



CITY COUNCIL AGENDA

MAY 5, 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**
9:30 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
7:00 p.m. - **CANCELED** - Public Hearings, Council Chambers, City Hall

- **Invocation (District 5)**
The Adelante Dual Language Academy Folkloric Group

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

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

ADJOURNMENT: This meeting will be adjourned in memory of Frank Jirik, former Chief Operating Officer of San José Arena Management/San José Sharks.

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 proclamation declaring the Month of May 2009 as “Older Americans Month” in the City of San José. (Constant)
- 1.2 Presentation of a proclamation declaring the Month of May 2009 as “Motorcycle Awareness Month” in the City of San José. (Constant)
DEFERRED TO 5/19/09 IN THE EVENING PER RULES COMMITTEE
- 1.3 Presentation of the Government Finance Officers Association’s “Certificate of Achievement for Excellence in Financial Report” and the “Award of Financial Reporting Achievement” to the San José Redevelopment Agency. (Mayor/Redevelopment Agency)
- 1.4 Presentation of a proclamation declaring the Month of May 2009 as “Asian Pacific American Heritage Month” in the City of San José. (Nguyen/Kalra/Chu)
- 1.5 Presentation of a proclamation recognizing the week of May 3 through May 9, 2009 as “Municipal Clerks Week” in the City of San José. (Mayor/City Clerk)
* (Rules Committee referral 04/29/09)

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.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of March 3, 2009.](#)
- (b) [Special Minutes of the Green Vision Study Session of March 9, 2009.](#)
- (c) [Regular Minutes of March 10, 2009.](#)
- (d) [Regular Minutes of March 17, 2009.](#)
- (e) [Regular Minutes of March 24, 2009.](#)
- (f) [Regular Minutes of San José Housing Authority of March 24, 2009.](#)

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 28530](#) – Amending Title 15 of the San José Municipal Code by adding a new Chapter 15.34 to provide for regulations of state video franchise holders.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

Recommendation: Final adoption of ordinances (Cont'd.)

- (b) ORD. NO. 28532 – Rezoning certain real property situated at the northwest corner of Stockton Avenue and West Julian Street (715 West Julian Street) to CP Commercial Pedestrian Zoning District. C09-005
- (c) ORD. NO. 28533 – Rezoning certain real property situated on the east side of South 10th Street approximately 90 feet north of Margaret Street (684 South 10th Street), to A(PD) Planned Development Zoning District. PDC07-094

2.3 Ordinances relating to discharges of certain substances into the sanitary sewer system.

Recommendation:

- (a) Approve an ordinance amending Chapter 15.14 of Title 15 of the San José Municipal Code to limit the discharge of dental amalgam into the sanitary sewer system and to require the installation of dental amalgam separators in certain dental offices. CEQA: Exempt, File No. PP09-084.
- (b) Approve an ordinance amending Chapter 15.14 of Title 15 of the San José Municipal Code to revise provisions related to the discharge of grease into the sanitary sewer system, to establish requirements for food service establishments related to installation or upgrade of grease control devices, and to establish maintenance and recordkeeping requirements for grease control devices. CEQA: Exempt, File No. PP09-091.

(City Attorney's Office)

2.4 Urban Area Security Initiative Grant.

Recommendation: Adopt a resolution to:

- (a) Accept the 2008 Urban Area Security Initiative (UASI) grant from the Federal Government in the amount of \$1,000,000; and
- (b) Authorize the City Manager to negotiate and execute an agreement with the City and County of San Francisco (San Francisco) to accept program funds from San Francisco for the 2008 UASI grant in the amount identified above, and to negotiate and execute any amendments to the agreement.

CEQA: Exempt, File Nos. PP09-028, PP09-029, PP09-030. (Emergency Services)

2. CONSENT CALENDAR

2.5 [Regional Signal Timing Program Grant.](#)

Recommendation:

- (a) Approve a Grant [Agreement](#) with the Metropolitan Transportation Commission (MTC) in the amount of \$47,700 for a 2009 Cycle Regional Signal Timing Program grant for administrative costs associated with the retiming of 318 traffic signals located in the City; and
- (b) Approve a Waiver of Claims and Indemnification [Agreement](#) with MTC that will allow the City to receive in-kind consultant services to retime 318 traffic signals located in the City valued at approximately \$800,000.

CEQA: Resolution Nos. 60197 and 63179, File No. PP08-154. (Transportation)

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

Recommendation:

- (a) 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:
 - (1) Increase the estimate for Earned Revenue by \$437,140.
 - (2) Establish an appropriation to the Department of Public Works for the 460 Park Avenue Building Demolition Project (PSM 576) in the amount of \$50,000.
 - (3) Establish an appropriation to the Department of Transportation for the Agency Traffic Signal Painting Project (PSM 572) in the amount of \$200,000.
 - (4) Increase the appropriation to the Office of Economic Development for the Edenvale Community Center Public Art Project (PSM 508 Amendment #1) in the amount of \$187,140.
- (b) Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
 - (1) The Agency Traffic Signal Painting Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 2, 2009; and [Resolution](#)
 - (2) The Edenvale Community Center Public Art Project as more specifically described in the memorandum from the Redevelopment Agency, dated November 6, 2008. [Resolution](#)

CEQA: 460 Park Avenue Building Demolition Project: Exempt, File No. PP08-256; Agency Traffic Signal Painting Project: Exempt, File No. PP09-071; Edenvale Community Center Public Art: Exempt, File No. PP05-184. Council Districts 2, 3 and 4. SNI: Various. (Public Works/Transportation/Economic Development/City Manager's Office)

2. CONSENT CALENDAR

2.7 **Excused absences for Vice Mayor Chirco.**

Recommendation: Request for excused absences for Vice Mayor Chirco from the following meetings:

- (a) [Closed Session, Regular City Council Meeting, and Evening City Council Meeting](#) on April 21, 2009 due to illness.
- (b) [Regular Meeting of the Rules and Open Government Committee on April 22, 2009](#) due to illness.

(Chirco)

(Rules Committee referral 4/22/09)

2.8 **Excused absence for Councilmember Constant.**

Recommendation: Request for an excused absence for Councilmember Constant from the Regular City Council Meeting on April 28, 2009 due to a medical appointment.

(Constant)

(Rules Committee referral 4/22/09)

2.9 **Excused absences for Vice Mayor Chirco.**

Recommendation: Request for excused absences for Vice Mayor Chirco from the following meetings: Closed Session and Regular City Council Meeting on April 28, 2009 due to illness.

(Chirco)

* (Rules Committee referral 04/29/09)

2.10 **Excused absence for Councilmember Constant.**

Recommendation: Request for an excused absence for Councilmember Constant from the Joint City Council/Santa Clara Valley Water District Meeting on April 23, 2009 due to illness. (Constant)

* (Rules Committee referral 04/29/09)

2.11 **Excused absence for Councilmember Chu.**

Recommendation: Request for an excused absence for Councilmember Chu from the Joint City Council/Santa Clara Valley Water District Meeting on April 23, 2009 due to an emergency dental procedure. (Chu)

* (Rules Committee referral 04/29/09)

2. CONSENT CALENDAR

2.12 Excused absences for Councilmember Constant.

- * **Recommendation:** Request for excused absences for Councilmember Constant from the following meetings:
- (a) Budget Study Session of May 14, 2009 due to Authorized City Business: Federated Retirement Board Meeting at the Retirement Services Office.
 - (b) Closed Session of the City Council on May 19, 2009 due to Authorized City Business: Federated Retirement Board Quarterly Invest Committee of the Whole and Investment Committee Meetings at the Retirement Services Office.
- (Constant)
(Rules Committee referral 4/22/09)

3. STRATEGIC SUPPORT SERVICES

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

3.2 Report of the Rules and Open Government Committee – April 15, 2009 Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
 - (1) Review April 21, 2009 Final Agenda
 - (a) Add New Items to Final Agenda
 - (1) Support Position for AB 560 (Skinner) – Net Energy Metering. (Mayor)
HEARD BY COUNCIL 4/21/09 – ITEM 3.6
 - (2) Request to Travel. (Chu)
HEARD BY COUNCIL 4/21/09 – ITEM 2.12
 - (b) Assign “Time Certain” to Agenda Items (if needed)
 - (2) Review April 28, 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)
 - (1) Review April 23, 2009 City Council and Santa Clara Valley Water District Board Study Session on Water Supply.
- (6) Legislative Update
 - (1) State
 - (a) AB 68 (Brownley) – Solid Waste: Single-Use Bags and AB 57 (Davis) Single-Use Carryout Bags: Environmental Effect: Mitigation. (Environmental Services)
SEE ITEM 3.6 FOR COUNCIL ACTION TO BE TAKEN

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – April 15, 2009 (Cont'd.)

Mayor Reed, Chair

- (6) Legislative Update (Cont'd.)
 - (2) Federal
- (7) Meeting Schedules
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
- (10) Rules Committee Reviews, Recommendations and Approvals
 - (1) Monthly Report of Activities for March 2009. (City Auditor)
- (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 Workplan Additions. (Environmental Services)
 - (4) Public Safety, Finance and Strategic Support Committee
- (12) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF) Recommendations: Balancing Test & Drafts and Memoranda. (City Manager's Office)
 - (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 [RFP Banking and Financial Services.](#)

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

* **Recommendation:**

- (a) Adopt a resolution to authorize the City Manager and the City Manager's authorized designees ("City Manager") to:
 - (1) Negotiate and execute agreements with Wells Fargo Bank, N.A. (the "Bank") for banking and financial services including General Banking Services, Merchant Card Processing Services and Lockbox Services and related agreements for an initial term commencing with the execution of the agreements by the parties through June 30, 2012; and Securities Custody Services for an initial term of July 1, 2009 to June 30, 2012, with a total maximum annual compensation for the four agreements for the period through June 30, 2010 not to exceed \$864,000 and, thereafter, subject to annual appropriation of funds for the second and third year of the initial term.
 - (2) Negotiate and execute up to three additional two-year options for one or more of each of these agreements subject to annual appropriation of funds.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 RFP Banking and Financial Services. (Cont'd.)

Recommendation:

- (a) (3) Negotiate and execute amendments to any of these agreements, subject to annual appropriation of funds by the City Council and the parameters specified in the resolution to: (a) add new banking and financial services; (b) revise the descriptions of the banking and financial services; and (c) increase the compensation paid to the Bank if the volume of services exceeds the estimated volume of services.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute the ninth amendment to the agreement with Union Bank of California to provide final banking services related to the City's Commercial Account, Lockbox and Merchant Card services for the period of July 1, 2009 to June 30, 2010 in an amount not to exceed \$30,000.

CEQA: Not a Project. (Finance)

3.5 [Airport Revenue Bonds Trust Agreement.](#)

Recommendation: Adopt a resolution of the Council authorizing the negotiation and execution of the Sixth Supplemental Trust Agreement to the Master Trust Agreement by and between the City and The Bank of New York Mellon related to City of San José Airport Revenue Bonds to permit the continuance of two collateralized investment agreements by and between The Bank of New York Mellon and Citigroup Global Markets Inc. related to the City of San José Airport Revenue Bonds, Series 2004A, Series 2004B, Series 2004C, Series 2004D, Series 2007A, and Series 2007B. CEQA: Resolution Nos. 67380 and 71451, PP 09-057. (Finance)

3.6 [AB 68 \(Brownley\) – Solid Waste: Single-Use Bags and AB 87 \(Davies\) – Single-Use Carryout Bags: Environmental Effect: Mitigation.](#)

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

Recommendation: As referred by the Rules and Open Government Committee on April 15, 2009, consider a position of support for AB 68 (Brownley) – Solid Waste: Single-Use Bags and AB 87 (Davies) – Single-Use Carryout Bags: Environmental Effect: Mitigation. (Environmental Services)

[Rules Committee referral 4/15/09 – Item 6.1(a)]

3.7 [Urgency Ordinance to Delay Effective Date of Ordinance No. 28517 Regarding Gaming Control.](#)

Recommendation: Adopt an urgency [ordinance](#) amending Ordinance No. 28517, which amended Title 16 of the San José Municipal Code, Gaming Control Regulatory Program, in order to delay the effective date from May 7, 2009 until the proposed amendments to Title 20 allowing for relocated cardrooms are adopted and take effect. CEQA: Not a Project. (City Attorney's Office)

* (Rules Committee referral 04/29/09)

3. STRATEGIC SUPPORT SERVICES

3.8 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)
SEE ITEM 8.2 FOR COUNCIL ACTION TO BE TAKEN
 - (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 4/28/09 – Item 3.2)

3.9 [AB 821 \(Brownley\) the Clean and Healthy Schools Act.](#)

Recommendation: As referred by the Rules and Open Government Committee on April 29, 2009, consider a position of support for AB 821, the Clean and Health Schools Act. (Environmental Services)

* [Rules Committee referral 04/29/09 – Item 6.1(a)]

3. STRATEGIC SUPPORT SERVICES

3.10 [SB 346 \(Kehoe\) Hazardous Materials: Motor Vehicle Brake Friction Materials.](#)

Recommendation: As referred by the Rules and Open Government Committee on April 29, 2009, consider a position of support for SB 346, Hazardous Materials: Motor Vehicle Brake Friction Materials. (Environmental Services)

* [Rules Committee referral 04/29/09 – Item 6.1(c)]

RECOMMEND DEFERRAL TO 5/12/09 PER ADMINISTRATION

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – [April 27, 2009](#) Councilmember Pyle, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
 - (1) Small Business Development Commission Annual Report. (Small Business Development Commission)
 - (2) Local/Small Business Participation. (Finance/Public Works)
 - (3) Economic Strategy Update. (OED)
 - (4) Competition Policy. (City Manager's Office)
 - (5) Informational Report on the Creative Entrepreneur Project. (OED)
 - (6) Review of the City's Dispersion Policy Relating to the Placement of Affordable Housing. (Housing)
 - (7) Quarterly Update of Development Process. (PBCE)
 - (8) Mexican Heritage Plaza. (General Services)
- (3) Reports to Committee
 - (1) Consent Calendar
 - (a) 1stACT Small Wonders Update Improving Downtown. (OED)
* **SEE ITEM 4.6 FOR COUNCIL ACTION TO BE TAKEN**
 - (c) Informational Update on the City Hall Exhibits Program. (OED)
* **SEE ITEM 4.7 FOR COUNCIL ACTION TO BE TAKEN**
 - (d) Report on Key Legislative Items. (Intergovernmental Relations)
 - (2) Item Number Not Used.
 - (3) Homeless Update. Housing
* **SEE ITEM 4.8 FOR COUNCIL ACTION TO BE TAKEN**
 - (4) SB 375 Update/Discussion. (PBCE/DOT/Housing)
* **SEE ITEM 4.9 FOR COUNCIL ACTION TO BE TAKEN**
- (4) Open Forum
- (5) Adjournment

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Airport West Property.](#)

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Recommendation:

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

- (1) Approving the revised business terms for the Amended and Restated Option Agreements and the Purchase and Sale Agreements with Coleman Airport Partners LLC and FWSH Partners LLC for the property located at 1125 Coleman Avenue.
- (2) Authorizing the City Manager or her designee to negotiate and execute Amended and Restated Option agreements and Purchase and Sale Agreements for the property located at 1125 Coleman Avenue for the development of (a) 1.5 million square feet of office R&D development, 300 hotel rooms, 95,000 square feet of retail space and the required parking for all uses including a proposed stadium; and (b) a soccer stadium on 14 acres.

(b) Accept the updated Cost Benefit Analysis for the project.

CEQA: Resolution No. 71716, File No. PP08-093. Council District 3. (OED)

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TO BE HEARD IMMEDIATELY FOLLOWING CONSENT CALENDAR

4.3 [New Construction Second Mortgage Loan Program.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the Director of Housing to reallocate up to \$4,483,700 in uncommitted Low- and Moderate-Income Housing Funds for homebuyers in eleven new construction for-sale projects to homebuyers in any new construction for-sale development in San José for a period of twelve months; and
- (b) Making findings that the use of Low- and Moderate-Income Housing Funds to provide loans to homebuyers in those housing projects that are outside a redevelopment project area benefits the Agency's redevelopment project areas; and
- (c) Authorizing the Director of Housing to extend availability of the funds to homeowners in new developments for a period of up to twelve additional months.

CEQA: Not a Project. (Housing)

4.4 [Public Hearing on the Annual Action Plan.](#)

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

[Attachment – Memo from the Director of Housing on FY 2009-10 CDBG Funding Recommendations](#)

Recommendation:

- (a) Conduct a final public hearing regarding the approval of the City's Annual Action Plan 2009-2010 and take public comment;
- (b) Adopt the 2009-2010 Annual Action Plan, including the FY 2009-2010 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Public Hearing on the Annual Action Plan (Cont'd.)

Recommendation:

- * (c) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, and after CEQA/NEPA review and City Council project approval, to execute all documents for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City; and
 - (d) Authorize the Housing Department to submit the FY 2009-2010 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD), which makes the City eligible to receive and distribute approximately \$15 million.
- CEQA: Not a Project. (Housing)

4.5 [Memorandum of Understanding between the City of San José and Step up Silicon Valley: The Campaign to Cut Poverty.](#)

Recommendation: Approve a [Memorandum of Understanding](#) between the City of San José and Step up Silicon Valley: The Campaign to Cut Poverty. (Housing)
[Rules Committee referral 4/22/09 – Item 3.1(a)]

4.6 [1stACT Small Wonders Update Improving Downtown.](#)

Recommendation: Accept Staff's progress on the implementation of the Small Wonders Work Plan projects that improve the sidewalk level environment and public realm downtown. (Office of Economic Development)

- * [Community & Economic Committee referral 04/27/09 – Item 3.1(a)]

4.7 [Information Update on the City Hall Exhibits Program.](#)

Recommendation: Accept the exhibits completed and planned in FY 2008-2009 and plans for continuing City Hall Exhibits Program in FY 2009-2010. (OED)

- * [Community & Economic Committee referral 04/27/09 – Item 3.1(c)]

4.8 [Update on Actions Taken to Prevent and End Homelessness in San José.](#)

Recommendation: Accept the actions taken towards the City's goals of ending chronic homelessness, including work of Destination: Home. (Housing)

- * (Community & Economic Committee referral 04/27/09 – Item 3.3)

4.9 [Status of SB375 Implementation.](#)

Recommendation: Accept the status report on updated legislation which requires cities to make plans to reduce greenhouse gas emissions and makes changes to housing element law. (PBCE/DOT/Housing)

- * (Community & Economic Committee referral 04/27/09 – Item 3.4)

5. NEIGHBORHOOD SERVICES

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

5.2 **Strong Neighborhoods Initiative Hoffman/Via Monte Improvement Plan Amendment.**

Recommendation:

- (a) Accept the Strong Neighborhoods Initiative (SNI) Hoffman/Via Monte Neighborhood Improvement Plan Amendment as the renewed community vision for the future of the Hoffman/Via Monte SNI Planning Area; and
- (b) Encourage Hoffman/Via Monte area residents, property owners and community members to continue to dedicate their time, energy and resources towards the Plan and this Amendment while continuing with their community-building activities.

CEQA: Resolution No. 71045. Director of Planning, Building and Code Enforcement recommends approval. Council District 10. SNI: Hoffman/Via Monte. (Planning, Building and Code Enforcement)

* **DEFERRED TO 5/19/09 IN THE EVENING PER RULES AND OPEN GOVERNMENT COMMITTEE**

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 **[Airport Food and Beverage Concession Agreement.](#)**

Recommendation:

- (a) Approve a Fifth Amendment to the Airport Food and Beverage Concession [Agreement](#) entered into on January 29, 1999 with Host International, Inc. (“Host”) to:
 - (1) Extend the term from June 30, 2009 to June 30, 2011, unless terminated earlier by the City with thirty (30) day notice; and
 - (2) Remove the Minimum Annual Guarantee requirement.
- (b) Approve a First Amendment to the Airport Food and Beverage Concession [Agreement](#) entered into on April 22, 2004 with Host to:
 - (1) Extend the term from June 30, 2009 to June 30, 2011, unless terminated earlier by the City with thirty (30) day notice; and
 - (2) Remove the Minimum Annual Guarantee requirement.
- (c) Approve a Second Amendment to the [Lease](#) of Airport Premises entered into on June 29, 1999, with Host to extend the term from June 30, 2009 to June 30, 2011, unless terminated earlier with thirty (30) day notice by either party.

CEQA: Resolution Nos. 67380 and 71451, PP09-033. (Airport)
(Deferred from 4/14/09 – Item 6.3)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Selection of Independent Police Auditor.](#)

[Attachment – Memo from Mayor Reed](#)

Recommendation:

- (1) Discussion and action regarding procedures for the selection of an Independent Police Auditor.
- (2) Discussion and action regarding disclosure of Closed Session discussion, materials and votes dealing specifically with the appointment of the Independent Police Auditor.

* [Rules Committee referral 04/29/09 – Item 3.1(a)]

HEARD NO EARLIER THAN 3:00 P.M.

8.2 [Consortium for Police Leadership in Equity \(CPLÉ\).](#)

[Attachment – Memo from Mayor Reed and Councilmember Liccardo](#)

[Attachment – Memo from Councilmembers Kalra and Nguyen](#)

[Attachment – Memo from Councilmembers Kalra and Nguyen](#)

[Attachment – Staff Report](#)

Recommendation: As recommended by the Rules and Open Government Committee on April 8, 2009:

- (a) Accept the introductory scope and preliminary timeline for Consortium for Police Leadership and Equity (CPLÉ) to present to the City Council its organization and methodology for doing research related to racial and gender equity in policing.
- (b) Accept the preliminary quarterly status report schedule to the Public Safety, Finance & Strategic Support Committee.

(City Manager's Office)

(Rules Committee referral 4/8/09 – Item 10.2)

(Continued from 4/21/09 – Item 8.1)

* **HEARD NO EARLIER THAN 3:00 P.M.**

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **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**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

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

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of Carla Drive and Almaden Expressway from the R-1-5 Residential Zoning District to the A(PD) Planned Development Zoning District to allow three single-family detached residences on a 0.79 gross acre site (Robert Bagheri, Owner). CEQA: Exempt. The Director of Planning, Building and Code Enforcement and the Planning Commission recommend approval (7-0-0). PDC08-055 – District 10

*

CONTINUED TO 5/12/09 IN THE AFTERNOON PER RULES COMMITTEE

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning real property located on the east side of S. White Road.

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the east side of S. White Road approximately 250 feet south of Cunningham Lake Court from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow up to 19 single-family detached residences or up to 14 single-family detached residences adjacent to a possible future new fire station on a 3.21 gross acres site (Bishop of Church of Jesus Christ, Owner). CEQA: Mitigated Negative Declaration. The Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends approval with minor modifications to development standards as recommended by staff and to consider the creation of through vehicular and pedestrian access connection from the new street of the proposed project to Flintcrest Drive (7-0-0).

PDC09-008 – District 8

* **CONTINUED TO 5/12/09 IN THE AFTERNOON PER RULES COMMITTEE**

- 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
his meeting will be adjourned in memory of Frank Jirik, former Chief Operating Officer of San José Arena Management/San José Sharks.

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.

REDEVELOPMENT AGENCY AGENDA

MAY 5, 2009

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO DISTRICT 6
MADISON P. NGUYEN DISTRICT 7
ROSE HERRERA DISTRICT 8
JUDY CHIRCO DISTRICT 9
NANCY PYLE DISTRICT 10

Welcome to the San Jose Redevelopment Agency's Board meeting. Our Board is composed of the ten City Council Members and the Mayor, who serve as our Boardmembers and Chairperson.

If you wish to address the Redevelopment Agency about an issue that is not on the agenda, you may speak during the "Open Forum" during the City Council's meeting. The Council/Agency is unable to take action on issues presented during "Open Forum."

The Agenda following this page contains a Consent Calendar section for routine business items requiring Redevelopment Agency approval, as well as general business items arranged corresponding to the Agency's Critical Service Areas. The Critical Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the Agency provides to the community and to the City. The four Critical Service Areas are:

- ***Promote and Implement Neighborhood Improvement Strategies*** — Through collaboration, revitalize commercial and residential neighborhoods so they are livable, safe, diverse and economically sustainable.
- ***Enhance the Quality and Supply of the City's Housing Stock*** — Enhance the Quality and Supply of the City's Housing Stock
- ***Initiate and Facilitate Public Facilities and Spaces*** — To guide the creation of a fabric of public facilities and spaces that is useful, stable, inviting, delightful and instills pride in the community to foster the opportunity for other investments
- ***Initiate and Facilitate Private Development*** — Capitalize on market opportunities and facilitate private development in the fastest possible time with the highest quality customer service

You may provide input on agenda items by filling out a BLUE Speaker's Card and submitting it to the City Clerk or Agency's Clerk during the meeting. If you wish to speak to the Agency, some tips to help you are noted below:

- **Submit a speaker's card before the meeting and before the item is heard.** This will ensure that your name is called for the items you wish to address, and ensure the meeting runs smoothly for all participants.
- When the Board reaches your item on the agenda, the Chairperson will open the public hearing and call your name. Please address the Agency from the speaker's podium.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Chairperson's discretion however, depending on the number of speakers and length of agenda.

If you have any questions, please direct them to Agency 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. The Redevelopment Agency meets on Tuesdays, following the City Council's meeting at 1:30 p.m.

Agendas and staff reports for Redevelopment Agency Board agenda items may be viewed on the Internet at <http://www.sjredevelopment.org/agendas.htm>. Board Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda that are not exempt from disclosure pursuant to the California Public Records Act and that are distributed to a majority of the legislative body will be available for public inspection at the Redevelopment Agency at San Jose City Hall, 200 E. Santa Clara St, 14th Floor, San Jose, CA 95113-1903 at the same time that the public records are distributed or made available to the Redevelopment Agency Board.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-8500 or (408) 294-9337 (TTY) at least three business days before the meeting.

On occasion the Redevelopment Agency 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
The Agency Board agenda will be considered following conclusion of the City Council's agenda.
- **Open Forum**
To be heard jointly during the City Council's 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 Redevelopment Agency Board.
- **Closed Session Report**
- **Orders of the Day**
Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.
See Item 9 on the City Council Agenda for description of any City Council agendized items relating to the Redevelopment Agency.

1 CEREMONIAL ITEMS

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 Agency and will be adopted by one motion. If a member of the Redevelopment Agency Board, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Report of the Public Safety, Finance and Strategic Support Committee – April 16, 2009. (2MB FILE)

Boardmember Nguyen, Chairperson

3.1(a) Redevelopment Agency February 2009 Financial Reports.

- (1) Financial Statements
- (2) Capital Cost Report
- (3) Cash Flow Projections

2.2 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for the Regular meeting of April 7, 2009.

2.3 Report of the Rules and Open Government Committee – April 8, 2009. Chair Reed, Chairperson

- “4. 1 Review April 14, 2009, Final Agenda: Meeting cancelled.
 4.2 Review April 21, 2009, Draft Agenda.

2.4 Report of the Rules and Open Government Committee – April 15, 2009. Chair Reed, Chairperson

- “4. 1 Review April 21, 2009, Final Agenda.
 4.2 Review April 28, 2009, Draft Agenda.

2.5 Approval of an Intercreditor and Subordination Agreement between the Agency and Green Valley Enterprises.

Recommendations: Approval of an [Intercreditor and Subordination Agreement between the Agency and Green Valley Enterprises](#), allowing subordination of a U.S. Department of Housing and Urban Development Loan Agreement on the Security Building located at 84 South First Street. CEQA: Not a project.
[CENTURY CENTER]

3 GENERAL

3.1 Presentation of the Quarterly Projects Status Report.

Recommendation: Acceptance of the Redevelopment Agency's Quarterly Projects Status Report for the Third Quarter, FY 2008-09.

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

4.1 Approval of an agreement with Siegel & Strain Architects for architectural and construction observation services.

Recommendations: Approval of an agreement with Siegel & Strain Architects, in the amount of \$560,000, for architectural services and construction observation services through project completion for the Hoffman/Via Monte Neighborhood Center. CEQA: Not a project. [HOFFMAN/VIA MONTE SNI]

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

7 PRIVATE DEVELOPMENT

7.1 Approval of an amendment to the Owner Participation Agreement for the bowling alley located at 1441 North 4th Street.

Recommendations:

- (a) Approval of the second amendment to an Owner Participation Agreement with North 4th Street, LLC, increasing the grant amount by \$173,250, for a total amount not to exceed \$423,250, for parking lot improvements for a bowling alley located at 1441 N. 4th Street.

7 PRIVATE DEVELOPMENT

- 7.1 (b) [Adoption of a resolution](#) approving an adjustment to the FY 2008-09 Adopted Capital Budget by adding \$173,250 to the Rincon-Facade Improvement project line in the Rincon de los Esteros Redevelopment Area, and amending the FY 2008-2009 Agency appropriations resolution. CEQA: Exempt. File No. PP07-128. **[RINCON DE LOS ESTEROS]**

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See item 9 on the City Council's Agenda, which will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today, for any Redevelopment-related actions on that agenda.

CONVENE CITY COUNCIL TO CONSIDER ITEMS 8.1 – 8.2 IN A JOINT SESSION

- 8.1 [Approval of an Owner Participation Agreement with Yu Ai Kai Japanese American Community Senior Service.](#)

Recommendations:

- (a) Redevelopment Agency Board approval of an [Owner Participation Agreement](#), in the amount of \$105,250, with Yu Ai Kai Japanese American Community Senior Service for improvements to the City-owned building located at 110 East Jackson Street in the Japantown Redevelopment Project Area.
- (b) [Adoption of a resolution](#) by the City Council making certain determinations required by law for Redevelopment Agency funding of a public project CEQA: Exempt, File No. PP09-093 **[JAPANTOWN]**

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.2 Authorization for the collection of tax increment from the Diridon area of the SNI Project Area. (LARGE 20 MB FILE)

SUPPLEMENTAL MEMO

Recommendations: Public Hearing concerning a proposed Plan Amendment to authorize the collection of tax increment from the “Diridon Area” of the Strong Neighborhoods Initiative (SNI) Project Area, followed by Redevelopment Agency Board and City Council consideration and actions:

- (a) Adoption of resolutions by the Redevelopment Agency Board and City Council approving the Report to Council on the proposed Amendment to the SNI Project Area to authorize the collection of tax increment from the “Diridon Area,” a portion of the SNI Project Area generally bounded by Santa Clara Street on the north, the UP railroad on the west, San Carlos Street on the south, and the Guadalupe River/Los Gatos Creek and Highway 87 on the east.

AGENCY RESOLUTION

CITY RESOLUTION

- (b) **Approval of an ordinance** by the City Council adopting the proposed Amendment to the SNI Redevelopment Plan to authorize the collection of tax increment from the “Diridon Area” and making certain findings.

CEQA: Not a project **[MERGED]**

ADJOURN CITY COUNCIL PORTION OF THE MEETING

- **Adjournment**

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

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