



CITY COUNCIL AGENDA

APRIL 28, 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. 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, 2nd 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 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**
 - * 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) [See RDA Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 4)**
 - * Father Michael Hendrickson, St. Victor's Catholic Church; and
Independence High School 76th Cavalry Band

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

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

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 the Filipino American World War II Veterans in remembrance of the Fall of Bataan that occurred on April 9, 1942. (Chu)

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Diane Cunningham for winning a gold medal in the 4x400-meter Snowshoeing Relay and a bronze medal in the 800-meter Snowshoeing Race at the Special Olympics in Boise, Idaho. (Kalra)
- 1.3 Presentation of a commendation to PRX for its generous contribution in promoting San José's vibrant neighborhood business districts. (Redevelopment Agency)
- * **RECOMMEND DROP**
- 1.4 Presentation of a proclamation declaring May 1st, 2009 as "Show Us Your Hope Day" in the City of San José. (Pyle/Oliverio)
- 1.5 Presentation of a proclamation declaring April 30th, 2009 as "El Día de Los Niños/El Día de Los Libros Children's Day/Book Day" in the City of San José. (Campos/Oliverio) (Rules Committee referral 4/15/09)

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.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28528 – Establishing 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

2.3 [Audits of Bond Project Funds and Library Parcel Tax Fund.](#)

[Attachment – Independent Auditor's Report on Branch Library Bond Projects Fund](#)

[Attachment – Independent Auditor's Report on Library Parcel Tax Fund](#)

[Attachment – Independent Auditor's Report on Parks and Recreation Bonds Project Fund](#)

Recommendation: Accept the audits of the Parks and Recreation Bond Projects Fund, Library Bond Projects Fund, and Library Parcel Tax Fund for periods ended June 30, 2008. (City Auditor)

2. CONSENT CALENDAR

2.4 Countywide HHW Program.

Recommendation: Approval of:

- (a) The Agency [Agreement](#) with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for 2009-2010.
- (b) The Agency [Agreement](#) with the County of Santa Clara for Countywide AB939 Implementation Fee for 2009-2010.

CEQA: Exempt, File No. PP09-085. (Environmental Services)

2.5 Excused absence for Vice Mayor Chirco.

Recommendation: Request for an excused absence for Vice Mayor Chirco from the Regular Meeting of the Neighborhood Services and Education Committee on April 9, 2009 due to illness/medical appointment. (Chirco)
(Rules Committee referral 4/15/09)

2.6 2009 Recovery Act JAG Grant.

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

- (a) Join with the County of Santa Clara and eleven cities in the County in applying for the U.S. Department of Justice 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) to partially fund the Police Department's Automated Field Reporting/Records Management System;
- (b) Accept the grant if it is awarded;
- (c) Authorize the City Manager to negotiate and execute any documents necessary to effectuate the grant, including an agreement with the County of Santa Clara and eleven participating jurisdictions including City of Campbell, City of Cupertino, City of Gilroy, Town of Los Gatos, City of Milpitas, City of Morgan Hill, City of Mountain View, City of Palo Alto, City of Santa Clara, City of Sunnyvale, and City of Saratoga in the amount not to exceed a total of \$1,353,687 for the City of San Jose, and any amendments to the agreement; and
- (d) Approve the spending plan for the grant.

CEQA: Not a Project. (Police)

* (Rules Committee referral 4/22/09)

3. STRATEGIC SUPPORT SERVICES

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

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – [April 8, 2009](#)

Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
 - (1) Review April 14, 2009 Final Agenda
 - (a) Add New Items to Final Agenda
 - (b) Assign “Time Certain” to Agenda Items (if needed)
 - (2) Review April 21, 2009 Draft Agenda
 - (a) Add New Items to Final 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
 - (2) Federal
- (7) Meeting Schedules
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
- (10) Rules Committee Reviews, Recommendations and Approvals
 - (1) Process for Initiating the Designation of a Landmark. (City Attorney’s Office)
 - (2) Consortium for Police Leadership and Equity (CPL). (City Manager’s Office)
HEARD BY COUNCIL 4/21/09 – ITEM 8.1 AND DEFERRED TO 5/5/09 – ITEM 8.1
- (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) Technology Recommendations
 - (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 – [April 16, 2009](#)

Councilmember Nguyen, Chair

- (1) Call to Order and Roll Call
- (2) Review of Workplan
 - (1) Status Report on Fire Department Response to the County Jail. (City Manager’s Office)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Public Safety, Finance and Strategic Support Committee – April 16, 2009 Councilmember Nguyen, Chair (Cont'd.)

- (2) Review of Workplan (Cont'd.)
 - (2) Public Safety Quarterly Reports. (Police/Fire)
- (3) Reports to Committee
 - (1) Consent Calendar
 - (a) Accept Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
 - (1) Financial Statements
 - (2) Capital Cost Report
 - (3) Cash Flow Projections
 - (2) Bi-Monthly Financial Report for January/February 2009. (Budget)
 - (3) Item Number Not Used.
 - (4) Report on Key Legislative Items. (Intergovernmental Relations)
 - (5) Status Report on Customer Contact Center. (Information Technology)
 - (6) Semi-Annual Recommendation Follow-up Report on All Outstanding Audit Recommendations for the Six Months Ended December 31, 2008. (City Auditor)
- * **SEE ITEM 3.6 FOR COUNCIL ACTION TO BE TAKEN**
- (7) An Audit of the City of San José's Workers' Compensation Program. (City Auditor)
- * **SEE ITEM 3.7 FOR COUNCIL ACTION TO BE TAKEN**
- (4) Open Forum
- (5) Adjournment

3.4 Report of the Rules and Open Government Committee – [March 25, 2009](#) Mayor Reed, Chair

- (1) Call to Order and Roll Call
 - (2) Review of Agenda
 - (3) City Council. (City Clerk)
 - (1) Review March 31, 2009 Final Agenda
NONE – MEETING CANCELLED
 - (2) Review April 7, 2009 Draft Agenda
 - (a) Add New Items to Final Agenda
 - (b) Assign "Time Certain" to Agenda Items (if needed)
 - (c) Review of Items that Meet Exception Rules (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
 - (2) Federal
 - (a) Washington, D.C. Update (Verbal Report). (City Manager's Office)
 - (7) Meeting Schedules
 - (8) The Public Record
- (Item continued on the next page)*

3. STRATEGIC SUPPORT SERVICES

3.4 Report of the Rules and Open Government Committee – March 25, 2009 (Cont'd.)

Mayor Reed, Chair

- (9) Appointments to Boards, Commissions and Committees
 - (1) Project Diversity Screening Committee (PDSC). (Mayor/Nguyen/Pyle)
HEARD BY COUNCIL 4/7/09 – ITEM 2.18
 - (10) Rules Committee Reviews, Recommendations and Approvals
 - (1) Bail Bonds Workload Assessment. (Planning, Building and Code Enforcement)
 - (2) Regulation of Bail Bond Establishments. (Liccardo)
 - (3) Consortium for Police Leadership in Equity (CPL). (Mayor/Campos/Liccardo)
 - (4) Approval of the Designation of Operation Prom Dress as a City Council Sponsored Special Event and Authorization to Accept Donations of Materials and Services for the Event. (City Clerk)
HEARD BY COUNCIL 4/7/09 – ITEM 2.21
 - (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) Technology Recommendations
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
 - (13) Open Forum
 - (14) Adjournment
- * (Deferred from 4/21/09 – Item 3.2)

3.5 Report of the Rules and Open Government Committee – [April 1, 2009](#)

Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
 - (1) Review April 7, 2009 Final Agenda
 - (a) Add New Items to Final Agenda
 - (b) Assign “Time Certain” to Agenda Items (if needed)
 - (2) Review April 14, 2009 Draft Agenda
 - (a) Add New Items to Final 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
 - (2) Federal

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.5 Report of the Rules and Open Government Committee – April 1, 2009 (Cont'd.)

Mayor Reed, Chair

- (7) Meeting Schedules
 - (1) Set General Plan Hearing for Spring 2009. (Planning, Building and Code Enforcement)
 - (2) Study Session on Foreclosure Mitigation. (Housing)
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
- (10) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of the Designation of Disaster and Emergency Preparedness Conference as a City Council Sponsored Special Event, to expend City funds and Authorization to Accept Donations of Materials and Services for the Event. (City Clerk)
HEARD BY COUNCIL 4/7/09 – ITEM 2.22
- (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) Technology Recommendations
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

* (Deferred from 4/21/09 – Item 3.2)

3.6 [Auditor's Semi-Annual Recommendation Follow-Up Report.](#)

Recommendation: As referred by the Public Safety, Finance and Strategic Support Committee on April 16, 2009, accept the Auditor's Report on the Semi-Annual recommendation Follow-Up Report on all outstanding audit recommendations for the six months ended December 31, 2008. (City Auditor)

* (Public Safety, Finance and Strategic Support Referral 4/16/09 – Item 3.6)

3.7 [Audit of the City of San José's Workers' Compensation Program.](#)

Recommendation: As referred by the Public Safety, Finance and Strategic Support Committee on April 16, 2009, accept the report on the audit of the City of San José's Workers' Compensation Program. (City Auditor)

* (Public Safety, Finance and Strategic Support Referral 4/16/09 – Item 3.7)

3. STRATEGIC SUPPORT SERVICES

3.8 [SB 481 \(Cox\) – Airports: Wildlife.](#)

Recommendation: As referred by the Rules and Open Government Committee on April 22, 2009, adopt a position of support for SB 481 (Cox) – Airports: Wildlife. (Airport)

* [Rules Committee referral 4/22/09 – Item 6.1(a)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.2 Policy Changes to the Housing Rehabilitation Program.

Recommendation: Adopt a [resolution](#) making findings that the use of Low- and Moderate-Income Housing Funds to provide rehabilitation loans and grants outside a redevelopment project area benefits the Agency's redevelopment project areas and accepting the proposed changes to the Housing Rehabilitation Program as follows:

- (a) Changes to the existing Housing Rehabilitation Program to encourage greater recapture of funds and focus resources on households in the lowest income categories;
- (b) Creation of new loan and grant services, including:
 - (1) Direct Minor Repair Services for urgent home repairs;
 - (2) Disabled Access Grants to improve home access for clients with disabilities; and
 - (3) Green Incentive Grants to provide additional funds for clients that choose to install additional green features that are not mandated by the Housing Department.
- (c) Modifications to the Mobilehome Rehabilitation Program that lower the income eligibility levels for recipients of mobilehome grants, increase individual grant amounts, limit repairs to essential health and safety issues, and place a funding limit on the overall amount of Program funds to be spent on mobilehome repair each year.

CEQA: Not a Project. (Housing)

RECOMMEND DEFERRAL TO 5/12/09 PER ADMINISTRATION

4.3 [Downtown Street Vendor Ordinance.](#)

Recommendation:

- (a) Approve an [ordinance](#):
 - (1) Repealing Chapter 6.30 of Title 6 of the San José Municipal Code, the Flower Vendor Ordinance;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Downtown Street Vendor Ordinance. (Cont'd.)

Recommendation:

- (a) (2) Amending Chapter 6.54 of Title 6 of the San José Municipal Code, the Peddler Permit Ordinance, to: include regulation of flower street vendors; extend the hours during which approved location peddlers can peddle; authorize the City Manager to make and promulgate time, place and manner regulations reasonably necessary to promote economic growth and create a more vibrant Downtown; and update definitions in the Chapter 6.54 to ensure consistency of terms within Title 6 of the San José Municipal Code.
- (b) Approve an [ordinance](#) amending Chapter 6.55 of Title 6 of the San José Municipal Code, the Downtown Special Events Ordinance, to: reduce the area within which approved location peddler permits may be suspended during a designated Downtown Special Event by limiting the suspension area to the Special Event Boundary; authorize approved location peddlers within the Special Event Boundary to peddle at alternative, temporary approved locations outside the Boundary for the duration of the Downtown Special Event; and clarify the exceptions to the requirement for Event Organizers to provide approved location peddlers an equal opportunity to participate in the Downtown Special Event.
- (c) Direct staff to repeal all fees related to the Flower Vendor Ordinance and the Flower Vendor Permits from the City's Schedule of Fees and Charges, effective June 1, 2009. CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767. Council District 3. (Economic Development)

* (Deferred from 4/14/09 – Item 4.2 and 4/21/09 – Item 4.4)

5. NEIGHBORHOOD SERVICES

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

5.2 [Contract for Remediation and Phase I Improvements for Watson Park.](#)

Recommendation: Report on bids and award of contract for the Watson Park Remediation and Phase I Improvements project to the low bidder, Joseph J. Albanese, Inc., for the base bid and Add Alternate Nos. 1-5 in the amount of \$4,829,000, and approval of a contingency in the amount of \$966,000. CEQA: Mitigated Negative Declaration, PP07-130. Council District 3. SNI: Thirteenth Street. (Public Works)

5. NEIGHBORHOOD SERVICES

5.3 Level 1 Homework Center Program Allocations.

Attachment – Staff Report

Recommendation: As referred by the Neighborhood Services and Education Committee on April 9, 2009, consider approval of the following changes to the Level 1 Homework Center Program Allocations Process:

- (a) Allocate the school-based portion of funds to districts serving grades K-8, as a block grant based on the % of district enrollment to total City enrollment, with:
 - (1) A minimum of \$10,000 per site, and a requirement that each School District submit a program; and
 - (2) A spending plan with clear, quantifiable outcomes, performance measures, leveraging of funds and a central point of contact for the District grant to ensure accountability.
- (b) Recommend that the funding amounts provided to the Library system, the PRNS system, and to the competitive community-based organizations (CBOs) process remain at the same level of allocation from FY 08-09.
- (c) Expand the eligible use of funds to include weekend and/or summer programming provided the core service remains a safe place for homework center support.

(Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(4)]

* (Deferred from 4/21/09 – Item 5.3)

5.4 Proposed Revision to Council Policy 0-30 “Schools and City Collaborative”.

Attachment – Staff Report

Recommendation: As referred by the Neighborhood Services and Education Committee on April 9, 2009, adopt a resolution to revise Council Policy 0-30 “Schools and City Collaborative” to reflect recent changes to the structure of the Collaborative. (Parks, Recreation and Neighborhood Services) [Resolution](#)

[Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(7)]

* (Deferred from 4/21/09 – Item 5.5)

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 Contract for the Design-Build of the Airport Terminal Area Improvement Program.

Recommendation:

- (a) Approve the Fourth Amendment to the [Contract](#) with Hensel Phelps Construction Company for design and construction of the Airport Terminal Area Improvement Program to:
 - (1) Allow for the early release of Design-Builder Contingency;
 - (2) Allow a modification to the retention formula;

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.2 Contract for the Design-Build of the Airport Terminal Area Improvement Program. (Cont'd.)

Recommendation:

- (a) (3) Allow for early acceptance of equipment warranties for the Terminal A Modifications Project Element; and
- (b) Adopt a [resolution](#) increasing the City Manager’s authority to negotiate and execute contract change orders for the City-Controlled Program Reserve from \$67,165,000 to an amount not-to-exceed \$84,862,000.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-063. (Airport/Public Works)

6.3 Grant Application for American Recovery and Reinvestment Act of 2009 Street Maintenance Funding.

Recommendation: Adopt a resolution authorizing the Director of Transportation to:

- (a) Submit a grant application to the Bay Area’s Metropolitan Transportation Commission under the *American Recovery and Reinvestment Act of 2009* for the San José Street Resurfacing and Rehabilitation Project in the amount not to exceed \$12,700,000; and
- (b) Negotiate and execute related grant documents to accept any grant funding.

CEQA: Exempt, File No. PP06-066. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Downtown Entertainment Zone Status Report.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Liccardo, Kalra and Herrera](#)

Recommendation: Accept the status report related to the Downtown Entertainment Zone Policing Cost-Sharing Model per Council direction on February 24, 2009. CEQA: Not a Project. Council District 3. (Economic Development)

(Referred from 2/24/09 – Item 3.5)

* (Deferred from 4/21/09 – Item 8.3)

9. JOINT COUNCIL/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.
- **Adjournment**

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.