



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MAY 25, 2010

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:32 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to anticipated litigation in one (1) matter. (B) to confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Property Street Address, Parcel Number or Other Unique Reference of Property: 1590/1600 Las Plumas Avenue, San José, CA 95113; Negotiating Parties: Joe Zientek and Matt Morley for the City of San José and Trish Crowder for Family Supportive Housing; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (C) 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:

CLOSED SESSION (Cont'd.)

Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP; (7) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (8) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP; (9) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (10) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3; (11) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association; (12) Unit 99; Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; How to obtain a copy of existing contract or MOA: web: http://www.sanjoseca.gov/employee_relations/moa.asp; Telephone for Employee Relations: 408-535-8150

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

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

Absent: Council Members - None.

INVOCATION

Mt. Pleasant High School Guitar Ensemble performed a musical piece entitled "The Rainbow Connection" for the Invocation. (District 5)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

CEREMONIAL ITEMS

- 1.1 Presentation by PG&E of an energy conservation incentive rebate check for \$133,869 to Mineta San José International Airport for the energy-efficient design of the Terminal B Concourse under the PG&E “Savings by Design” program. (Airport/Public Works)**

Action: Mayor Reed, Director of Public Works Katy Allen and Director of Aviation William F. Sherry received an energy conservation incentive rebate check for \$133,869 to Mineta San José International Airport for the energy-efficient design of the Terminal B Concourse under the PG&E “Savings by Design” program.

CONSENT CALENDAR

Upon motion by Council Member Herrera, seconded by Council Member Pyle 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 May 5, 2010. (Mayor)**
 - (b) **Neighborhood Services and Education Committee Report of May 13, 2010. (Campos)**
 - (c) **Transportation and Environment Committee Report of May 3, 2010. (Liccardo)**
[Deferred from 5/18/10 – Item 2.3(a)]

Action: Deferred to June 8, 2010 per City Clerk.

- 2.6 Approve the biennial advertising plan for HP Pavilion at San José as submitted by HP Pavilion Management and reviewed by the San José Arena Authority. CEQA: Not a Project. (City Manager’s Office)**

Documents Filed: Memorandum from Assistant City Manager Ed Shikada, dated May 7, 2010, recommending approval of the biennial advertising plan.

Public Comment: David Wall recommended a forum for public expression whenever public monies are spent.

2.6 (Cont'd.)

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, the biennial advertising plan for HP Pavilion at San José as submitted by HP Pavilion Management and reviewed by the San José Arena Authority was approved. (11-0.)

2.7 Adopt resolutions amending the Schedule of Fees and Charges for Use of City Hall and City Hall Plaza, superseding Resolution No. 74982, and approving a revision to Council Policy 7-2 related to use of City Hall to allow for meetings by other government agencies in the Council Chambers without charge at which business affecting the City of San José will be discussed. CEQA: Not a Project, File No. PP10-068(b) General Procedure and Policy Making. Council District 3. SNI: University. (General Services)

Documents Filed: Memorandum from Director of General Services Peter Jensen, dated May 3, 2010, recommending adoption of resolutions.

Action: Resolution No. 75378, entitled: “A Resolution of the Council of the City of San José Amending the Master Facility Use Policy for City Hall and Superseding Resolution No. 73489” and Resolution No. 75379, entitled: “A Resolution of the Council of the City of San José Setting the Schedule of Fees for Use of the City Hal and Plaza and Superseding Resolution No. 74982, to be Effective May 25, 2010” were adopted. (11-0.)

2.8 Approve an agreement with Siemens Industry, Inc. for consultant services for the system design and implementation of the Transportation Incident Management Center for the period of the date of execution to December 30, 2013 and in a total amount not to exceed \$997,700. CEQA: File No. PP02-07-193, Resolution No. 68905. Council District 3. (Transportation)

Documents Filed: Memorandum from Acting Deputy Director of Transportation Hans Larsen, dated May 3, 2010, recommending approval of an agreement for consultant services.

Action: An agreement with Siemens Industry, Inc. for consultant services for the system design and implementation of the Transportation Incident Management Center for the period of the date of execution to December 30, 2013 and in a total amount not to exceed \$997,700 was approved. (11-0.)

- 2.9 Approve travel for City Clerk Lee Price to Riverside, California on June 8 -11, 2010 to provide election training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks. (City Clerk)
(Rules Committee referral 5/19/10)**

Documents Filed: Memorandum from City Clerk Lee Price, dated May 17, 2010 requesting approval of a travel request.

Action: The travel request was approved. (11-0.)

END OF CONSENT CALENDAR

PUBLIC SAFETY SERVICES

- 8.1 Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding with American Medical Response West to submit an integrated Request for Proposal response to the “Advanced Life Support First Response and Paramedic Ambulance Transportation for the County’s Exclusive Operating Areas.” CEQA: Not a Project, File No. PP10-066, Agreements/Contracts; services that involve no physical changes to the environment. (Fire/City Manager’s Office)**

Documents Filed: (1) Joint memorandum from Deputy City Manager Deanna J. Santana and Fire Chief Darryl Von Raesfeld, dated May 11, 2010, recommending adoption of a resolution. (2) Supplemental memorandum from Deputy City Manager Deanna J. Santana and Fire Chief Darryl Von Raesfeld, dated May 21, 2010, providing supplemental information regarding the selected partner for the County Request for Proposal.

Deputy City Manager Deanna J. Santana provided an overview of the process used to establish the proposed recommendation. Fire Chief Darryl Von Raesfeld provided a brief presentation on Emergency Medical Services, and Glenn Leland, representing American Medical Response West, offered a presentation on its first responder services.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Herrera and carried unanimously, Resolution No. 75385, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Memorandum of Understanding with American Medical Response West to Submit an Integrated Request for Proposal Response to the “Advanced Life Support First Response and Paramedic Ambulance Transportation for the County’s Exclusive Operating Areas”, was adopted. (11-0.)

STRATEGIC SUPPORT SERVICES

- 3.2 (a) As recommended by the Public Safety, Finance and Strategic Support Committee on April 15, 2010, accept the report containing recommended changes to the City of San José Executive Home Loan Program.
- (b) Adopt a resolution modifying the City of San Jose Executive Home Loan Program and repealing Resolution No. 69478.
- (City Manager's Office)
[Public Safety, Finance and Strategic Support Committee referral 4/15/10 – Item D(7)] (Deferred from 5/4/10 – Item 3.2 and 5/18/10 – Item 3.2)

Documents Filed: (1) Memorandum from City Clerk Lee Price, dated April 28, 2010, submitting a recommendation from the Public Safety, Finance and Strategic Support Committee regarding the San José Executive Home Loan Program. (2) Supplemental memorandum from City Manager Debra Figone, dated May 14, 2010, providing further clarification of home loan program requirements.

Director of Finance Scott P. Johnson provided a presentation on the Executive Home Loan Program.

Public Comments: David Wall offered criticism of the Executive Home Loan Program.

Council Member Campos expressed concerns regarding existing participants in the program and use of 'checks and balances' to assure they are using this home as their primary residence.

Action: Upon motion by Council Member Constant, seconded by Council Member Kalra and carried, the recommendations as outlined by the Public Safety, Finance and Strategic Support Committee were accepted, and Resolution No. 75380, entitled: "A Resolution of the Council of the City of San José Amending the Program for the Provision of Relocation and Housing Assistance to Newly Appointed City of San José Council Appointed Officers and Senior Staff Officials, and Repealing Resolution No. 69478, was adopted. (10-1. Noes: Campos)

- 3.3 (a) Adopt a resolution to take the following actions for the disposition of balances remaining in expired special assessment district funds:
- (1) Declare surplus construction funds for special assessment districts 83-180SJ (Tenth-Senter) and 87-201SJ (N. 1st St.-E. Tasman Refunding) and authorize the use of these funds for the maintenance of improvements funded by these districts;
 - (2) Authorize the liquidation of surplus construction and administrative funds, and transfer to the General Fund;
 - (3) Authorize the disbursement of excess assessment and bond reserve funds to past assessees; and

3.3 (Cont'd.)

- (4) **Authorize the disposition of excess water main repayment funds, including the disbursement of a portion of the funds to past assesseses and the liquidation and transfer to the General Fund of the remaining portion of the funds.**

- (b) **Adopt the following FY 2009-10 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
 - (1) **Increase the revenue estimate for Transfers and Reimbursements by \$4,496,200;**
 - (2) **Increase the Economic Uncertainty Reserve by \$3,533,814;**
 - (3) **Establish a transfer to the Improvement District No. 99-218SJ (Hellyer-Piercy) construction fund in an amount not to exceed \$448,198 to account for prior year ineligible expenses;**
 - (4) **Establish a transfer to the Community Facilities District No. 6 (Great Oaks-Route 85) construction fund in the amount of \$96,674 to account for prior year ineligible expenses;**
 - (5) **Establish a Tenth-Senter Maintenance Project Reserve in the amount of \$214,540;**
 - (6) **Establish a N. 1st Street-E. Tasman Maintenance Project Reserve in the amount of \$72,974; and**
 - (7) **Establish a City-wide appropriation to the Finance Department for Inactive Improvement District Funds Close-Out Administration in the amount of \$130,000.**

CEQA: Not a Project. (Finance)

Documents Filed: Joint memorandum from Director of Finance Scott P. Johnson and Budget Director Jennifer Maguire, dated May 3, 2010, recommending adoption of a resolution and appropriating ordinance and funding sources resolution amendments.

Director of Finance Scott P. Johnson offered a presentation on expired special assessment district funds, and Budget Director Jennifer Maguire provided a brief history of the economic uncertainty reserve. Staff responded to questions from Council.

Council Member Kalra expressed disagreement with using these excess funds to replenish the economic uncertainty reserve given the current budget crisis.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Herrera, and carried, Ordinance No. 28747, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the General Fund for the Economic Uncertainty Reserve, for the Tenth – Senter Maintenance Project Reserve, for the North First Street – East Tasman Maintenance Project Reserve, for the Improvement District No. 99-218SJ (Hellyer – Piercy) Construction Fund, for the Community Facilities District No. 6 (Great Oaks – Route 85) Construction Fund, and for the Inactive

3.3 (Cont'd.)

Improvement District Funds Close-Out Administration; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 75381, entitled: “A Resolution of the Council of the City of San José Approving Actions for the Disposition Of Balances Remaining In Expired Special Assessment District Funds By: (1) Declaring Surplus Construction Funds For Improvement District Nos. 83-180SJ (Tenth-Senter) And 87-201SJ (N. 1st Street - E. Tasman Refunding) And Authorizing The Use Of These Funds For The Maintenance of Improvements Funded by These Districts; (2) Authorizing The Liquidation Of Surplus Construction and Administrative Funds and Transfer to the General Fund; (3) Authorizing the Disbursement of Excess Assessment and Bond Reserve Funds; and (4) Authorizing the Disposition of Excess Water Main Repayment Funds”; and Resolution No. 75382, 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 General Fund”, were adopted. (10-1. Noes: Kalra)

3.4 Consider an appointment to fill an unscheduled vacancy for the active Fire Department Employee Member of the Board of Administration of the Police and Fire Department Retirement Plan. (City Clerk) (Rules Committee referral 5/12/10)

Documents Filed: Memorandum from City Clerk Lee Price, dated May 14, 2010, transmitting a recommendation to fill a vacancy for a Member of the Board of Administration of the Police and Fire Department Retirement Plan.

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, Sean Kaldor was appointed to serve on the Board of Administration of the Police and Fire Department Retirement Plan for one term ending November 30, 2011. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) As recommended by the Community and Economic Development Committee on April 26, 2010, accept the report on the transition plan for Mexican Heritage Plaza. (General Services)
[Community and Economic Development Committee referral 4/26/10 – Item D(2)]
- (b) Approve the Mexican Heritage Plaza Steering Committee’s recommendations for:
- (1) The conceptual model of a School of Arts & Culture at the Mexican Heritage Plaza.
 - (2) A Phase II work plan to: analyze financial modeling; begin fundraising and leadership development, and plan and prototype the types of programming and curriculum to be offered.
- (c) Council direction to staff to present, based on the Phase II work:

4.1 (Cont'd.)

- (1) **A progress report to the Community & Economic Development Committee by January 2011.**
- (2) **Meaningful opportunities for community input.**
- (3) **Specific recommendations related to financial (including the level of future City financial support), programming, and operational issues as part of the 2011-2012 Proposed Operating Budget.**
- (d) **Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Alum Rock Union Elementary School District to convert the second floor office space at the Mexican Heritage Plaza to classrooms and operate during the 2010-2011 school year.**

CEQA: File No. PP10-097. Council District 5. SNI: Mayfair. (General Services/Economic Development)

Documents Filed: (1) Joint memorandum from Mayor Reed and Council Members Campos and Kalra, dated May 20, 2010, outlining transition plan recommendations for the Mexican Heritage Plaza. (2) Joint memorandum from Director of General Services Peter Jensen and Assistant Director of Economic Development Kim Walesh, dated May 11, 2010, providing recommendations for the Mexican Heritage Plaza (MHP) conceptual model and work plan. (3) Memorandum from City Clerk Lee Price, dated May 12, 2010, transmitting the recommendations of the Community and Economic Development Committee. (4) Email from the Mexican Heritage Plaza Steering Committee, dated May 24, 2010, regarding recommendations for the new MHP business model.

Public Comments: Jerry Mungai, David Wall and Ross Signorino expressed criticism of the partnership model, citing financial impracticality and failure to represent all residents. Jess Morales, representing Teatro Vision, offered support for the City's proposed partnership in offering cultural resources to the community. Marcela Davison stressed the sustainability of a children's community school of music and art.

Director of General Services Peter Jensen introduced the proposed transition plan for Mexican Heritage Plaza. Steering Committee representatives Chris Esparza and Connie Martinez followed up with proposals for implementing the model, and Director of Parks, Recreation and Neighborhood Services Albert Balagso responded to questions on long-term solutions for utilization of the Hillview Library.

Motion: Council Member Campos moved approval of Staff's recommendations with changes as outlined in the memorandum she coauthored with Mayor Reed and Council Member Kalra, dated May 20, 2010. Council Member Kalra seconded the motion.

Council Member Campos questioned the use of outreach funds concerning the relocation of Residents Arts Partners.

4.1 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the Mexican Heritage Plaza transition report was accepted, and the Mexican Heritage Plaza Steering Committee's recommendations and Council's direction regarding Phase II work were approved with additional recommendations as outlined in the memorandum from Mayor Reed and Council Members Campos and Kalra dated May 20, 2010. The City Clerk was directed to report back to the City Council about whether or not Constituent Outreach Funds may be used for outreach concerning the relocation of the Resident Arts Partners to the Hillview Library, and Resolution No. 75383, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the Alum Rock Union Elementary School District to Convert the Second Floor Office Space at the Mexican Heritage Plaza to Classrooms and Operate During the 2010-2011 School Year" was adopted. (11-0.)

NEIGHBORHOOD SERVICES

5.1 **Accept staff report on the status of the 2010 Summer Aquatics Program. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated May 13, 2010, recommending acceptance of the Staff's 2010 Summer Aquatic Program status report.

Director of Parks, Recreation and Neighborhood Services Albert Balagso and Assistant Director Julie Edmonds provided a brief verbal update on the Aquatics Program.

Public Comments: Tina Morrill, Friends of Ryland Pool, expressed satisfaction with the goodwill created through the new aquatic program partnerships. Ross Signorino requested that Council Member Pyle elaborate on her success in raising funds for this project.

Action: Upon motion by Council Member Pyle, seconded by Council Member Liccardo and carried unanimously, the Staff report on the status of the 2010 Summer Aquatics Program was accepted. (10-0-1. Absent: Oliverio.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 As recommended by the Rules and Open Government Committee on May 5, 2010, approve the strategic planning principles for the Airport that will guide the staff and Council decisions on the individual components of the Airport competitiveness strategic plan. (Airport)
[Rules Committee referral 5/5/10 – Item H(4)]**

Documents Filed: (1) Supplemental memorandum from Director of Aviation William F. Sherry, dated May 12, 2010, updating information providing the Airport Competitiveness Strategic Plan. (2) Memorandum from City Clerk Lee Price, dated May 12, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Public Comments: Frank Sweeney, San José Airport Commission Chairman, and David Wall spoke in support of the Staff report. Dan Fenton, Team San José, urged Council to closely consider all recommendations. Offering objections to changing the current taxi service model, were: Michael Fularczyk, Kebede Kaba, Ahmad Fareh, Kirpal Bajwa, Ateye, Seyoum Asrat, Kindie Setegne, Saran Pal Bains, Kumlachew Bizuneh, Dawit Kebede, Mohamed Ali, Fekodu Keremo, Rahul Malik and Shakur Buni.

Council discussion followed.

Director of Aviation William F. Sherry responded to questions from Council.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, the strategic planning principles for the Airport that will guide the staff and Council decisions on the individual components of the Airport competitiveness strategic plan was approved. (11-0.)

- 6.2 (a) Adopt a resolution authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Taxiway W Reconstruction Project at the Norman Y. Mineta San José International Airport and to either: (i) award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$8,500,000, contingent upon award and execution of an Airport Improvement Program (AIP) Grant from the Federal Aviation Administration; or (ii) reject all bids and re-bid the Project.**
- (b) Approve a contingency equal to fifteen percent of the award amount.**
CEQA: Resolution Nos. 67380 and 71451, File No. PP10-065. (Airport/Public Works)

Documents Filed: Joint memorandum from Director of Public Works Katy Allen and Director of Aviation William F. Sherry, dated May 4, 2010, recommending adoption of a resolution.

6.2 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 75384, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Award a Construction Contract for the Norman Y. Mineta San José International Airport Taxiway Reconstruction Phase II (B-C) Project to the Lowest Possible Bidder, In an Amount Not to Exceed \$8,500,000 Plus a Contingency Equal to 15% of the Award Amount, Contingent Upon Award and Execution of an Airport Improvement Program Grant from the Federal Aviation Administration", was adopted. (11-0.)

PUBLIC SAFETY SERVICES

- 8.2 (a) **Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.**
- (b) **Adopt a resolution authorizing the City Manager to apply for the Federal Emergency Management Agency's 2010 Assistance to Firefighters Grant Program for funding to replace the Fire Department's Cardiac Monitor/Defibrillator inventory and to be the host agency on a regional application for a Live Burn Training Trailer. CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Fire)**

Documents Filed: Memorandum from Fire Chief Darryl Von Raesfeld, dated May 20, 2010, recommending adoption of a resolution.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Herrera and carried unanimously, Resolution No. 75386, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Apply for the Federal Emergency Management Agency's 2010 Assistance to Firefighters Grant Program for Funding to Replace the Fire Department's Cardiac Monitor/Defibrillator Inventory and to be the Host Agency on a Regional Application for a Live Burn Training Trailer", was adopted. (11-0.)

OPEN FORUM

- (1) Wilma Hashii provided numerous letters from the students of Parkview Elementary school expressing concern over reduction of library services and hours. She urged the Council to find creative solutions for opening Seven Trees and Bascom libraries.
- (2) David Wall commented on the attendance of members of the Community and Economic Development.
- (2) Mark Trout expressed concern about the H1N1 flu virus.

ADJOURNMENT

The Council of the City of San José was adjourned at 5:17 p.m.

**MINUTES OF THE JOINT CITY COUNCIL/
FINANCING AUTHORITY**

SAN JOSE, CALIFORNIA

TUESDAY, MAY 25, 2010

The Council of the City of San José convened in regular session at 4:55 p.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.

2. Actions Related to the City of San José Financing Authority's Lease Revenue Bonds, Series 2008 ABCDE Letter of Credit Renewal.

(a) Adopt a resolution of the City Council to:

(1) Authorize the negotiation, execution and delivery of the amendments to the Letter of Credit and Reimbursement Agreements related to the City of San José Financing Authority's Lease Revenue Bonds, Series ABCDE (Various Projects) in order to extend the term of these agreements and to authorize other related actions.

(b) Adopt a resolution of the City of San José Financing Authority Board to:

(2) Authorize the negotiation, execution and delivery of the amendments to the Letter of Credit and Reimbursement Agreements related to the City of San José Financing Authority's Lease Revenue Bonds, Series ABCDE (Various Projects) in order to extend the term of these agreements and to authorize other related actions.

CEQA: Not a Project. (Finance)

Documents Filed: (1) Memorandum from Assistant Director of Finance Julia H. Cooper, dated May 13, 2010, recommending adoption of ordinances. (2) Statement and Declaration of Conflict of Interest Form, dated May 25, 2010, provided by Council Member Pyle, indicating a conflict of interest due to CalSTRS retirement.

2. (Cont'd.)

Action: Upon motion by Council Member Oliverio, seconded by Council Member Constant and carried unanimously, Resolution No. 75387, entitled: "A Resolution of the Council of the City of San José Authorizing the Negotiation, Execution and Delivery of Amendments to the Letter of Credit and Reimbursement Agreements Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008A, Series 2008B, Series 2008C, Series 2008D and Series 2008E (Various Projects) in Order to Extend the Terms of Such Agreements and to Authorize Other Related Actions" and San José Financing Authority Resolution No. 100, entitled: "A Resolution of the City of San José Financing Authority Authorizing the Negotiation, Execution and Delivery of Amendments to the Letter of Credit and Reimbursement Agreements Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008A, Series 2008B, Series 2008C, Series 2008D and Series 2008E (Various Projects) in Order to Extend the Terms of Such Agreements and to Authorize Other Related Actions", were adopted. (10-0-0-1. Disqualified: Pyle.)

Mayor Reed adjourned the Joint/San José Financing Authority Meeting at 5:04 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/5-25-10.MIN

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JOINT REDEVELOPMENT AGENCY/SAN JOSÉ CITY COUNCIL

The Joint Redevelopment Agency Board convened at 5:06 p.m. to consider Item 8.1 in a Joint Session.

8.1 Agency Board and City Council action related to implementation of a West San Carlos/Stevens Creek CBID.

City Council and Agency Board authorization for the City Manager to forward a letter to the County Board of Supervisors explaining that the City is proposing implementation of a West San Carlos/Stevens Creek Community Benefit Improvement District (CBID), and to forward a Draft Resolution that, if adopted by the Board, would authorize the City to conduct District formation proceedings in the County, to include unincorporated County parcels. CEQA: Exempt, PP10-064. [WEST SAN CARLOS NBD]

Documents Filed: Joint memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes and City Manager Debra Figone, dated May 13, 2010, recommending implementation of a West San Carlos/Stevens Creek Community Benefit Improvement District.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Liccardo and carried unanimously, the City Council and Agency Board authorization for the City Manager to forward a letter to the County Board of Supervisors explaining that the City is proposing implementation of a West San Carlos/Stevens Creek Community Benefit Improvement District (CBID), and to forward a Draft Resolution that, if adopted by the Board, would authorize the City to conduct District formation proceedings in the County, to include unincorporated County parcels was approved. (11-0.)

The Council of the City of San José and Redevelopment Agency Board was adjourned at 5:09 p.m.

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