 South Market Street and 8 East San Fernando Street for a sale price in the amount of \$20,000,000, less related closing costs.**
- (b) The City Council adopt a resolution approving the sale of certain sites located at 285 South Market Street and 8 East San Fernando Street to Sobrato Interests III, accepting the 33433 Summary Report and Re-Use Valuation, and finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the San Antonio Plaza Project Area, and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and obligations authorized.**

CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767; PP05-272. SAN ANTONIO PLAZA]

Action: Deferred to April 20, 2010.

- 8.3 (a) Redevelopment Agency Board approval of a Purchase and Sale Agreement with Community Towers I, LLC, Community Towers II, LLC, Community Towers III, LLC and Community Towers IV, LLC in the amount of \$510,600 plus related closing costs, for the acquisition of a portion of 111 West Saint John Street to allow for development of the North San Pedro Housing Project.**
- (b) Adoption of a resolution by the City Council authorizing the City Manager to accept the property and execute any and all related documents.**

CEQA: Resolution No 72170. (Proposition 1C Funding) [JULIAN-STOCKTON]

Documents Filed: Memorandum from Redevelopment Agency Board Executive Director Harry S. Mavrogenes and City Manager Debra Figone, dated April 2, 2010, recommending approval of the agreement and adoption of a resolution.

8.3 (Cont'd.)

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, a Purchase and Sale Agreement with Community Towers I, LLC, Community Towers II, LLC, Community Towers III, LLC and Community Towers IV, LLC in the amount of \$510,600 plus related closing costs, for the acquisition of a portion of 111 West Saint John Street to allow for development of the North San Pedro Housing Project was approved and [Resolution No. 75340](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Accept Those Properties Acquired by the Redevelopment Agency for the Julian Realignment / St. James Widening Project and To Execute Any and All Related Documents”, was adopted. (11-0.)

- 8.4 (a) **Redevelopment Agency Board approval of a Purchase and Sale Agreement with Green Valley Corporation in the amount of \$149,600 plus related closing costs, for the acquisition of a portion of 210 West Saint James Street to allow for development of the North San Pedro Housing Project.**
- (b) **Adoption of a resolution by the City Council authorizing the City Manager to accept the property and execute any and all related documents.**
- CEQA: Resolution No 72170. (Proposition 1C Funding) [JULIAN-STOCKTON]**

Documents Filed: Memorandum from Redevelopment Agency Board Executive Director Harry S. Mavrogenes and City Manager Debra Figone, dated April 2, 2010, recommending approval of the agreement and adoption of a resolution.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, a Purchase and Sale Agreement with Green Valley Corporation in the amount of \$149,600 plus related closing costs, for the acquisition of a portion of 210 West Saint James Street to allow for development of the North San Pedro Housing Project was approved and [Resolution No. 75340](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Accept Those Properties Acquired by the Redevelopment Agency for the Julian Realignment / St. James Widening Project and To Execute Any and All Related Documents”, was adopted. (11-0.)

- 8.5 (a) **Redevelopment Agency Board approval of a Purchase and Sale Agreement with St. James Enterprises in the amount of \$611,400 plus related closing costs, for the acquisition of a portion of 180 West Saint James Street to allow for development of the North San Pedro Housing Project.**
- (b) **Adoption of a resolution by the City Council authorizing the City Manager to accept the property and execute any and all related documents.**
- CEQA: Resolution No 72170. (Proposition 1C Funding) [JULIAN-STOCKTON]**

Documents Filed: Memorandum from Redevelopment Agency Board Executive Director Harry S. Mavrogenes and City Manager Debra Figone, dated April 2, 2010, recommending approval of the agreement and adoption of a resolution.

8.5 (Cont'd.)

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, a Purchase and Sale Agreement with St. James Enterprises in the amount of \$611,400 plus related closing costs, for the acquisition of a portion of 180 West Saint James Street to allow for development of the North San Pedro Housing Project was approved and [Resolution No. 75340](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Accept Those Properties Acquired by the Redevelopment Agency for the Julian Realignment / St. James Widening Project and To Execute Any and All Related Documents”, was adopted. (11-0.)

8.6 **Redevelopment Agency Board and City Council approval of an amendment to the City/Agency Inclusionary Housing Policy in Redevelopment Project Areas, temporarily suspending inclusionary housing requirements related to newly constructed rental units until the earlier of: January 1, 2013, or the effective date of the City’s Inclusionary Housing Ordinance to ensure compliance with case law. CEQA: PP08-258, addendum to the General Plan Update EIR, Resolution No. 65459. [MERGED]**

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

Council Member Kalra requested to defer this item one week in order to have a full discussion and analysis.

City Attorney Richard Doyle responded to Council questions.

Council Member Kalra requested to amend the motion to continue this item to a future meeting in order to have ample time for the community to evaluate and address the Council and Redevelopment Agency Board. Council Members Liccardo and Nguyen accepted the amendment.

Council Member Liccardo requested to amend the motion to include that this item return to the Rules and Open Government Committee next week and that the deferral be no more than four weeks in duration. Council Member Nguyen accepted the amendment.

Council Member Chu provided meeting disclosures.

Public Comments: Kerri Hamilton, Citizens for Environmental and Economic Justice (CEEG) and James Zahradka spoke favor of the motion to defer.

Action: On a call for the question, the motion carried unanimously, Item 8.6 was referred to the Rules and Open Government Committee for a determination of a return date within four weeks. (11-0.)

- 8.7 (a) **Adoption of a resolution by the Agency Board approving the proposed increase of \$386,027.70 to the Agency's FY 2009-10 Adopted Capital Budget Miscellaneous Revenue and adjustments to the Agency's FY 2009-10 Adopted Capital Budget by adding \$386,027.70 to the Civic Auditorium Project line item in the Park Center Redevelopment Area, amending the FY 2009-2010 Agency appropriations resolution.**
- (b) **Agency Board approval of a contract with Irwin Seating Company in the amount of \$386,027.70, including three alternates, for the Civic Auditorium Fixed Seating Project.**

CEQA: Exempt, File No. PP09-122. [PARK CENTER]

Documents Filed: Memorandum from Redevelopment Agency Board Executive Director Harry S. Mavrogenes and City Manager Debra Figone, dated April 2, 2010, recommending adoption of a resolution and approval of a contract.

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

Public Comments: Ann Hurst, President, Theater Preservation, Inc., commented that the Board of Directors decided to contribute \$386,027.70 for the purchase and installation of fixed seats for the renovation at the Civic Center.

Action: On a call for the question, the motion carried unanimously, Redevelopment Agency Board Resolution No. 5957 was adopted and a contract with Irwin Seating Company in the amount of \$386,027.70, including three alternates, for the Civic Auditorium Fixed Seating Project was approved. (11-0.)

The Council of the City of San José and Redevelopment Agency Board was adjourned at 3:47 p.m.