

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 28, 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, Kalra, Oliverio, Pyle.

Absent: Council Members - Herrera, Liccardo, Nguyen; Reed. (Excused)

Upon motion unanimously adopted, Council recessed at 9:30 a.m. to a Closed Session in Room W133 (A) to confer with legal counsel pursuant to Section 54956.9 subsection (a) of the Government Code with respect to existing litigation (1) In re: Cabigas; Amount of Money or Other Relief Sought: Administrative Appeal. (B) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to anticipated litigation in two (2) matters.

By unanimous consent, Council recessed from the Closed Session at 10:20 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Kalra, Oliverio (1:35 p.m.), Pyle.

Absent: Council Members - Herrera, Liccardo, Nguyen; Reed. (Excused)

INVOCATION

Evergreen Studio of Music and the Arts Youth Chorus sang “Lean On Me”. (District 8)

PLEDGE OF ALLEGIANCE

Vice Mayor Chirco led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Open Forum was heard immediately following the Consent Calendar. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to AchieveKids for their commitment to nurturing and educating children with severe mental and physical disabilities for the past 50 years. (Chu)**
(Rules Committee referral 9/15/10)
(Deferred from 9/21/10 – Item 1.7)

Documents Filed: Information packet about AchieveKids from Michael Gennette, PhD, MBA.

Action: Vice Mayor Chirco and Council Member Chu recognized and commended AchieveKids.

- 1.2 Presentation of proclamation declaring the Month of September 2010 as “National Alcohol and Drug Addiction Recovery Month” in the City of San José. (Constant)**
(Orders of the Day)

Documents Filed: The newspaper of Voices United, The Silicon Valley Resource on Substance Use and Addiction, dated September/October 2010.

Action: Vice Mayor Chirco and Council Member Constant recognized the Month of September 2010 as “National Alcohol and Drug Addiction Recovery Month” in San José.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

- 2.1 Approval of Minutes.**

Action: There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 28811 – Amending Section 20.200.740 of Chapter 20.200 of Title 20 of the San José Municipal Code to clarify the definition of a Massage Parlor Use to not include State-Certified Massage Therapists or Practitioners.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28811 executed on September 21, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28811](#) was adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

2.3 Approval of Council Committee Reports.

- (b) **Transportation and Environment Committee of September 13, 2010. (Liccardo)**
- (d) **Rules and Open Government Committee Report of September 1, 2010. (Mayor)**
- (e) **Neighborhood Services and Education Committee Report of September 9, 2010. (Campos)**

Documents Filed: (1) The Transportation and Environment Committee Report dated September 13, 2010. (2) The Rules and Open Government Committee Report dated September 1, 2010. (3) The Neighborhood Services and Education Committee Report dated September 9, 2010.

Action: The Council Committee Reports were approved. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

- (a) **Rules and Open Government Committee Report of September 8, 2010. (Mayor)**
- (c) **Public Safety, Finance and Strategic Support Committee of September 16, 2010. (Nguyen)**

Public Comments: David Wall complained about the fact that the draft report “Safe Because We Are Fair” (from the September 16, 2010 Public Safety, Finance and Strategic Support Committee Meeting) was not posted on the City’s website.

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, Items 2.3(a) and (c) were deferred to October 05, 2010. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

- ## 2.4
- (a) **Request for an excused absence for Council Member Campos from the Evening Session of the City Council on September 21, 2010 due to illness. (Campos)**

- 2.4 (b) **Request for an excused absence for Council Member Herrera from the Regular Meeting of the Community & Economic Development Committee on September 27, 2010 and the Joint Redevelopment Agency/City Council Proposed FY 2010-2011 Operating and Capital Budget Study Session Meeting on September 30, 2010 due to Authorized City Business: Silicon Valley Leadership Group Advocacy Trip to Washington, D.C. (Herrera)**
- (c) **Request for an excused absence for Council Member Nguyen from the Closed Session and Regular City Council Meeting on September 28, 2010 due to Authorized City Business: Silicon Valley Leadership Group Advocacy Trip to Washington, D.C. (Nguyen)**
- (Rules Committee referral 9/22/10)**

Documents Filed: (1) Memorandum from Council Member Campos, dated September 21, 2010, requesting an excused absence due to illness. (2) Memorandum from Council Member Herrera, dated September 21, 2010, requesting an excused absence due to authorized City business. (3) Memorandum from Vice Mayor Chirco, dated September 20, 2010, requesting an excused absence due to authorized City business.

Action: The absences for Council Members Campos and Herrera, and Vice Mayor Chirco were excused. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

2.5 **City Council Travel Reports.**

Action: There were none.

2.6 **Adopt a resolution authorizing the Director of Finance to:**

- (a) **Execute the Second Amendment to the existing Mobile Identification Interface Services Agreement with Mobizent LLC (Edison, NJ) to expand the scope of remote real-time finger print identification services to Santa Clara County public safety agencies, including software licenses and three years of maintenance and support, and increase the total compensation by \$480,677 to a revised not to exceed annual amount of \$1,091,544;**
- (b) **Execute change orders not-to-exceed contingency amount of \$164,123 to add or delete equipment or services as may be required for the Santa Clara County Mobile ID expansion project, subject to appropriation of funds;**
- (c) **Execute options to renew software maintenance and support for the Santa Clara County Mobile ID Expansion project after the initial three year term, subject to the annual appropriation of funds;**
- (d) **Execute purchase orders for the purchase of additional handheld devices and accessories as required for the San José Police Department and other public agencies participating in the Santa Clara County Mobile ID Expansion project, subject to the annual appropriation of funds.**

CEQA: Not a Project, File No. PP10-066(a) Agreements and Contracts. (Finance)

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated September 7, 2010, recommending adoption of a resolution.

2.6 (Cont'd.)

Action: [Resolution No. 75568](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute a Second Amendment to the Agreement with Mobizent, LLC for Mobile Identification Interface Services and Authorizing Related Actions", was adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

2.7 Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective September 28, 2010 to create the following classifications:**
 - (1) Debt Administrator (1288)**
 - (2) Audiovisual Engineer (8034)**
 - (3) Sign Shop Technician (3717)**
 - (4) Apprentice Plant Mechanic (3627)**
- (b) Amend the City of San José Pay Plan effective September 28, 2010 to change the job classification title of:**
 - (1) School Safety Supervisor (formerly titled Supervising School Crossing Guard (2443))**

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Documents Filed: (1) Memorandum from Director of Human Resources Mark Danaj, dated September 16, 2010, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Human Resources Mark Danaj, dated September 17, 2010, adding part (b) to change the job classification title of Supervising School Crossing Guard to School Safety Supervisor.

Action: [Resolution No. 75569](#), entitled: "A Resolution of the Council of the City of San José Amending the City of San José Plan for Various Job Classifications", was adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

2.8 (a) Adopt a resolution that:

- (1) Authorizes the City Manager, or designee, to submit a grant application in an amount not to exceed \$200,000 to the State of California (Natural Resources Agency) under the Habitat Conservation Fund Program for the Thompson Creek Reach 1A (Tully Road to Quimby Road) Trail project.**
- (2) Certifies that City will have available, prior to commencement of any work on the Project included in the application, the required match of \$200,000 and sufficient funds of approximately \$1,222,000, which includes the required local match of \$200,000, to complete the \$1,422,000 Project if the grant is awarded.**
- (3) Certifies that City has or will have sufficient funds to operate and maintain the Project.**

- 2.8 (a) (4) Certifies that City has reviewed, understands, and agrees to the provisions contained in the contract shown in the grant administration guide.
- (5) Delegates the authority to the City Manager or designee to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project.
- (6) Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines for the Project.
- (b) Adopt a resolution authorizing the City Manager, or designee, to:
- (1) Subject to City receiving the grant in Recommendation #1 above, submit an additional grant application to the Santa Clara County Open Space Authority (OSA) under the 20% Funding Program in the amount of \$200,000 for the Project to be used as a local match for the HCF grant.
- (2) Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding.

CEQA: Mitigated Negative Declaration, File No. PP04-283. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated September 7, 2010, recommending adoption of resolutions.

Action: [Resolution No. 75570](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager, or Designee, To Submit a Grant Application to the State of California Natural Resources Agency Under the Habitat Conservation Fund Program for the Thompson Creek Reach 1A (Tully Road to Quimby Road) Trail Project in An Amount Not To Exceed \$200,000, To Accept the Grant If Awarded and To Execute All Related Documents” and [Resolution No. 75571](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee To Submit a Grant Application to the Santa Clara County Open Space Authority Under the 20% Funding Program for the Thompson Creek Reach 1A (Tully Road to Quimby Road) Train Project In An Amount Not To Exceed \$200,000 To Be Used as a Local Match for the State of California Natural Resources Agency Under the Habitat for Conservation Fund Program, To Accept the Grant if Awarded and To Negotiate and Execute All Related Documents”, were adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

2.9 Adopt a resolution that:

- (a) Authorizes the City Manager or designee to submit a grant application in an amount not to exceed \$165,000 to the State of California Department of Parks and Recreation, under the Recreational Trails Program for the Lower Guadalupe River Trail: Tasman Drive Under-Crossing project;
- (b) Certifies that City will have available prior to commencement of any work on the Project included in the application, a local match of \$45,000 and sufficient funds to complete the Project if the grant is awarded;

- 2.9 (c) Certifies that City will operate and maintain the proposed Project in perpetuity;
- (d) Certifies that City has reviewed, understands, and agrees to provisions contained in the contract shown in the grant procedural guide; and
- (e) Delegates the authority to the City Manager or designee to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project.
- CEQA: Mitigated Negative Declaration, File No. PP04-323. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated September 7, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75572](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Execute and Submit an Application to the State of California Department of Parks and Recreation Under the Recreational Trails Program for a Grant for the Construction of the Lower Guadalupe River Trail: Tasman Drive Under-Crossing Project in an Amount Not To Exceed \$165,000, To Accept the Grants if Awarded and To Execute All Related Documents", was adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

- 2.10 **Adopt a resolution authorizing the City Manager to negotiate and execute the following grant agreements with Our City Forest:**
- (a) **An Annual Operating Grant Agreement for 2010-2011, not to exceed \$148,878;**
- (b) **A Matching Grant Agreement in an amount not to exceed \$120,000 for Our City Forest to apply towards its local match required for an AmeriCorps Grant.**
- CEQA: File No. PP10-151. (Transportation)**

Documents Filed: Memorandum from Acting Director of Transportation Hans F. Larsen, dated September 7, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75573](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Annual Operating Grant Agreement with Our City Forest for 2010-2011 and a Matching Grant Agreement with Our City Forest to Apply Funds Towards Its Local Match Required for the AmeriCorps Grant", was adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

- 2.11 (a) **Approve Mayor Reed's travel to Washington, D.C. on September 28-29, 2010 to participate in the Silicon Valley Leadership Group's "CEO/Senior Officer Advocacy Trip". Source of Funds: Mayor's Office Budget.**
- (b) **Request an excused absence for Mayor Reed from the Regular City Council Meeting on September 28, 2010 due to Official City Business: Silicon Valley Leadership Group's "CEO/Senior Officer Advocacy Trip". (Mayor)**

2.11 (Cont'd.)

Documents Filed: Memorandum from Mayor Reed, dated September 20, 2010, requesting approval of travel and an excused absence.

Action: The travel request and the excused absence for Mayor Reed were approved. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

2.12 As recommended by the Rules and Open Government Committee on September 22, 2010, adopt a support position for Measure B, the Local Transportation Investment Fund, on the November 2, 2010 General Election Ballot. (Transportation/City Manager's Office) [Rules Committee referral 9/22/10 – Item H(2)]

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated September 23, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: The support position for Measure B was adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone provided an update on Police Chief Recruitment and Outreach Meetings.

- 3.2 (a) **Adopt an ordinance ratifying the final 2009-2010 appropriation increases detailed in the report.**
- (b) **Adopt the following 2009-2010 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:**
- (1) **Increase the Earned Revenue estimate by \$1,573,665;**
 - (2) **Increase the Transfer to Council District 1 by \$95,692;**
 - (3) **Increase the Transfer to Council District 2 by \$67,110;**
 - (4) **Increase the Transfer to Council District 3 by \$97,815;**
 - (5) **Increase the Transfer to Council District 4 by \$65,096;**
 - (6) **Increase the Transfer to Council District 5 by \$120,497;**
 - (7) **Increase the Transfer to Council District 6 by \$91,509;**
 - (8) **Increase the Transfer to Council District 7 by \$115,876;**
 - (9) **Increase the Transfer to Council District 8 by \$92,071;**
 - (10) **Increase the Transfer to Council District 9 by \$82,892;**
 - (11) **Increase the Transfer to Council District 10 by \$61,552;**
 - (12) **Increase the Transfer to City-Wide by \$444,055;**

- 3.2 (b) (13) **Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$239,500.**
- (c) **Adopt the following 2009-2010 Appropriation Ordinance and Funding Sources Resolution amendments in the Convention and Cultural Affairs Fund:**
- (1) **Increase the Earned Revenue estimate by \$625,000;**
 - (2) **Increase the Non-Personal/Equipment appropriation by \$758,000;**
 - (3) **Decrease the Ending Fund Balance estimate by \$133,000.**
- (d) **Adopt the following 2009-2010 Appropriation Ordinance amendments in the Stores Fund:**
- (1) **Increase the Workers' Compensation Claims appropriation by \$13,493.**
 - (2) **Decrease the Ending Fund Balance estimate by \$13,493.**
- CEQA: Not a Project, File No. PP10-067, Appropriation Ordinance. (City Manager's Office)**

Documents Filed: Memorandum from Budget Director Jennifer Maguire, dated September 10, 2010, recommending adoption of appropriation ordinances and funding sources resolution amendments.

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, [Ordinance No. 28816](#), entitled: “An Ordinance of the City of San José Authorizing and Ratifying Certain Encumbrances and/or Expenditures in Various Funds Made During City’s 2009-2010 Fiscal Year in Excess of Sums Appropriated Therefore; [Ordinance No. 28817](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in Construction Tax and Property Conveyance Tax Fund; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Resolution No. 75574](#), 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 Construction Tax and Property Conveyance Fund: Parks Purposes Central Fund”; [Ordinance No. 28818](#), entitled: An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in Convention and Cultural Affairs Fund to Account for the Over-Expenditures that Occurred at the End of Fiscal Year 2009-2010; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Resolution No. 75575](#), 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 Convention and Cultural Affairs Fund” and [Ordinance No. 28819](#), entitled: An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in Stores Fund for Workers’ Compensation Claims; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

- 3.3 As recommended by the Public Safety, Finance and Strategic Support Committee on September 16, 2010, accept the Annual Review and Proposed Amendments of the City's Investment Policy, and adopt a resolution approving revisions to City Council Policy 1-12, the City of San Jose Investment Policy, including but not limited to, clarifying technical terms, increasing portfolio diversification, and reducing portfolio concentration risk. (Finance)**

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated September 20, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: Upon motion by Council Member Constant, seconded by Council Member Kalra and carried unanimously, [Resolution No. 75576](#), entitled: "A Resolution of the Council of the City of San José Approving Revisions to City Council Policy 1-12, The City of San José Investment Policy", was adopted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

- 3.4 As recommended by the Public Safety, Finance and Strategic Support Committee on September 16, 2010, accept the Audit Report of the City's Procurement Card Transactions. (City Auditor)**

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated September 20, 2010, transmitting the recommendations of the Rules and Open Government Committee.

City Auditor Sharon W. Erickson presented the Staff report.

Action: Upon motion by Council Member Pyle, seconded by Council Member Kalra and carried unanimously, the Audit Report of the City's Procurement Card Transactions, were accepted. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Conduct a Public Hearing on the Consolidated Annual Performance Evaluation Report FY 2009-2010, the Analysis of Impediments to Fair Housing Choice and the Citizen Participation Plan and Approval of the Documents. CEQA: Not a Project, File No. PP10-069, Staff Reports, Assessments, Annual Reports, Information Memos. (Housing)
(Continued from 9/21/10 – Item 4.1)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko, dated September 2, 2010, recommending holding a public hearing and approving the documents. (2) Supplemental memorandum from Director Krutko, dated September 20, 2010, transmitting substantial comments from the public on the draft versions. (3) Supplemental memorandum from Director Krutko, dated September 23, 2010, reporting on the public comments received and transmitting revisions to the draft documents. (4) Proofs of Publication of Notices of Public Hearings, executed on August 26, 2010 and August 27, 2010, submitted by the City Clerk.

4.1 (Cont'd.)

Vice Mayor Chirco explained that the Consolidated Annual Action Plan (CAPER) provides the same information as the Federally-Mandated Five-Year Consolidated Plan, but it covers a single fiscal year; and that the CAPER, the Analysis of Impediments to Fair Housing (AI) and the Citizen Participation Plan (CPP) will ensure compliance with the U.S. Department of Housing and Urban Development's Reporting requirements.

Vice Mayor Chirco pointed out that the drafts of these documents have been available for public comment since August 30, 2010; the Council opened the public hearing on September 21, 2010 and continued the hearing to the Council Meeting of September 28, 2010.

Vice Mayor Chirco noted that this was the final public hearing for this matter and the Council will consider any further public comments and also consider approval of the CAPER, AI and the CPP.

Vice Mayor Chirco opened the public hearing.

Public Comments: There was no testimony from the floor. Vice Mayor Chirco closed the public hearing.

Action: Upon motion by Council Member Pyle, seconded by Council Member Kalra and carried unanimously, the Consolidated Annual Performance Evaluation Report FY 2009-2010, the Analysis of Impediments to Fair Housing Choice and the Citizen Participation Plan and Approval of the Documents, were approved. (7-0-4. Absent: Herrera, Liccardo, Nguyen; Reed.)

TRANSPORTATION & AVIATION SERVICES

6.1 **Conduct a public meeting to receive public comments on the formation of Maintenance District 23 (Berryessa Road from I-680 to Piedmont Road). CEQA: Exempt, File No. PP10-090. Council District 4. (Public Works/Transportation)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen and Acting Director of Transportation Hans F. Larsen, dated September 7, 2010, recommending conducting a public hearing. (2) Statement and Declaration of Conflict of Interest Form from Council Member Chu dated September 22, 2010, declaring a conflict of interest, as his home is located within this area of District 4.

On the advice of City Attorney Richard Doyle, Council Member Chu pointed out that he lives in District 4 and was excusing himself from participating in the Council discussion.

Vice Mayor Chirco opened the public hearing on the Formation of Maintenance District 23.

6.1 (Cont'd.)

Public Comments: There was no testimony from the floor. Vice Mayor Chirco closed the public hearing.

There was no action taken by the Council.

6.2 Adopt a resolution that:

- (a) **Authorizes the City Manager, or designee, to submit a grant application to the Metropolitan Transportation Commission (MTC) in the total amount of \$7,987,000 for Federal Surface Transportation Program (STP) funding for the 2010 STP Resurfacing and Rehabilitation project (“Project”);**
- (b) **Commits the City to provide the required local match funds of \$1,035,000 and to pay for any additional cost to complete the Project;**
- (c) **Assures the Project will be completed in compliance with the submitted application, MTC Regional Funding Delivery Policy, and the grant program requirements;**
- (d) **Authorizes the City Manager, or designee, to accept grant funding from the Metropolitan Transportation Commission and negotiate and execute any documents to accept the grant funds.**

CEQA: Exempt, File No. PP06-066. Council Districts: 2, 8, 9 and 10. (Transportation)

Documents Filed: (1) Memorandum from Council Member Kalra, dated September 24, 2010, recommending approval of the Staff recommendations. (2) Memorandum from Acting Director of Transportation Hans F. Larsen, dated September 10, 2010, recommending adoption of a resolution.

Acting Director of Transportation Hans Larsen provided background and comments on the grant.

Action: Upon motion by Council Member Kalra, seconded by Council Member Pyle and carried unanimously, [Resolution No. 75577](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Execute and Submit an Application for Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program Funding to the Metropolitan Transportation Commission in An Amount Not To Exceed \$7,897,000, To Accept the Grant if Awarded and to Execute All Related Documents and Stating the Assurance to Complete All Projects Utilizing this Funding”, was adopted. (6-0-5. Absent: Constant, Herrera, Liccardo, Nguyen; Reed.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board was convened at 2:18 p.m. to consider Item 9.1 in a Joint Session.

9.1 Adopt a resolution authorizing the Director of Human Resources to select and purchase certain City and Redevelopment Agency insurance policies (property and liability for the City; property only for the Redevelopment Agency) for the period October 1, 2010 to October 1, 2011, at a cost not to exceed \$1,900,000, with the following insurance carriers:

- (a) Coverage Property including Boiler & Machinery: Insurance Carrier(s) Factory Mutual Insurance Company or Chartis.
- (b) Coverage Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (Primary and Excess); Insurance Carrier Chartis.
- (c) Coverage Secondary Employment Law Enforcement Professional Liability; Insurance Carrier; Indian Harbor Insurance Company.
- (d) Coverage Automobile Liability (Airport fleet vehicles and Shuttle Buses physical damage only/WPCP fleet vehicles); Insurance Carrier Travelers Property Casualty Insurance.
- (e) Coverage Police Aircraft Hull & Liability including War Risks & Extended Perils; Insurance Carrier Chartis.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for purchase of insurance. (City Manager's Office/Redevelopment Agency)

Documents Filed: Memorandum from Director of Human Resources Mark Danaj and Deputy Executive Director Janet Kern, dated September 10, 2010, recommending adoption of a resolution.

Action: Upon motion by Council Member Chu, seconded by Council Member Kalra and carried unanimously, [Resolution No. 75578](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Human Resources to Select and Purchase Insurance Policies for the Period October 1, 2010 to October 1, 2011 at a Cost Not To Exceed \$1,900,000", was adopted. (6-0-5. Absent: Constant, Herrera, Liccardo, Nguyen; Reed.)

OPEN FORUM

- (1) David Wall expressed opposition to the participation of the San José Chief of Police in uniform on an advisory board.
- (2) Maria Cortes shared a public harassment incident that occurred on September 27, 2010 in the St. James Park/Lightrail Station area. Assistant City Manager Edward Shikada will follow-up with Ms. Cortes.

ADJOURNMENT

The Council of the City of San José was adjourned at 2:19 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/09-28-10 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 ITEM

The Redevelopment Agency Board convened at 2:16 p.m. to consider Item 8.1 in a Joint Session.

- 8.1**
- (a) Adoption of a resolution by the Redevelopment Agency Board approving amendments to the Redevelopment Agency's FY 2010-11 Adopted Operating and Capital Budget, adding \$755,925 for City Support Services and amending the FY 2010-11 Agency appropriations resolution.**
 - (b) City Council and Redevelopment Agency Board approval of an amendment to the FY 2010-11 Cooperation Agreement for the Merged Redevelopment Project Area to make payments to the City for October 2010 Redevelopment Services and project expenses.**
 - (c) City Council and Redevelopment Agency Board approval of an amendment to the FY 2010-11 Cooperation Agreement for the Operating Expenses to make payments to the City for October 2010 Redevelopment Services and project expenses.**

Documents Filed: Memorandum from Executive Director of the Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone, dated September 23, 2010, recommending adoption of a resolution and approval of amendments.

Action: Upon motion by Council Member Campos, seconded by Council Member Kalra and carried unanimously, Redevelopment Agency Resolution No. 5986, entitled: "A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Amending the Adopted FY 2010-2011 Capital Budget, FY 2010-2011 Operating Budget and the FY 2010-2011 Agency Appropriations Resolution in Connection With Amendments to the FY 2010-2011 Cooperation Agreements", was adopted; an amendment to the FY 2010-11 Cooperation Agreement for the Merged Redevelopment Project Area to make payments to the City for October 2010 Redevelopment Services and project expenses and an amendment to the FY 2010-11 Cooperation Agreement for the Operating Expenses to make payments to the City for October 2010 Redevelopment Services and project expenses, were approved. (6-0-5. Absent: Constant, Herrera, Liccardo, Nguyen; Reed.)

The Council of the City of San José and Redevelopment Agency Board was adjourned at 2:17 p.m.