



CITY COUNCIL AGENDA

MAY 12, 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. - Initial Public Hearing on the FY 2009-2010 Proposed Budgets, Council Chambers, City Hall – [Attachment – Memo from Mayor Reed](#)

- **Invocation (District 5)**
The James Lick High School Choir

- **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 proclamation declaring the month of May 2009 as “Better Speech and Hearing Month” in the City of San José. (Mayor)

1. CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring May 10 through May 16, 2009 as “National Police Officers Memorial Week” in the City of San José. (Constant)
- 1.3 Presentation of a commendation to the D9 Stars Lou McKellar, Misti Navarro, Kerry Boomsliter and Friends of the Cambrian Branch Library, Susan Abele, President. (Chirco)
* **RECOMMEND DROP PER DISTRICT 9**
- 1.4 Presentation of a proclamation declaring May 2009 as “Historic Preservation Month” in the City of San José. (Chirco/Liccardo)
- 1.5 Presentation of a commendation to the San José BioCenter for winning two prestigious International Awards, the 2009 National Business Incubation Association’s Randall M. Whaley Incubator of the Year Award and the Dinah Adkins Incubator of the Year Award in the Technology Category. (Kalra)
* (Rules Committee referral 5/6/09)

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. 28534](#) – Repealing Chapter 6.30 of Title 6 of the San José Municipal Code and Amending Chapter 6.54 of Title 6 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 to ensure consistency of terms within Title 6 of the San José Municipal Code.
- (b) [ORD. NO. 28535](#) – Amending Chapter 6.55 of Title 6 of the San José Municipal, Downtown Special Events, to reduce the area within which approved Location Peddlers’ Permits may be suspended during a Designated Downtown Special Event by limiting the Suspension Area to the Special Event Boundary, authorize peddlers within the Special Event Boundary to temporarily peddle at Alternative 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.

2. CONSENT CALENDAR

2.3 [Authorize MOU for 2008 SUASI Grant.](#)

Recommendation: Adopt a resolution to:

- (a) Negotiate and execute a joint Memorandum of Understanding (Funding MOU) between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area SUASI, to accept the 2008 SUASI grant in the amount of \$1,272,972, and to execute additional amendments and related documents without further Council action; and
- (b) Negotiate and execute a joint Memorandum of Understanding (Funding MOU) agreement between the City of San José and the San Mateo County Sheriff's Office, and to execute additional amendments and related documents without further Council action.

CEQA: Not a Project. (Police)

2.4 [Contract for the Emergency Generators Installation.](#)

Recommendation: Report on bids and award of contract for the Emergency Generators Installation project to the low bidder, Bayside Equipment Company, to include the base bid and Add Alternate No. 1 in the amount of \$165,332, and approval of a contingency in the amount of \$24,800. CEQA: Exempt, File No. PP09-028 (Eagle Rock Site); Exempt, File No. PP09-029 (West Yard Site); Exempt, File No. PP09-030 (Cadwallader Site). (Public Works)

2.5 [Contract for the Hensley Historic District – San José State University to Japantown Pedestrian Corridor Project.](#)

Recommendation: Report on bids and award of contract for the Hensley Historic District – San José State University to Japantown Pedestrian Corridor Project – Federal Project No. CML-5005 (093) to the low bidder, Guerra Construction Group, to include the base bid and Add Alternate No. 1, in the amount of \$1,180,778, and approval of a contingency in the amount of \$177,116. CEQA: Negative Declaration and addenda thereto, File Nos. PP02-05-115 and PP04-293. Council District 3. (Public Works/ Transportation)

2.6 [Excused absence for Vice Mayor Chirco.](#)

Recommendation: Request for an excused absence for Vice Mayor Chirco from the following meeting: the Regular Rules & Open Government Committee Meeting on April 29, 2009 due to illness.

(Chirco)

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 22, 2009](#)

Mayor Reed, Chair

- (1) Call to Order
- (2) Review of Agenda
- (3) City Council (City Clerk)
 - (a) Review April 28, 2009 Final Agenda
 - (1) Add new items to Final Agenda
 - (a) Independent Police Auditor Compensation Package/Employment Agreement. (Mayor)
 - (b) Memorandum of Understanding between the City of San José and Step Up Silicon Valley: The Campaign to Cut Poverty. (Housing)
 - (2) Assign “Time Certain” to Agenda items if needed
 - (3) Review of items that meet Exception Rule if needed
 - (b) Review May 5, 2009 Draft Agenda
 - (1) Add new items to Draft Agenda
 - (2) Assign “Time Certain” to Agenda items if needed
- (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (5) Review of upcoming Study Session Agendas
- (6) Legislative Update
 - (a) State
 - (1) Support position on SB481 (Cox). (Airport)
 - (b) Federal
- (7) Meeting Schedules
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committee
- (10) Rules Committee Reviews, Recommendations and Approvals
- (11) Review of Additions to Council Committee Agendas
 - (a) Community and Economic Development Committee
 - (b) Neighborhood Services and Education Committee
 - (c) Transportation and Environment Committee
 - (d) Public Safety, Finance and Strategic Support Committee
- (12) Open Government Initiatives
 - (a) Reed Reforms
 - (b) Sunshine Reform Task Force Recommendations: Police Statistical Reports.
 - (c) Significant Public Record Act Requests
 - (d) 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. STRATEGIC SUPPORT SERVICES

3.4 [Public Hearing on the Proposed Operating/Capital Budgets for the Fiscal Year 2009-2010, including Proposed Fees and Charges for the City of San José.](#)

Recommendation: Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year 2009 -2010, the Proposed Five-Year Capital Improvement Program for 2010-2014, the Proposed Fees and Charges Report for the Fiscal Year 2009-2010. (City Manager's Office)

TO BE HEARD IN THE EVENING

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

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

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)]

* (Deferred from 5/5/09 – Item 3.10)

3.6 [SB 497 \(Correa\), School Recycling Programs.](#)

Recommendation: As referred by the Rules and Open Government Committee on May 6, 2009, consider a position of support for SB 497 (Correa), School Recycling Programs. (Environmental Services)

* [Rules Committee referral 05/06/09 – Item 6.1(a)]

3.7 **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.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

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

Mayor Reed, Chair

- (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)
HEARD BY COUNCIL 5/5/09 – ITEM 3.6
 - (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
- * (Deferred from 5/5/09 – Item 3.2)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Report of the Community & Economic Development Committee](#)

Councilmember Pyle, Chair

- * **Recommendation:** Approve amendments to the Community & Economic Development Committee Meeting Report for April 27, 2009 to more accurately reflect the Committee actions. (City Clerk)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Release of Development Costs for North Fourth Street Family Apartments Project.](#)

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

Recommendation: Adopt a [resolution](#) approving the release of up to \$4,000,000 of the previously approved construction loan commitment of up to \$9,875,000, to First Community Housing, or its designated affiliate, for the development of the North Fourth Street Family Apartments project to be built at 1470 North Fourth Street and made available to extremely low-income, very low-income and low-income families. CEQA: Addendum to Final EIR for the North San José Area Development Policy, Resolution No. 72768, File No. PDC06-022. Council District 3. (Housing)

4.3 [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)
(Deferred from 4/28/09 – Item 4.2)

4.4 [Federal stimulus funding for the CDBG and the Homeless Prevention and Rapid Re-housing Programs.](#)

Recommendation:

- (a) Adopt a [resolution](#) authorizing the approval of a substantial amendment to the Consolidated Plan – Annual Action Plan 2008-2009 for the following purposes:
 - (1) Allow the Director of Housing to accept federal stimulus funding for the Community Development Block Grant (CDBG) in the amount of \$2,700,463 and a new program, Homeless Prevention and Rapid Re-housing Program, in the amount of \$4,128,763;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Federal stimulus funding for the CDBG and the Homeless Prevention and Rapid Re-housing Programs. (Cont'd.)

Recommendation:

- (a) (2) Authorize 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 federal stimulus CDBG funds on behalf of the City;
 - (3) Approve an amendment to the Neighborhood Stabilization Program spending plan originally approved by the City Council on November 18, 2008; and
 - (4) Approve a shortened citizen participation comment period of 15 days in accordance with federal guidance related to the acceptance of federal stimulus funding.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the American Recovery and Reinvestment Act Fund (Fund 299) for 2008-2009:
- (1) Establish an estimate for Recovery Act – Federal Revenue – in the amount of \$6,829,226;
 - (2) Establish a Recovery Act - Community Development Block Grant Program appropriation to the Housing Department in the amount of \$2,700,463; and
 - (3) Establish a Recovery Act - Homeless Prevention and Rapid Re-housing Program appropriation to the Housing Department in the amount of \$4,128,763.

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

4.5 [Public Hearing and actions related to the Stevens Creek Signage Area.](#)

[Attachment – Signage Regulations](#)

Recommendation: Conduct a public hearing and approve an [ordinance](#) amending Title 23 of the San José Municipal Code to create the Stevens Creeks Boulevard Signage Area, establish regulations therefore, and make related clarifying changes. CEQA: Resolution No. 65459 (File No. PP-08-273). (Planning, Building and Code Enforcement).

(Deferred from 4/7/09 – Item 4.4)

RECOMMEND DEFERRAL TO 5/19/09 PER DISTRICT 1

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 [Rezoning real property located on the northwest corner of Carla Drive and Almaden Expressway.](#)

Recommendation: 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 from 05/05/09 – Item 11.1(a)]

4.7 [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 from 05/05/2009 – Item 11.2)

* **RECOMMEND CONTINUANCE TO 5/19/09 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

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

5.2 [Level 1 Homework Center Program Allocations.](#)

[Attachment – Staff Report](#)

[Attachment – Memo and Staff Report from the Director of PRNS](#)

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

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Level 1 Homework Center Program Allocations. (Cont'd.)

Recommendation:

- (a) (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 and 4/28/09 – Item 5.3)

TO BE HEARD IMMEDIATELY FOLLOWING CONSENT CALENDAR

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 [Report on Bids and Award the Purchase of Hold Room Furniture for the Airport.](#)

- * **Recommendation:** Report on bids and award the purchase of Hold Room Furniture for the Norman Y. Mineta San José International Airport (Airport) to Zoefitg LTD (North Cornwall, United Kingdom), the low bidder, for a total amount not to exceed \$1,990,023.80, including delivery, assembly, installation and sales tax and authorize the Director of Finance to:

- (a) Execute purchase orders as required to meet the Airport's timeline for the opening of Terminal B; and
- (b) Approve a contingency in the amount of \$183,330 for any unforeseen changes or requirements that may arise prior to the completion of the furniture installation.

CEQA: Not a Project. (Finance)

- * (Rules Committee referral 5/6/09)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Amend Service Rates for Recycle Plus Program.](#)

Recommendation: Adopt a [resolution](#) to amend service rates for the Recycle Plus Program effective July 1, 2009, to increase rates for single-family households by 2% and increase rates for multi-family households by 4%. CEQA: Not a Project. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Non-Profit Recycler Services Agreements.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute agreements with Goodwill of Silicon Valley, the Salvation Army, and HOPE Services for recycling and reuse services for an initial term from July 1, 2008 through June 30, 2010, with a total maximum annual compensation for the period through June 30, 2009 not to exceed \$356,176 for Goodwill of Silicon Valley, \$125,870 for the Salvation Army, and \$6,201 for HOPE Services and, thereafter, subject to annual appropriation of funds for the second year of the initial term. CEQA: Not a Project. (Environmental Services)

7.3 Commercial Solid Waste Collection Fees Amendment.

Recommendation:

- (a) Approve an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to add Sections 9.10.152 and 9.10.153 to define “large events” and “large venues”; amend Section 9.10.1720 to increase the penalty for submitting late monthly reports by \$200, from \$100 to \$300 for every 15 days late; and amend 9.10.1445 to conform with new definitions.
- (b) Adopt a resolution superseding Resolution Nos. 73256 and 74647 to set commercial solid waste collection franchise fees for services performed on or after July 1, 2009 by removing the annual exemption from franchise fees for franchisees that do not perform any front-loader service.

CEQA: Not a Project. (Environmental Services)

7.4 Public Hearing on Commercial Solid Waste Franchises..

* **Recommendation:** Conduct a public hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises; approve the ordinances granting the franchises; and approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements for a term from July 1, 2009 to June 30, 2012 with the option of three one-year extensions:

- (a) A & A Recycling.
- (b) All Points Rolloff, Inc.
- (c) Allied Waste Services of North America, LLC dba Allied Waste of Santa Clara County.
- (d) Bernardini Enterprises, Inc. dba JD Services.
- (e) Eagle Recycling, Inc.
- (f) Eco Box Recycling, Inc.
- (g) EMS, LLC.
- (h) Environmental Resources Recovery, Inc. dba Valley Recycling.
- (i) GreenWaste Recovery, Inc.
- (j) GreenWaste Recovery, Inc. dba \$99 Debris Box Service.
- (k) Grifall Trucking, Inc.
- (l) Haul-Away Today.
- (m) JHM Services, Inc.

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.4 Public Hearing on Commercial Solid Waste Franchises. (Cont'd.)

Recommendation: Conduct a public hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises; approve the ordinances granting the franchises; and approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements for a term from July 1, 2009 to June 30, 2012 with the option of three one-year extensions: (Cont'd.)

- (n) [Jonna Corp dba Premier Recycle.](#)
- (o) [LMH Enterprises, Inc. dba Number "1" Disposal.](#)
- (p) [Los Altos Garbage Co. dba Stevens Creek Disposal and Recycling.](#)
- (q) [Mission Trail Waste Systems, Inc. dba Recycle West.](#)
- (r) [Pacific Coast Recycling.](#)
- (s) [Panther Industries.](#)
- (t) [Qualified Trucking, Inc.](#)
- (u) [RD Mendes Enterprises, Inc. dba Accurate Cleaning Systems.](#)
- (v) [Recycling & Waste Services.](#)
- (w) [San José Conservation Corps & Charter School.](#)
- (x) [The Flea Market, Inc.](#)
- (y) [Waste Connections of California, Inc. dba GT Waste.](#)

CEQA: Exempt, File No. PP08-228. (Environmental Services)

8. PUBLIC SAFETY SERVICES

8.1 [Cardroom Annual Review on Crime in San José.](#)

Recommendation: Accept the report related to the impact of cardroom gambling on crime in the City of San José for the period July 1, 2007 to June 30, 2008. CEQA: Not a Project. (Police)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- * *See Item 8.1 "Redevelopment Agency Board and City Council actions regarding development of a Major League Baseball stadium" on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

- **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**
- **Council will recess until 7:00 p.m.**
- **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.