CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

CITY COUNCIL AGENDA

NOVEMBER 16, 2010

SYNOPSIS

PETE CONSTANT	DISTRICT 1		PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2		MADISON P. NGUYEN	DISTRICT 7
SAM LICCARDO	DISTRICT 3	CHUCK REED MAYOR	ROSE HERRERA	DISTRICT 8
KANSEN CHU	DISTRICT 4		JUDY CHIRCO, VICE MAYOR	DISTRICT 9
NORA CAMPOS	DISTRICT 5		NANCY PYLE	DISTRICT 10

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Office of the City Clerk

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

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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

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

- Call to Order and Roll Call

  9:00 a.m. - Closed Session, Call to Order in Council Chambers
  Absent Council Members: Constant.

  1:31 p.m. - Regular Session, Council Chambers, City Hall
  Absent Council Members: None.

- Invocation (District 10)

  Almaden Senior Association Members presented the Invocation.

- Pledge of Allegiance

  Mayor Reed led the Pledge of Allegiance.

- Orders of the Day

  The Orders of the Day and the Amended Agenda were approved, with Item 2.4(b) dropped.

- Closed Session Report

  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 one matter. 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.

CLOSED SESSION REPORT (Cont'd.)

Council Vote: Ayes:	**Campos, Chirco, Chu, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.**
Noes:	**None.**
Disqualified:	**None.**
Absent:	**Constant.**

B. Public Employee Appointment Pursuant to Government Code Section 54957:

Title:	**City Clerk**
Name:	**Dennis Hawkins**
Council Vote: Ayes:	**Campos, Chirco, Chu, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.**
Noes:	**None.**
Disqualified:	**None.**
Absent:	**Constant.**

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring November 1-30, 2010 as the "2010 Combined Giving Campaign". Environmental Services)
Mayor Reed and Director of Environmental Services John Stufflebean recognized November 1 through November 30, 2010 as the "2010 Combined Giving Campaign".

1.2 Presentation of a proclamation recognizing the month of November 2010 as "National Alzheimer's Disease Awareness Month" in the City of San José. (Herrera)
Mayor Reed and Council Members Herrera and Constant recognized the month of November 2010 as "National Alzheimer's Disease Awareness Month".

1.3 Presentation of a proclamation declaring November 16, 2010 as "GIS Day" in the City of San José. (Constant)
(Rules Committee referral 11/10/10)
Mayor Reed and Council Member Constant recognized November 16, 2010 as "Geographic Information Systems (GIS) Day".

1.4 Presentation of a proclamation declaring the week of November 22 – 27, 2010 as "Family Week" in the City of San José. (Kalra)
(Rules Committee referral 11/10/10)
Mayor Reed and Council Member Kalra recognized the week of November 22 through November 27, 2010 as "Family Week".

2. CONSENT CALENDAR

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 28844 – An interim ordinance of the City of San José establishing a temporary moratorium, in the event that State of California Proposition 19 passes by a majority of the electorate participating in the November 2, 2010 statewide election, on the establishment or expansion of businesses involving the cultivation, processing, distribution, transportation, sale, possession or consumption of marijuana that may be allowed under Proposition 19, pending the review and possible amendment by the City of San José of land use and other regulations applicable to such businesses or uses, and setting forth the legislative findings to support such temporary moratorium.

Dropped.

(b) ORD. NO. 28846 – Rezoning certain real property situated at the northerly corner of Clayton Road and Hickerson Drive (10160 Clayton Road) from the R-1-5 Residential Zoning District to the A(PD) Planned Development Zoning District. PDC09-027

Ordinance No. 28846 adopted.

(c) ORD. NO. 28848 – Amending Section 3.36.580 of Part 4 of Chapter 3.36 of Title 3 of the San José Municipal Code to suspend the distribution of funds from the Police and Fire Department Retirement Plan Supplemental Retiree Benefit Reserve during Fiscal Year 2010-2011.

Ordinance No. 28848 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of October 27, 2010. (Mayor)
(b) Transportation and Environment Committee Report of November 1, 2010. (Liccardo)
(c) Community and Economic Development Committee Report of October 25, 2010. (Pyle)

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

(a) Request for an excused absence for Council Member Chu from the City Council Study Session on November 18, 2010 due to Authorized City Business: League of California Cities Board of Directors Meeting in San Diego, CA. (Chu)
(Rules Committee referral 11/03/10)

Excused.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests (Cont'd.)

(b) Request for excused absences for Council Member Campos from the City Council Study Session on November 8, 2010, and the Closed Session and Afternoon Session of the City Council on November 9, 2010 due to mandatory trainings and meetings for all Newly Elected Assembly Members. (Campos)

Dropped per Orders of the Day.

2.5 City Council Travel Reports.

There were none.

2.6 Agreement with the Association of Bay Area Governments for Trash Capture Equipment.

Recommendation: Approve a grant agreement with the Association of Bay Area Governments which will provide trash capture equipment for installation in existing storm drainage infrastructure necessary for compliance with the requirements of the San Francisco Bay Municipal Regional Stormwater Permit. CEQA: Not a Project, File No. PP10-066(a) – cooperative purchase. The execution of this agreement is not a project. However, additional CEQA review will be required for the actual construction activities related to the installation of some of these trash capture devices based upon the specific physical environmental circumstances of the sites selected. (Environmental Services)

Approved.

2.7 Lease Renewal for the Independent Police Auditor Office Space.

Recommendation: Approve a First Amendment to Lease with Legacy Partners for 3,013 square feet of office space located at 75 E. Santa Clara for the Independent Police Auditor for an additional five years beginning on November 1, 2010. The cost of lease payments will be $4,820.80 per month during the first year of the extended term, $4,971.45 for the second year, $5,122.10 for the third year, $5,272.75 for the fourth year, and $5,423.40 for the fifth year. CEQA: Exempt, File No. PP10-066(f). Council District 3. (General Services)

Approved.

2.8 Contract Change Order No. 26 for Watson Park Remediation and Ph. I Improvements Project.

Recommendation:

(a) Approve Contract Change Order No. 26 for Watson Park Remediation and Ph. I Improvements Project in the amount of $132,332 and adoption of a resolution authorizing the Director of Public Works to execute Contract Change Order No. 26.

Resolution No. 75632 adopted.

(b) Approve an increase in the project delivery budget in the amount of $84,328.

(c) Approve an increase in the contingency budget in the amount of $325,094.

CEQA: Mitigated Negative Declaration, File No. PP07-130, September 2008. Council District 3. SNI: 13th Street. (Public Works)

Approved.

2. CONSENT CALENDAR

2.9 Fiscal Actions for Redevelopment Agency Capital Projects.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2010-2011:

(a) Increase the estimate for Earned Revenue by $116,000.

(b) Establish the appropriation to the Department of Public Works for the Improvement District 99-218SJ Deferral of Assessments Fiscal Year 2010-2011 (PSM 613) in the amount of $116,000.

(Public Works/City Manager's Office)

Ordinance No. 28851 adopted.

Resolution No. 75633 adopted.

2.10 Council Member Chu's Travel to San Diego, CA.

Recommendation: Approve travel by Council Member Chu to San Diego, California on November 17 – 19, 2010 to attend the League of California Cities Board of Directors Meeting as San José's designated representative. Source of Funds: Mayor & Council Travel Fund. (Chu)

(Rules Committee referral 11/03/10)

Approved.

2.11 Council Member Chu's Travel to Denver, CO.

Recommendation: Approve travel by Council Member Chu to Denver, Colorado on December 1 – 4, 2010 to attend the National League of Cities Congress of Cities Conference and Annual Business Meeting. Source of Funds: Mayor & Council Travel Fund. (Chu)

(Rules Committee referral 11/03/10)

Approved.

2.12 District 6 Movie Screening.

Recommendation: As recommended by the Rules and Open Government Committee on November 10, 2010:

(a) Approve the District 6 showing of the film "Trashed" as a City Council sponsored Special Event.

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

(City Clerk)

[Rules Committee referral 11/10/10 – Item H(4)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)
City Manager Debra Figone reported on the previously outlined agenda for the November 18, 2010 Special City Council Meeting which will focus on the FY 2011/12 budget process and projected $70M deficit, annual labor negotiations, retirement reform progress, organizational and service area restructuring and service delivery model changes.

3.2 TEFRA Hearing for the Issuance of Tax-Exempt Revenue Bonds for the Benefit of Lincoln Glen Manor for Senior Citizens Project Located at 2671 Plummer Avenue.

Recommendation:

(a) Hold a Tax Equity and Fiscal Responsibility Act ("TEFRA") Hearing for the issuance of $14,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Municipal Finance Authority ("CMFA") for the benefit of Lincoln Glen Manor for Senior Citizens Project located at 2671 Plummer Avenue, San José, CA.

The TEFRA Hearing was held.

(b) Adopt a resolution approving the issuance of Tax-Exempt Revenue Bonds, by the CMFA in an aggregate principal amount not to exceed $14,000,000 to be used to (a) refund, on a current basis, all outstanding ABAG Finance Corporation for Nonprofit Corporations Insured Certificates of Participation (Lincoln Glen Manor for Senior Citizens), Series 2000, executed and delivered to (i) refinance certain existing indebtedness of Lincoln Glen Manor for Senior Citizens ("the Corporation"), (ii) finance the renovation of existing buildings, and (iii) finance the costs of construction of a 31 unit assisted living facility; (b) finance the conversion of 8 independent living units (from a 20 unit building) into 11 memory care beds for patients suffering from Alzheimer's disease and dementia; and (c) finance the expansion, remodeling and updating of the Corporation's Central Manor, all located at the Corporation's multi-level facility for the elderly at 2671 Plummer Avenue in the City to be owned and operated by the Corporation and located within the City.

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Resolution No. 75634 adopted.

3.3 Amendments to Chapter 3.48 of the San José Municipal Code Related the City's Deferred Compensation Plan.

Recommendation: Approve an Ordinance to retroactively amend Chapter 3.48 of the San José Municipal Code to allow rollovers from the City's Police and Fire Department Retirement Plan and Federated City Employees Retirement System into the City's Deferred Compensation Plan. CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Ordinance No. 28852 passed for publication.

3. STRATEGIC SUPPORT SERVICES

3.4 Supplemental Retiree Benefit Reserves.

Recommendation: Adopt a resolution amending and restating Resolution No. 72859 to provide that there shall be no supplemental retiree benefit reserve distribution from the Federated City Employees Retirement Plan during Fiscal Year 2010-11.
(Rules Committee referral 11/10/10)

Resolution No. 75635 adopted.
Noes: Campos, Chu, Kalra.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Contract Awards for the Neighborhood Stabilization Program 2 Single-Family Acquisition/Rehabilitation/Resale Program.

Recommendation: Adopt a resolution:

(a) Authorizing the Director of Housing to negotiate and execute contracts to implement the federally funded Neighborhood Stabilization Program 2 Single-Family Acquisition/Rehabilitation/Resale Program for up to (1) $5,600,000 with the Cypress Group, and (2) $5,600,000 with Community Rehabilitation Partners for a total of $11,200,000.

(b) Authorizing the Director of Housing to negotiate and execute subsequent contract amendments with the Cypress Group and Community Rehabilitation Partners to include future program income received from the resale of NSP 2 homes.

CEQA: Exempt, File No. PP10-166. Council Districts 2, 3, 4, 5, 6, 7, 8 and 10. SNI: 13th Street, University, Washington, Greater Gardner, K. O. N. A., Mayfair, Tully Senter, Gateway East, West Evergreen, Spartan Keyes, East Valley/680 Communities, Edenvale/Great Oaks, Hoffman/Via Monte. (Housing)

Resolution No. 75636 adopted.

4.2 Licensing and Regulating Tobacco Retail Establishments.

Recommendation:

(a) Accept staff's report on licensing and regulating tobacco retail establishments.

(b) Direct the City Attorney to draft an ordinance amending the San Jose Municipal Code to add a new Chapter to license and regulate establishments engaged in the sale of tobacco and tobacco related products.

(c) Direct the City Attorney to draft a resolution amending the City's Schedule of Fees and Charges to establish fees associated with the licensing and regulation of tobacco retail establishment.

(d) Direct the City Attorney to draft a resolution amending the City's Schedule of Administrative Fines to establish fine amounts for violations of the new Chapter.

CEQA: Not a Project, File No. PP10-068(b). (Planning, Building and Code Enforcement)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Licensing and Regulating Tobacco Retail Establishments (Cont'd.)

The memorandum from Council Members Campos, Chu and Kalra, dated November 12, 2010, was approved, *as amended*:

(1) Accept Staff recommendations.

(2) Direct the City Attorney to return to City Council on *December 14, 2010*, with an analysis of program costs required to enforce State and local tobacco laws regarding illegal sales to minors that can be recovered through fees collected by Tobacco Retail License Program.

(3) Direct the City Manager to return to City Council on *December 14, 2010*, with information on potential youth decoy enforcement partnerships.

(4) In addition to English, Spanish and Vietnamese, identify and include two or three other languages in the outreach effort.

(5) Eliminate all State duplications.

(6) Include an economic analysis.

Noes: Constant, Oliverio.

5. NEIGHBORHOOD SERVICES

5.1 Report on bids and award of contract for the Watson Park Phase II Improvements Project.

Recommendation:

(a) Report on bids and award of contract for the Watson Park Phase II Improvements Project to the low bidder, Joseph J. Albanese, Inc., for the base bid and Add Alternate No. 1 in the amount of $1,702,000, and approval of a contingency in the amount of $158,000.

Approved.

(b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):

(1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Watson Park Phase II Development (Soccer Field) by $416,000.

(2) Decrease the appropriation to the Parks, Recreation and Neighborhood Services Department for the Reserve: Future PDO/PIO Projects by $416,000.

CEQA: Mitigated Negative Declaration, File No. PP07-130, September 2008. Council District 3. SNI: 13th Street. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 28853 adopted.

5. NEIGHBORHOOD SERVICES

5.2 Funding Recommendations for New Park Facilities.

Recommendation: Adopt a resolution to:

(a) Implement a pilot program, through December 31, 2011, to authorize staff:

(1) To proceed with the development of any new park, trail or recreational facility for which there is (1) an appropriation of all funding necessary for the full development of the project including design and construction for all improvements and amenities set forth in the City Council approved master plan for that project and (2) identification of funding for a three-year park establishment period.

(2) To proceed with the development of any new park, trail or recreational facility for which there is (1) an appropriation of funding for the design and construction of the project for all improvements and amenities set forth in the City Council approved master plan for the project and (2) a "donation" agreement for all work during the three-year park establishment period.

(3) To use parkland fees and Construction & Conveyance taxes to fund a three-year park establishment period as part of the full cost of the development of any new park, trail or recreational facility, provided that including such funding does not prevent funding the design and building of a new park, trail, or recreational facility identified as an "existing" or "Priority 1" project in the adopted Greenprint Update.

(b) Modify the park maintenance exemption to the City's prevailing wage requirements approved by the City Council on February 12, 2008 to include any "donated" park establishment period services or park maintenance by a developer or other entity with, or without, an interest in a development in the City, provided that the donation is for a minimum of two years and meets the other conditions set forth in the memorandum.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (Parks, Recreation and Neighborhood Services)

(Deferred from 11/9/10 – Item 5.1)

Heard Last.

The memorandum from Vice Mayor Chirco and Council Members Liccardo, Oliverio and Pyle, dated November 11, 2010, was approved as revised: Accepting the Staff recommendations with the following modifications:

(1) Implement a pilot program for the parks identified as "fully funded" in staff's memorandum, and for any other park for which an alternative maintenance funding plan can be established by December 31, 2012, to authorize the City Manager, where appropriate to advance park development, to:

(a) Implement "Alternative B" – to allow park projects to proceed through design and construction with non-General Fund dollars utilized for a three-year "establishment period," but only where a longer-term plan can be implemented for funding maintenance.

(Action continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Funding Recommendations for New Park Facilities (Action Cont'd.)

(b) Concurrent with, or in lieu of, "Alternative B," proceed with negotiations with willing developers under "Alternative A," to *credit* some portion of a development's PDO/ PIO fees where that developer contributes the same or substantially similar amount to a fund--e.g., a "maintenance trust" established through the San José Parks Foundation—restricted to pay for maintenance and operations for that park for a minimum of 10 years, *provided that including such funding does not prevent funding the design and building of a new park, trail or recreational facility identified as an "existing" or "Priority 1" project in the adopted Greenprint Update.*

(2) Restrict staff's proposed modification of the prevailing wage policy for developer-financed maintenance of parks to those circumstances in which the developer has not benefited from any waiver of, reduction of, or compensation for park development fees associated with the specific park they are proposing to maintain. In addition, concur with staff's proposal that the prevailing wage exemptions applies when maintenance services are provided solely by a donor such as a homeowners association, corporation, social fraternal organization, or neighborhood volunteers.

(3) Authorize the City Manager to negotiate and execute any agreements or amendments with developers pursuant to Recommendation 1.

Resolution No. 75638 adopted, as amended.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Master Cooperative Agreement with the California High Speed Rail Authority for the High Speed Train Project.

Recommendation: Approval of Various Actions Related to the California High Speed Rail Train Project. CEQA: Not a Project, File No. PP10-066(e), agreement involving no physical change to the environment. The recommended actions are advisory to the CHSRA. The CHSRA is in the process of preparing an EIR for the High-Speed Train project. (Transportation)
(Deferred from 10/19/10 – Item 6.2)

Deferred to 12/07/10 per Administration.

6.2 Public Hearing and Election on the Formation of Maintenance District 23.

Recommendation: Initiate a public hearing regarding the formation of Maintenance District 23, generally located along Berryessa east of Interstate 680 to Piedmont Road, and continue the public hearing and all subsequent actions, including the election process and formation, until January 11, 2011. CEQA: Exempt, File No. PP10-090. Council District 4. (Public Works/Transportation)
Disqualified: Chu. Public Hearing continued to 01/11/11 at 1:30 p.m.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on Commercial Solid Waste and Recyclables Collection Franchise.

Recommendation: Hold a public hearing on the application of Revolution Resource Recovery, LLC for a Commercial Solid Waste and Recyclables Collection Franchise, approve the ordinance granting the franchise, and approve the Commercial Solid Waste and Recyclables Collection Franchise Agreement for a term from December 21, 2010 to June 30, 2012 with the option of three one-year extensions. CEQA: Exemption; File No. PP08-228. (Environmental Services)

The Public Hearing was held.

Ordinance No. 28854 passed for publication.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- Open Forum

(1) Carl Guardino, Silicon Valley Leadership Group, presented an invitation to join the 2010 Turkey Trot 5K Run/Walk & 10K Run on November 25, 2010 at Guadalupe River Park.

(2) Mike Flaugher expressed concerns about a cannabis club near El Parador Senior Housing on Bascom Avenue.

(3) Robert Cortese raised concerns about karaoke piracy.

- Adjournment

The Council of the City of San José was adjourned at 4:40 p.m. in memory of Michelle Wagner, member of the Santa Visits Alviso Foundation in District 4, who passed away on September 3, 2010. (Chu)

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY/AGENDA

1:30 P.M. TUESDAY, NOVEMBER 16, 2010 CHAMBERS

1. Call to Order and Roll Call
The meeting was convened at 3:57 p.m.
Absent Council Members: Constant. (Excused)

2. Property Exchange with TOD Brokaw, LLC Related to Airport West and Adjacent Property.

Recommendation:

(a) Adopt a resolution by the San José City Council authorizing the City Manager or the City Manager's designee to negotiate, execute and deliver an Agreement for the Exchange of Interests in Real Property with TOD Brokaw, LLC for property located at and adjacent to 1125 Coleman Avenue; and a First Amendment to Site and Facility Lease and a First Amendment to General Sublease Agreement relating to the City of San José Financing Authority's Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project); and authorizing other actions related to the exchange of properties.

Resolution No. 75637 adopted.

(b) Adopt a resolution of the City of San José Financing Authority Board authorizing the Executive Director, or Executive Director's designee, to negotiate, execute and deliver a First Amendment to Site and Facility Lease and a First Amendment to General Sublease Agreement relating to the City of San José Financing Authority's Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project); and authorizing other actions related to the exchange of properties.

CEQA: Addendum to an EIR Resolution 71716, File No. PP10-004. Council District 3. (Economic Development)

SJFA Resolution No. 107 adopted.

3. Open Forum
Heard with Open Forum for the City of San José and San José Redevelopment Agency Board.

4. Adjourn the San José Financing Authority.
The meeting was adjourned at 3:58 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEM

The Redevelopment Agency Board convened at 4:40 p.m. to consider Items 8.1 in a Joint Session.

8.1 Approval of Amendments to Cooperation Agreements for the Loan of Agency Employees to the City.

Recommendation: City Council and Redevelopment Agency Board approval of:

(a) The fourth amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San José, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Senior Policy Advisor, Economic Development and Land use by one year.

(b) The fourth amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San José, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Schedule Coordinate by one year.

CEQA: Not a Project.

Approved.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 4:40 p.m.