



# CITY COUNCIL AGENDA

**JUNE 3, 2008**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
DAVID D CORTESE, VICE MAYOR  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

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

- **Call to Order and Roll Call**
  - \* 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 6)**
  - \* Reverend Ken Henry, Stone Church

- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

ADJOURNMENT: This meeting will be adjourned in memory of Thomas Harold Riddle, who passed away April 26, 2008, and had dedicated his life to education and community service. (Chu)

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

---

- 1.1 Presentation of a commendation to Betty Mora for her organization of the First Annual Parent University Event held at Summerdale Elementary School. (Chu)  
(Deferred from 5/20/08 – Item 1.5)
- 1.2 Presentation of a commendation to the Student Body of Holy Family School for being a D9 Star. (Chirco)  
**TO BE HEARD IN THE EVENING**
- 1.3 Presentation of a commendation to Jodi Lendenthal and Jane Burgunder for their development of the “Arts Express” program at Horace Mann School. (Liccardo)  
**TO BE HEARD IN THE EVENING**
- 1.4 Presentation of a commendation to Greenfair Silicon Valley for their work in helping people green their businesses, homes, and lives in San José/Silicon Valley. (Mayor)
- 1.5 Presentation of a proclamation to NVIDIA declaring August 25, 2008 – September 1, 2008 as “Visual Computing Week”. (Mayor/Liccardo)  
\* **RECOMMEND DEFERRAL TO 8/19/08**
- 1.6 Presentation of a commendation to deCarta for their efforts to drive the local economy, innovation and supporting City’s reputation as the Capital of Silicon Valley. (Mayor/Liccardo/Economic Development)
- 1.7 Presentation of a commendation to the Strong Neighborhoods Initiative Project Advisory Committee for its invaluable civic leadership and community engagement in revitalizing the neighborhoods in San José. (Mayor/Redevelopment Agency)  
**TO BE HEARD IN THE EVENING**  
\* **RECOMMEND DEFERRAL TO 6/17/08 IN THE EVENING**

# 2. CONSENT CALENDAR

---

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) [Regular Minutes of March 11, 2008](#)
- (b) [Joint City Council/San José Financing Authority Minutes of March 11, 2008](#)
- (c) [Regular Minutes of March 18, 2008](#)
- (d) Regular Minutes of March 25, 2008

[Deferred from 5/20/08 – Items 2.1(b)-(c) and (e)-(f)]

## 2. CONSENT CALENDAR

---

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28305 – Repealing Ordinance No. 27748 to terminate the Commercial Solid Waste and Recyclables Collection Franchise previously granted to the Residential Bin Co., Inc.
- (b) ORD. NO. 28312 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Haul-Away Today.
- (c) ORD. NO. 28313 – Rezoning certain real property situated on the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Street) to A(PD) Planned Development Zoning District. PDC06-094

### 2.3 [Updated Master Agreement with Caltrans for Federal-Aid Transportation Grant Programs.](#)

[Supplemental – Memo from the Director of Transportation](#)

\* **Recommendation:**

- (a) Approval of an updated master agreement with Caltrans for federal-aid transportation grant programs; and
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute any program supplements to the master agreement enabling the City to receive federal-aid funds for qualifying transportation projects.

CEQA: Not a Project. (Transportation)  
(Deferred from 5/20/08 – Item 2.17)

### 2.4 [Approval to Revise the Airline Air Service Promotional Fee-Waiver Incentive Program.](#)

**Recommendation:** Adoption of a resolution revising the airline air service promotional fee-waiver incentive program to support the development of new and added air service at the Norman Y. Mineta San José International Airport, by providing incentives for underserved long haul domestic markets, and an increased incentive for un-served Trans-Atlantic and/or Trans Pacific Air Service and long haul domestic flights, and repealing Resolution No. 73212. CEQA: Resolutions Nos. 67380 and 71451, File No. PP08-059. (Airport)

### 2.5 [Amendment to Civil Service Rules \(SJMC 3.04.1410 – Disciplinary Hearings\).](#)

- \* **Recommendation:** Approval of an ordinance amending Section 3.04.1410 of Chapter 3.04 of Title 3 of the San José Municipal Code (Civil Service Rules) to provide that disciplinary appeal hearings for Peace Officers be closed to the public unless requested to be a public session by the employee. (City Attorney's Office)  
[Rules Committee referral 5/14/08 – Item G(4)]

## 2. CONSENT CALENDAR

---

### 2.6 [Approval in Open Session of payment in exchange for release of claim considered by the Council in Closed Session on May 6, 2008](#)

**Recommendation:** Approval of payment to claimant, Kim Oanh-Nguyen, in the amount of \$75,000 pursuant to a Release, approved by Council in Closed Session on May 6, 2008 and executed by claimant on May 14, 2008, which provides that claimant discharges and releases the City from any and all claims resulting from, or which may result from a sewer back-up that occurred on January 28, 2007 at claimant's property. (City Attorney's Office)

### 2.7 [Contract with Fairbank, Maslin, Maullin & Associates for Consultant Survey Services.](#)

**Recommendation:** Approval of a contract for consultant survey services with Fairbank, Maslin, Maullin & Associates, for a three-year term from time of execution, in an amount not-to-exceed \$296,000, subject to appropriation of funding. CEQA: Not a Project. (City Manager's Office)

### 2.8 [Actions related to the design and installation of Public Artwork at Happy Hollow Park and Zoo.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Tom Otterness to design, fabricate and install public artwork for the Happy Hollow Park and Zoo in a total amount not-to-exceed \$932,500. CEQA: Exempt, File No. PP05-184. (Economic Development)

### 2.9 [Actions related to the design and installation of Public Artwork at Seven Trees Community Center and Branch Library.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Roman de Salvo to fabricate and install artwork for the Seven Trees Community Center and Branch Library in a total amount not-to-exceed \$298,500. CEQA: Exempt, File No. PP05-184. Council District 7. (Economic Development)

### 2.10 [Approval to Donate Five Surplus Brush Patrol Vehicles.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to donate five surplus Brush Patrol Vehicles (1988 Ford F350 Cab and Chassis with a Brush Patrol body) with a cumulative estimated value of \$25,000 as follows: one vehicle to the Spring Valley Fire District, a volunteer fire department; two vehicles to San José Search and Rescue, a non-profit organization; one vehicle to Central County Occupational Center, an educational organization; and one surplus Brush Patrol to the Eves Volunteer Fire Department. CEQA: Not a Project. (Finance)

## 2. CONSENT CALENDAR

---

### 2.11 [Fiscal Actions for Redevelopment Agency Capital Projects.](#)

\* **Recommendation:**

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:
- (1) Increase the estimate for Earned Revenue by \$244,730.
  - (2) Increase the appropriation to the Department of Public Works for the Non-Project Specific DPW Services project (PSM 393, Amendment 1) in the amount of \$10,000. CEQA: Not a Project.
  - (3) Increase the appropriation to the Department of Housing for the SNI Multi-Family Home Improvement Program project (PSM 470, Amendment 1) in the amount of \$175,000. CEQA: Not a Project.
  - (4) Establish the appropriation to the Environmental Services Department for the KONA Area clean-up project (PSM 532) in the amount of \$59,730. CEQA: Exempt, File No. PP07-009.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the KONA Area clean-up project as more specifically described in the memorandum from the Redevelopment Agency, dated May 5, 2008. CEQA: Exempt, File No. PP07-009.
- (Public Works/Housing/Environmental Services/City Manager's Office)

### 2.12 [Agreement for the Auxiliary Chilled Water System Project for the City Hall Network Operations Center.](#)

**Recommendation:** Approval of an agreement with Advance Design Consultants, Inc. for consultant services for the Auxiliary Chilled Water System project for the City Hall Network Operations Center, from the date of execution to February 28, 2009 in an amount not-to-exceed \$134,000. CEQA: Not a Project. (Public Works/General Services)

### 2.13 [Approval to Summarily Vacate a Portion of Public Right-of-way at the Southwest Corner of Third Street and San Fernando Street.](#)

**Recommendation:** Adoption of a resolution to summarily vacate a portion of public right-of-way at the southwest corner of Third Street and San Fernando Street, recorded November 28, 2006 in Book 809 of Maps at Pages 16 and 17 of Official Records, Office of the Recorder, County of Santa Clara. CEQA: Resolution No. 71039.1 and Addenda thereto, File No. H04-038. Council District 3. (Public Works)

## 2. CONSENT CALENDAR

---

### 2.14 [Amendment to the Consultant Services Agreement with Kimley-Horn and Associates, Inc.](#)

**Recommendation:** Approval of a fourth amendment to the Consultant Services Agreement between the City of San José and Kimley-Horn and Associates, Inc. for the design and development of the Silicon Valley Intelligent Transportation Systems West Corridor Project, to modify the cost reimbursement terms with no change in maximum compensation. CEQA: Exempt, File No. PP00-02-026. Council Districts 1 and 6. SNI: Burbank/Del Monte, Winchester. (Transportation)

### 2.15 [Report on Bids and Award of Contract for the California Housing Grant Project Accessibility Curb Ramps 2008.](#)

**Recommendation:** Report on bids and award of contract for the California Housing Grant Project Accessibility Curb Ramps 2008 to the low bidder, SpenCon Construction, and approval of a contract amount of \$421,685 plus a contingency in the amount of \$42,168 for a total contract amount of \$463,853. CEQA: Exempt, File No. PP05-212. Council Districts 1, 3, 6 and 7. (Transportation)

## 3. STRATEGIC SUPPORT SERVICES

---

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

### 3.2 Report of the Rules and Open Government Committee – [May 14, 2008](#) Mayor Reed, Chair

- (a) City Council (City Clerk)
    - (1) Review May 20, 2008 Final Agenda
    - (2) Review May 27, 2008 Special Meeting Draft Agenda
  - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (c) Legislative Update
    - (1) State
      - (a) AB 2270 (Laird) Recycled Water: Water Quality. (Environmental Services)  
**HEARD BY COUNCIL 5/20/08 – ITEM 3.6**
      - (b) AB 2347 (Ruskin) Mercury Thermostat Collection Act of 2008. (Environmental Services)  
**HEARD BY COUNCIL 5/20/08 – ITEM 3.7**
    - (2) Federal
  - (d) Meeting Schedule
  - (e) The Public Record
  - (f) Appointments to Boards, Commissions and Committee
- (Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules and Open Government Committee – May 14, 2008 (Cont'd.) Mayor Reed, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Policy Options and Staff Report relating to Internet Filtering Proposal and Computer Use at San José Public Libraries. (Library)
  - (2) Referral of an Audit of the 2005-06 Grant Reimbursement for Sister City Programs. (City Auditor)
  - (3) Workload Assessment for Analysis of Extending the Living Wage Policy at Mineta San Jose International Airport. (Airport)
  - (4) Amendment to Civil Service Rules (SJMC 3.04.1410-Disciplinary Hearings). (City Attorney's Office)  
**SEE ITEM 2.5 FOR COUNCIL ACTION TO BE TAKEN**
  - (5) Downtown High Rise Financing Initiative. (Mayor/Liccardo)  
**HEARD BY COUNCIL 5/20/08 – ITEM 9.2**
- (h) Review of additions to Council Committee Agendas
  - (1) Community and Economic Development (CED) Committee
    - (a) Add update on the proposal to create a Public Safety Memorial at City Hall to the May 27, 2008 CED Committee Workplan. (City Manager's Office)
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment (TE) Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee – [May 15, 2008](#) Councilmember Nguyen, Chair

- (a) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
    - (1) Financial Statements
    - (2) Capital Cost Report
    - (3) Cash Flow Projections
  - (b) Review of Plans for Heart Safe City Classification. (Fire)
  - (c) Audit of the Bridge Replacement – Phase II. (City Auditor)
  - (d) Review of Allied Waste Expenditures for the Period of April 1, 2007 through February 29, 2008
  - (e) Semi-Annual Recommendation Follow-up Report on all Outstanding Audit Recommendations for the Six Months ended December 31, 2007. (City Auditor)
  - (f) Annual Procurement Report and Proposed Amendment to Sections 4.12 and 4.16 of the Municipal Code. (Finance)
  - (g) FY 2007-2008 Third Quarter Debt Report. (Finance)
  - (h) FY 2007-2008 Third Quarter Investment Report. (Finance)
- (Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee – May 15, 2008 (Cont'd.)

- (i) Third Quarter Reports on 2007-2008 Performance Measurements for January – March 2008. (City Manager's Office)
  - (1) Public Safety
  - (2) Strategic Support
- (j) Oral Petitions
- (k) Adjournment

#### 3.4 [Agreement to Purchase Office Supplies.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute:

- (a) An agreement and purchase order for the cooperative purchase of office supplies with Corporate Express through the cooperative contract offered by the National Intergovernmental Purchasing Alliance starting July 1, 2008 until June 30, 2012 in an amount not-to-exceed \$1,200,000 for the initial year of the agreement.
- (b) Amendments to the initial purchase order to adjust the not-to-exceed compensation subject to annual appropriation of funding.
- (c) Execute subsequent annual Purchase Orders subject to annual appropriation of funding.

CEQA: Not a Project. (Finance)  
(Deferred from 5/20/08 – Item 3.5)

\* **RECOMMEND DEFERRAL TO 6/10/08 PER ADMINISTRATION**

#### 3.5 [AB 2058 \(Levine\) – Recycling: Plastic Carryout Bags: Paper Carryout Bags.](#)

**Recommendation:** As referred by the Rules and Open Government Committee, consider a position of support for AB 2058 (Levine) – Recycling: Plastic Carryout Bags: Paper Carryout Bags. (City Clerk)  
[Rules Committee referral 5/21/08 – Item C(1)(a)]

#### 3.6 [AB 2437 \(Ruskin\) Regional Water Systems.](#)

**Recommendation:** As referred by the Rules and Open Government Committee, consider a position of support for AB 2437 (Ruskin) Regional Water Systems. (City Clerk)  
[Rules Committee referral 5/21/08 – Item C(1)(a)]

#### 3.7 [Report on Request for Information and Actions related to Outsourcing the City's Central Warehouse Operations.](#)

**Recommendation:** Report on Request for Information and direct the Director of Finance to develop and issue a formal Request for Proposal for the purpose of potentially outsourcing the City's Central Warehouse Operations in accordance with the City's Public Private Competition Policy 0-29. CEQA: Not a Project. (Finance)

### 3. STRATEGIC SUPPORT SERVICES

---

3.8 [Actions related to the General Obligation Bonds, Series 2008 \(Libraries and Parks Projects\).](#)

[Supplemental – Memo from the Deputy Director of Finance](#)

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the issuance of the City of San José General Obligation Bonds, Series 2008 (Libraries and Parks Projects) (“2008 Bonds”) in the not-to-exceed aggregate principal amount of \$33,100,000 to be sold at a competitive sale.
- (b) Approving, in substantially final form, the Fiscal Agent Agreement, Official Notice Inviting Bids, and Preliminary Official Statement and authorizing the City Manager or other authorized officers to execute these documents and other related documents as necessary in connection with the issuance of the 2008 Bonds.

CEQA: Not a Project. (Finance/City Manager’s Office)

\* **TO BE HEARD IMMEDIATELY BEFORE THE SAN JOSE FINANCING AUTHORITY MEETING**

3.9 [AB 2640 \(Huffman\) Solid Waste: Compostable Organics Management.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee, adopt a position of support for AB 2460 (Huffman) Solid Waste: Compostable Organics Management. (Environmental Services)

\* [Rules Committee referral 5/28/08 – Item C(1)(a)]

3.10 [SB 1321 \(Correa\): School Recycling Programs.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee, adopt a position of support for SB 1321 (Correa): School Recycling Programs. (Environmental Services)

\* [Rules Committee referral 5/28/08 – Item C(1)(b)]

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

4.1 **Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report.***

4.2 [San José Japantown Historic Context and Intensive Survey Phase II.](#)

[Attachment – San José Japantown Historic Context and Intensive Survey](#)

**Recommendation:** Acceptance of the *San José Japantown Historic Context and Intensive Survey, Phase II* as recommended by the Historic Landmarks Commission (4-0-0). CEQA: Exempt, File No. PP05-004. Council District 3. (Planning, Building and Code Enforcement)  
(Deferred from 5/6/08 – Item 4.2)

\* **RECOMMEND DROP PER ADMINISTRATION**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.3 [Fiscal Actions Related to the Cinnabar Commons Apartments Project.](#)

**Recommendation:** Adoption of a resolution:

- (a) Approving an increase to the City permanent loan to Cinnabar Commons, a California limited partnership, or an affiliated entity for up to \$506,652 to capitalize interest on the City's loan for the Cinnabar Commons Family Apartments project, located on Stockton Avenue between Cinnabar Street and Lenzen Avenue.
- (b) Approving up to 120% Loan-to-Value (LTV) as an exception to the City Council policy limiting LTV to 100%.

CEQA: EIR Resolution No. 71174. Council District 6. (Housing)  
(Deferred from 5/20/08 – Item 2.9)

### 4.4 [Housing Director Authority Relating to Predevelopment Loans and Second Mortgages.](#)

**Recommendation:**

- (a) Approval of [an ordinance](#) amending Chapter 5.06 of the San José Municipal Code – “Contract Authority of the Director of Housing, City Manager and Director of Finance” – to modify the Director of Housing's delegated authority by: eliminating the maximum amount of predevelopment loans that can be made to nonprofit housing developers by the Director; and authorizing the Director to make commitments of project-based second mortgages.
- (b) Adoption of a resolution to increase the maximum amount of predevelopment loans that can be approved by the Director of Housing from \$100,000 to \$500,000; and set a \$500,000 limit on the amount of project-based second mortgages that can be committed by the Director of Housing to any one for-sale development.

CEQA: Not a Project. (Housing)  
(Deferred from 5/20/08 – Item 4.3)

**RECOMMEND DEFERRAL TO 8/5/08 PER THE MAYOR**

### 4.5 [Discussion and Overview of the Economic Feasibility Analysis Completed as a Part of the City's Inclusionary Housing Study.](#)

**Recommendation:**

- (a) Provide guidance and feedback to staff at this mid-way point in the review of a potential Citywide Inclusionary Housing Ordinance; and
- (b) Accept the Economic Feasibility Analysis Study completed by David Paul Rosen and Associates related to Citywide Inclusionary Housing in the City of San José.

CEQA: Not a Project. (Housing)  
(Deferred from 5/20/08 – Item 4.4)

\* **RECOMMEND DEFERRAL PER DISTRICT 3**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.6 [Lease Agreement with the Tech Museum of Innovation for installing a Photovoltaic System on the roof of Parkside Hall.](#)

\* **Recommendation:**

- (a) Approval of a lease agreement between the City of San José and the Tech Museum of Innovation for the use of Parkside Hall's roof and approval of City's consent to the sublease of Parkside Hall's roof and the Tech Museum's roof to Solar Star for the purpose of constructing, installing, maintaining and operating a photovoltaic solar generation system; and
- (b) Adoption of a resolution authorizing the City Manager to consent to the assignment of Solar Star's rights and obligations under the sublease to a third party, if necessary, in order to finance the photovoltaic solar generation system.

CEQA: Exempt, File No. PP08-039. Council District 3. (City Manager's Office)

\* **RECOMMEND DEFERRAL TO 6/10/07 PER ADMINISTRATION**

### 4.7 [Approval of the Demonstration Partnership Council Policy.](#)

- \* **Recommendation:** Adoption of a resolution approving a new Council Policy entitled "Framework for Establishing Demonstration Partnerships" which would establish a framework for engaging in and evaluating partnerships with private parties with the goal of developing, testing and demonstrating emerging technologies, product and service innovation. CEQA: Not a Project. (City Manager's Office)

### 4.8 [Public Hearing on a Mills Act Historical Property Contract - MA07-013.](#)

**Recommendation:** Conduct a public hearing and consider the adoption of a resolution approving a Historical Property Contract (Mills Act Contract) between the City of San José and the owner of the McKee-Lundy House located at 592 N. Seventeenth Street, City Landmark No. HL86-34 (Maria Loretto, owner). CEQA: Exempt. Council District 3. (Planning, Building and Code Enforcement)

### 4.9 **Public Hearing on a Conservation Area Amendment – CA08-001.**

**Recommendation:** Conduct a public hearing and consider a Conservation Area Amendment to allow a seven-parcel expansion of the current boundaries of the Hanchett and Hester Park Conservation Area to include the following single-family detached residences: 23, 26, 27, 28, 31, 34 and 36 Tillman Avenue Cassandra Ravenscroft, project proponent. CEQA: Exempt. Council District 6. (Planning, Building and Code Enforcement)

**RECOMMEND CONTINUANCE TO 6/17/08 PER ADMINISTRATION**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.10 [Public Hearing on the Reorganization of McKee No. 134.](#)

**Recommendation:** Conduct a public hearing and adoption of a resolution ordering the reorganization of the territory designated as McKee No. 134, which involves the annexation to the City of San José of approximately 1.33 gross acres of land consisting of 2 parcels located on the east side of North White Road, approximately 100 feet southerly of Kentridge Drive, and detachment of the same from the appropriate special districts, including Central Fire Protection, Area No. 01 (Library Services) County Service, County Lighting County Service and County Sanitation District 2-3 (Timothy Chen and Bruno J. Zulpo, Owners) (Related Prezonings PDC07-041 and C08-013). CEQA: EIR Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)  
**TO BE HEARD IN THE EVENING**

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 **Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair – *No Report.***

### 5.2 [Actions related to agreements with Hitachi Global Storage Technologies.](#)

**Recommendation:**

- (a) Approval of a Turnkey Park Agreement, Environmental Agreement, and Maintenance Agreement with Hitachi Global Storage Technologies, Inc. (“Hitachi”) to:
  - (1) Dedicate parkland and construct park improvements;
  - (2) Set forth terms and conditions regarding environmental matters involving the parklands; and
  - (3) Outline Hitachi’s temporary obligations on the three (3) sites to be designated future public parks associated with Planned Development Zoning No. PDC04-031, Master Planned Development Permit PD05-087 and Tentative Map No. PT05-108.
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund (Fund 375):
  - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$400,000 for Hitachi Turnkey Project Design Review and Inspection.
  - (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$714,000 for Reserve: Hitachi Turnkey Park and;
  - (3) Increase the Earned Revenue estimate by \$1,114,000.

CEQA: Resolution No. 72772. Council District 2. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

## 6. TRANSPORTATION & AVIATION SERVICES

---

6.1 Report of the Transportation and Environment Committee  
Councilmember Williams, Chair – *No Report.*

6.2 [Actions related to the Food & Beverage and Retail Request for Proposal at the Airport.](#)

[Attachment – Auditor’s Memo](#)

[Attachment – Administration’s Response to Auditor’s Memo](#)

[Attachment – PGC Appeal](#)

[Supplemental – Response to PGC Appeal](#)

[Supplemental – Memo from Directors of Aviation and Finance](#)

[Supplemental – Letter from Brown and Ramirez Attorneys at Law](#)

[Supplemental – Letter of Appeal](#)

[Exhibit List to Supplemental Submission](#)

\* **Recommendation:**

- (a) Consideration of appeal by Pacific Gateway Concessions, regarding the Airport Food & Beverage and Retail Concessions Program Request for Proposals and adoption of a resolution setting forth the decision of the City Council.
- (b) Adoption of a resolution authorizing the City Manager to:
  - (1) Negotiate and execute Concession Agreements between the City of San José and the following entities, effective from the date of execution by the City Manager through June 30, 2020:
    - (a) Host International, Inc., for the construction and operation of retail concessions at the Airport listed as Package 1 of the Food & Beverage and Retail RFP, with a minimum annual concession fee guarantee to the City of \$1,620,000.
    - (b) AMS-SJC JV, for the construction and operation of retail concessions at the Airport listed as Package 2 of the Food & Beverage and Retail RFP, with a minimum annual concession fee guarantee to the City of \$2,000,000.
    - (c) Areas USA SJC, LLC, for the construction and operation of food and beverage concessions at the Airport listed as Package 3 of the Food & Beverage and Retail RFP, with a minimum annual concession fee guarantee to the City of \$1,726,200.
    - (d) Host International, Inc., for the construction and operation of food and beverage concessions at the Airport listed as Package 4 of the Food & Beverage and Retail RFP, with a minimum annual concession fee guarantee to the City of \$2,860,000.

*(Item continued on the next page)*

- (2) Terminate negotiations with any of the recommended proposers for Packages 1 through 4 and negotiate Concession Agreements with lower-ranked proposers in order of their ranking for each package, in the event that the City Manager determines that the City and the recommended proposer cannot agree upon the terms of the Concession Agreement by August 1, 2008.
- (3) Negotiate and execute amendments to the Concessions Agreements for expansion or contraction of locations and modification or replacement of concepts and subtenants during the overall term of the Concession Agreements, so long as no changes are made in the provisions in the Concession Agreements regarding percentage rent or MAG to be paid to the City.

CEQA: Resolutions Nos. 67380 and 71451, File No. PP08-060. (Airport)

**TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR  
RECOMMEND DEFERRAL TO 6/10/08 PER THE AIRPORT**

\*

## 7. ENVIRONMENTAL & UTILITY SERVICES

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 2007 Independent Police Auditor Year End Report.

#### Supplemental – Memo from the Chief of Police

**Recommendation:** Accept the 2007 Independent Police Auditor Year End Report; and:

- (a) Direct the City Manager to Direct the SJPD to Enter Misconduct Complaints into the Shared Database Contemporaneous with the Date of SJPD Knowledge of the Complaint to Ensure Accurate Recording, Reporting and Tracking of All Complaints.
- (b) Direct the City Manager to Direct the SJPD to Revise Its Policies to Ensure that Written Notice Is Given of the Property Return/Auction/Disposal Process to the Owner at the Time that Property is Booked.
- (c) Direct the City Manager and the City Attorney to Standardize the Processes Used by San José City Departments to Provide Notice to Owners of the Intention to Tow a Vehicle for Violation of San José Municipal Code §11.56.020.

(Independent Police Auditor)

\* **TO BE HEARD NO EARLIER THAN 2:30 P.M.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

*See Item 8.1 “Approval of a contractor prequalification program for the Convention Center Phase 1 Expansion Central Utility Plant Project” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

**CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION**

### 9.1 Actions related to Permitting Promoters.

Attachment – Memo from Mayor Reed and Councilmember Liccardo

Attachment – Memo from Mayor Reed and Councilmember Liccardo

Attachment – Proposed Promoter Ordinance FAQ

Supplemental – Memo from the Chief of Police

\* **Recommendation:** Actions related to Permitting Promoters as follows:

- (a) Approval of an ordinance by the City Council:
  - (1) Amending Chapter 6.58 of Title 6 of the San José Municipal Code to require operators of public dancehall venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.58 of the Code, but not so permitted responsible for violations of Chapter 6.58 of the Code;
  - (2) Amending Chapter 6.60 of Title 6 of the Code to require operators of public entertainment business venues to use permitted promoters and to hold persons required to be permitted or licensed under Chapter 6.60, but not so permitted or licensed, responsible for violations of Chapter 6.60 of the Code; and

*(Item continued on the next page)*

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

### 9.1 Actions related to Permitting Promoters. (Cont'd.)

#### Recommendation:

- (a) (3) Adding Chapter 6.62 to Title 6 of the Code to require promoter permits and setting regulations and conditions on promoter permits.
- (b) Adoption of [a resolution](#) by the City Council amending the Administrative Citation Schedule of Fines for Certain Violations of the Code to amend and establish fines for certain violations of Code Chapters 6.58 (Public Dancehalls) and 6.60 (Public Entertainment Permit) and to establish fines for violations of Code Chapter 6.62 (Event Promoters), and repealing Resolution No. 74033, to be effective July 1, 2008.
- (c) Acceptance of the Supplemental Memo as staff's report to the request by City Council to conduct further outreach regarding the proposed ordinance and the resolution amending the City's Schedule of Administrative Fines.
- (d) Direction to include the proposed fee of \$986 for the Event Promoter Permit in the City's Schedule of Fees and Charges for 2008-2009.

CEQA: Not a Project. Council District 3.

[Deferred from 4/29/08 – Item 9.1(b) and 5/20/08 – Item 9.1]

**TO BE HEARD FIRST IN THE EVENING**

- Open Forum
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

---

No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

---

(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 11.1 Public Hearings on Consent Calendar.

#### **Recommendations:**

- (a) Consideration of an ordinance rezoning the real property located at/on the north side of Michigan Avenue approximately 350 feet easterly of North 1<sup>st</sup> Street from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 6 single-family detached residences on a 0.69 gross acre site (Schulman, Bennie and Linda S, Owners). CEQA: Mitigated Negative Declaration.  
PDC06-018 – District 4  
[Continued from 4/22/08 – Item 11.1(a)]  
\* **RECOMMEND DROP PER APPLICANT**
  
- \* (b) [Consideration of an ordinance rezoning the real property](#) located at the northwest corner of East Brokaw Road and Oakland Road (1015 East Brokaw Road) from IP Industrial Park, LI Light Industrial, and HI Heavy Industrial Zoning Districts to CN Commercial Neighborhood Zoning District to allow commercial uses on a 8.2 gross acre site (Brokaw Ventures LLC, Owner). CEQA: Resolution No. 72768 and Addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C08-029 – District 4
  
- (c) [Consideration of a Street renaming for the southern extension of Peregrino Way](#) to Peregrino Drive, located at the southerly extension of Peregrino Way to approximately 350 feet northerly of Dry Creek Road (David Warda, Applicant). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
ST07-003 – District 6

**END PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

---

### 11.2 [Rezoning real property located at/on the southwest corner of Berryessa and Jackson Avenue.](#)

[Attachment – Staff Report](#)

[Attachment – General Development Plan](#)

[Supplemental – Memo from the Planning Commission](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of Berryessa and Jackson Avenue from R-1-5(PD) Planned Development Zoning District and A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 379 single-family attached residences and 30,000 square feet for commercial uses, the demolition of one single-family residence and nine accessory structures, and the preservation/relocation of one single-family residence and one fruit stand on a 20.18 gross acres site (Pepper Lane Berryessa LLC, Myra Reinhard, Owners; Pulte Home Corporation, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

[PDC07-033](#) – District 4

(Deferred from 4/8/08 – Item 11.6 and 5/6/08 – Item 11.2 and 5/20/08 – Item 11.2)

### 11.3 [Amending Title of 20 of the San José Municipal Code, the Zoning Code, to provide a height exception for solar photovoltaics.](#)

**Recommendation:** Consideration of [an ordinance](#) of the City of San José amending Title 20 of the San José Municipal Code, the Zoning Code, to add Section 20.30.530 to provide a height exception for solar photovoltaic power generation systems mounted on the surface of an accessory building or structure, and to amend Sections 20.20.100, 20.30.100, 20.30.500, 20.40.010, 20.50.010, 20.70.100, 20.100.500, 20.100.610, and 20.100.1030, and amend Section 13.48.210 of Chapter 13.48, of the San José Municipal Code, Historic Preservation, all to clarify that a building permit may be issued for installation of solar photovoltaic power generation systems that conform to all of the development standards of the zoning district in which they are located. CEQA: Exempt, PP08-053. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

Citywide

## 11. PUBLIC HEARINGS

---

### 11.4 [Amending Title 20 of the San José Municipal Code, the Zoning Code, to amend use regulations in commercial and industrial zoning districts.](#)

[Supplemental – Memo from the Director of Planning](#)

**Recommendation:** Consideration of [an Ordinance](#) of the City of San José amending Title 20 of the San José Municipal Code, the Zoning Code, to amend Section 20.40.520 to streamline requirements for outdoor uses in the commercial zoning districts; amend Section 20.50.100 to allow performing arts rehearsal space with a conditional use permit in the IP district; apply the “CM” notation in Table 20-110 to properties with the combined industrial commercial general plan designation, allow additional commercial uses in conjunction with large format commercial establishments, streamline permit requirements for data centers, and add tow yard as an enumerated use; amend Section 20.50.115 to establish requirements for commercial uses associated with large format commercial establishments; amend Section 20.50.120 to make additional provision for incidental retail sales in the Industrial Zoning Districts; amend Section 20.90.060 to reduce the parking requirement for data centers and performing arts rehearsal space, and establish parking requirements for tow yards and for large format commercial establishments, associated commercial; and add Sections 20.200.265, 20.200.605, and 20.200.1278 to define data center, large format commercial establishment and vehicle tow yard; and to make other related clarifying changes and amendments. CEQA: Exempt, PP08-056. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
Citywide

### 11.5 [Rezoning real property located at/on the southwest corner of Murphy Avenue and Oyama Drive.](#)

[Attachment – Oyama Family Compound and Town Home Development](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located at/on the southwest corner of Murphy Avenue and Oyama Drive (1254 Murphy Avenue) from Agriculture Zoning District to the A(PD) Planned Development Zoning District to allow 3 single family residential units and up to 31 townhomes on a 2.99 gross acre site (Oyama Wright Trustee, Owner). CEQA: Addendum to North San José EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
[PDC07-088](#) – District 4

# 11. PUBLIC HEARINGS

---

## 11.6 Planned Development Rezoning for a Master Plan for the Bellarmine College Preparatory Campus.

**Recommendation:** Consideration of a Planned Development Rezoning for a Master Plan for the Bellarmine College Preparatory Campus. The Project includes demolition of about 47,000 square feet of existing buildings and the new construction of 135,884 square feet resulting in 272,578 square feet (total) on an existing private high school on an approximately 30.05 gross acre site located in the area generally bounded by W. Hedding Street, Caltrain right-of-way, Stockton Avenue, Emory Street and Elm Street (960 W. Hedding Street) (Bellarmine College Preparatory, Owner). CEQA: Mitigated Negative Declaration.

PDC07-072 – District 6

**RECOMMEND CONTINUANCE TO 6/17/08 PER ADMINISTRATION**

- 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>
9948	West side of South Willard Avenue, 180 feet south of Douglas Street	6	Steven and Nancy McVay	7 Lots / 6 Units	Single Family Attached and Detached

- Notice of City Engineer’s Award of Construction Projects

- Open Forum

- Adjournment

This meeting will be adjourned in memory of Thomas Harold Riddle, who passed away April 26, 2008, and had dedicated his life to education and community service. (Chu)

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

**1:30 P.M.**

**TUESDAY, JUNE 3, 2008**

**CHAMBERS**

---

1. **Call to Order**
2. **[Actions Related to the City of San José Financing Authority Lease Revenue Bonds.](#)**

[Supplemental 1 – Memo from the City Manager](#)

[Supplemental 2– Memo from the Deputy Director of Finance](#)

[Supplemental 3 – Memo from the Deputy Director of Finance](#)

[Supplemental 4 – Memo from the Deputy Director of Finance](#)

[Attachment 1 – Conflict of Interest Form for Councilmember Pyle](#)

**Recommendation:**

- (a) **Actions related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008A (Civic Center Refunding Project)**
  - (1) Adopt the following 2007-2008 Appropriation Ordinance amendments in the City Hall Debt Service Fund (210):
    - (a) Increase the appropriation for City Hall Debt Service by \$250,000; and
    - (b) Decrease the appropriation for City Hall Garage Debt Service by \$250,000.
  - (2) Adoption of a resolution of the City Council approving, authorizing and directing execution of certain financing documents and direct certain related actions in connection with the issuance of the City of San José Financing Authority Lease Revenue Bonds, Series 2008A (Civic Center Refunding Project) (the “Civic Center Refunding Bonds”) in an aggregate principal amount not to exceed \$61,000,000, in connection with the refinancing of certain public capital improvements of the City of San José, to be sold through negotiated sale, and authorizing the City Manager or the City Manager’s authorized designees (“Designated Officers”) to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds, including pledging additional assets to secure the project lease with the City of San José Financing Authority.

*(Item continued on the next page)*

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

**2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds  
(Cont'd.)**

**Recommendation:**

- (a) (3) Adoption of a resolution of the City of San José Financing Authority Board:
- (a) Authorizing the issuance of the Civic Center Refunding Bonds, in an aggregate principal amount not to exceed \$61,000,000, in connection with the refinancing of certain public capital improvements of the City of San José to be sold through negotiated sale; and
  - (b) Approving, authorizing and directing the execution of various financing documents related to the Civic Center Refunding Bonds and authorizing the Authority's Executive Director or the Executive Director's authorized designees ("Designated Officers") to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds. CEQA: Not a Project.
- (b) **Actions related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008B (Civic Center Garage Refunding Project)**
- (1) Adoption of a resolution of the City Council approving, authorizing and directing execution of certain financing documents and direct certain related actions in connection with the issuance of the City of San José Financing Authority Lease Revenue Bonds, Series 2008B (Civic Center Garage Refunding Project) (the "Civic Center Garage Refunding Bonds") in an aggregate principal amount not to exceed \$35,000,000, in connection with the refinancing of certain public capital improvements of the City of San José, to be sold through negotiated sale, and authorizing the Designated Officers to take other actions as necessary in connection with the issuance of the Civic Center Garage Refunding Bonds.

*(Item continued on the next page)*

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

**2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds.  
(Cont'd.)**

**Recommendation:**

- (b) (2) Adoption of a resolution of the City of San José Financing Authority Board:
- (a) Authorizing the issuance of the Civic Center Garage Refunding Bonds, in an aggregate principal amount not to exceed \$35,000,000, in connection with the refinancing of certain public capital improvements of the City of San José to be sold through negotiated sale; and
  - (b) Approving, authorizing and directing the execution of various financing documents related to the Civic Center Garage Refunding Bonds and authorizing the Designated Officers to take other actions as necessary in connection with the issuance of the Civic Center Garage Refunding Bonds. CEQA: Not a Project.
- (c) **Actions related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C and 2008D (Hayes Mansion Refunding Project)**
- (1) Adopt the following 2007-2008 Appropriation Ordinance amendments in the Community Facilities Revenue Fund (422):
    - (a) Increase the appropriation for Debt Service Payments for the Hayes Phase III by \$750,000; and
    - (b) Reduce the Ending Fund Balance by \$750,000.
  - (2) Adoption of a resolution of the City Council approving, authorizing and directing execution of certain financing documents and direct certain related actions in connection with the issuance of the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) in an aggregate amount not to exceed \$11,000,000 and the City of San José Financing Authority Taxable Lease Revenue Bonds Series 2008D (Hayes Mansion Refunding Project) (collectively the “Hayes Mansion Refunding Bonds”) in an aggregate principal amount not to exceed \$48,000,000, in connection with the refinancing of certain public capital improvements of the City of San José, to be sold through negotiated sale, and authorizing the Designated Officers to take other actions as necessary in connection with the issuance of the Hayes Mansion Refunding Bonds.

*(Item continued on the next page)*

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

**2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds.  
(Cont'd.)**

**Recommendation:**

- (3) Adoption of a resolution of the City of San José Financing Authority Board:
  - (a) Authorizing the issuance of the Hayes Mansion Refunding Bonds, in an aggregate principal amount not to exceed \$11,000,000 for the Series 2008C Bonds and \$48,000,000 for the Series 2008D Bonds, in connection with the refinancing of certain public capital improvements of the City of San José to be sold through negotiated sale; and
  - (b) Approving, authorizing and directing the execution of various financing documents related to the Hayes Mansion Refunding Bonds and authorizing the Designated Officers to take other actions as necessary in connection with the issuance of the Hayes Mansion Refunding Bonds. CEQA: Not a Project.
- (d) **Actions related to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E (Ice Centre Refunding Project)**
  - (1) Adopt the following 2007-2008 Appropriation Ordinance amendments in the Ice Centre Revenue Fund (432):
    - (a) Increase the Transfer for Debt Service Payment for the Ice Centre by \$250,000; and
    - (b) Reduce the Ending Fund Balance by \$250,000.
  - (2) Adoption of a resolution of the City Council approving, authorizing and directing execution of certain financing documents and direct certain related actions in connection with the issuance of the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E (Ice Centre Refunding Project) (the “Ice Centre Refunding Bonds”) in an aggregate principal amount not to exceed \$28,000,000, in connection with the refinancing of certain public capital improvements of the City of San José, to be sold through negotiated sale, and authorizing the Designated Officers to take other actions as necessary in connection with the issuance of the Ice Centre Refunding Bonds.

*(Item continued on the next page)*

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

**2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds.  
(Cont'd.)**

**Recommendation:**

- (d) (3) Adoption of a resolution of the City of San José Financing Authority Board:
  - (a) Authorizing the issuance of the Ice Centre Refunding Bonds, in an aggregate principal amount not to exceed \$28,000,000, in connection with the refinancing of certain public capital improvements of the City of San José to be sold through negotiated sale; and
  - (b) Approving, authorizing and directing the execution of various financing documents related to the Ice Centre Refunding Bonds and authorizing the Designated Officers designee to take other actions as necessary in connection with the issuance of the Ice Centre Refunding Bonds. CEQA: Not a Project.
- (e) **Actions related to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project)**
  - (1) Adopt the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
    - (a) Increase the estimate for Other Revenue by \$675,000; and
    - (b) Increase the City-Wide Expenses appropriation for FMC Debt Service Payments - Airport by \$675,000.
  - (2) Adopt the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Revenue Fund (521):
    - (a) Increase estimate for Earned Revenue by \$382,000 to reflect additional commercial paper proceeds; and
    - (b) Increase the Transfer to the Airport Maintenance and Operation Fund by \$382,000.
  - (3) Adopt the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Maintenance and Operation Fund (523):
    - (a) Increase the estimate for Transfers by \$382,000; and
    - (b) Increase the appropriation to the Airport Department for Property Lease Payment by \$382,000.

*(Item continued on the next page)*

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

**2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds.  
(Cont'd.)**

**Recommendation:**

- (e) (4) Adoption of a resolution of the City Council approving, authorizing and directing execution of certain financing documents and direct certain related actions in connection with the issuance of the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project) (the “Land Acquisition Refunding Bonds”) in an aggregate principal amount not to exceed \$68,000,000, in connection with the refinancing of certain public capital improvements of the City of San José, to be sold through negotiated sale, and authorizing the Designated Officers to take other actions as necessary in connection with the issuance of the Land Acquisition Refunding Bonds. CEQA: Not a Project.
- (5) Adoption of a resolution of the City of San José Financing Authority Board:
  - (a) Authorizing the issuance of the Land Acquisition Refunding Bonds, in an aggregate principal amount not to exceed \$68,000,000, in connection with the refinancing of certain public capital improvements of the City of San José to be sold through negotiated sale; and
  - (b) Approving, authorizing and directing the execution of various financing documents related to the Land Acquisition Refunding Bonds and authorizing the Designated Officers to take other actions as necessary in connection with the issuance of the Land Acquisition Refunding Bonds.
- (f) Adoption of a resolution of the City Council authorizing the City Attorney to negotiate and execute an agreement with Jones Hall, A Professional Law Corporation (“Jones Hall”) for bond counsel and disclosure counsel services related to the issuance of the City of San José Lease Revenue Bonds Series 2008A through 2008F in an amount not to exceed \$400,000. CEQA: Not a Project.

(Deferred from 5/20/08 – Item 2)

**TO BE HEARD LAST IN THE AFTERNOON**

**3. Adjourn the San José Financing Authority.**



## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.