

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, OCTOBER 4, 2011

The Council of the City of San José convened in Regular Session at 8:37 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Herrera (8:45 a.m.), Kalra, Liccardo (9:00 a.m.), Nguyen, Oliverio (8:58 a.m.), Pyle, Rocha; Reed.

Absent: Council Members - Constant. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

Documents Filed: (1) Joint memorandum from Council Members Pyle, Rocha and Oliverio, dated September 30, 2011, recommending acceptance of the Labor Negotiations Update Report with additional direction to Staff. (2) Letter from President, San José Firefighters, IAFF Local 230, Robert Sapien, Jr. and President, San José Police Officers Association, George Beattie, dated September 27, 2011, providing the San José Police Officers and Fire Fighters Retirement Reform Proposal. (3) Letter from Nancy Ostrowski, AEA/CAMP/IFPTE Local 21 Senior Staff, dated September 28, 2011, regarding "Pension Reform Proposal".

Deputy City Manager Alex Gurza offered the Labor Negotiations Update.

Public Comments: John Mukhar (AEA, IFPTE Local 21), Nancy Nancy Ostrowski (AEA/CAMP/IFPTE Local 21), and Jeff Welch (IAFF, Local 230) urged Council's support of their proposals and expressed disappointment with the negotiations thus far.

Motion: Council Member Rocha moved approval for a date to be set for a study session. Council Member Liccardo seconded the motion.

Action: On a call for the question, the motion carried unanimously, the update was accepted, with Staff directed to set a date for a study session for the purpose of providing the City Council with an analysis of the pension reform proposal received from the City's bargaining units (10-0-1. Absent: Constant).

CLOSED SESSION

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

Absent: Council Members - Constant. (Excused)

Upon motion unanimously adopted, Council recessed at 9:43 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (b) 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, Sate of California; Case No.: S194861: Amount of Money or Other Relief South: Writ of Mandate; (2) Renzo's Bar & Grill, et al., v. City of San José, et al: Names of Parties Involved: Renzo's Bar & Grill, Inc., Gholam R. Shafanzand (as C.E.O. of Renzo's Bar & Grill, Inc.), and in his individual capacity, City of San José, San José Police Department, San José Police Sergeant John Vanek, San José Police Lieutenant David Hober, Frank Cucuzza, Jr., Cucuzza Family Partnership and Does 1-200; Donald Sipple, John Simon, Karl Simonsen, Christopher Jacobs, Settlement Class Representatives, New Cingular Wireless PCS LLC, City of Alameda, County of Alameda, City of Albany, City of Alhambra, City of Arcadia, City of Baldwin Park, City of Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank, City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chula Vista, City of Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of Cudahy, City of Culver City , City of Cupertino, City of Daly City, City of Desert Hot Springs, City of Dinuba, City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo, City of Emeryville, City of Eureka, City of Exeter, City of Fairfax, City of Gardena, City of Gilroy, City of Glendale, City of Gonzales, City of Greenfield, City of Grover Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County, City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo Park, City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of Moreno Valley, City of Mountain View, City of Norwalk City of Oakland, City of Orange Cove, City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City of Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, city of Porterville, City of Rancho Palos Verde, City of Redondo Beach, City of Redwood City, City of Rialto, City of Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City of Buena Ventura (Ventura), City of San Francisco, City of San Gabriel, City of San José, City of San Leandro, City of San Luis Obispo, City of San Marino, City of San Pablo,

CLOSED SESSION (Cont'd.)

City of Sanger, City of Santa Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City of Stanton, City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of Watsonville, City of Westminster, City of Whittier, City of Winters, City of Woodlake, Does 1-50; Court: Superior Court of California, County of Los Angeles; Case No.: BC462270: Amount of Money or Other Relief Sought: Damages according to proof; (B) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation of significant exposure (Claim Not Filed) in one (1) matter. (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); 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; How to obtain a copy of existing contract or MOA: web: http://www.sanjoseca.gov/employee_relations/moa.asp; Telephone for Employee Relations: 408-535-8150.

CLOSED SESSION (Cont'd.)

By unanimous consent, Council recessed from the Closed Session at 11:10 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Herrera, Kalra, Liccardo (2:00 p.m.), Nguyen, Oliverio (1:51 p.m.), Pyle, Rocha; Reed.

Absent: Council Members - Constant. (Excused)

INVOCATION

Branham High School Choir, Directed by Barbara West, performed a choral arrangement. (District 9)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Ceremonial Item 1.5 added, and Item 7.1 deferred to October 25, 2011. (8-0-3. Absent: Constant, Liccardo, Oliverio.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring the Month of October 2011 as “Cybersecurity Awareness Month” in the City of San José. (Constant)

Mayor Reed recognized the Month of October 2011 as “Cybersecurity Awareness Month” in the City of San José.

1.2 Presentation of a commendation to the First Tee of San José and Fry’s Electronics in recognition and appreciation of their service and commitment to the children of the City of San José for hosting the PGA TOUR Community Day as part of the Frys.com Open week. (Campos)

Mayor Reed and Council Member Campos commended the First Tee of San José and Fry’s Electronics in recognition and appreciation of their service and commitment to the children of the City of San José for hosting the PGA TOUR Community Day.

1.3 Presentation of a proclamation declaring October 6, 2011 as “Disability Awareness Day” in the City of San José. (Constant)

Mayor Reed and Council Member Pyle recognized October 6, 2011 as “Disability Awareness Day” in the City of San José.

1.4 Presentation of a proclamation declaring October 4, 2011 as “Food Allergy Awareness Day” in the City of San José. (Herrera)

Mayor Reed and Council Member Herrera recognized October 4, 2011 as “Food Allergy Awareness Day” in the City of San José.

1.5 Presentation of a commendation to Cain Velasquez, Javier Mendez, and The American Kickboxing Academy for their excellence in the field of professional and recreational mixed martial arts training, health, and fitness education, and for their role in making San José the capital of mixed martial arts in the United States. (Kalra)

Mayor Reed and Council Member Kalra recognized Cain Velasquez, Javier Mendez, and The American Kickboxing Academy for their excellence in the field of professional and recreational mixed martial arts training, health, and fitness education, and for their role in making San José the capital of mixed martial arts in the United States.

CONSENT CALENDAR

Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Constant.)

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 September 14, 2011. (Mayor)**
- (b) **Public Safety, Finance and Strategic Support Committee Report of September 15, 2011. (Constant)**
- (c) **Transportation and Environment Committee Report of September 12, 2011. (Liccardo)**

Documents Filed: (1) Rules and Open Government Committee Reports dated September 14, 2011. (2) Public Safety, Finance and Strategic Support Committee Report of September 15, 2011. (3) Transportation and Environment Committee Report of September 12, 2011.

Action: The Committee Reports were approved. (10-0-1. Absent: Constant.)

2.4 Mayor and Council Excused Absence Requests.

Action: There were none.

2.5 City Council Travel Reports.

Action: There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

Action: There were none.

2.7 Approve settlement in the case of *Dawn Murrel v. City of San Jose, et al.*, and authorize the City Attorney to execute a Settlement Agreement and Release with Dawn Murrel in the amount of \$137,500. CEQA: Not a Project; File No. PP10-066h, Settlement Agreements. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated September 22, 2011, recommending approval of a settlement agreement.

Public Comments: David Wall cited the case of Murrel v. the City of San José as an issue of substandard management.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the settlement in the case of *Dawn Murrel v. City of San Jose, et al.*, was approved, with the City Attorney authorized to execute a Settlement Agreement and Release with Dawn Murrel in the amount of \$137,500. (10-0-1. Absent: Constant.)

- 2.8 (a) **Adopt a resolution to accept the State of California, Office of Traffic Safety 2011-2012 DUI Enforcement and Awareness Program grant in the amount of \$375,000 and authorize the City Manager to execute the related grant agreement and any additional amendments and related documents without further Council action.**
- (b) **Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund for Fiscal Year 2011-2012:**
- (1) **Establish a City-wide appropriation to the Police Department for the 2011-2012 DUI Enforcement and Awareness Program grant in the amount of \$375,000; and**
 - (2) **Increase the Revenue Estimate from the State of California by \$375,000.**

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Police/City Manager's Office)

Documents Filed: Memorandum from Chief of Police Chris Moore and Budget Director Jennifer Maguire, dated September 12, 2011, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Council Member Campos pulled item 2.8 to raise questions regarding the checkpoint methodology set up in San José. Traffic Enforcement Unit Sergeant Steven Angel responded to questions.

Action: Upon motion by Council Member Campos, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28976, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28928 to Appropriate Monies in the General Fund for the 2011-2012 DUI Enforcement and Awareness Program Grant; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 76017, entitled: "A Resolution of the Council of the City of San José Accepting a 2011-2012 DUI Enforcement and Awareness Program Grant from the State of California Office of Traffic Safety in An Amount Not to Exceed \$375,000, and Authorizing the City Manager to Execute the Grant Agreement and any Amendments to the Agreement and all Related Documents Without Further Council Action"; and Resolution No. 76018, 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. (10-0-1. Absent: Constant.)

- 2.9 **Approve a master agreement with West Yost & Associates, Inc., for engineering consultant services for various sanitary and/or storm sewer projects from the date of execution to June 30, 2014, in an amount not to exceed \$500,000. CEQA: Not a Project, File No. PP10-066(d), Consultant services that will have no effect on the environment. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated September 12, 2011, recommending approval of a master agreement.

2.9 (Cont'd.)

Action: A master agreement with West Yost & Associates, Inc., for engineering consultant services for various sanitary and/or storm sewer projects from the date of execution to June 30, 2014, in an amount not to exceed \$500,000 was approved. (10-0-1. Absent: Constant.)

- 2.10 (a) Approve travel by Councilmember Constant to Suwon City, Korea on October 4-9, 2011 for the 48th Annual Suwon Hwaseong Cultural Festival as the City's designated representative. Source of Funds: Government of Suwon City, Korea. (Constant)**
- (b) Request for an excused absence for Councilmember Constant from the Closed Session and Regular Meetings of the City Council on October 4, 2011 due to Authorized City Business: Travel to Suwon City, Korea to act as the City's designee to promote economic and cultural ties between the cities of San José and Suwon and to represent San José at the 48th Suwon Hwaseong Cultural Festival. (Constant)**

Documents Filed: Memorandum from Council Member Constant, dated September 21, 2011, requesting authorization of travel.

Action: The travel request and excused absence for Council Member Constant were approved. (10-0-1. Absent: Constant.)

- 2.11 As recommended by the Rules and Open Government Committee on September 28, 2011, approve the reappointments of Robert Coelho, Bob Leininger, Dan Orloff, and John Veargason to the San José Arena Authority Board. (Mayor)
[Rules Committee referral 9/28/11 – Item G(1)(a)]**

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated September 29, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The reappointments of Robert Coelho, Bob Leininger, Dan Orloff, and John Veargason to the San José Arena Authority Board were approved. (10-0-1. Absent: Constant.)

END OF CONSENT CALENDAR

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Adopt a resolution authorizing the City Manager or designee to:

- (a) **Negotiate and execute a first amendment to the Consortium Funding Agreement with The Housing Trust of Santa Clara County under the Neighborhood Stabilization Program 2 (NSP2) to modify the Reporting and Payment Procedures section of the Agreement to authorize the capitalization of interest on NSP2 construction loans made for rental projects to be deemed as an approved use of Program Income; and**
- (b) **Negotiate and execute any future amendment to the Consortium Funding Agreement for City staffing changes or for reallocation of funds between the Consortium Funding Agreement's specific activity or strategy allocations.**

CEQA: Exempt, File No. PP10-166, Agreements/Contracts. (Housing)

Documents Filed: (1) Memorandum from Council Member Campos, dated October 4, 2011, recommending adoption of a resolution. (2) Memorandum from Director of Housing Leslye Corsiglia, dated September 12, 2011, recommending adoption of a resolution. (3) Statement of Declaration of Conflict of Interest Form dated October 4, 2011 from Council Member Kalra, noting a conflict of interest.

Public Comments: David Wall spoke in opposition to Staff's recommendation, citing unsustainability of funding.

Because he serves on the Board of Directors of the Housing Trust of Santa Clara County, Council Member Kalra was recused from voting due to a conflict of interest.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 76019 entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Consortium Funding Agreement with the Housing Trust of Santa Clara County", was adopted. (8-0-2-1. Absent: Constant, Rocha. Abstained: Kalra.)

4.2 Adopt a resolution:

- (a) **Approving and authorizing the Director of Housing to negotiate and execute documents for a grant of up to \$300,000 to the Health Trust (the fiscal sponsor of Destination: Home) to cover the costs associated with three case managers who will provide intensive case management services to chronically homeless households; and**
- (b) **Approving and authorizing the Director of Housing to negotiate and execute documents for a grant of up to \$170,000 to EHC Lifebuilders for the implementation of the San José Downtown Homeless Outreach and Shelter program.**

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

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated September 12, 2011, recommending adoption of a resolution. (2) Letter from Housing & Community Development Advisory Commission Chair, Brian Darrow, dated September 29, 2011, offering support of Staff's recommendations.

4.2 (Cont'd.)

Vice Mayor Nguyen expressed thanks to Director of Housing Leslye Corsiglia and Staff for their hard work on this project. Director of Housing Leslye Corsiglia responded to questions from Council.

Public Comments: Jennifer Loving (Destination: Home) and Brandon Davis (EHC Lifebuilders) expressed their appreciation for the City's support. David Wall offered criticism of the grants as a misuse of money.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, Resolution No. 76020, entitled: "A Resolution of the Council of the City of San José approving Grants from the Housing Trust Fund to the Health Trust for Destination: Home and to EHC Lifebuilders for the Downtown Homeless Outreach and Shelter Program", was adopted. (8-0-3. Absent: Constant, Kalra, Liccardo.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 As recommended by the Transportation and Environment Committee on September 12, 2011, accept the report recommending that the City not proceed with further Community Choice Aggregation efforts at this time, but instead, to continue to monitor Community choice Aggregation efforts and return with possible recommendations for a work plan should the key uncertainties and benefits change. Continue to expand and continue collaboration with the California Public Utilities Commission, PG&E, and other stakeholders for the identification and implementation of activities that support the City's achievement of the Green Vision Goal of receiving 100% of its electricity from clean, renewable resources by 2022. Specific opportunities identified include development and/or expansions of Smart Grid, Direct Access and Feed-in-Tariff programs as a means of achieving increased energy renewable sources and economic development programs. CEQA: Not a Project, File No. PP10-069(a), Staff reports that involves no approval of any City actions. (Environmental Services)**

[Transportation and Environment Committee referral 9/12/11 – Item D(4)]

Action: Deferred to October 25, 2011 per Orders of the Day.

- 7.2 As recommended by the Transportation and Environment Committee on September 12, 2011, accept the report and:**
- (a) Adopt a resolution approving revisions to City Council Policy 6-29: Post-Construction Urban Runoff Management, to bring the Policy into conformance with the requirements of the San Francisco Bay Regional Water Quality Control Board.**

- 7.2 (b) **Approve a Director initiated ordinance amending Sections 20.95.020, 20.95.110 and 20.95.120 of Chapter 20.25 of Title 20 of the San José Municipal Code to require certain projects, which are defined as uncovered parking areas, restaurants, auto service facilities and retail gasoline outlet projects that create or replace 5,000 square feet or more of impervious surface area to:**
- (1) **Use site design and source control measures and numerically-sized Low Impact Development stormwater treatment measures;**
 - (2) **Require property owners to keep an inspection and maintenance schedule on the project site for all stormwater treatment measures installed pursuant to Policy 6-29 and to make such schedule available to City representatives on demand; and**
 - (3) **Prohibit alteration, removal or failure to maintain stormwater treatment measures without approval of an Adjustment to a Development Permit.**

**CEQA: Categorically Exempt, Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Planning, Building and Code Enforcement)
[Transportation and Environment Committee referral 9/12/11 – Item D(5)]**

Documents Filed: (1) Memorandum from City Clerk Dennis Hawkins, dated September 2, 2011, transmitting the recommendations of the Transportation and Environment Committee. (2) Supplemental memorandum from Planning Commission Secretary Joseph Horwedel, dated September 16, 2011, transmitting the Planning Commission recommendations of approval.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti responded to questions from Council.

Public Comments: David Wall offered that the report is incomplete.

Action: Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, Ordinance No. 28977, entitled: “An Ordinance of the City of San José Amending Sections 20.95.020, 20.95.110 and 20.95.120 of Chapter 20.95 of Title 20 of the San José Municipal Code to Require Special Land Use Category Projects that Create or Replace 5,000 Square Fee or More to Use Stormwater Treatment Measures in Accordance with City Council Policy 6-92, and to Require Property Owners to Keep Records of Inspection and Maintenance on the Project Site for all Stormwater Treatment Measures Installed Pursuant to Policy 6-29”, was passed for publication, and Resolution No. 76021, entitled: “A Resolution of the Council of the City of San José Approving Revisions to City Council Policy 6-29 “Post-Construction Urban Runoff Management”, was adopted. (10-0-1. Absent: Constant.)

PUBLIC SAFETY SERVICES

- 8.1 Approve an ordinance amending Chapters 16.06, 16.30, 16.32 and 16.33 of Title 16 of the San José Municipal Code to: provide for review and approval of administrative regulations by the Chief of Police; require the Chief of Police to issue a City Key Employee License for All Key Employee Positions that are licensable by the California Gambling Control Commission; rename the Cardroom Table Fee the Cardroom Regulation Fee; provide a Cardroom License applicant with written explanation of the reasons for delay and an estimated date for completion for a licensing investigation that takes longer than 180 days to complete with 2 month updates until the application is granted, withdrawn or denied; require the Administrator to issue a Temporary Key employee License to each applicant who is issued an Interim State Key Employee License; provide notice and an opportunity for an Administrative Review Hearing prior to revocation of a Temporary Key Employee License; make certain City Key Employee Licenses retroactive to the date that the California Gambling Control Commission issues a State key Employee License; and making conforming and technical amendments. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy (City Attorney's Office)**

Action: Dropped per Administration. Referred to the Public Safety, Finance and Strategic Support Committee.

STRATEGIC SUPPORT SERVICES

- 3.3 (a) Interview applicants for appointment to the Appeals Hearing Board;**
(b) Appoint one member to the Appeals Hearing Board to an unexpired term ending December 31, 2013;
(c) Appoint two members to the Appeals Hearing Board to full three year terms expiring December 31, 2014; and
(d) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90 days.
(City Clerk)

Documents Filed: (1) Memorandum from City Clerk Dennis Hawkins, CMC, dated September 23, 2011, providing background and direction regarding Appeals Hearing Board appointments. (2) Tally sheet for voting results.

Applicants were interviewed, and Council votes were tallied.

Action: Rajwant Bains was appointed to the Appeals Hearing Board to an unexpired term ending December 31, 2013, and William Murphy and Edgar “David” Parker were appointed to full three year terms expiring December 31, 2014.

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>
10057	W/S Cadwallader 500’ S/O Prunetree Lane	8	TRI Pointe Homes, LLC	38 Lots / 38 Units	SFDR

OPEN FORUM

- (1) David Wall commented on statements attributed to Mayor Reed in his interview with Vanity Fair Magazine regarding sick leave buy-out.
- (2) Mark Barton, representing Occupy San José, urged the City support their “99%” protest in front of City Hall, so they may continue their protest in a peaceful manner.
- (3) Judy Seps asked that Council preserve the San José Family Camp program.
- (4) Judy Bender expressed concerns about the City’s insurance adjuster’s handling of her claim from an accident that occurred on City property.
- (5) Sara-Jo Larsen expressed opposition to a portion of the Southside Senior Center being converted into an exercise workout room due to its encroaching on handicapped seniors’ space.

ADJOURNMENT

The Council of the City of San José adjourned at 3:19 p.m. in memory of San José Purchasing Manager Gordon Johnson, who passed away unexpectedly on September 4, 2011. Gordon’s contributions include the successful completion of numerous complex procurements such as the Commercial Solid Waste and Digester Cleaning Services RFPs for the Environmental Services Department, and Parking Access and Revenue Control System RFP, and the hold-room furniture bid for the new Airport. Gordon was also a longtime leader on the Citywide EP3 team. His flexibility, innovation, teamwork, and great sense of humor will be deeply missed. (Finance)

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis Hawkins, CMC
City Clerk

rmk/10-04-11MIN

JOINT REDEVELOPMENT AGENCY ITEMS

The Joint Redevelopment Agency Board convened at 2:28 p.m. to consider Item 8.1 in a Joint Session.

- 8.1 Adoption of resolutions by the Redevelopment Agency Board amending the following:**
- (a) **The FY 2011-12 Revenue Resolution to add \$1.1 million net revenue from tax increment and supplemental assessments and \$11.6 million from land sale and other transactions;**
 - (b) **The FY 2011-12 Operating Budget to add \$1,000,000 to the Personnel Services project line;**
 - (c) **The FY 2011-12 Capital Budget to add \$20,000 to the Assessment District/Interchange Improvements project line in the Edenvale Redevelopment Area, and \$40,000 to The Alameda Parking Lease project line in the Neighborhood Business Investment Program (The Alameda Redevelopment Area); and,**
 - (d) **The FY 2011-12 Appropriations Resolution, including an amendment to the Use of Funds for the Financing and Other Costs – 20% Tax Increment Housing Set Aside project line adding \$231,171.**

**CEQA: Not a Project. [MERGED]
(Deferred from 9/27/11 – Item 8.1)**

Documents Filed: Memorandum from Redevelopment Agency Managing Director Richard Keit, dated September 21, 2011, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, Redevelopment Agency Resolution No. 6031, entitled: “A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Amending the Adopted FY 2011-2012 Revenue Resolution, FY 2011-2012 Capital and Operating Budgets, and FY 2011-2012 Appropriations Resolution, Including an Amendment to the Use of Funds Financing and Other Costs 20% Tax Increment Housing Set Aside Project Line”, was adopted. (10-0-1. Absent: Constant.)

The Joint meeting of the Council of the City of San José and Redevelopment Agency Board was adjourned at 2:44 p.m.