



# **CITY COUNCIL AGENDA**

**MARCH 10, 2009**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
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 during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. 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, Staff Reports and some associated documents 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. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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**

9:30 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

- **Invocation (District 3)**

\* Tlaloc Chalchihuitlicue Aztec Dance in Collaboration with Tezkatlipoka Traditional Aztec Dance and Drum.

- **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 Alfons “Al” Vindasius. He was at the heart of the industry that created Silicon Valley registering several patents for the design and fabrication of advanced semiconductor devices. He will be missed by his family and member of the Market Almaden Neighborhood where he gave generously of his time and expertise. (Liccardo)

**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

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- 1.1 Presentation by the San José Tech Museum to the City of San José. (Mayor)
- 1.2 Presentation of a commendation to Airtronics Metal Products, Inc., for choosing San Jose and for the benefits it provides to our residents and our economy through jobs and revenues to the “Capital of Silicon Valley.” (Mayor/Redevelopment Agency)

## 2. CONSENT CALENDAR

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**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 November 4, 2008.](#)
- (b) [Special Minutes of November 10, 2008 on the Citywide Inclusionary Housing Policy.](#)
- (c) [Regular Minutes of November 18, 2008.](#)

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28503 – Rezoning certain real property situated on the northwest corner of Blossom Hill Road and Poughkeepsie Road (161 Blossom Hill Road) to R-MH Mobilehome Park Zoning District. C08-064
- (b) ORD. NO. 28504 – Rezoning certain real property situated on the southwest corner of South De Anza Boulevard and Fallen Leaf Lane (1051 South De Anza Boulevard) to CN Commercial Neighborhood Zoning District. C08-060
- (c) ORD. NO. 28505 – Rezoning certain real property situated on the east side of North 33<sup>rd</sup> Street, 140 feet south of McKee Road (280 North 33<sup>rd</sup> Street) to CP Commercial Pedestrian Zoning District. C08-053

## 2. CONSENT CALENDAR

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### 2.3 [Agreement relating to cable television franchise issues.](#)

**Recommendation:** Adopt a resolution authorizing the City Attorney to execute a Second Continuation [Agreement](#) with Miller & Van Eaton, LLP, for consultant services related to cable television franchise renewal matters, extending the term through December 31, 2009, with no increase in total compensation. CEQA: Not a Project. (City Attorney's Office)

### 2.4 [Settlement regarding Rodriguez, Cruz v. City of San Jose.](#)

**Recommendation:** Approve settlement and authorize payment to Regina Rodriguez and Justin Cruz in the amount of \$87,000 pursuant to a Settlement [Agreement](#) and Release, as considered by the City Council during the Closed Session held on February 9, 2009. CEQA: Not a Project. (City Attorney's Office)

### 2.5 [City Manager's Travel to San Diego, California.](#)

**Recommendation:** Approve the City Manager's travel to San Diego, California on March 19 and 20, 2009, for the CEO's for Cities 2009 Strategy Session. Source of Funds: City Manager's Non Personal Appropriation. (City Manager's Office)

### 2.6 [Open Purchase Orders for FY 2008-2009 #5.](#)

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #5 and authorization for the Director of Finance to execute the purchase orders. CEQA: See attachment for CEQA determinations. (Finance)

### 2.7 [Change in the affordability mix of the 90 Archer Street Apartment.](#)

**Recommendation:** Adopt a [resolution](#) approving a change in the affordability mix of the 90 Archer Street Apartments, a 42-unit rental housing development to be constructed at 90 Archer Street, to be made available to extremely low-income and very low-income households, with 41 units affordable to households with incomes at or below 45% Area Median Income and one unrestricted managers' unit. CEQA: Resolution No. 72768 and Addendum thereto, File No. PDC06-085. Council District 3. (Housing)

### 2.8 [Home Investment Partnership Program.](#)

**Recommendation:** Adopt the following amendment to the 2008-2009 Appropriation Ordinance in the Home Investment Partnership Program (HOME) Fund 445:

- (a) Increase the WelcomeHOME appropriation by \$600,000; and
- (b) Decrease the Home Loans and Grants appropriation by \$600,000.

CEQA: Not a Project. (Housing/City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.9 [Amendment to the Buena Vista Park Master Plan.](#)

**Recommendation:** Approve an amendment to the Buena Vista Park Master Plan for its proposed expansion. CEQA: Exempt, PP08-266. Council District 6. SNI: Burbank/Del Monte. (Parks, Recreation and Neighborhood Services)

### 2.10 [Agreement for the Silver Creek Linear Park Master Plan.](#)

**Recommendation:** Approve an [agreement](#) with 2M Associates, a California general partnership, for consultant services for a hydrologic study and an update to the Silver Creek Linear Park Master Plan from the date of execution through December 31, 2010 in the amount not to exceed \$139,410. CEQA: Not a Project. Council District 8. (Parks, Recreation and Neighborhood Services)

### 2.11 [Summarily vacate a 10-foot Public Service Easement and a 5-foot Wire Clearance Easement.](#)

**Recommendation:** Adopt a [resolution](#) summarily vacating a 10-foot Public Service Easement and a 5-foot Wire Clearance Easement lying in the northerly and southerly boundaries of Lot 163, Tract 3451 (Mylinda Drive). CEQA: Not a Project. Council District 4. (Public Works)

### 2.12 [Establish a Rule 20A Underground Utility District along Tully Road and set a public hearing.](#)

**Recommendation:** Adopt a [resolution](#) to consider the establishment of a Rule 20A Underground Utility District along Tully Road, between Kenoga Drive and 720 feet west of Senter Road, and along Senter Road, between Parrott Street and 170 feet south of Tully Road, and set a public hearing on [April 14, 2009 at 1:30 p.m.](#) CEQA: Addendum to a Mitigated Negative Declaration, PP08-160. Council District 7. (Public Works)

### 2.13 [Intention to vacate a 20-foot street alley and set a public hearing.](#)

**Recommendation:** Adopt a [resolution](#) of intention to vacate a 20-foot street alley, located between Eastgate Avenue and Beverly Boulevard, reserve a public services easement over the vacated area, and set a public hearing on [April 14, 2009 at 1:30 p.m.](#) CEQA: Exempt, H07-049. Planning Commission recommends approval (7-0-0). Council District 5. (Public Works)

### 2.14 [San José Animal Care Center Tenant Improvements II Project.](#)

**Recommendation:** Approval to increase the construction contingency for the San José Animal Care Center Tenant Improvements II Project in the amount of \$5,854, from \$3,474 to \$9,328. CEQA: Mitigated Negative Declaration, PP00-057. (Public Works)

## 2. CONSENT CALENDAR

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### 2.15 Fiscal Actions for Redevelopment Agency Capital Projects.

#### Recommendation:

- (a) (1) [Adopt the following Appropriation Ordinance and Funding Sources](#) Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
- (a) Increase the estimate for Earned Revenue by \$859,000.
  - (b) Establish the appropriation to the Department of Public Works for the Convention Center Central Utility Plant Project (PSM 561) in the amount of \$194,000.
  - (c) Establish the appropriation to the Department of Public Works for the Autumn Street Extension Project (PSM 566) in the amount of \$665,000.
- (2) Adopt resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
- (a) The Convention Center Central Utility Plant Project as more specifically described in the memorandum from the Redevelopment Agency, dated January 15, 2009; and [\(resolution\)](#)
  - (b) The Autumn Street Extension Project as more specifically described in the memorandum from the Redevelopment Agency dated January 22, 2009. [\(resolution\)](#)

CEQA: Convention Center Central Utility Plant Project: Not a Project; Autumn Street Extension Project: Not a Project. (Public Works/City Manager's Office)

- (b) (1) [Adopt the following Appropriation Ordinance and Funding Sources](#) Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
- (a) Increase the estimate for Earned Revenue by \$385,000.
  - (b) Increase the appropriation to the Department of Transportation for the Agency Pole Painting Project (PSM 501 Amendment #1) in the amount of \$360,000.
  - (c) Establish the appropriation to the Department of Transportation for the Bird Avenue Bike Lanes and Lane Modification Project (PSM 569) in the amount of \$25,000.
- (2) Adopt a [resolution](#) making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Bird Avenue Bike Lanes and Lane Modification Project as more specifically described in the memorandum from the Redevelopment Agency, dated February 2, 2009.

CEQA: Agency Pole Painting Project: Exempt, File No. PP07-242; Bird Avenue Bike Lanes and Lane Modification Project: Exempt, File No. PP08-293. (Transportation/City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.16 Councilmember Herrera's Travel Out of State.

**Recommendation:** Approve travel by Councilmember Herrera to Boston, MA on October 21 – 23, 2009 to participate in the San José/Silicon Valley Chamber of Commerce City-to-City Trip for 2009. Source of Funds: Mayor & Council Travel Fund. (Herrera)  
(Rules Committee referral 2/25/09)

### 2.17 **Actions related to Councilmember Kalra's Travel Out of State.**

**Recommendation:**

- \* (a) Approve travel by Councilmember Kalra to Washington, D.C. on March 14-18, 2009 to attend the National League of Cities Congressional City Conference. Source of Funds: Council Office Budget. (Kalra)  
(Rules Committee referral 2/25/09)
- \* (b) Request for an excused absence for Councilmember Kalra from the Closed Session and Regular Meeting and Evening Meeting of the City Council on March 17, 2009 due to Authorized City Business: National League of Cities 2009 Congressional City Conference in Washington, D.C. (Kalra)
- \* (Rules Committee referral 3/04/09)

### 2.18 Approval of Travel for the City Clerk.

**Recommendation:**

- (a) Approve travel for City Clerk Lee Price to Riverside, California on March 11-12, 2009 to provide professional development training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks.
- (b) Approve travel for City Clerk Lee Price to Brea, California on March 27, 2009 to provide professional development training services for the City Clerks Association of California (CCAC). Source of Funds: City Clerks Association of California.  
(City Clerk)  
(Rules Committee referral 2/25/09)

### 2.19 Actions Related to Councilmember Liccardo's Travel to San Diego, CA.

**Recommendation:**

- (a) Designate Councilmember Liccardo as the City's representative to the CEOs for Cities meeting regarding the nation urban agenda on March 19-20, 2009.
- (b) Approve travel by Councilmember Liccardo to San Diego, CA on March 19-20, 2009 to act as the City's representative to the CEOs for Cities meeting regarding the national urban agenda. Source of Funds: Mayor/Council Travel Fund.  
(Liccardo)
- \* (Rules Committee referral 3/04/09)

### 3. STRATEGIC SUPPORT SERVICES

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

#### 3.2 Report of the Rules and Open Government Committee – [February 11, 2009](#)

##### Mayor Reed, Chair

- (a) Call to Order and Roll Call
- (b) Review of Agenda
- (c) City Council. (City Clerk)
  - (1) Review February 17, 2009 Agenda – 2009 City Council FY 2009-2010 Budget Review Agenda
  - (2) Review February 24, 2009 Draft Agenda
- (d) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (e) Review of Upcoming Study Session Agenda(s)
- (f) Legislative Update
  - (1) State
    - (a) Sacramento Update (verbal report). (City Manager’s Office)
    - (b) AB 46 (Blakeslee) Energy: Energy Conservation Assistance. (Environmental Services)  
\* **HEARD BY COUNCIL 2/24/09 – ITEM 3.8**
    - (c) SB 16 (Lowenthal) Related to Low Income Housing Tax Credits. (Housing)  
\* **HEARD BY COUNCIL 2/24/09 – ITEM 3.9**
  - (2) Federal
    - (a) HR 598 (Rangel) Related to Low Income Housing Tax Credits. (Housing)  
\* **HEARD BY COUNCIL 2/24/09 – ITEM 3.9**
- (g) Meeting Schedules
  - (1) Study Session Schedule. (City Manager’s Office)
  - (2) City-County Annual Meeting. (City Manager’s Office)
- (h) The Public Record
- (i) Appointments to Boards, Commissions and Committees
- (j) Rules committee Reviews, Recommendations and Approvals
  - (1) Resolution confirming and indicating current support of land use designations on former San José Medical Center Site. (City Attorney’s Office)
  - (2) Monthly Report of Activities for January 2009. (City Auditor)
  - (3) Use the Healthy Neighborhood Venture Fund to Finance the Crossing Guard Program. (Constant/Herrera/Oliverio)
  - (4) Prevailing Wages-Liquidated Damages Waiver Requests. (City Attorney’s Office)
- (k) Review of additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
    - (a) Request to set a Special Meeting of the CED Committee regarding the City’s Competition Policies. (City Manager’s Office)
  - (2) Neighborhood Services and Education Committee

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – February 11, 2009 (Cont'd.) Mayor Reed, Chair

- (k) Review of additions to Council Committee Agendas (Cont'd.)
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (l) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force (SRTF)
    - (a) Review of SRTF recommendations regarding Public Records: Balancing Test and Drafts & Memoranda.
    - (b) Correspondence regarding the “Balancing Test”.
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (m) Open Forum
- (n) Adjournment

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair – *No Report.*

#### 3.4 [Ethics update.](#)

**Recommendation:** Accept staff's presentation to the City Council on ethical issues related to recent changes in California law. (City Attorney's Office)

#### 3.5 [Revisions to the City of San Jose Conflict of Interest Code](#)

**Recommendation:** Adopt a [resolution](#) amending the Conflict of Interest Code for the City of San José. (City Clerk)

#### 3.6 [Implementation of Phase I of Sunshine Reform.](#)

**Recommendation:** Accept report on implementation of Phase I of the City's Open Government (Sunshine Reform) initiatives. CEQA: Not a Project. (City Manager's Office)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Report of the Community & Economic Development Committee – [February 23, 2009](#) Councilmember Pyle, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
  - (1) Airport Obstruction Study. (Airport)
  - (2) Economic Stimulus Plan. (City Manager’s Office/Redevelopment Agency)
- (c) Reports to Committee
  - (1) Consent Calendar
  - (2) Downtown Sidewalk Dining and Permitting Process. (Planning, Building and Code Enforcement)  
**SEE ITEM 4.5 FOR COUNCIL ACTION TO BE TAKEN**
  - (3) Development Services Business Model Review. (Public Works)
  - (4) Mexican Heritage Plaza Update. (General Services)
  - (5) Sign Ordinance Update. (Planning, Building and Code Enforcement)
  - (6) State Enterprise Zone Update. (Redevelopment Agency/Economic Development)
  - (7) Economic Indicators Report. (Economic Development)
  - (8) North San José Development Policy. (Planning, Building and Code Enforcement/Redevelopment Agency/Economic Development/Transportation/Housing)
- (d) Open Forum
- (e) Adjournment

### 4.2 [Rezoning real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue.](#)

#### [Attachment – Staff Report](#)

**Recommendation:** Conduct a public hearing on the consideration of an [ordinance](#) rezoning the real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue (Tract 8735) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 17 single-family detached residences on a 26.4 gross acre site (Rosemar Enterprises Corp, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-0).

[PDC06-063](#) – District 5

(Continued from 1/27/09 – Item 11.3 and 2/10/09 – Item 11.2)

\* **RECOMMEND CONTINUANCE TO 3/17/09 PER DISTRICT 5**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 [Amendments to Titles 18 and 20 of the San Jose Municipal Code to clarify the ability to withdraw development applications and to allow inactive applications to be deemed withdrawn.](#)

[Attachment – Memo from the Director of Planning, Building and Code Enforcement](#)

- \* **Recommendation:** Conduct a public hearing on the consideration of an [ordinance](#) amending Part 2 of Chapter 18.08 of Title 18 of the San José Municipal Code, entitled “Procedures,” to add a new section allowing the withdrawal of, or deeming withdrawn, applications to amend the General Plan under certain specified circumstances, and to make other nonsubstantive technical clarifications to said Part 2 of Chapter 18.08 of Title 18, amending Section 20.100.390 of Chapter 20.100 and Section 20.120.070 of Chapter 20.120, all of Title 20 of the San Jose Municipal Code, to allow certain development permit or approval applications or rezoning applications to be deemed withdrawn under certain circumstances of inactivity, and amending Section 20.100.170 of Chapter 20.100.170 of Chapter 20.100 of Title 20 to clarify that applicants of development permits or approvals may withdraw applications. CEQA: Exempt, File No. PP09-014. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Platten absent). (Planning, Building and Code Enforcement)

### 4.4 [ADMINISTRATIVE HEARING regarding an appeal of the Planning Commission’s decision to deny a Determination of Public Convenience or Necessity.](#)

[Attachment – Memo from Councilmember Campos](#)

[Attachment – Staff Report](#)

- \* **Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an appeal of the Planning Commission's decision to deny a Determination of Public Convenience or Necessity application as mandated by the Municipal Code to allow off-sale of alcoholic beverages (beer, wine & liquor) at an existing retail grocery store on a 0.54 gross acre site, in the CP Pedestrian Commercial and R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Vollmer Way and S. King Road (400 S. King Road) (Peter and Maria P Haramis, Owner). SNI: Mayfair. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend that the Council uphold the appeal and grant the Determination of Public Convenience or Necessity (7-0-0).

[ABC08-012](#) – District 5

### 4.5 [Sidewalk Café Update.](#)

- \* **Recommendation:** As referred by the Community and Economic Development Committee of February 23, 2009, accept the status report and consider continuation of the sidewalk café permit program on a permanent basis and eliminate the automatic expiration dates that would sunset the program under the most recent ordinance revision that took effect on May 30, 2008. CEQA: Exempt. (Planning, Building and Code Enforcement)

[Community and Economic Development referral 2/23/09 – Item (c)(2)]

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.6 Funding commitment for the San Carlos Bowl Seniors Project.

**Recommendation:** Adopt a [resolution](#) to:

- (a) Approve a request for early disbursement of \$603,435 of the existing funding commitment to San Carlos Willard Associates, L.P., or its designated affiliate, to finance the shared offsite development costs for the 100-unit San Carlos Bowl Seniors rental project located at 1523-1533 West San Carlos Street; and
- (b) Authorize the Director of Housing to negotiate and execute all documents to effectuate this early disbursement.

CEQA: Exempt, PD04-103. Council District 6. SNI: Burbank/Del Monte. (Housing)  
(Deferred from 3/3/09 – Item 2.3)

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\* **RECOMMEND DEFERRAL TO MARCH 17, 2009 PER ADMINISTRATION**

## 5. NEIGHBORHOOD SERVICES

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

## 6. TRANSPORTATION & AVIATION SERVICES

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

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Items 8.1 “Approval of an agreement with the St. Elizabeth’s Day Home . . .” and 8.2 “Setting a public hearing on May 5, 2009, at 1:30 p.m. to consider a proposed Plan Amendment to allow collection of tax increment from the Diridon/Arena Area” 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. JOINT COUNCIL/REDEVELOPMENT AGENCY

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## 9.1 Actions related to the Formation of a Convention Center Facilities District.

### Attachment – Convention Center Facilities District Report

**Recommendation:**

- (a) Hold a public hearing, accept the Convention Center Facilities District Report, and take the following actions relating to the formation of Convention Center Facilities District No. 2008-1 and the necessity to incur bond indebtedness:
  - (1) Adopt a [resolution](#) of Formation of Convention Center Facilities District No. 2008-1, authorizing the levy of a special tax therein, establishing an initial annual appropriations limit therefore and submitting the authorization to levy a special tax and the establishment of the appropriations limit to the qualified electors thereof.
  - (2) Adopt a [resolution](#) to Incur Bonded Indebtedness of the proposed Convention Center Facilities District pursuant to the City of San José Convention Center Facilities District financing procedure in an amount not to exceed \$750,000,000 over the life of the District.
  - (3) Adopt a [resolution](#) calling a special mailed-ballot election among property owners in the District.
- (b) Adopt resolutions authorizing the City Manager and the Executive Director to negotiate and execute a Cooperation Agreement between the City and Agency related to the financing and construction of the proposed Convention Center Phase I Project.

CEQA: Resolution No. 72767 and addendum thereto, File No. PP08-002. (City Manager’s Office/Redevelopment Agency)

- Notice of City Engineer’s Pending Decision on Final Maps
  - Notice of City Engineer’s Award of Construction Projects
  - Open Forum  
*Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.*
  - Continue RDA Board Meeting (immediately following Open Forum)
  - Adjournment
- \* This meeting will be adjourned in memory of Alfons “Al” Vindasius. He was at the heart of the industry that created Silicon Valley registering several patents for the design and fabrication of advanced semiconductor devices. He will be missed by his family and member of the Market Almaden Neighborhood where he gave generously of his time and expertise. (Liccardo)

## **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.
  - 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.