



# CITY COUNCIL AGENDA

**MARCH 24, 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, VICE MAYOR  
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  
3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
[See Separate Agenda](#) (no earlier than 3:30 p.m.)
- **Invocation (District 3)**  
Ballet San José School
- **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.**

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

**THE JOINT CITY COUNCIL/HOUSING AUTHORITY MEETING WILL BE  
HEARD IMMEDIATELY FOLLOWING THE AFTERNOON COUNCIL SESSION.**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation in honor of the Assyrian New Year in the City of San José. (Chu/Pyle/Kalra)
- 1.2 Presentation of a proclamation in honor of the Iranian New Year in the City of San José. (Chu/Pyle/Kalra)
- 1.3 Presentation of a proclamation declaring March 25, 2009 as “Greek Independence Day” in the City of San José. (Constant)
- 1.4 Presentation of a proclamation recognizing the month of April 2009 as “Donate Life California Month” in the City of San José. (Mayor)
- 1.5 Presentation of a proclamation declaring March 28<sup>th</sup>, 2009 as “SWAN (Support Women Artists Now) Day” in the City of San José. (Mayor)  
(Rules Committee referral 3/11/09)

# 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 January 13, 2009.](#)
- (b) [Special Minutes of January 20, 2009.](#)
- (c) [Regular Minutes of January 27, 2009.](#)

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28511 – 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 José 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 of the San José Municipal Code to clarify that applicants of development permits or approvals may withdraw applications.

## 2. CONSENT CALENDAR

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### 2.3 [Naming a New Plaza.](#)

**Recommendation:** As recommended by the Parks and Recreation Commission on March 4, 2009, name a plaza located in Evergreen Park at the corner of San Felipe and Yerba Buena Roads as John J. Montgomery Plaza. (City Clerk)

### 2.4 [Amendment to Investment Custodial Services Agreement.](#)

**Recommendation:** Approve the Sixth Amendment to the Investment Custodial Services [Agreement](#) with Wells Fargo Bank to extend the term of the agreement for three months from April 1, 2009 through June 30, 2009, and to increase the maximum compensation by \$12,500 for the extended term in an amount not to exceed \$50,000. CEQA: Not a Project. (Finance)

### 2.5 [Amendment to the Agreement with Union Bank for General Banking Services.](#)

**Recommendation:** Approve the Eighth Amendment to the General Banking Services [Agreement](#) with Union Bank of California to extend the term of the agreement for three months from April 1, 2009 through June 30, 2009 and to increase the Agreement's total maximum compensation by \$262,500 for the extended term in an amount not to exceed \$1,050,000. CEQA: Not a Project. (Finance)

### 2.6 [Revisions to the City of San José Conflict of Interest Code.](#)

**Recommendation:** Adopt a [resolution](#) amending the Conflict of Interest Code for the City of San José. (City Clerk)  
(Deferred from 3/10/09 – Item 3.5)

### 2.7 [Excused Absence for Councilmember Chu.](#)

**Recommendation:** Request for an excused absence for Councilmember Chu from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on April 16, 2009 due to Authorized City Business: League of California Cities Board Meeting in Sacramento, CA. (Chu)  
(Rules Committee referral 3/11/09)

### 2.8 [Excused Absence for Councilmember Constant.](#)

**Recommendation:** Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on April 1, 2009 due to illness of close family member. (Constant)  
(Rules Committee referral 3/11/09)

## 2. CONSENT CALENDAR

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### 2.9 [Councilmember Nguyen's Travel to Australia.](#)

**Recommendation:** Approve travel by Councilmember Nguyen to Australia on May 21 – June 3, 2009 to serve as a delegate, representing the United States, with the American Council of Young Political Leaders (ACYPL) International Exchange Program. Source of Funds: The American Council of Young Political Leaders (ACYPL). (Nguyen)

\* (Rules Committee referral 3/18/09)

## 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 – [March 4, 2009](#)

#### Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
  - (1) Review March 10, 2009 Final Agenda
    - (a) Add New Items to Final Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
  - (2) Review March 17, 2009 Draft Agenda
    - (a) Add New Items to Draft Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
- (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (5) Review of Upcoming Study Session Agenda(s)
- (6) Legislative Update
- (7) Meeting Schedules
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
- (10) Rules Committee Reviews, Recommendations and Approvals
  - (1) Workload Assessment for Potential Further Regulation of Bail Bond Establishments. (Planning, Building and Code Enforcement)
  - (2) Resolution confirming and indicating current support of land use designations on former San José Medical Center Site. (City Attorney’s Office)
  - (3) A’s Stadium in San José. (Campos/Pyle/Herrera)
- (11) Review of Additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (12) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force (SRTF)

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – March 4, 2009 (Cont'd.) Mayor Reed, Chair

- (12) (3) Significant Public Records Act Requests
- (4) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

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

#### 3.4 [Settlement of Cardroom Litigation.](#)

##### [Attachment – Memo from Mayor Reed and Councilmembers Chirco and Campos](#)

##### **Recommendation:**

- (a) Authorize the City Attorney to execute the litigation settlement agreements with [Sutter's Place, Inc.](#), dba Bay 101 and [Garden City, Inc.](#)
  - (b) Approve an [ordinance](#) revising Title 16 of the San José Municipal Code, Gaming Control Regulatory Program, to clarify and enhance the scope, terms, conditions and procedures of regulations of cardrooms and funding sources, and to make technical changes to the Title. [Attachment – Gaming Control Regulatory Program](#)
  - (c) Adopt a [resolution](#) of the Council of the City of San José initiating proceedings on its own motion pursuant to the provisions of Section 20.120.010 of Chapter 20.120 of Title 20 of the San José Municipal Code to amend Sections 20.40.100, 20.50.100, 29.90.060, add a new Part 13.5 to Chapter 20.80, and add a new Section 20.200.995 of said Title 20 to provide for the appropriate location of relocated cardrooms, setting a public hearing thereon, and referring said proposed Title 20 amendments to the Planning Commission for report or recommendation.
  - (d) Adopt a [resolution](#) amending Resolution No. 72737 (the Schedule of Fees) as amended, to decrease cardroom table fees for Fiscal Year 2008-2009 to \$24,482.00.
- CEQA: Not a Project. (City Attorney's Office)

#### 3.5 [Appointments to fill Unanticipated Vacancies on the Police and Fire Retirement Board.](#)

##### **Recommendation:**

- (a) Interview candidate and consider an appointment to fill an unscheduled vacancy for the active employee member of the Police Department on the Board of Administration of the Police and Fire Department Retirement System for a term expiring November 30, 2009; and
- (b) Interview candidate and consider an appointment to fill an unscheduled vacancy for the active employee member of the Fire Department on the Board of Administration of the Police and Fire Department Retirement System for a term expiring November 30, 2011.

(City Clerk)

\* **TO BE HEARD NO EARLIER THAN 4:00 P.M.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Report of the Rules and Open Government Committee – [February 18, 2009](#)

##### Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
  - (1) Review February 24, 2009 Final Agenda
    - (a) Add New Items to Final Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
  - (2) Review March 3, 2009 Draft Agenda
    - (a) Add New Items to Draft Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
- (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (5) Review of Upcoming Study Session Agenda(s)
  - (1) Review Green Vision Annual Report Study Session Agenda for March 9, 2009.
- (6) Legislative Update
  - (1) State
    - (a) Sacramento Update (verbal report). (City Manager’s Office)
  - (2) Federal
- (7) Meeting Schedules
  - (1) Study Session Schedule. (City Manager’s Office)
  - (2) City-County Annual Meeting. (City Manager’s Office)
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
  - (1) Silicon Valley Workforce Invest Network Board Nomination. (Mayor)  
**HEARD BY COUNCIL 2/24/09 – ITEM 2.17**
- (10) 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. (City Auditor)
  - (3) Use the Healthy Neighborhood Venture Fund to Finance the Crossing Guard Program. (Constant/Herrera/Oliverio)
  - (4) Healthy Neighborhood Venture Fund Schedule Modification. (Constant/Oliverio)
  - (5) Prevailing Wages-Liquidated Damages Waiver Requests. (City Attorney’s Office)
- (11) 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
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Report of the Rules and Open Government Committee – February 18, 2009 (Cont'd.)

##### Mayor Reed, Chair

- (12) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force (SRTF)
    - (a) Review of SRTF recommendations regarding Public Records: Police Statistical Reports.
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

\* (Deferred from 3/17/09 – Item 3.2)

#### 3.7 Report of the Rules and Open Government Committee – [February 25, 2009](#)

##### Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
  - (1) Review March 3, 2009 Final Agenda
    - (a) Add New Items to Final Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
  - (2) Review March 4, 2009 Draft Agenda
    - (a) Add New Items to Draft Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
- (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (5) Review of Upcoming Study Session Agenda(s)
- (6) Legislative Update
  - (1) State
    - (a) Sacramento Update (verbal report). (City Manager’s Office)
  - (2) Federal
- (7) Meeting Schedules
  - (1) Revisions to Budget Calendar. (City Manager’s Office)
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
  - (1) Deferred Compensation Advisory Committee Appointments. (Human Resources)

##### **HEARD BY COUNCIL 3/3/09 – ITEM 3.4**

- (10) Rules committee Reviews, Recommendations and Approvals
  - (1) Workload Assessment for Potential Further Regulation of Bail Bond Establishments. (Planning, Building and Code Enforcement)
- (11) Review of additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Report of the Rules and Open Government Committee – February 25, 2009 (Cont'd.) Mayor Reed, Chair

- (12) 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
- (13) Open Forum
- (14) Adjournment

\* (Deferred from 3/17/09 – Item 3.3)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Special Meeting – [March 12, 2009](#), Councilmember Pyle, Chair

- (1) Call to Order and Roll Call.
- (2) Roundtable Discussion Regarding the City’s Policies Related to Contracting for Services.  
**SEE ITEM 4.6 FOR COUNCIL ACTION TO BE TAKEN**
- (3) Public Comments
- (4) Adjournment

#### 4.2 [Tree Removal Permit Process and Fee Analysis for Cost Recovery Model.](#)

**Recommendation:** Direct the City Manager to develop and bring back to City Council for consideration:

- (a) Amendments to Title 13 of the Municipal Code to streamline the Tree Removal Process for trees located on single-family and duplex private properties;
- (b) Amendments to the City Council Policy 6-30: Public Outreach, relating to Tree Removal Permit; and
- (c) A fee to recover the Administration's costs associated with administering that streamlined tree removal process.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Deferred from 3/17/09 – Item 4.2)

#### 4.3 [Amend Agreements for the Airport West Property.](#)

\* **Recommendation:** Approve an amendment of the Option Agreements with Coleman Airport Partners, LLC for the Airport West property located at 1125 Coleman Avenue to eliminate the requirement of the developers to provide a letter of credit under the agreements. CEQA: Not a Project. Council District 3. (Economic Development)

[Agreement 1](#)   [Agreement 2](#)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 City Generated Zone Towing.

#### Supplemental – Memo from the Director of Finance

**Recommendation:** Report on Request for Proposal and adopt a [resolution](#) authorizing the Director of Finance to:

- (a) Execute five-year agreements with each of the following companies for City Generated Zone Towing Services:
  - (1) [Zone 1: Matos Auto Towing and Transport \(San José, CA\).](#)
  - (2) [Zone 2: City Towing, Inc. \(San José, CA\).](#)
  - (3) [Zone 3: Century Tow \(San José, CA\).](#)
  - (4) [Zone 4: Motorbody Company, Inc. \(San José, CA\).](#)
  - (5) [Zone 5: Courtesy Tow Services, Inc. \(San José, CA\).](#)
  - (6) [Zone 6: Delta Towing, Inc. \(San José, CA\)](#)
- (b) Exercise two one-year options to extend the agreements.
- (c) Award any Zone to an alternate tow company and to execute an Agreement with that company in the event that any of the companies recommended above is unable to deliver the required deposit and contract documentation by 4:00 p.m. on March 25, 2009.

CEQA: Not a Project. (Finance)

### 4.5 Fee Resolution amendments.

- \* **Recommendation:** Conduct a public hearing and adopt a [resolution](#) amending the FY 08-09 Fee Resolution to adjust certain Planning fees to cost recovery and make other minor fee changes. CEQA: Not a Project. (Planning, Building and Code Enforcement)

### 4.6 **City Policies Related to Contracting for Services.**

- \* **Recommendation:** Accept the verbal report by the City Manager on the Community & Economic Development Committee Special Meeting of March 12, 2009, related to the City's Policies on Contracting for Services. (City Manager)  
[Community & Economic Development Committee referral 03/12/09 – Item 4.1(2)]

### 4.7 Rezoning real property located on the west side of North 11<sup>th</sup> Street.

#### Attachment – Memo from Councilmember Liccardo

#### Attachment – Staff Report

**Recommendation:** Conduct a public hearing on consideration of an [ordinance](#) rezoning the real property located on the west side of North 11<sup>th</sup> Street approximately 300 feet north of East Santa Clara Street (55 N 11<sup>th</sup> Street) from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District for a renovation and addition to (also relocation on-site for) an existing single-family residence, listed as a Structure of Merit on the Historic Resources Inventory, and construction of three (3) single-family attached residential units on a 0.19 gross acre site. SNI: 13<sup>th</sup> Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval for up to 3 units (existing plus 2 additional units) to provide more opportunity for parking on-site (6-0-1; Platten absent).

PDC08-005 – District 3

- \* (Continued from 3/17/09 – Item 11.4)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.8 [Rezoning real property located on the north side of Michigan Avenue.](#)

#### [Attachment – Staff Report](#)

**Recommendation:** Conduct a public hearing on consideration of an [ordinance](#) rezoning the real property located on the north side of Michigan Avenue, approximately 350 feet easterly of North 1<sup>st</sup> Street (APN 015-05-082) from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single family detached residences on a 0.48 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval with 1) no interior partitions in garage ground level; 2) and suggestion of working to reduce building foot print at planned development permit stage, and incorporate green building principles and native plantings; 3) and suggestion for city to review flood policy in Alviso to take into account potential effects of climate change (6-0-1; Platten absent).

[PDC06-018](#) – District 4

\* (Continued from 3/17/09 – Item 11.5)

### 4.9 [Rezoning real property located on the southwest corner of Hostetter Road and Frost Drive.](#)

#### [Attachment – Staff Report](#)

**Recommendation:** Conduct a public hearing on consideration of an [ordinance](#) rezoning the real property located on the southwest corner of Hostetter Road and Frost Drive (1728 Hostetter Road) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow the addition of a 400 square foot outdoor uncovered patio to an existing retail commercial building on a 0.63 gross-acre site (Frost LLC, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval with recommendations at the Planned Development permit stage to address landscape treatment/shrub border, trash receptacles with lids, signage regarding parking on street, and facilitate department of transportation review for possible permit parking on Frost Avenue (7-0-0).

[PDC08-022](#) – District 4

\* (Continued from 3/17/09 – Item 11.6)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 **Report of the Neighborhood Services and Education Committee – March 12, 2009** **Councilmember Campos, Chair**

- (1) Call to Order and Roll Call
- (2) Review of Workplan
  - (1) Report on the Homework Center Program. (Parks, Recreation and Neighborhood Services)
  - (2) After School Program Update. (Parks, Recreation and Neighborhood Services)

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – March 12, 2009 Councilmember Campos, Chair (Cont'd.)

- (2) (3) Review of Proposed Changes to Parks, Recreation and Neighborhood Services Fees and Charges. (Parks, Recreation and Neighborhood Services)
- (4) Report on Building Community through Events. (Parks, Recreation and Neighborhood Services)
- (5) Report on Housing Element. (Housing)
- (6) Update on Neighborhoods Commission. (Strong Neighborhoods Initiative/City Manager's Office)
- (3) Reports to Committee
  - (1) Library Smart Start Program Update. (Library)
  - (2) Library Programming Model Update. (Library)
  - (3) Report on Foreclosures. (Housing)
  - (4) Schools/City Collaborative Monthly Verbal Update.
    - (a) Reports from School Safety, Joint Use, and Teacher Recruitment/Retention Sub-committees. (City Manager's Office)
- (4) Open Forum
- (5) Adjournment

### 5.2 [Consolidated Plan Annual Action Plan.](#)

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

**Recommendation:** Conduct a Public Hearing on the draft Consolidated Plan Annual Action Plan for FY 2009-2010, which is required by the Department of Housing and Urban Development in order to receive Federal Housing and Community Development funding, and announce that as of March 17, 2009, the draft Action Plan is available to the public for thirty-days for review and comment. CEQA: Not a Project. (Housing)

### 5.3 [Designate a portion of the Washington SNI Area as a Conservation Area.](#)

**Recommendation:** Adopt a [resolution](#) nominating a portion of the Washington Strong Neighborhood Area for designation as the Guadalupe/Washington Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area. CEQA: Exempt under the provisions of Section 15307 of the State Guidelines for Implementation of the California Environmental Quality Act. Council Districts 3 and 7. SNI: Washington. (Planning, Building and Code Enforcement)

### 5.4 [Cesar E. Chavez Memorial Walkway.](#)

#### [Attachment – Memo from the Mayor and Councilmembers Campos and Liccardo](#)

- \* **Recommendation:** As referred by the Rules and Open Government Committee on March 11, 2009, discuss and consider adoption of the Cesar E. Chavez Memorial Walkway. CEQA: Exempt, File No. PP09-056. (Mayor/Campos/Liccardo)  
[Rules Committee referral 3/11/09 – Item 3.2(10)(4)]
- \* **TO BE HEARD NO EARLIER THAN 2:00 P.M.**

## 6. TRANSPORTATION & AVIATION SERVICES

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

### 6.2 [Airport Ground Transportation Program and Fee Adjustments.](#)

\* **Recommendation:** As recommended by the Transportation and Environment Committee on March 2, 2009:

(a) Adopt a [resolution](#):

- (1) Revising Ground Transportation administrative fees and charges for trips to and from the Airport to be effective on May 1, 2009;
- (2) Re-adopting all other Airport Rates and Charges; and
- (3) Repealing Resolution No. 74655.

(b) Direct the City Attorney's Office to draft an ordinance to grant the Director of Aviation the authority to stop accepting applications for door-to-door shuttles for providing On-Demand service at the Airport and to establish and implement controls on the access, staging and quantity of door-to-door shuttle vehicles serving the Airport, including alternate day or reduced day access options.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-009. (Airport)

[Transportation and Environment Committee referral 3/2/09 – Item 6.1(3)(6)]

\* (Deferred from 3/17/09 – Item 6.3)

\* RECOMMEND DEFERRAL TO 4/14/09 PER ADMINISTRATION

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Commercial Solid Waste System Redesign.](#)

[Attachment – Memo from Councilmembers Chu, Herrera, Campos and Kalra](#)

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

[Supplemental – Memo from the City Attorney](#)

**Recommendation:** For Council consideration as discussed by the Transportation and Environment Committee on March 2, 2009:

- (a) Approve development of a Request for Proposals to solicit and award an exclusive franchisee to collect and process commercial solid waste, recyclables and organic materials for each of the two service districts for an initial term of ten years with two options to extend the term, the first for three years and the second for two years for a total of five years;
- (b) Include living wage and employee retention requirements in the Request for Proposals; and
- (c) Direction to amend the City's Living Wage Policy to include exclusive commercial solid waste franchise services.

CEQA: Exempt, File No. PP08-247. (Environmental Services)

[Transportation and Environment Committee referral 3/2/09 – Item 6.1(3)(3)]

(Deferred from 3/17/09 – Item 7.2)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 [Municipal Stormwater NPDES Permit.](#)

**Recommendation:**

- (a) Authorize the submission of written technical and legal comments by April 3, 2009, to the San Francisco Bay Regional Water Quality Control Board (Water Board) concerning the Water Board's Revised Tentative Order for a Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Regional Permit), dated February 11, 2009;
- (b) Authorize City participation in Water Board public hearings related to the adoption of the Regional Permit, including presentation of testimony and comments at the hearing scheduled for May 13, 2009;
- (c) Direct staff to engage stakeholders in discussions concerning the trash related programming specified in the Regional Permit and provide specific feedback to the Water Board; and
- (d) Direct staff to work with the Mayor's Office to identify representation from Council to address the Water Board concerning the Regional Permit.

CEQA: Not a Project. (Environmental Services)

## 8. PUBLIC SAFETY SERVICES

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### 8.1 [South San José Police Substation actions.](#)

**Recommendation:**

- (a) Adopt a [resolution](#) increasing the construction contingency for the South San José Police Substation construction contract with S.J. Amoroso Construction Co, Inc. (SJA) by \$3,600,000 to a total of \$6,310,000.
- (b) Adopt the following 2008-2009 Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):
  - (1) Increase the South San José Police Substation appropriation by \$4,500,000;
  - (2) Decrease the Driver Safety Training Center appropriation by \$1,000,000;
  - (3) Decrease the Ending Fund Balance by \$3,500,000.
- (c) Adopt a [resolution](#) authorizing the Director of Public Works to negotiate and execute individual contract change orders up to \$600,000 each for the South San José Police Substation construction contract with S.J. Amoroso Construction Co, Inc. (SJA) and repealing Council Resolution No. 74660, adopted November 4, 2008.
- (d) Approve the First Amendment to the Master [Agreement](#) with Gilbane Building Company for Peer Review and Implementation Support Services for the South San José Police Substation extending the term of the agreement from December 31, 2009 to September 30, 2010, increasing the maximum compensation by \$500,000 from \$1,000,000 to an amount not to exceed \$1,500,000.

*(Item continued on the next page)*

## 8. PUBLIC SAFETY SERVICES

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### 8.1 South San José Police Substation actions. (Cont'd.)

**Recommendation:**

- (e) Approve the Second Amendment to the Phase two consultant [agreement](#) with RossDrulisCusenbery Architecture, Inc. relating to the planning, design and construction of South San José Police Substation extending the term of the agreement from July 31, 2009 to September 30, 2010, with no increase in compensation. CEQA: Mitigated Negative Declaration, PP04-304. (Public Works/Police/City Manager's Office)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Items 8.1 "Actions related to approval of a contract for the Civic Auditorium Audio Visual/Sound System Project", 8.2 "Approval of the Report to Council on the Amendment to the Redevelopment Plans for the Merged Project Area Tax Increment Limit . . .", and 8.3 "Approval to remove Naglee Park from the SNI Project 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

#### 9.1 [Public Hearing and approval of the FY 2009-2010 Mayor's March Budget Message.](#)

- \* **Recommendation:** Conduct a Public Hearing and approve the FY 2009-2010 Mayor's March Budget Message. (Mayor)  
(Continued from 3/17/09 – Item 9.1)
- Notice of City Engineer's Pending Decision on Final Maps
  - Notice of City Engineer's Award of Construction Projects
  - Open Forum (To be heard no earlier than 3:30 p.m.)  
*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 the Housing Authority Agenda)
  - Adjournment

**HOUSING AUTHORITY OF  
THE CITY OF SAN JOSÉ  
AGENDA**

**1:30 P.M.**

**TUESDAY, MARCH 24, 2009**

**CHAMBERS**

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**THE JOINT CITY COUNCIL/HOUSING AUTHORITY MEETING WILL BE HEARD IMMEDIATELY FOLLOWING THE AFTERNOON COUNCIL SESSION.**

**1. Call to Order**

**2. [San José Housing Authority Board of Commissioners.](#)**

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

- \* **Recommendation:** It is recommended that the Board of Commissioners for the Housing Authority of the City of San José authorize the Director of Housing to negotiate and execute a letter agreement with the Housing Authority of the County of Santa Clara supporting the Moving to Work Fiscal Year 2010 Annual Plan, including the following changes:
- (a) An additional 200 Section 8 vouchers will be designated for chronically homeless persons in FY 2010;
  - (b) The 92 Section 8 vouchers that become available through the relocation of Markham Terrace residents be designated for the chronically homeless;
  - (c) Section 8 vouchers that have been designated for chronically homeless persons through the Moving to Work 2010 Annual Plan and previous Annual plans remain in a set-aside for chronically homeless persons.
- (Housing)

**3. Adjourn the Housing Authority of the City of San José.**

## **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.