

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 9, 2011

The Council of the City of San José convened in Regular Session at 9:02 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - Chu, Herrera, Kalra, Oliverio.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

Employee Relations Manager Gina Donnelly offered the Labor Negotiations Update.

Action: The Update was accepted.

CLOSED SESSION

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

Absent: Council Members - All Present.

Upon motion unanimously adopted, Council recessed at 9:05 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code subsection (a) of Section 54956.9 with respect to existing litigation: (1) California Redevelopment Association, et al. v Matosantos, et al.; Names of Parties Involved: California Redevelopment Association, League of California Cities, John F. Shirley, Ana Matosantos, John Chiang, Patrick O'Connell; Court: Supreme Court, State of California; Case No: S194861; Amount of Money or Other Relief Sought: Writ of Mandate; (2) Sky Chefs, Inc. v. City of San José, et al.; Names of Parties Involved: Sky Chefs, Inc., City of San José; Court: United States District Court, Northern District of California; Case No: C09-03735 RS; Amount of Money or Other Relief Sought: Declaratory and injunctive

CLOSED SESSION (Cont'd.)

relief; (3) Naymark, et al. v. City, et al.; Names of Parties Involved: Janice Naymark, Ronald Naymark, City of San José, San José Police Department, Robert Davis, City of Campbell, Campbell Police Department, David Gullo, Town of Los Gatos, City of Monte Sereno, Los Gatos/Monte Sereno Police Department, Scott Seaman, City of Palo Alto, Lynn Johnson, City of Santa Clara, Santa Clara Police Department, Stephen D. Lodge, State of California, California Highway Patrol, Michael L. Brown, County of Santa Clara, Office of the Santa Clara County Sheriff, Laurie Smith, and Does 1 through 25; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV080008; Amount of Money or Other Relief Sought: injunctive relief; (B) Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: 45 Market Street, San José CA, Market/San Pedro Garage; Negotiating Parties: Jim Ortbal and Laura Wells for the City of San José and David Yamasaki and Cori Barton for Santa Clara County Superior Court; Under Negotiation: The direction will concern price, terms of payment, and earlier termination fee for 50 year parking lease agreement; Likely Range of Value of Property: Negotiated price based on current and future market monthly parking rates; (C) 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 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); 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;

INVOCATION

Pastor Jon Talbert of Westgate Church provided the Invocation. (District 7)

PLEDGE OF ALLEGIANCE

Mayor Reed 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. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Beautiful Day Team for their extraordinary role and dedication to serve San José residents and surrounding communities. (City Council)

Mayor Reed, Vice Mayor Nguyen and Council Members Constant and Herrera commended the Beautiful Day Team for their service to San José residents and surrounding communities.

1.2 Presentation of a commendation to the Center of Spiritual Enlightenment for its 30 years of spiritual enlightenment and service to our community. (Rules Committee referral 07/27/11) (Chu)

Mayor Reed and Council Member Chu commended the Center of Spiritual Enlightenment for its 30 years of service to our community.

1.3 Presentation of commendations to the winners of the 2011 Falcon Naming Contest. (Mayor) (Rules Committee referral 07/27/11)

Mayor Reed commended the winners of the 2011 Falcon Naming Contest.

1.4 Presentation of commendation recognizing the Santa Clara Valley Science and Engineering Fair Association. (Kalra) (Rules Committee referral 07/27/11)

Mayor Reed and Council Member Kalra recognized the Santa Clara Valley Science and Engineering Fair Association.

CONSENT CALENDAR

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

- 2.2 (a) **ORD. NO. 28908 – Amending Title 6 of the San José Municipal Code to add a new Chapter 6.88 to establish regulations pertaining to medical marijuana collectives and to the individual cultivation, and use of medical marijuana. [Deferred from 5/17/11 – Item 2.2(a) and 6/14/11 – Item 2.2(a)]**

Public Comments: Robert Cortese offered suggestions for a code of conduct for medical marijuana dispensaries.

Action: Dropped per Administration.

- 2.3 (a) **Rules and Open Government Committee Report of July 27, 2011. (Mayor)**

Action: Deferred to August 16, 2011 per Administration.

- (b) **Rules and Open Government Committee Report of June 1, 2011. (Mayor)**
- (c) **Rules and Open Government Committee Report of May 18, 2011. (Mayor)**
- (d) **Rules and Open Government Committee Report of May 25, 2011. (Mayor)**
- (e) **Rules and Open Government Committee Report of May 11, 2011. (Mayor)**
- (f) **Rules and Open Government Committee Report of June 8, 2011. (Mayor)**
- (g) **Rules and Open Government Committee Report of June 15, 2011. (Mayor)**
- (h) **Rules and Open Government Committee Report of June 22, 2011. (Mayor)**

Documents Filed: Rules and Open Government Committee Reports dated June 1, May 18, May 25, May 11, June 8, June 15 and June 22, 2011.

Public Comments: David Wall spoke on varied issues brought before the Rules and Open Government Committee.

Action: The reports were approved. (11-0.)

- 2.4 (a) **Request for an excused absence for Council Member Constant from the Regular Meeting of the Rules and Open Government Committee on August 31, 2011 and the tentative City Council Study Session on September 1, 2011 due to Authorized City Business: 2011 Annual CALAFCO Conference in Napa, CA. (Constant)
(Rules Committee referral 07/27/11)**

2.4 (Cont'd.)

- (b) Request for an excused absence for Council Member Constant from the Regular Meeting of the Rules and Open Government Committee on October 19, 2011 and the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on October 20, 2011 due to Authorized City Business: 2011 Chamber of Commerce Annual City-to-City Trip in Portland, OR. (Constant)**

Documents Filed: Two memoranda from Council Member Constant, dated June 27, 2011 and July 21, 2011, requesting excused absences for authorized City business.

Action: The requests were approved. (11-0.)

- 2.7 Adopt a resolution establishing the FY 2011-12 property tax levy on all taxable property for general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated July 26, 2011, recommending adoption of a resolution.

Action: Resolution No. 75942, entitled: "A Resolution of the Council of the City of San José Establishing the Fiscal Year 2011-2012 Property Tax Levy for the City's General Obligation Bond Indebtedness", was adopted. (11-0.)

2.8 Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2011-2012, as filed or modified by Council;**
(b) Confirming the individual assessments as proposed or modified by Council;
(c) Directing the Director of Finance to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. Council District 6. (Public Works)

Documents Filed: Memorandum from Acting Director of Public Works David Sykes, dated July 28, 2011, recommending adoption of a resolution.

Action: Resolution No. 75943, entitled: "A Resolution of the Council of the City of San José Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2011-2012 as Filed with the City Council; Confirming the Individual Assessments as Proposed, Including the Assessment on City Owned Property of Approximately \$8,839; Directing that the City Assessment Payment be Made; and Directing the Director of Finance to Deliver the Assessment Roll to the County of Santa Clara for Collection with the Property Taxes", was adopted. (11-0.)

- 2.9 Adopt a resolution summarily vacating a portion of a 40-foot Public Pedestrian Access Easement lying on the property owned by the Redevelopment Agency of the City of San Jose, a public body corporate and politic, located at 150 South Second Street (APN 467-22-156). CEQA: Exempt, File No. PP11-060. Council District 3. (Public Works)**

Documents Filed: Memorandum from Acting Director of Public Works David Sykes, dated July 18, 2011, recommending adoption of a resolution.

Action: Resolution No. 75944, entitled: “A Resolution of the Council of the City of San José Summarily Vacating a Portion of a Public Pedestrian Access Easement Lying on a Property Located at 150 South Second Street”, was adopted. (11-0.)

- 2.10 Adopt a resolution re-initiating proceedings and setting August 23, 2011 at 1:30 p.m. for a public hearing to (1) rescind Resolution No. 75807 that ordered the annexation to the City of San José of territory, designated as Downer No. 11, consisting of approximately 8.6 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way and (2) order the reorganization of territory designated as Downer No. 11, which involves the annexation to the City of San José of approximately 21.51 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: The environmental impacts of this project were addressed by an Initial Study (IS) and Mitigated Negative Declaration (MND) that were prepared by the Director of Planning, Building, and Code Enforcement for both the approved General Plan Amendment (File No. GP10-01-01) and the Planned Development Rezoning/Rezoning (File No. PDC10-007). The documents were circulated for public review between October 14, 2010 and November 3, 2010, and the City Council approved the IS/MND on December 7, 2010. Council District 10. (Planning, Building and Code Enforcement) (Continued from 8/2/11 – Item 2.11)**

Documents Filed: Memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel, dated July 25, 2011, recommending adoption of a resolution.

Action: Resolution No. 75945, entitled: “A Resolution of the Council of the City of San José Rescinding City Council Resolution No. 75807 and Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Downer No. 11, Described More Particularly Herein, and Setting the Date, Time and Place for Consideration of Such Reorganization”, was adopted. (11-0.)

- 2.11 As recommended by the Rules and Open Government Committee on August 3, 2011, appoint Sean Kaldor to the Deferred Compensation Advisory Committee as the representative nominated by the San José Firefighters, Local 230 (IAFF), for the remainder of the four-year term ending March 1, 2013. CEQA: Not a Project. [Rules Committee referral 8/3/11 – Item G(1)(a)]**

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated August 3, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The appointment of Sean Kaldor , to the Deferred Compensation Advisory Committee as the representative nominated by the San José Firefighters, Local 230 (IAFF), for the remainder of the four-year term ending March 1, 2013, was approved. (11-0.)

- 2.12 As recommended by the Rules and Open Government Committee on August 3, 2011, authorize the introduction of state legislation amending tied-house state law to allow the City or at the City's options the City's operator of the San José McEnery Convention Center and San José Civic to receive payments for alcohol advertising and sponsorship within these facilities. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager's Office) [Rules Committee referral 8/3/11 – Item H(5)]**

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated August 3, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The introduction of state legislation amending tied-house state law to allow the City or at the City's options the City's operator of the San José McEnery Convention Center and San José Civic to receive payments for alcohol advertising and sponsorship within these facilities was authorized. (11-0.)

- 2.13 As recommended by the Rules and Open Government Committee on August 3, 2011:**
- (a) Approve the District 1 Disability Awareness Day as a City Council sponsored Special Event; and**
 - (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 8/3/11 – Item H(6)]

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated August 3, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 1 Disability Awareness Day as a City Council Sponsored Special Event was approved, and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

2.14 As recommended by the Rules and Open Government Committee on August 3, 2011:

- (a) Approve the Santos Family Car Show as a City Council sponsored Special Event; and**
- (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 8/3/11 – Item H(7)]

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated August 3, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Santos Family Car Show as a City Council Sponsored Special Event was approved, and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

The City Manager briefly discussed Standard & Poor's rating agency's recent downgrade of the U.S. credit rating and potential residual impacts to the City of San José. She announced the recent upgrade/replacement of the cameras and routers with a new digital system at City Hall and the Civic Center, all completed by in-house staff.

- 3.3**
- (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing for the issuance of an aggregate amount not to exceed \$24,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Municipal Finance Authority (“CMFA”) to finance and refinance certain renewable energy facilities in the City of San José.**
 - (b) Adopt a resolution approving the issuance of Tax-Exempt Revenue Bonds, by the CMFA in an aggregate principal amount not to exceed \$24,000,000 (the “Bonds”) to be used to:**
 - (1) Finance and refinance the acquisition, construction, improvement and equipping of a facility for the treatment of anaerobic digester gas, one or more fuel cell power plants and related facilities (collectively, the “IEUA Project”) to be located at the Inland Empire Utility Agency Regional Water Recycling Plant #1, at 2662 East Walnut Street, Ontario, CA 91761;**

3.3 (Cont'd.)

- (b) (2) **Finance and refinance the acquisition, construction, improvement and equipping of a facility for the treatment of anaerobic digester gas, one or more fuel cell power plants and related facilities (collectively, the “San José Project”) to be located at the San José/Santa Clara Water Pollution Control Plant, at 700 Los Esteros Road, San José, CA 95134;**
- (3) **Fund a debt service reserve fund for the Bonds; and**
- (4) **Pay certain expenses incurred in connection with the issuance of the Bonds.**

CEQA: Exempt, File No. PP11-030. (Finance)

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated July 18, 2011, recommending a “TEFRA” Hearing and adoption of a resolution.

Public Comments: David Wall suggested a finer breakdown as to expenses incurred in connection with the issuance of Bonds.

Director of Finance Scott P. Johnson responded to questions from Council.

Action: Upon motion by Council Member Herrera, seconded by Council Member Liccardo and carried unanimously, a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing was held for the issuance of an aggregate amount not to exceed \$24,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Municipal Finance Authority (“CMFA”) to finance and refinance certain renewable energy facilities in the City of San José, and Resolution No. 75946, entitled: “A Resolution of the Council of the City of San José Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority for the Purpose of Financing and Refinancing the Acquisition, Construction and Improvement of Certain Renewable Energy Facilities”, was adopted. (11-0.)

- ### 3.4 **As recommended by the Rules and Open Government Committee on August 3, 2011, approve an ordinance amending Section 2.08.2010 of Chapter 2.08 of Title 2 of the San Jose Municipal Code regarding stipends paid to members of the Civil Service Commission. CEQA: Not a Project. (City Clerk’s Office)**
- [Rules Committee referral 8/3/11 – Item H(2)]**

Documents Filed: Memorandum from City Clerk Dennis Hawkins, August 3, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Public Comments: (1) Civil Service Commission Vice Chair, John Fitch, outlined the recommendation and offered support on behalf of his fellow Commissioners. (2) David Wall spoke in favor of eliminating all stipends.

3.4 (Cont'd.)

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28947, entitled: “An Ordinance of the City of San José Amending Section 2.08.2010 of Chapter 2.08 of Title 2 of the San Jose Municipal Code to Reduce the Compensation of Members of the Civil Service Commission and Increase the Compensation of the Presiding Officer of the Civil Service Commission”, was passed for publication. (11-0.)

3.5 **As recommended by the Public Safety, Finance and Strategic Support on June 16, 2011, accept the audit of Supplemental Military Pay and Benefits. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Staff Report. (City Auditor) [Public Safety, Finance and Strategic Support Committee referral 6/14/11 –Item D4] (Deferred from 8/2/11 – Item 3.6)**

Documents Filed: (1) Joint memorandum from Vice Mayor Nguyen and Council Members Constant, Kalra and Liccardo, dated August 5, 2011 recommending acceptance of the City Auditor’s Report with modifications. (2) Memorandum from City Clerk Dennis Hawkins, dated July 21, 2011, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

City Auditor Sharon Winslow-Erickson provided an overview of the program and how it could be streamlined. Deputy City Manager Alex Gurza and Director of Finance Scott P. Johnson provided additional comments, and Council discussion followed.

Public Comments: Jim Unland (San José Police Officer’s Association) thanked Council for their support of military personnel and contested certain inferences in the Auditor’s Report; Ross Signorino expressed concerns regarding the costs of implementing this program; David Wall, Richard McCoy and Brian Christian spoke in support of Council Member Constant’s memorandum and asked that the process be streamlined and troops be provided their full benefits.

Motion: Council Member Constant moved approval of the memorandum he co-signed with Council Members Kalra, Liccardo and Vice Mayor Nguyen, with changes to Item 3 as outlined below in “Action”. Council Member Liccardo seconded the motion.

Action: On a call for the question and carried unanimously, the audit of Supplemental Military Pay and Benefits as recommended by the Public Safety, Finance and Strategic Support Committee, was accepted, with modifications as outlined in the August 5, 2011 memorandum provided by Vice Mayor Nguyen and Council Members Constant, Kalra and Liccardo, and further modified by Council Member Constant as follows: (3) *Direct the City Manager in consultation with the City Attorney, to return to the Public Safety, Finance & Strategic Support Committee within 60-90 days with an analysis of obstacles (including IRS tax compliance and meet and confer issues) to implementation of a modified policy that contains the following provisions:* and replacement of item (4) with

3.5 (Cont'd.)

the following: (4) *Repeal San José Municipal Code 3.36.620 and 3.28.630 to ensure that all military reservists, whether participating in the Supplemental Military Pay and Benefits Program or not, shall be required to pay the employee's share of retirement contributions, including retiree healthcare contributions while on active duty to ensure parity with other city employees.* (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Approve an ordinance amending Title 6 of San José Municipal Code to add a new Chapter 6.88 to establish a registration process pertaining to Medical Marijuana Collectives; and, to establish regulations pertaining to Medical Marijuana Collectives and to the individual cultivation and use of medical marijuana. (City Attorney's Office)**
- (b) **Approve an ordinance 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. (Planning, Building and Code Enforcement). (Deferred from 6/14/11 – Item 3.9 and 8/2/11 – Item 4.6)**

CEQA: Negative Declaration, File No. PP11-039. Citywide.

Action: Deferred to September 13, 2011 per Administration.

PUBLIC SAFETY SERVICES

- 8.1 (a) **Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area UASI, to accept the 2010 UASI grant allocation in the amount of \$1,234,000 and to negotiate and execute additional amendments and related documents without further Council action.**
- (b) **Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in fiscal year 2011-2012:**
- (1) **Establish a city-wide appropriation to the Police Department for the 2010 Urban Areas Security Initiative (UASI) Grant- Police in the amount of \$1,030,400;**

8.1 (Cont'd.)

- (b) (2) **Establish a city-wide appropriation to the Fire Department for the 2010 Urban Areas Security Initiative (UASI) Grant- Fire in the amount of \$203,600; and,**
- (3) **Increase the estimate for Revenue from the Federal Government by \$1,234,000.**

CEQA: Not a Project, File No. PP10-066(a), 2009 UASI Grant MOU. (Police/Fire/City Manager’s Office)

Documents Filed: Joint memorandum from Chief of Police Chris Moore, Fire Chief William McDonald and Budget Director Jennifer Maguire, dated July 18, 2011, recommending adoption of a resolution, appropriation ordinance and funding sources resolution amendments.

Staff responded to questions from Council.

Action: Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, Ordinance No. 28948, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28928 to Appropriate Monies in the General Fund City-Wide Public Safety For the 2010 Urban Area Security Initiative (UASI) – Police and the 2010 Urban Area Security Initiative (UASI) – Fire; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 75947, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement Between the City of San José and the City and County of San Francisco, Acting as Fiscal Agent for the Bay Area Urban Areas Security Initiative (UASI), to Allocate 2010 UASI Grant Funds to the City of San José in the Amount of \$1,234,000 and to Negotiate and Execute Additional Amendments and Related Documents Without Further Council Action”; and Resolution No. 75948, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 75872 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2011-2012 to Adjust Revenues in the General Fund”, were adopted. (11-0.)

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 receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10082	Northeast Corner of Baypointe Parkway and Tasman Drive	4	LCOR Venture Enterprises, LLC	1 Lot/ 229 Units	MFA

OPEN FORUM

- (1) David Wall provided input regarding the sick leave buyout policy and noted a discrepancy in the Council Meeting “Conduct for Public Meeting” policy.
- (2) Ross Signorino protested the four-dollar fee charged for carts at the airport as excessive and noted that Forbes Magazine had elected San Jose as the “Geek Capital” of the United States.
- (3) Michael McDuffie reiterated continual after-hours street noise at the 7 Trees Shopping Plaza.

ADJOURNMENT

The Council of the City of San José adjourned at 3:33 p.m. in memory of former San José Council Member and Fire Captain John Diquisto, who passed away on June 27, 2011. After retiring from the San José Fire Department, John served eight years on the San José City Council, where he fought to ensure that our Police and Fire departments received the support they needed to keep San José safe, and also that police officers, firefighters, retirees and their families were treated fairly and with respect. Additionally, while serving as President of the San José Firefighters, John was an extremely well-respected labor leader throughout Santa Clara County and California. (Rocha/Campos)

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis Hawkins, CMC
City Clerk

rmk/8-9-11MIN

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.