

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, OCTOBER 26, 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 - All Present.

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 (b) of the Government Code with respect to anticipated litigation of significant exposure (Claim Not Filed) in two (2) matters. (B) to confer with Legal Counsel pursuant to Government Code subsection (a) of Section 54956.9 with respect to existing litigation: (1) Smith v. City of San José, et al. Names of Parties Involved: Ted Smith, City of San José, San José Elections Commission and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-089167; Amount of Money or Other Relief Sought: Damages according to proof. (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. Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 10:55 a.m. and reconvened to Regular Session at 1:29 p.m. in the Council Chambers.

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

Absent: Council Members - All Present.

INVOCATION

Ida Price Middle School Saxophone Quartet presented the Invocation. Catherine Lorigan, Band Director. (District 9)

PLEDGE OF ALLEGIANCE

Mayor Reed and the students from San José Christian Elementary led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, the Orders of the Day and the Amended Agenda were approved, as amended, and Item 11.2 was deferred to December 07, 2010. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Microsoft Corporation for its support of the Mineta San Jose International Airport's Art + Technology Program. (Economic Development)

Action: Mayor Reed recognized and commended Microsoft Corporation.

1.3 Presentation of a commendation to El Observador, the South Bay's only bilingual newspaper, for 30 years of producing Spanish language publications and serving the Latino community in San José. (Mayor/Campos)

Action: Mayor Reed and Council Member Campos recognized and commended El Observador for its 30 years of producing Spanish language publications.

1.4 Presentation of a commendation to the District 5 Neighborhood Action Coalition leaders for their years of dedication to the City of San José and District 5 community. (Campos)

Action: Mayor Reed and Council Member Campos recognized and commended the District 5 Neighborhood Action Coalition.

1.5 Presentation of commendations to business leaders for their commitment to preserving the vitality of the District 5 business community and for their unyielding support of the recreational and educational needs of the residents in the City of San José. (Campos)

Action: Mayor Reed and Council Member Campos recognized and commended business leaders for their commitment to preserving the vitality of the District 5 community.

CONSENT CALENDAR

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

2.1 Approval of Minutes.

Action: There were none.

2.2 Final adoption of ordinances.

Action: There were none.

2.3 Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of October 6, 2010. (Mayor)

Action: Deferred to November 02, 2010 per City Clerk.

(b) Neighborhood Services and Education Committee Report of October 14, 2010. (Campos)

Documents Filed: The Neighborhood Services and Education Committee Report dated October 14, 2010.

Action: The Committee Report was approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

Action: There were none.

2.5 City Council Travel Reports.

Action: There were none.

2.6 (a) Approve an agreement with Moss Creek Mobile Home Community, L.P. to submeter dwellings at Moss Creek Mobile Home Park, and

(b) Approve an agreement with Brandenburg, Staedler and Moore-Woodbridge, L.P. to submeter dwellings at Woodbridge Mobile Home Park.

CEQA: Exempt, File No. PP10-161. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated October 5, 2010, recommending approval of the agreements.

Action: An agreement with Moss Creek Mobile Home Community, L.P. to submeter dwellings at Moss Creek Mobile Home Park and an agreement with Brandenburg, Staedler and Moore-Woodbridge, L.P. to submeter dwellings at Woodbridge Mobile Home Park, were approved. (11-0.)

- 2.7 (a) Approve a Contract Change Order Number 3 in the amount of \$320,865 for a total contract amount of \$1,388,193 with Star Construction, Inc. for the Nisich Park Development Project and adoption of a resolution authorizing the Director of Public Works to execute the Contract Change Order No. 3.
- (b) Approve an increase in the contingency budget for the Nisich Park Development Project in the amount of \$30,000 for a total contingency budget of \$83,000.
- (c) Approve an increase in the project delivery budget for the Nisich Park Development Project in the amount of \$21,000 for a total project delivery budget of \$506,000.
- (d) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 7 (Fund 385):
- (1) Decrease the appropriation to the Parks, Recreation and Neighborhood Services Department for the Nisich Park Development Project by \$27,000.
- (2) Increase the Ending Fund Balance by \$27,000.
- (e) 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 Nisich Park Development Project by \$171,000.
- (2) Decrease the Reserve: Future PDO/PIO Projects by \$171,000.

CEQA: Statement of Exemption, File No. PP06-164, dated November 2, 2006. Council District 7. SNI: Tully/Senter. (Public Works)

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated October 4, 2010, recommending adoption of a resolution, with related contingency. (2) Supplemental memorandum from Director of Public Works Katy Allen, Director of Parks, Recreation and Neighborhood Services Albert Balagso and Budget Director Jennifer Maguire, dated October 19, 2010, providing additional information for the final costs of the contract for Change Order 3 and adoption of appropriation ordinance amendments.

Action: Resolution No. 75609, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Execute Contract Change Order No. 3 with Star Construction, Inc. for the Nisich Park Development Project, In An Amount Not To Exceed \$320,865", was adopted; an increase in the contingency budget for the Nisich Park Development Project in the amount of \$30,000 for a total contingency budget of \$83,000 and an increase in the project delivery budget for the Nisich Park Development Project in the amount of \$21,000 for a total project delivery budget of \$506,000 were approved; Ordinance No. 28833, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Construction Tax and Property Conveyance Fund: Parks Purposes Council District No. 7 Fund for the Nisich Park Development Project; and Providing that this Ordinance Shall Become Effective

2.7 (Action Cont'd.)

Immediately Upon Adoption” and Ordinance No. 28834, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in Subdivision Park Trust Fund for the Nisich Park Development Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” were adopted. (11-0.)

**2.8 As recommended by the Rules and Open Government Committee on October 20, 2010, approve the proposed designation of Council Member Pete Constant as the voting delegate and Council Member Kansen Chu as the alternate voting delegate at the December 4, 2010 Annual Business Meeting for the National League of Cities (NLC). (City Manager’s Office)
[Rules Committee referral 10/20/10 – Item H(3)]**

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated October 21, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: Council Member Pete Constant as the voting delegate and Council Member Kansen Chu as the alternate voting delegate at the December 4, 2010 Annual Business Meeting for the National League of Cities, were approved.

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone presented highlights about the continued efforts for the recruitment of the new Police Chief.

3.2 As recommended by the Public Safety, Finance and Strategic Support Committee on October 21, 2010, accept the Pension Sustainability Audit. (City Auditor)

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated October 21, 2010, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

City Auditor Sharon W. Erickson presented the report and Director of Employee Relations Alex Gurza provided highlights of the annual pensionable gross compensation for a current 2010 Firefighter and Police Officer, including a comparison from 1990.

Motion: Council Member Nguyen moved approval of the Auditor’s Report. Council Member Liccardo seconded the motion.

3.2 (Cont'd.)

Extensive Council discussion ensued.

Public Comments: Jerry Mungai commended the City Auditor on the thoroughness of the report. Bob Brownstein stated that the Auditor's report failed to meet the normally high standard of the Auditor's previous reports.

Action: On a call for the question, the motion carried unanimously, the Report on the Pension Sustainability Audit, was accepted. (10-0-1. Absent: Pyle.)

3.3 **As recommended by the Rules and Open Government Committee on October 20, 2010, discuss and consider action to amend the San José Municipal Code to temporarily suspend bonus payments from the retirement plans' Supplemental Retiree Benefit Reserves (SRBR). (Mayor)** **[Rules Committee referral 10/20/10 – Item H(2)]**

Documents Filed: (1) Memorandum from City Clerk Lee Price, MMC, dated October 21, 2010, transmitting the recommendations of the Rules and Open Government Committee. (2) Memorandum from City Manager Debra Figone, dated October 22, 2010, recommending Council direct the City Attorney to draft an ordinance amending the Municipal Code to provided that no distribution will be made from the retirement plans' SRBR during FY 2010-2011. (3) Staff presentation dated October 26, 2010 summarizing the Supplemental Retirement Benefit Reserve. (4) Letter from Jay Wendling, President, Association of Retired San José Police Officers and Firefighters, dated October 25, 2010, regarding the suspension of SRBR.

Director of Employee Relations Alex Gurza presented the report.

Motion: Council Member Liccardo moved approval of the staff recommendations to suspend the 13th check distribution until June 2011 and to continue retirement reform discussion. Council Member Constant seconded the motion.

Council Member Herrera requested to amend the motion to direct Staff to analyze a hardship provision. The amendment was accepted by Council Members Liccardo and Constant.

Extensive discussion ensued.

Council Member Constant requested to amend the motion to direct Staff to analyze the current distribution formula and the potential IRS implications. Council Member Liccardo accepted the amendment.

Public Comments: Speaking in opposition to the Staff recommendations were Jay Wendling and Bob Leininger, San José Retired Employees Association. Jerry Mungai agreed with the Staff recommendations. Linda Dittes, AFSME, MEF/CEO, remained neutral with the Staff recommendations and pointed out that the formula needs recalculation.

3.3 (Cont'd.)

Action: On a call for the question, the motion carried, Council temporarily suspended Supplemental Retiree Benefit Reserves payments and directed Staff to: (1) Continue retirement reform discussions. (2) Analyze a hardship provision. (3) Analyze the current distribution formula. (4) Analyze potential IRS implications. (7-4. Noes: Campos, Chu, Kalra, Pyle.)

- 3.4 (a) **Adopt the following 2010-2011 Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund (Fund 523):**
- (1) **Decrease Personal Services by \$225,000**
 - (2) **Decrease Non-Personal/Equipment by \$25,000**
 - (3) **Increase the Operating Contingency by \$250,000**
- (b) **Authorization for the addition of three (3.0) FTE Senior Airport Operations Specialist positions to support a new Airport Operations Center.**
- (c) **Authorization for the elimination of nine (9.0) FTE Communications Services Operator positions.**

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Airport/City Manager's Office)
(Deferred from 10/19/10 – Item 3.3)

Documents Filed: Memorandum from Director of Aviation William Sherry and Budget Director Jennifer Maguire, dated October 5, 2010, recommending adoption of appropriation ordinance amendments and authorization for the addition of three (3.0) FTE positions and the elimination of nine (9.0) FTE positions.

Director of Aviation William Sherry presented the report.

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

Public Comments: Linda Dittes, AFSME, MEF/CEO, spoke in support to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 28835, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in Airport Maintenance and Operation Fund for the Personal Services, Non-Personal/Equipment and Operating Contingency; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" was adopted and the addition of three (3.0) FTE Senior Airport Operations Specialist positions to support a new Airport Operations Center and the elimination of nine (9.0) FTE Communications Services Operator positions, were approved. (10-0-1. Absent: Constant.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Conduct a public hearing and consider an ordinance of the City of San José amending Chapters 20.70 and 20.90 of Title 20 of the San José Municipal Code to revise and add parking requirements for bicycles and clean air vehicles, and to make other related, technical and nonsubstantive conforming amendments to said Chapters 20.70 and 20.90 of Title 20. CEQA: Exempt, File No. PP10-168. The Planning Commission voted 6-0-1 (Commissioner Cahan absent) to recommend that the City Council approve the proposed ordinance per Planning Staff’s recommendation with a modification to Table 20-210 to require one bicycle parking space for each multiple-family unit. (PBCE)**

Citywide

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 4, 2010, transmitting and recommending acceptance of the report. (2) Supplemental memorandum from Planning Commission Secretary Joe Horwedel, dated October 14, 2010, transmitting the recommendation of the Planning Commission. (3) Proof of Publication of Notice of Public Hearing, executed on September 24, 2010, submitted by the City Clerk. (4) Five emails from the public all dated October 26, 2010, in support to the permanently anchored bicycle racks.

Mayor Reed opened the public hearing.

Deputy Director of Planning, Building and Code Enforcement Laurel Prevetti provided clarification to be included in the Staff recommendations: that permanently anchored bicycle racks shall be installed to allow the frame and one or both wheels of the bicycle to be securely locked to the rack.

Motion: Council Member Liccardo moved approval of the Staff recommendations, including the clarification. Council Member Herrera seconded the motion.

Public Comments: Martin Delson offered modification of Section 20.90.050 of the draft ordinance.

Action: On a call for the question, the motion carried unanimously, the recommendation of the Planning Director and Planning Commission was approved, and Ordinance No. 28836, entitled: “An Ordinance of the City of San José Amending Title 20 (The Zoning Code) of the San José Municipal Code to Add New Sections to Part 4 of Chapter 20.70 (Downtown Off-Street Parking Requirements) and Amending Chapter 20.90 (Parking and Loading) In Its Entirety, All To Provide for Required Off-Street Bicycle Parking Facilities and Spaces and Clean Air Vehicle Parking Spaces”, was passed for publication, as amended to include: permanently anchored bicycle racks shall be installed to allow the frame and one or both wheels of the bicycle to be securely locked to the rack. (11-0.)

- 4.2 As recommended by the Transportation and Environment Committee on October 4, 2010, approve an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to allow for construction debris diversion in accordance with the provisions of California Green Building Standards Code. CEQA: Exempt, File No. PP10-168. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from City Clerk Lee Price, MMC, dated October 13, 2010, transmitting the recommendations of the Transportation and Environment Committee. (2) Supplemental memorandum from Director of Environmental Services John Stufflebean and Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 21, 2010, addressing the questions that the Transportation and Environment Committee raised at its October 4, 2010 meeting regarding the City's construction debris program. (3) Email from Berg & Berg Developers, Inc., dated October 26, 2010, voicing objection to the amendments of the California Green Building Standards Code.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, Ordinance No. 28837, entitled: "An Ordinance of the City of San José Amending Chapter 9.10 of Title 9 of the San José Municipal Code by Amending Sections 9.10.2410 and 9.10.2430 and By Adding a New Section 9.10.2480 To Allow for Construction Debris Diversion in Accordance with the Provisions of California Green Building Standards Code", was passed for publication. (11-0.)

- 4.3 As recommended by the Community and Economic Development Committee and Public Safety, Finance and Strategic Support Committee, accept Staff's report to:**
- (a) Approve an ordinance amending Title 24 of the San José Municipal Code to:**
 - (1) Adopt the 2010 editions of the California Building Code (CBC), California Residential Code (CRC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Historical Building Code (CHBC), California Existing Building Code (CEBC), California Green Building Standards Code (CALGreen) and the 2009 edition of the International Existing Building Code Appendix Chapters A2, A3 and A4.**
 - (2) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements.**
 - (b) Approve an Ordinance amending Chapter 17.12 of the San José Municipal Code to:**
 - (1) Adopt the 2010 edition of the California Fire Code (CFC);**
 - (2) Standards referenced in 2010 CFC;**
 - (3) Adopt local amendments regarding fire sprinkler requirements, firefighter elevator requirement for high-rise buildings, firefighter access requirements on roofs with photovoltaic panels, and the requirements relating to the design and installation of fire protection and special systems and hazardous material systems.**

CEQA: Exempt, File No. PP10-168.

4.3 (Cont'd.)

Documents Filed: (1) Memorandum from City Clerk Lee Price, MMC, dated October 13, 2010, transmitting the recommendations of the Community and Economic Development Committee. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 14, 2010, providing additional information on local amendments, corrections to the technical amendments and modification of recommendation language. (3) Supplemental memorandum from Fire Chief William McDonald, dated October 12, 2010, recommending approval of an ordinance and adoption of local amendments. (4) Email from Berg & Berg Developers, Inc., dated October 18, 2010, objecting to the Staff recommendations.

Action: Upon motion by Council Member Pyle, seconded by Council Member Liccardo and carried unanimously, Ordinance No. 28838, entitled: “An Ordinance of the City of San José Amending Title 24 of the San José Municipal Code to Adopt the 2010 California Building, Residential, Plumbing, Mechanical, Electrical Codes, California Existing Building Code, California Historical Building Code, California Green Building Standards Code and 2009 International Existing Building Code with Certain Exceptions, Modifications and Additions” and Ordinance No. 28839, entitled: “An Ordinance of the City of San José Amending Chapter 17.12 of the San José Municipal Code to Adopt the 2010 California Fire Code with Local Amendments Relating to Fire Flow, Sprinkler and Fire Alarm Systems and Standards, Access Control Devices, Breathing Air Replenishment and Public Radio Coverage, Large Battery Charging Systems and Continuous Gas Detection Systems and To Maintain Existing of Fire Protection and Regulatory Authority”, were passed for publication. (11-0.)

4.4 **As recommended by the Transportation and Environment Committee on October 4, 2010, accept the Staff Report on Environmental Mitigation Monitoring or Reporting Program (MMRP). CEQA: Not a Project, File No. PP10-069(a), Staff Reports and Assessments. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from City Clerk Lee Price, MMC, dated October 13, 2010, transmitting the recommendations of the Transportation and Environment Committee. (2) Two letters from the public both dated October 25, 2010, pertaining to the Mitigation Monitoring or Reporting Program.

Mayor Reed provided meeting disclosures.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, the Report on Environmental Mitigation Monitoring or Reporting Program was accepted. (11-0.)

- 4.5 (a) **Approve an ordinance amending Chapter 6.60 of the San José Municipal Code to amend the definition of public entertainment to limit the application of the ordinance to venues with occupancy greater than 100, limit the discretion of the Chief of Police in approving applications for permits and licenses and in setting conditions on permits and licenses, more clearly outline the application process for permits and licenses, specify time lines by when an application for a permit or license must be acted upon, adjust requirements for security, extend the term of permits, create a renewal process for permits and licenses, provide for managers to move between public entertainment venues without being required to re-apply for a new license, and clarify various provisions to ensure consistency throughout the Code.**
- (b) **Adopt a resolution to amend the 2010-2011 Schedule of Fees and Charges (Resolution No. 72737, as amended), to:**
- (1) **Change the Public Entertainment Business Permit Fee from \$1,145 per 2 years to \$1,321 per 4 years;**
 - (2) **Add a Public Entertainment Business Permit Renewal Fee and establish the fee at \$744 per 4 years;**
 - (3) **Change the Public Entertainment Ownership License Fee from \$1,145 per 2 years to \$674 per 4 years;**
 - (4) **Add a Public Entertainment Ownership License Renewal Fee and establish the fee at \$374 per 4 years;**
 - (5) **Change the Public Entertainment Management License Fee from \$1,145 per 2 years to \$674 per 2 years;**
 - (6) **Add a Public Entertainment Management License Renewal Fee and establish the fee at \$374 per 2 years;**
 - (7) **Add a Public Entertainment Management License Change of Venue Fee for Managers only and establish the fee at \$162 per venue change.**
 - (8) **Add a Public Entertainment Identification Card Fee and establish the fee at \$48 per 2 years.**

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (OED/ City Manager's Office)

Documents Filed: Memorandum from Chief Development Officer Paul Krutko and Budget Director Jennifer Maguire, dated September 27, 2010, recommending approval of ordinance and adoption of a resolution.

Downtown Coordinator Leeland Wilcox responded to Council questions.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28840, entitled: "An Ordinance of the City of San José Repealing Section 6.02.160 of Chapter 6.02 and Amending Various Sections and Adding Sections to Chapter 6.60 of Title 6 of the San Jose Municipal Code to Limit the Application of the Public Entertainment Permit Ordinance to Venues with Occupancy Greater than One Hundred, Limit the Discretion of the Chief of Police in Approving Applications for Permits and Licenses and In Setting Conditions On Permits

4.5 (Cont'd.)

and Licenses, Specify Time Lines by When an Application for a Permit or License Must Be Acted Upon, Adjust Security Requirements, Extend the Term of Public Entertainment Permits, Create a Renewal Process for Permits and Licenses, Provide for Managers To Move Between Venues, Clarify the Application Process for Permits and Licenses and Clarify Provisions to Ensure Consistency Throughout the Code”, was passed for publication and Resolution No. 75610, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72737 As Previously Amended by Resolutions Numbers 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509 and 75600 to Revise and Establish Various Fees Related to the Public Entertainment Ownership/Management License Ordinance, To Be Effective December 10, 2010”, was adopted. (11-0.)

NEIGHBORHOOD SERVICES

5.1 Adopt a resolution that:

- (a) **Authorizes the City Manager, or designee, to submit a grant application in the amount of \$1,500,000 to the Metropolitan Transportation Commission (MTC) under the Community Design and Transportation (CDT) Capital Grant program for the Hetch Hetchy Trail Ramp/Staircase Project (Project).**
- (b) **Certifies that the City will have available, prior to commencement of any work on the Project included in the application, the required local match of \$645,000 and any additional sufficient funds to complete the Project;**
- (c) **Certifies that the City has or will have sufficient funds to operate and maintain the Project.**
- (d) **Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines for the Project.**
- (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, and payment requests, 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 October 4, 2010, recommending adoption of a resolution.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, Resolution No. 75611, 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 Metropolitan Transportation Commission Under the Community Design and Transportation Capital Grant Program for a Grant for the Hetch Hetchy Trail Ramp/Staircase Project, In An Amount Not To Exceed \$1,500,000, To Accept the Grant if Awarded and To Execute All Related Documents”, was adopted. (11-0.)

- 5.2 (a) **Adopt a resolution that:**
- (1) **Authorizes the City Manager to negotiate and execute a joint use agreement with Alum Rock Union Elementary School District (“District”) for a 25 year term from project acceptance for the design, construction, operation, maintenance, joint use and funding of an artificial turf soccer field, a synthetic running track and support amenities (“Project”) on William L. Sheppard Middle School property in an amount not to exceed \$1,500,000.**
 - (2) **Authorizes the City Manager to execute an amendment to the Agreement, subject to the completion of CEQA review by the District, to include lights to illuminate the soccer field as a part of the Project and to increase the City’s contribution to the Project by \$500,000 for a total of \$2,000,000.**
 - (3) **Authorizes the City Manager to terminate the Agreement on behalf of the City for any reason deemed prudent by the City Manager, including without limitation if the Project does not include lights to illuminate the soccer field.**
- (b) **Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund, Parks Purposes Council District 5 (Fund 382):**
- (1) **Increase the Alum Rock School District Sports Field Partnership (Sheppard Middle School) project by \$500,000.**
 - (2) **Decrease the Ending Fund Balance by \$500,000.**

CEQA: File No. PP10-175, Categorical Exemption, CEQA Guidelines Section 15314. Council District 5. SNI: Alum Rock. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

Documents Filed: (1) Memorandum from Council Member Campos, dated October 25, 2010, recommending approval of the Staff recommendations as outlined in the October 8, 2010 memorandum. (2) Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso and Budget Director Jennifer Maguire, dated October 8, 2010, recommending adoption of a resolution and appropriation ordinance amendments.

Council Member Campos provided comments.

Motion: Council Member Campos moved approval of the Staff recommendations as outlined. Council Member Pyle seconded the motion.

Public Comments: Jose L. Manzo, Alum Rock Union Elementary School District, spoke in support to the Staff recommendations.

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

5.2 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Resolution No. 75612 and Ordinance No. 28841, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 To Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District No. 5 Fund for the Alum Rock School District Sports Field Partnership (Sheppard Middle School) Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 **Approve the San José Municipal Water System’s Water Supply Assessment for Envision San José 2040 General Plan Update. CEQA: Statutorily Exempt, File No. PP10-066 (d), Planning and Feasibility Studies; CEQA Guidelines Section 15262. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated October 5, 2010, transmitting and recommending approval of the report.

Director of Environmental Services John Stufflebean presented the report.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, the San José Municipal Water System’s Water Supply Assessment for Envision San José 2040 General Plan Update was approved. (10-0-1. Absent: Campos.)

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 5:46 p.m.

RECESS/RECONVENE

The City Council recessed at 5:46 p.m. from the afternoon Council Session and reconvened at 7:02 p.m. in the Council Chambers, City Hall.

Present: Council Members - Chirco, Campos, Chu, Constant, Nguyen, Kalra, Liccardo (7:41 p.m.), Nguyen, Oliverio (7:10 p.m.), Pyle; Reed.

Absent: Council Members - All Present.

City Clerk Lee Price read the requests for continuance of the applications. Upon motion by Council Member Pyle, seconded by Council Member Herrera, and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

CEREMONIAL ITEMS

1.2 Presentation of a commendation recognizing Lynbrook High School Student Cynthia Day for placing silver in the Ninth Annual China Girls Mathematical Olympiad. (Constant)

Action: Mayor Reed and Council Member Constant recognized and commended Lynbrook High School student Cynthia Day.

1.6 Presentation of a commendation to the Dr. Martin Luther King, Jr. Association of Santa Clara Valley Board for their continued efforts to honor Dr. King's memory by furthering his legacy of non-violent social and political activism. (Chu) (Rules Committee referral 10/20/10)

Action: Mayor Reed and Council Members Chu and Pyle recognized and commended the Dr. Martin Luther King, Jr. Association of Santa Clara Valley Board.

NEIGHBORHOOD SERVICES

5.3 As recommended by the Neighborhood Services and Education Committee on September 21, 2010, accept the Neighborhoods Commission Pilot 2009-2010 Annual Report and approve the Neighborhoods Commission Pilot Work Plan 2010-2011. CEQA: Not a Project, File No. PP10-069(a), Staff Reports and Assessments. (City Manager's Office)

Documents Filed: Memorandum from City Clerk Lee Price, dated October 13, 2010, transmitting the recommendations of the Neighborhood Services and Education Committee.

Deputy City Manager Norberto Dueñas provided the report.

5.3 (Cont'd.)

Public Comments: Speaking in support to the Staff recommendations were the following members of the Neighborhoods Association, Beth Shafran-Mukai, Mauricio Astacio, David Biagini and Matt Wahlin.

Motion: Vice Mayor Chirco moved approval of the Staff recommendations. Council Member Campos seconded the motion.

Council Member Herrera disclosed that Matt Wahlin is her husband.

Action: On a call for the question, the motion carried unanimously, the Neighborhoods Commission Pilot 2009-2010 Annual Report and the Neighborhoods Commission Pilot Work Plan 2010-2011, were accepted. (10-0-1. Absent: Liccardo.)

PUBLIC HEARINGS

- 11.2 Consideration of an ordinance rezoning the real property located at/on the west side of N. Third Street, 340 feet south of Hensley Street (405 N Third Street) in the Hensley Historic District from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to six residential units within the existing structure(s) on a 0.17 gross acre site (Layne Sharon J, Owner; Bill Priest, Developer). SNI: 13th Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval of 4 units only (5-2-0, Do and Jensen opposed).**

PDC08-033 – District 3

(Continued from 4/27/10 – Item 11.2, et al and 9/21/10 – Item 11.2)

Action: Deferred to December 07, 2010 per Orders of the Day.

- 11.5 Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to approve a Conditional Use Permit to demolish existing gas station buildings, construct a new 3,200 square foot pump canopy and 2,400 square foot retail building with 24-hour use, but without the off-sale of alcohol on a 1.28 gross acre site in the CP Commercial Pedestrian Zoning District, located at 4610 Pearl Avenue (Aujla Gurvinder, Owner). CEQA: Exempt. The Director of Planning, Building and Code Enforcement recommends the City Council approve the subject Conditional Use Permit to allow the demolition of an existing gas station and construction of a new gas station facility with a 2,400 square foot retail building, without 24-hour operation and without the off-sale of alcohol.**

CP09-042 – District 9

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 5, 2010, transmitting the recommendation of the Planning Commission to approve the Conditional Use Permit and deny the liquor license. (2) Proof of Publications of Notices of Public Hearings, executed on September 10, 2010 and October 8, 2010, submitted by the City Clerk.

11.5 (Cont'd.)

Motion: Vice Mayor Chirco moved approval of the Planning Commission recommendation to approve the Conditional Use Permit and deny the liquor license. Council Member Herrera seconded the motion.

Mayor Reed opened the administrative hearing.

Fred Stern, Architect, representing the Applicant, spoke to the merits of the project and stated he will accept the Planning Commission's recommendation and withdrew the appeal.

City Attorney Richard Doyle responded to Council questions.

Boon Tan, Appellant, owner of a 7-Eleven convenience store, voiced his objection to having another liquor store in the neighborhood.

Public Comments: Pritam Grewal, Liquor Store Owner, spoke in opposition indicating that this was a small residential area and it already has two licensed liquor establishments.

Mayor Reed closed the public hearing.

Action: On a call for the question, the motion carried unanimously, the appeal was denied and Resolution No. 75613 was adopted, approving the Conditional Use Permit, without 24-hour operation and off-sale of alcohol. (11-0.)

- 11.4 Adopt a resolution initiating proceedings and setting December 7, 2010 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Cambrian No. 36 which involves the annexation to the City of San José of approximately 103 gross acres of land generally bounded by Central Park Drive to the north, State Highway 17 to the west, Camden Avenue to the south and Union Avenue to the east, and the detachment of the same from the appropriate special districts, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service and maintain the area within the Central Fire District with the Santa Clara County Fire Department providing first response as currently occurs. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council. Council District 9. (Planning, Building and Code Enforcement)**
(Continued from 10/5/10 – Item 11.4)

11.4 (Cont'd.)

Documents Filed: (1) Memorandum from Vice Mayor Chirco, dated October 22, 2010, recommending approval of the Staff recommendation. (2) Memorandum from Council Member Constant, dated October 25, 2010, recommending approval of Staff Alternative #2, to defer annexation for one year and return with a proposed split of the pocket with Campbell, and additional direction to Staff. (3) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated September 22, 2010, recommending adoption of a resolution initiating proceedings and setting a public hearing. (4) Supplemental memorandum from Director Horwedel, dated October 19, 2010, transmitting the Study of Fiscal Impacts of Proposed Cambrian No. 36 Unincorporated Island Annexation, which analyzes the expected revenue and expenses resulting from the annexation. (5) Proof of Publications of Notices of Public Hearings, executed on September 17, 2010 and October 5, 2010, submitted by the City Clerk. (6) One hundred forty four letters from members of the public all dated October 26, 2010 expressing opposition to the annexation of Cambrian No. 36.

Deputy Director of Planning, Building and Code Enforcement Laurel Prevetti provided the Report.

Mayor Reed opened the public hearing on Items 11.3 and 11.4.

Public Comment: The following speakers spoke in opposition to being annexed into the City of San José, urged the Council to defer annexation of Cambrian No. 36 and to pursue Alternative #3: Tom Davis, Jim Aspinwall, Lisa Cvitanich, Cheryl Hibner, Chris Heckart, Brenda Friederich, Steve Doss, Patrick King, David Strauss, Lynne Dehart, Lisa Harmer, Jane Harmer, Aaron Correll, Gunita Savena, Dana Doss, Mike Krisman, Geoff Harmer, Randy White, Jeff Patton, Tom Hibner, Doug Billington, Doug Lammle, Joanne Saucedo, Gabe McMahon, Jon Cvitanich, Thomas Keller, Edith Gallart, Kathy Aspinwall, Graciela Hahn, Ken Prochazka, Barry Bracco, Chris Whitaker, Don Whitney and Carrie Whitaker.

Mayor Reed closed the public hearing.

Deputy Director of Planning, Building and Code Enforcement Laurel Prevetti and City Attorney Richard Doyle responded to Council questions and concerns.

Extensive Council discussion followed.

Motion: Vice Mayor Chirco moved approval of the Staff recommendations. Council Member Liccardo seconded the motion.

Council Member Constant expressed opposition to the motion on the floor.

Substitute Motion: Council Member Constant moved approval of his memorandum dated October 25, 2010, to approve Alternative #2, to defer annexation for one year and return with a proposed split of the pocket with Campbell, including additional direction. Council Member Kalra seconded the motion.

11.4 (Cont'd.)

Council Member Kalra requested to amend the motion to direct Staff to also explore Alternative #3. The amendment was accepted by Council Member Constant.

Council Member Campos expressed support to the substitute motion and provided meeting disclosures.

On a call for the question, the substitute motion failed. (3-7-1. Noes: Chirco, Herrera, Liccardo, Nguyen, Oliverio, Pyle; Reed. Absent: Chu.)

Action: On a call for the question, the original motion carried, the recommendation of the Planning Director was approved, and Resolution No. 75614, entitled: "A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Inhabited Territory Designated as Cambrian No. 36, Described More Particularly Herein, and Setting the Date, Time and Place for Consideration of Such Reorganization", was adopted. (7-3-1. Noes: Campos, Constant, Kalra. Absent: Chu.)

11.3 (a) **Consideration of and vote on a Majority Protest to Rezoning C10-010 filed pursuant to Part 5 of Chapter 20.120 of the City's Zoning Code to protest a rezoning to the R-1-5 Single-Family Residence Zoning District as to approximately 94.5 acres and CN Commercial Neighborhood Zoning District as to approximately 8.5 acres for an approximately 103 gross acre County pocket.**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C10-010, dated August 18, 2010. (2) Memorandum from Planning Commission Secretary Joe Horwedel, dated September 13, 2010, transmitting the recommendation of the Planning Commission. (3) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 19, 2010, responding to the issues raised by the protestants and describing the implications of the protests on the procedure for the Council's consideration of the proposed rezoning. (4) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 22, 2010, transmitting an updated Zoning Protest Map that reflects the recently received Zoning Protest Applications. (5) Proof of Publication of Notice of Public Hearing, executed on August 13, 2010, submitted by the City Clerk.

Motion: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, the motion to consider overriding the protest, was approved. (10-0-1. Absent: Chu.)

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Liccardo and carried unanimously, the protest was denied. (10-0-1. Absent: Chu.)

- 11.3 (b) Consider an ordinance rezoning the real property generally bounded by Central Park Way, Union Avenue, and Camden Avenue from County of Santa Clara to R-1-5 Single Family Residence Zoning District as to approximately 94.75 acres and CN Commercial Neighborhood Zoning District as to approximately 8.24 acres for an approximately 103 gross acre unincorporated County of Santa Clara pocket consisting of approximately 330 parcels (Owners: Multiple). CEQA: San José 2020 General Plan EIR, Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (5-0-1-1).
C10-010 – District 9

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28842, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Generally Bounded by Central Park Drive to the North, State Highway 17 to the West, Camden Avenue to the South and Union Avenue on the East from County of Santa Clara to R-1-5 Single Family Residence Zoning District and Rezoning Certain Real Property on the Northerly Side of Camden Avenue, Between Curtner Avenue and Olympia Avenue and on the Northwesterly Corner of Union Avenue and South Bascom Avenue from County of Santa Clara to CN Commercial Neighborhood Zoning District”, was passed for publication. (10-0-1. Absent: Chu.)

ADJOURNMENT

The Council of the City of San José was adjourned at 10:03 p.m. in memory of Diane Perovich, a longtime San José resident and beloved member of the Almaden community. (Pyle)

JOINT COUNCIL/REDEVELOPMENT AGENCY BOARD ITEMS

The Redevelopment Agency Board convened at 4:54 p.m. to consider Items 8.1, 8.2 and 8.3 in a Joint Session.

8.1 City Council and Redevelopment Agency Board consideration and approval of the Mayor's Redevelopment Agency FY 2010-11 Budget Message. (Mayor)

Documents Filed: (1) The Mayor's Budget Message Fiscal Year 2010-2011 Redevelopment Agency Capital and Operating Budget, from Mayor Reed, dated October 15, 2010. (2) **FISCAL YEAR 2010-2011 BUDGET DOCUMENTS:** [1] Memorandum from Mayor's Policy Office Director Armando Gomez, dated September 1, 2010, providing information for the Redevelopment Agency Budget Process for FY 2010-2011 and the Budget Document Template. [2] Memorandum from Council Member Campos, dated October 5, 2010, recommending funding the Merged Redevelopment Area. [3] Memorandum from Council Member Campos, dated October 5, 2010, recommending funding ACE Charter School. [4] Memorandum from Council Member Oliverio, dated October 6, 2010, recommending 100% of Redevelopment Agency funds for Economic Development. [5] Memorandum from Council Member Liccardo, dated October 6, 2010, recommending direction to the City Manager to examine and prepare for Council a recommendation that appropriately incorporates existing Redevelopment Agency "back-of-house" functions within the purview of the City. [6] Memorandum from Vice Mayor Chirco, dated October 6, 2010, recommending direction to the City Manager and Executive Director to evaluate integration of the Redevelopment Agency's back office functions into the City organization and to direct the City Auditor to complete an audit of the Agency's organizational structure. [7] Memorandum from Council Member Chu, dated October 6, 2010, recommending direction to the Redevelopment Agency staff to contact all parties to Agency contracts and attempt to renegotiate those contracts. [8] Memorandum from Council Member Herrera, dated October 6, 2010, recommending funding the Merged Redevelopment Area. (Same as BD 2) [9] Memorandum from Council Member Constant, dated October 6, 2010, recommending direction to the Executive Director and the City Manager to evaluate the potential savings of moving the City's Housing Department and the Office of Economic Development into the Redevelopment Agency. [10] Memorandum from Council Member Herrera, dated October 6, 2010, recommending funding the Façade Improvement Program.

Mayor Reed added two modifications to the Mayor's Budget Message Fiscal Year 2010-2011 Redevelopment Agency Capital and Operating Budget: to direct Staff to allocate \$50,000 for neighborhood business and marketing and to direct the City Manager and Executive Director to further analyze Budget Documents 5 and 6.

Council Member Constant expressed concern about not funding the signage grant program.

City Manager Debra Figone and Redevelopment Agency Executive Director Harry S. Mavrogenes responded to Council questions and concerns.

8.1 (Cont'd.)

Motion: Council Member Campos moved approval of the Mayor's Budget Message, including Mayor Reed's two amendments. Council Member Nguyen seconded the motion.

Council Member Liccardo expressed concern about moving the Office of Economic Development and Housing Department into the Redevelopment Agency.

Amendment to the Motion: Council Member Campos requested to amend her motion to not move the Office of Economic Development and Housing Department into the Redevelopment Agency, remove Budget Document 9. Council Member Nguyen accepted the amendment.

Public Comments: Pat Sausedo (San José Silicon Valley Chamber of Commerce), Corazon Tomalinas and Greg Lippman spoke in support to the Staff recommendations.

Action: On a call for the question, the motion carried, Approved, as amended. (1) Staff directed to allocate \$50,000 for neighborhood business and marketing. (2) City Manager and Executive Director directed to further analyze Budget Documents 5 and 6 (RDA Organizational Assessment and Council/RDA Administration Consolidation). (7-4. Noes: Constant, Herrera, Oliverio; Reed.)

8.2 **Approval by the Redevelopment Agency Board of the revised FY 2010-11 Capital and Operating Budgets and the Three-Year Spending Plan ending FY 2012-13 for the Redevelopment Agency of the City of San Jose. [MERGED]**

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated October 22, 2010, recommending approval of the revised FY 2010-11 Capital and Operating Budgets and the Three-Year Spending Plan ending FY 2012-13 for the Redevelopment Agency.

Council Members Constant and Liccardo expressed concerns about the projections and allocation of resources in the Redevelopment Agency.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried, the revised FY 2010-11 Capital and Operating Budgets and the Three-Year Spending Plan ending FY 2012-13 for the Redevelopment Agency were approved. (9-2. Noes: Constant, Liccardo.)

8.3 (a) **Adopt a resolution by the Redevelopment Agency Board:**

- (1) **Authorizing the execution and delivery of a Second Amendment to Reimbursement Agreements in substantially final form with JP Morgan Chase Bank, NA, to extend the terms of letters of credit relating to the Agency's Merged Area Redevelopment Project Taxable Revenue Bonds, 2003 Series A and Merged Area Redevelopment Project Revenue Bonds, 2003 Series B and the Agency's Merged Area**

- 8.3 (a) (1) **Redevelopment Project Revenue Bonds, 1996 Series A & B; requiring a liquidity reserve fund of \$5,000,000 for the 1996 and/or 2003 Bonds, and imposing certain other restrictions on the issuance of new debt obligations;**
- (2) **Authorizing the execution and delivery of a Letter Agreement regarding fees and charges for the various Letters of Credit in substantially final form provided by JP Morgan under the Reimbursement Agreements for the 1996 Bonds and the 2003 bonds in the amount of 1.95% to 2.55% of the aggregate outstanding amounts of the Letters of Credit, depending on the Agency's underlying ratings;**
- (3) **Authorizing the Executive Director and his designee to negotiate and execute a new Custodian Agreement with US Bank that will facilitate the administration of future debt service; and,**
- (4) **Authorizing the Executive Director or his designee to take any actions and execute any and all documents necessary to complete this transaction, including but not limited to the opening of a bank account with JPMorgan Chase Bank.**
- (b) **Adoption of a resolution by the Redevelopment Agency Board approving an adjustment to the FY 2010-11 Adopted Capital Budget Financing/Non-Project Costs to add a \$5,000,000 liquidity reserve to be held by the Bank in the event of a draw on the 1996 or 2003 Bonds Series A and B Letters of Credit and amending the FY 2010-11 Agency appropriations resolution, as detailed in the Mayor's Budget Message dated October 15, 2010.**

CEQA: Not a Project. [MERGED]

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated October 21, 2010, recommending adoption of resolutions.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Herrera and carried unanimously, Redevelopment Agency Resolution No. 5957, entitled: "A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Authorizing the Execution and Delivery of a Second Amendment to Reimbursement Agreements Relating to the Agency's Merged Area Redevelopment Project Taxable Revenue Bonds, 2003 Series A (Subordinate Tax Allocation) and 2003 Series B (Subordinate Tax Allocation) and Merged Area Redevelopment Project Revenue Bonds, 1996 Series A (Subordinate Tax Allocation) and 1996 Series B (Subordinate Tax Allocation); Authorizing the Execution and Delivery of a Fee Letter Relating Thereto; Authorizing the Opening of a Bank Account with JP Morgan Chase Bank, National Association; and Approving Related Documents, Certificates and Actions" and Redevelopment Agency Resolution No. 5958, 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 and the FY 2010-2011 Agency Appropriations Resolution To Provide for a Liquidity Reserve Fund Available to the JP Morgan Chase Bank, NA, in the Event of a Draw on the 1996 Bonds Series A and B Letters of Credit and To Provide for Reduction to the Letter of Credit Fees", were adopted. (11-0.)