

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, APRIL 12, 2011

The Council of the City of San José convened in Regular Session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Kalra, Nguyen, Pyle, Rocha; Reed.

Absent: Council Members - Herrera, Liccardo, Oliverio. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 (a) Accept Labor Negotiations Update.

Documents Filed: Labor Relations Update for the Week of April 4, 2011.

Director of Employee Relations Alex Gurza provided a brief Update on Labor Negotiations.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:03 a.m. to a Closed Session in Room W133 (A) Conference regarding Potential Threat to Public Services or Facilities Pursuant to Government Code Section 54957(a): Consultation with Chief of Police. (B) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to anticipated litigation in one (1) matter. (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation: In re: McCourtie; Amount of Money or Other Relief Sought: Administrative Appeal. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of

CLOSED SESSION (Cont'd.)

Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) 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. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:50 p.m. and reconvened to Regular Session at 1:29 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo (1:37 p.m.), Nguyen, Oliverio (1:46 p.m.), Pyle, Rocha; Reed.

Absent: Council Members - All Present.

INVOCATION

Sierramont Middle School Choir presented the Invocation. (District 4)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance, accompanied by the Sierramont Middle School Choir and Boy Scout Troop 290.

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. (9-0-2. Absent: Liccardo, Oliverio.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring the month of April 2011 as “Arthritis Awareness Month” in the City of San José. (Kalra/Campos)

Action: Mayor Reed and Council Members Kalra and Campos recognized the month of April 2011 as “Arthritis Awareness Month” in San José.

1.2 Presentation of a commendation to Lavante Corporation in recognition of their commitment and contributions to the City of San José and the Silicon Valley. (Kalra)

Action: Mayor Reed and Council Member Kalra recognized and commended Lavante Corporation.

1.3 Presentation of a proclamation declaring the week of April 10-18, 2011 as “National Dispatcher Week” in the City of San José. (Mayor)

Action: Mayor Reed recognized the week of April 10 through April 18, 2011 as “National Dispatcher Week” in San José.

1.4 Presentation of a proclamation declaring the month of April 2011 as “Month of the Young Child” in the City of San José. (Pyle)

Action: Mayor Reed and Council Member Pyle recognized the month of April 2011 as the “Month of the Young Child” in San José.

1.5 Presentation of a commendation to Hands Across America in recognition of their effort to raise awareness about the importance and accessibility of California Community Colleges locally and throughout the state. (Kalra)

Action: Mayor Reed and Council Member Kalra recognized and commended “Hands Across America”.

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.

- (a) **ORD. NO. 28903 – Amending Section 7.40.040 of Chapter 7.40 of Title 7 of the San José Municipal Code to require that dogs on city trails be maintained on a leash not to exceed six feet; and that any dogs on trails with a marked centerline be maintained to the right of the centerline**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28903 executed on April 5, 2011, submitted by the City Clerk.

Action: Ordinance No. 28903 was adopted. (11-0.)

2.3 Approval of Council Committee Reports.

- (a) **Rules and Open Government Committee Report of March 23, 2011. (Mayor)**
(c) **Rules and Open Government Committee Report of March 16, 2011. (Mayor)**
(d) **Rules and Open Government Committee Report of March 9, 2011. (Mayor)**

Action: Deferred to April 19, 2011 per City Clerk.

- (b) **Community and Economic Development Committee Report of March 28, 2011. (Herrera)**

Documents Filed: The Community and Economic Development Committee Report dated March 28, 2011.

Public Comments: David Wall voiced his own observations regarding the Council Committee Reports.

Action: The Report of Community and Economic Development Committee was approved. (11-0.)

- 2.4 (a) **Request for an excused absence for Vice Mayor Nguyen from the Regular Meeting of the Rules and Open Government Committee on March 30, 2011 due to illness. (Nguyen)**
(b) **Request for an excused absence for Council Member Pyle from the Closed Session and Regular Meeting of the City Council on April 5, 2011 due to the death of a close family member. (Pyle)**

2.4 (Cont'd.)

Documents Filed: (1) Memorandum from Vice Mayor Nguyen requesting an excused absence due to illness. (2) Memorandum from Council Member Pyle, dated April 1, 2011, requesting an excused absence due to a death of a close family member.

Action: The absences for Vice Mayor Nguyen and Council Member Pyle were excused. (11-0.)

2.5 City Council Travel Reports.

Council Member Constant reported on his trip to attend the League of California Cities Conference in Ontario, California to speak about the League's platform for legislation action this current year and his attendance at the National League of Cities.

2.6 Report from the Council Liaison to the Retirement Boards.

Action: There were none.

- 2.7 (a) **Approve an agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for 2011-2012 at a cost of \$200,000, subject to appropriation of funds.**
- (b) **Approve an agreement with the County of Santa Clara for Countywide AB939 Implementation Fee for 2011-2012.**

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated March 21, 2011, recommending approval of the agreements.

Action: The agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for 2011-2012 at a cost of \$200,000, subject to appropriation of funds and the agreement with the County of Santa Clara for Countywide AB939 Implementation Fee for 2011-2012 were approved. (11-0.)

2.8 Approve an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to address the following:

- (a) **Establish a new residential permit parking (RPP) zone for the Century-Winchester neighborhood.**
- (b) **Expand the Arena - Saint Leo's, South University Neighborhood, College Park and Cahill Park RPP zones.**
- (c) **Authorize the Director of Transportation (Director) to issue more than three residential parking permits to each group residence located in the Horace Mann and South University permit parking areas.**

- 2.8 (d) **Authorize the Director to charge an administrative fee to process cancellation of a parking citation issued for failure to display a valid RPP permit if the individual who received the citation can show proof that he or she had been issued a valid residential parking permit at the time the citation was issued.**
- (e) **Make administrative corrections to Chapter 11.48 as described in this memorandum.**

CEQA: Exempt, File No. PP10-113. Council Districts 1, 3 and 6. SNI: Burbank/Del Monte, Thirteenth Street, University. (Transportation)

Documents Filed: Memorandum from Acting Director of Transportation Hans F. Larsen, dated March 21, 2011, recommending approval of an ordinance.

Council Member Liccardo requested that Staff look at data for procedures, including complaints and public feedback regarding the administrative fees for processing parking citations and report back to Council in June.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28905, entitled: “An Ordinance of the City of San José Amending Various Sections of Chapter 11.48 of Title 11 of the San José Municipal Code Relating to Residential Permit Parking Areas To: (1) Establish the Century-Winchester Permit Parking Area; (2) Expand the Arena-St. Leo’s, South University Neighborhood, College Park and Cahill Park Residential Parking Permit Areas; (3) Authorize the Director of Transportation to Issue More than Three Residential Parking Permits to Each Group Residence in the Horace Mann and South University Permit Parking Areas; (4) Authorize the Director to Charge an Administrative Fee for Permit Parking Citation Dismissal and (5) Make Administrative Corrections”, was passed for publication, with Staff directed to look at data for procedures, including complaints and public feedback regarding the administrative fees for processing parking citations and report back to Council in June. (11-0.)

- 2.9 (a) **Approve the Beautiful Day “Project Restoration” Project as a City Council sponsored Special Event.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project. (City Clerk)
(Rules Committee referral 04/06/11)

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated March 30, 2011, recommending approval of Project Restoration and acceptance of the donations.

Action: The Beautiful Day “Project Restoration” Project as a City Council sponsored Special Event was approved and the acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone announced that Family Camp will be open on schedule this summer.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Establish a Convention Center Facilities District Project Fund in the 2010-2011 Appropriation Ordinance.**
- (b) **Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Convention Center Facilities District Project Fund:**
- (1) **Establish an estimate for Earned Revenue of \$120,000,000.**
 - (2) **Establish an appropriation to the Public Works Department for the Convention Center Expansion and Renovation Project in the amount of \$20,000,000.**
 - (3) **Establish an appropriation to the Office of Economic Development for the Convention Center Expansion and Renovation – Public Art Project in the amount of \$80,000.**
 - (4) **Establish a reserve for the Convention Center Expansion and Renovation Project in the amount of \$99,920,000.**

CEQA: Resolution No. 72767 and Addenda thereto, File No. PP08-002. Council District 3. (Public Works/City Manager’s Office)

Documents Filed: Memorandum from Acting Director of Public Works David Sykes and Budget Director Jennifer Maguire, dated March 24, 2011, recommending establishing a Convention Center Facilities District Project Fund and appropriation ordinance and funding sources resolution amendments.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the Convention Center Facilities District Project Fund in the 2010-2011 Appropriation was established, Ordinance No. 28906, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Convention Facilities District Project Fund for the Convention Center Expansion and Renovation and the Convention Center Expansion and Renovation – Public Art Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 75771, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Convention Center Facilities District Project Fund”, were adopted. (11-0.)

NEIGHBORHOOD SERVICES

- 5.1 (a) Approve an increase of the Happy Hollow Park and Zoo Consolidated Contingency by \$743,000, from \$4,095,450 to a total consolidated contingency amount of \$4,838,450.
- (b) Approve a Contract Change Order (CCO) No. 21 with Anderson Pacific Engineering Construction, Inc. for the Happy Hollow Pedestrian Bridge Rebid Project, increasing the compensation by \$329,199 for a total contract amount of \$4,024,880 and extending the term of the agreement by 140 calendar days for a new contract completion date of April 1, 2011.
- (c) Adopt a resolution delegating Authority to the City Manager to negotiate and execute a continuation agreement with HNTB Corporation extending the term of the agreement for design consultant services for the Happy Hollow Pedestrian Bridge Rebid Project, through December 31, 2011, and increasing the amount of compensation by \$120,000 for a total not to exceed \$919,000.
- (d) Adopt a resolution delegating authority to the Director of Public Works to negotiate and execute individual contract change orders up to \$250,000 each for the Happy Hollow Pedestrian Bridge Rebid construction contract with Anderson Pacific Engineering Construction, Inc.

CEQA: Mitigated Negative Declaration, File No. PP05-142, dated April, 2007 and Amended Mitigated Negative Declaration, File No. PP09-023, dated February 6, 2009. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Acting Director of Public Works David Sykes and Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated March 24, 2011, recommending approval of contingency, change order number and adoption of resolutions.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Pyle and carried unanimously, an increase of the Happy Hollow Park and Zoo Consolidated Contingency by \$743,000, from \$4,095,450 to a total consolidated contingency amount of \$4,838,450 and a Contract Change Order No. 21 with Anderson Pacific Engineering Construction, Inc. for the Happy Hollow Pedestrian Bridge Rebid Project, increasing the compensation by \$329,199 for a total contract amount of \$4,024,880 and extending the term of the agreement by 140 calendar days for a new contract completion date of April 1, 2011 were approved; Resolution No. 75772, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Continuation Agreement with HNTB Corporation for Design Consultant Services for the Happy Hollow Pedestrian Bridge Rebid Project" and Resolution No. 75773, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute Individual Change Orders in Excess of \$100,000, Up to An Amount Not To Exceed \$250,000, For the Happy Hollow Park & Zoo Pedestrian Bridge Rebid Project", were adopted. (10-0-1. Absent: Constant.)

STRATEGIC SUPPORT SERVICES

- 3.3 (a) Adopt a resolution to initiate amendments to Title 20 of the San José Municipal Code (the Zoning Code) to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a Zoning Verification Certificate process, to forward these proposed Title 20 amendments to the Planning Commission for its report and recommendation, and to set a public hearing date on these proposed amendments to Title 20 before the City Council.**

Deputy City Manager Deanna J. Santana and Deputy Director of Planning, Building and Code Enforcement Laurel Prevetti presented the report on the Medical Marijuana Ordinances.

Public Comments: Commenting for and against on the issues related to establishing land use regulations pertaining to Medical Marijuana Collectives and to establish a Zoning Verification Certificate process were: Former Senator John Vasconcellos, Stephen R. Oliver, Joe Carroll, Michael Gammino, ASA, Richard Serina, Robert Shantz, Elixir, Matt Lucero, Buddy's Cannabis, Sade Kine, Douglas Chloupek, Medmar Healing Center, Jenny Rutherford, Americans for Safe Access, Dan Rush, Carlos Plazola, Laura Blair, Stephen Hazel, David Thompson, Cannabis Healing Association, Tony Alexander, Nicole Bock and Gregory Bock, Cal-Med Wellness, Jerry Strangis, Dolores Schilpp, Michael Hovland, Tess Crescini, Medex Collective and Deliveries, Mel Assagai, Steve DeAngelo, Harborside Collective, Paul Stewart, Liana Held and Jerome D. Handley, Law Office of Jerome D. Handley, Louanna Reyes Touader, James Prieto, Golden State Care Collective, Lauren Vazquez, Silicon Valley ASA, Dave Hodges, A2C2, Helen Giascon, Margaret Bennett, Emerald Crossings, Gary Salvadore, Aisha Alexander, Reyna C. Burns, Jack Knoop, Rigoberto Zunigy, Matt Sena, Pat Knoop, Scot Candell, Daniel Ayala, Albert Cottrell, Sanative Sanctuary, Gabrielle Antolovich, Urban Coalition/Voices Unlimited, Christopher M. Montiel, James Anthony, Steve Lui, Jose Abrego, Keith Ligons and O. Ray.

First Motion: Council Member Herrera moved approval of the Staff recommendations contained in Item 3.3(a) only and the memorandum from Mayor Reed, dated April 11, 2011. Council Member Liccardo seconded the motion.

Council Member Oliverio outlined the memorandum he cosigned with Council Member Rocha.

Substitute Motion: Council Member Oliverio moved approval of the memorandum he cosigned with Council Member Rocha. Council Member Rocha seconded the motion.

Mayor Reed expressed opposition to the substitute motion.

Council Member Liccardo moved approval to bifurcate the recommendations of Item 3.3 into five separate motions. Council Member Herrera seconded the motion.

3.3 (Cont'd.)

On a call for the question, the substitute motion failed. (7-4. Noes: Chu, Kalra, Oliverio, Rocha.)

Extensive discussion ensued on the original (first) motion.

Vice Mayor Nguyen requested to amend the motion to include Light Industrial. Council Member Herrera declined to accept the amendment.

Council Members Chu, Kalra, Campos, Rocha and Oliverio expressed opposition to the motion on the floor.

On a call for the question, the original (first) motion failed. (5-6. Noes: Campos, Chu, Kalra, Nguyen, Oliverio, Rocha.)

Second Motion: Vice Mayor Nguyen moved approval of her memorandum dated April 15, 2011, with direction to Staff; the memorandum from Mayor Reed, dated April 11, 2011 and to include Light Industrial in the zoning district. Council Member Pyle seconded the motion.

Council Member Kalra requested to amend the motion to include Light Industrial as part of the zoning district, with the discretion of the Director of Planning. The amendment was accepted by Vice Mayor Nguyen and Council Member Pyle.

Action: On a call for the question, the second motion carried, Resolution No. 75774, entitled: "A Resolution of the Council of the City of San José Initiating, Pursuant to Section 20.120.010 of Chapter 20.120 of Title 20 of the San José Municipal Code, Proceedings to Consider an Ordinance of the City of San José Amending Title 1 of the San José Municipal Code by Amending Section 1.13.050 of Chapter 1.13 to Exempt a Lawful Medical Marijuana Collective From the Definition of a Public Nuisance and Amending Title 20 of the San José Municipal Code by Amending Section 20.10.040 of Chapter 20.10, Amending Section 20.40.100 of Chapter 20.40; Amending Section 20.50.100 of Chapter 20.50, Amending Section 20.70.100 of Chapter 20.70, Adding a New Part 9.5 to Chapter 20.80, Adding a New Part 13 to Chapter 20.100 and Amending Section 20.100.200 of Chapter 20.100, All to Establish Land Use Regulations Pertaining to Medical Marijuana Collectives and To Establish a Related Zoning Verification Certificate Process", was adopted; (1) The memorandum from Mayor Reed, dated April 11, 2011, was approved: (a) Limit the location of Medical Marijuana collectives to parcels zoned Commercial General, Downtown Primary Commercial and Combined Industrial Commercial. (b) Comply with AB2650 distance requirements for schools and require the same distance requirements as are currently required for liquor stores and for all other sensitive uses. (2) Light Industrial included as part of the zoning district, with the discretion of the Director of Planning. (3) Conditional Use Permit (CUP) was not included. (7-4. Noes: Campos, Chu, Constant; Reed.)

Council Member Pyle left the meeting at 5:58 p.m.

- 3.3 (b) Approve an ordinance of the City of San José amending Title 6, Business Licenses and Regulations, of the San José Municipal Code to add Parts 1, 2 and 3 of a new Chapter 6.88 to establish a registration process pertaining to Medical Marijuana Collectives.**

Council Member Herrera moved approval on Item 3.3(b) with further direction. Council Member Liccardo seconded the motion. On a call for the question, the motion failed. (3-6-2. Noes: Campos, Chu, Kalra, Nguyen, Oliverio, Rocha. Absent: Constant, Pyle.)

Item 3.3(b) was not approved.

- (c) Approve an ordinance of the City of San José amending Title 6, Business Licenses and Regulations, of the San José Municipal Code to add Parts 4 through 9 of a new Chapter 6.88 to establish regulations pertaining to Medical Marijuana Collectives and to the individual cultivation and use of medical marijuana.**
- (d) Direct staff to issue a Manager’s Budget Addendum (MBA) to establish an appropriate FY 2011-2012 staffing plan, amendments to the Schedule of Fees and Charges to include an Annual Operating Fee, amendments to the Schedule of Fines, to be considered as part of the Mayor’s June Budget Message.**
- (e) Adopt a resolution to amend the Adopted 2010-2011 Schedule of Fees and Charges Resolution (Resolution 72737, as amended) to add a Medical Marijuana Collective Application Processing Fee at \$4,975 per Collective and to add a Medical Marijuana Investigation Hourly Fee at \$167 per hour.
(City Manager’s Office/Planning, Building and Code Enforcement/Police)**

Action: Upon motion by Council Member Herrera, seconded by Council Member Liccardo and carried unanimously, Item 3.3 was continued to April 19, 2011. (10-0-1. Absent: Pyle.)

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10022	E. Corner of Berryessa and Jackson Avenue	4	Pulte Home Corporation	41/137	SFA	Approve

ADJOURNMENT

The Council of the City of San José was adjourned at 6:31 p.m. in memory of Douglas Adams McNea, a soft-spoken yet tenacious citizen advocate whose work on behalf of San José's taxpayers and property owners will be gratefully remembered. (Constant)

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis D. Hawkins, CMC
City Clerk

smd/04-12-11 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 COUNCIL/REDEVELOPMENT AGENCY ITEM

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

- 8.1 City Council and Agency Board approval of a Settlement Agreement and Release with the Almaden Recreation Club (ARC), considered by the Agency Board and City Council during the Closed Session held on March 8, 2011, in which ARC will remove Agency-owned properties at 5647 Gallup Drive and 1171 Mesa Drive from the ARC Homeowners Association's boundaries and the lien of the Covenants, Conditions & Restrictions in exchange for a payment of \$50,000 by the Redevelopment Agency. [SNI-HOFFMAN/VIA MONTE]**

Documents Filed: Memorandum from General Counsel Richard Doyle, April 6, 2011, recommending approval of a settlement agreement and release with the Almaden Recreation Club.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Nguyen and carried unanimously, a Settlement Agreement and Release with the Almaden Recreation Club, considered by the Agency Board and City Council during the Closed Session held on March 8, 2011, in which ARC will remove Agency-owned properties at 5647 Gallup Drive and 1171 Mesa Drive from the ARC Homeowners Association's boundaries and the lien of the Covenants, Conditions & Restrictions in exchange for a payment of \$50,000 by the Redevelopment Agency, was approved. (10-0-1. Absent: Constant.)

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