



# **CITY COUNCIL AGENDA**

**DECEMBER 15, 2009**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
JUDY CHIRCO, VICE MAYOR  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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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

- **Invocation (Mayor)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

\* ADJOURNMENT: This meeting will be adjourned in memory of Jim Fox, noted San José downtown developer whose projects include many downtown landmarks such as the Hotel De Anza, One North First and the Sainte Claire Building. (Mayor)

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

\* **ITEM 7.4 “Public Utility Easement Vacation At 1542 Larkspur Drive”  
RENUMBERED TO ITEM 4.8.**

- Orders of the Day (Cont'd.)
- \* **ITEM 8.1 “Agreement for Architectural Consultant Service for Fire Station No. 37”  
RENUMBERED TO ITEM 2.17.**
- Closed Session Report

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Westgate Team of Beautiful Day for their volunteer work to clean up the Alviso Community Garden. (Chu)
- 1.2 Presentation of a check from the Happy Hollow Foundation to the City of San José. (Mayor/Parks, Recreation and Neighborhood Services)
- 1.3 Presentation of the Applied Materials Silicon Valley Turkey Trot Mayor’s Cup. (Mayor)  
\* (Rules Committee referral 12/09/09)

## **2. CONSENT CALENDAR**

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

### **2.1 Approval of Minutes.**

- \* **Recommendation:** Approval of minutes.
  - (a) [Regular Minutes of November 3, 2009.](#)
  - (b) [Special Minutes of November 5, 2009.](#)
  - (c) [Joint/RDA Budget Planning Meeting of November 9, 2009.](#)
  - (d) [Regular Minutes of November 10, 2009.](#)
  - (e) [Regular Minutes of November 17, 2009.](#)
  - (f) [Joint/San José Financing Authority Minutes of November 17, 2009.](#)

### **2.2 Final adoption of ordinances.**

- Recommendation:** Final adoption of ordinances.
  - (a) ORD. NO. 28674 – Amending Section 16.32.190 of Chapter 16.32 of Title 16 of the San José Municipal Code to reflect the streamlining of the cardroom license renewal procedure that was accomplished administratively under the revised Title 16, Ordinance No. 28517.

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

**Recommendation:** Final adoption of ordinances.

- (b) [ORD. NO. 28676](#) – Amending Sections 19.32.120, 19.32.130, and 19.32.140 of Chapter 19.32 of Title 19 of the San José Municipal Code relating to agreements to construct public improvements prior to approval of a final subdivision map or parcel map; amending Sections 14.04.160 and 14.04.170 to increase the contracting authority of the Public Works Director without competitive bidding under specified circumstances; and repealing Section 14.04.490 and amending Section 14.04.510 of Chapter 14.04 of Title 14 of the San José Municipal Code relating to the reporting of Public Works Contracts and Change Orders to the Finance Department and Council.
- (c) [ORD. NO. 28677](#) – Amending Sections 2.100.290 and 20.100.300 of Chapter 100 of Title 20 of the San José Municipal Code relating to recordation of Land Use Permits, and 20.120.510 of Chapter 120 of Title 20 of the San José Municipal Code relating to alternative means of compliance with General Development Plans.
- (d) [ORD. NO. 28678](#) – Amending Chapter 12.06 of Title 12 of the San José Municipal Code to add Section 12.06.915 to require electronic filing of Campaign Disclosure Statements.
- (e) [ORD. NO. 28679](#) – Rezoning certain real property situated between Los Esteros Road and Grand Boulevard (675 Los Esteros Road) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC08-054
- (f) [ORD. NO. 28680](#) – Adding a new Section 20.200.1265 to Chapter 20.200 of Title 20 of the San José Municipal Code to define Supportive Housing and adding a new Section 20.200.1283 to Chapter 20.200 of Title 20 of the San José Municipal Code to define Transitional Housing, and to provide that those uses are and shall be treated as residential uses, subject only to those restrictions on residential uses applicable to the type of residential structure or use involved.
- \* (g) [ORD. NO. 28682](#) – Amending various Sections of Chapter 6.64 of Title 6 of the San José Municipal Code to authorize the Chief of Police to cease the processing of any new applications for taxicab driver permits when certain economic indicators demonstrate a decline in the demand for taxicab services, with such authorization sunseting within three (3) years of taking effect unless extended by the City Council; to clarify the authorization of the Chief of Police to allow the transfer of permitted taxicab drivers between licensed taxicab companies; and to clarify provisions of Chapter 6.64 to ensure consistency throughout the Code.

## 2. CONSENT CALENDAR

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### 2.3 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) [Request for an excused absence for Vice Mayor Chirco from the Regular Meeting](#) of the Rules and Open Government Committee on December 2, 2009 due to a personal appointment. (Chirco)  
\* (Rules Committee referral 12/09/09)
  
- (b) [Request for an excused absence for Councilmember Liccardo from the Special Meeting](#) of the City Council on December 3, 2009 due to illness. (Liccardo)  
\* (Rules Committee referral 12/09/09)

### 2.4 [Intention to Disestablish the Willow Glen BID.](#)

**Recommendation:** Adopt a [resolution](#) of intention to set the time and date for the public hearing to disestablish the Willow Glen Business Improvement District, on [January 12, 2010 at 1:30 p.m.](#), as the date and time for the public hearing on the proposed elimination of the assessed levy. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development)

### 2.5 [Actions Related to Installation of Water Services and Mains: 2009-2010 Project. Supplemental – Letter from the Water Pollution Control Plant](#)

**Recommendation:**

- (a) Reject all bids for the Installation of Potable and Non-Potable Water Services and Mains: 2009-2010 project.
- (b) Adopt a [resolution](#) authorizing the Director of Public Works to:
  - (1) Award the contract for the Installation of Potable and Non-Potable Water Services and Mains: 2009-2010 project to the lowest responsive and responsible bidder in an amount not to exceed \$726,000; and
  - (2) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive and responsible bidder, or to reject all bids and re-bid the project.

CEQA: Exempt, File No. PP05-130. (Environmental Services)

### 2.6 [Continuation Agreement for Preliminary Design of Water Pollution Control Plant.](#)

**Recommendation:** Approve a Continuation [Agreement](#) with AEPC Group, LLC for consultant services for the preliminary design of the project entitled, "San José/Santa Clara Water Pollution Control Plant, Fiscal Year 2006-2007 Capital Improvement Program, Switchgear M5, Ring Bus, and Cable Replacement," extending the term of the agreement which expired on March 31, 2009 to June 30, 2010 at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

## 2. CONSENT CALENDAR

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### 2.7 Agreement with Pacific Gas and Electric.

\* **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate a Master Service Agreement related to the General Conditions and a Contract Work Authorization agreement related to Specific Conditions with Pacific Gas and Electric (PG&E) to conduct the Silicon Valley Energy Watch collaborative program and to receive funding in an amount not to exceed \$846,000 for the term January 1, 2010 through December 31, 2012.
  - (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
    - (1) Increase the appropriation to the Environmental Services Department for Personal Services by \$73,823.
    - (2) Increase the appropriation to the Environmental Services Department for Non-personal/Equipment by \$98,500.
    - (3) Increase the Estimate for Revenue from Local Agencies by \$172,323.
- CEQA: Not a Project. (Environmental Services/City Manager's Office)

### 2.8 Award of Open Purchase Orders for Supplies, Materials, Equipment and Services.

**Recommendation:** Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2009-2010 #4 and authorize the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

### 2.9 Agreement with Ingersoll Rand for the Access Control System at the Airport.

**Recommendation:** Adopt a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute the first amendment to the Access Control System Agreement with Electronic Technologies Corporation USA dba Ingersoll Rand (Ingersoll Rand) to increase the compensation up to \$450,000 for a revised not to exceed amount of up to \$792,712 in order to:
  - (1) Upgrade the existing access control system at the Norman Y. Mineta San José International Airport (approximately \$400,000); and,
  - (2) Increase maintenance time and materials by \$50,000 to \$100,000 for the initial two year term of the agreement.
- (b) Increase the contingency amount by \$50,000 from \$51,407 to \$101,407 to cover unanticipated in the system design and/or installation.

CEQA: Resolutions Nos. 67380 and 71451, File No. PP 09-195. (Finance)

## 2. CONSENT CALENDAR

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### 2.10 [Grant for the Highway 237 Bikeway Trail Project – Zanker Road to Coyote Creek.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager, or designee, to:

- (a) Submit a grant application to the State of California Resources Agency in the amount not to exceed \$350,000 for Environmental Enhancement and Mitigation Program grant funding for design and construction of the Highway 237 Bikeway Trail (Zanker Road to Coyote Creek) project and to make certain written assurances required as part of the grant application; and
- (b) Accept any grant funds awarded to the City and negotiate and execute all necessary documents to any grant funding from the State to the City for the project.

CEQA: Exempt, File No. PP08-195. Council District 4. (Parks, Recreation and Neighborhood Services)

### 2.11 [Grant for the Coyote Creek Trail Project – Hwy 237 Bikeway to Tasman Drive.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager, or designee, to:

- (a) Submit a grant application to Caltrans in the amount not to exceed \$724,500 under the Bicycle Transportation Account program for the Coyote Creek Reach 3 (Hwy 237 Bikeway to Tasman Drive) Trail project; and
- (b) Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding from Caltrans to the City for the Project.

CEQA: Exempt, File No. PP03-230. Council District 4. (Parks, Recreation and Neighborhood Services)

### 2.12 [Continuation Agreement for the Mayfair Community Center Project.](#)

**Recommendation:** Approve a continuation [agreement](#) with Field Paoli, Inc., for consultant services for the Mayfair Community Center Project, extending the term from June 30, 2009 to December 31, 2009; and increasing the amount of compensation by \$7,500 for a total agreement amount not to exceed \$1,652,825. CEQA: Mitigated Negative Declaration, File No. PP06-024. Council District 5. SNI Area: Mayfair. (Public Works)

### 2.13 [Public Service Easement Vacation at 3550 Snell Avenue.](#)

**Recommendation:** Adopt a [resolution](#) of intention to vacate a Public Service Easement within a private property at 3550 Snell Avenue and setting a public hearing on January 26, 2010 at 1:30 p.m. CEQA: Not a Project. Council District 7. (Public Works)

## 2. CONSENT CALENDAR

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### 2.14 [Contract Amendment for Storm Drainage, Sanitary Sewer Connection and Sewage Treatment Plant Connection Fees Study.](#)

**Recommendation:** Approve the first amendment to the consultant [agreement](#) with Financial Consulting Solutions Group, Inc. for the Storm Drainage, Sanitary Sewer Connection and Sewage Treatment Plant Connection Fees Study, extending the term of the agreement from December 27, 2009 to June 30, 2011, at no additional cost to the City. CEQA: Not a Project. (Public Works)

### 2.15 [Construction Contingency for Trail Projects.](#)

**Recommendation:**

- (a) Adopt a [resolution](#) amending City Council Policy No. 1-18, "Operating Budget and Capital Improvement Program Policy," to establish a ten percent construction contingency for Capital Improvement Program trail projects.
- (b) Adopt a [resolution](#) amending the authority delegated to the Director of Public Works under Resolution Nos. 72943 and 73532 (Streamlining the Award of Public Works Construction Contracts) to incorporate the contingency amounts specified in City Council Policy No. 1-18.

CEQA: Not a Project. (Public Works)

### 2.16 [Actions Related to Martin Park Gas Cutoff Wall Re-Bid Project.](#)

\* **Recommendation:**

- (a) Approve an increase in the contingency budget for the Martin Park Landfill Gas Cutoff Wall Re-Bid Project in the amount of \$115,000 for a total contingency budget of \$238,000.
- (b) Approve [Contract](#) Change Order Number 3 in an amount of \$340,000 for a total contract amount of \$1,588,147 with Granite Rock Company, DBA Pavex Construction Division for the Martin Park Landfill Gas Cutoff Wall Re-Bid Project.
- (c) Approve an increase in the project delivery budget for the Martin Park Landfill Gas Cutoff Wall Re-Bid project in the amount of \$46,000 for a total project delivery budget of \$463,000.
- (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2009-2010:
  - (1) Increase the estimate for Revenue from the State of California by \$501,000.
  - (2) Increase the appropriation to the Public Works Department for the Martin Park Landfill in the amount of \$501,000.

CEQA: Mitigated Negative Declaration, File No. H06-017, December 3, 2007. Council District 3. SNI Area: Five Wounds/Brookwood Terrace. (Public Works/Environmental Services/City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.17 [Agreement for Architectural Consultant Services for Fire Station No. 37, located at 2175 Lincoln Avenue.](#)

\* **Recommendation:**

- (a) Allow the consultant selection to be made without following the procedures set forth in the Qualifications Based Consultant Selection Policy (QBCS) with regard to selecting BFGC Architects Planners, Inc. (BFGC) to provide architectural services for the Fire Station No. 37 Project.
- (b) Approval of an [agreement](#) with BFGC for architectural consultant services for the Fire Station No. 37 Project, from the date of execution to January 31, 2012, in an amount not to exceed \$256,000.

CEQA: Exempt, File Nos. PP08-050 and PP09-150. Council District 6. (Public Works/Fire)

\* **RENUMBERED FROM ITEM 8.1**

### 2.18 [Agreement with Macias, Gini & O'Connell for Audit Services.](#)

**Recommendation:** Adopt a resolution authorizing the City Auditor to negotiate and execute a Third Amendment to the Agreement for Audit Services with Macias, Gini & O'Connell LLP to provide a financial audit of the Neighborhood Security Bond Projects Capital Projects Fund of the City for the period from inception through June 30, 2009 for a total one-time fee not to exceed \$49,600, for a total contract amount not to exceed \$2,954,940. (City Auditor)

\* (Rules Committee referral 12/09/09)

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Report of the Rules and Open Government Committee – December 2, 2009 Mayor Reed, Chair

- (a) City Council (City Clerk)
  - (1) Review December 1, 2009 Final Agenda
    - (a) Add new items to draft agenda
    - (b) Assign "Time Certain" to Agenda items if needed
    - (c) Review of Items that Meet Exception Rules (if needed)
  - (2) Review December 8, 2009 Draft Agenda
    - (a) Add new items to draft agenda
    - (b) Assign "Time Certain" to Agenda items if needed
    - (c) Review of Items that Meet Exception Rules (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Review of upcoming Study Session Agendas

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – December 2, 2009

##### Mayor Reed, Chair (Cont'd.)

- (d) Legislative Update
  - (1) State
    - (a) Support House Resolution 3745 (Baldwin) Community Access Preservation Act 2009 with a one-week turnaround for Mayor and City Council consideration. (City Manager's Office)
  - (2) Federal
- (e) Meeting Schedules
  - (1) Adopt proposed 2010-2011 City Budget Calendar and Budget Study Session Schedule and provide a one-week turnaround for City Council consideration. (City Manager's Office)
  - (2) Approve the City Council Meeting Schedule for the period January to July 2010. (City Manager's Office)
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
  - (1) Approve re-appointment of James Bojorquez and Darrold "Dan" Wagner to fill two terms each ending December 31, 2012 on the Advisory Commission on Rents. (Herrera)
  - (2) Approve appointment of Milton Cadena and Chaitanya Vaidya to fill two unexpired terms each ending June 30, 2011 and appointment of Joyce Rabourn, Judith Maria Heyter and Nancy Williamson to fill three terms each ending June 30, 2012 and the Senior Citizens Commission. (Constant)
- (h) Rules Committee Reviews, Recommendations and Approvals
  - (1) Accept staff's analysis and recommendation to maintain the existing Council Manager contract approval authority given the analysis presented in this report for the nine quarters from Q4 FY 2009-07 to Q4 2008-09. (Finance)
  - (2) Response to the International Children Assistance Network (ICAN). (Parks, Recreation and Neighborhood Services)
- (i) 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
- (j) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Record Act Requests
  - (4) Council Policy Manual Update
- (k) Open Forum
- (l) Adjournment

\* **RECOMMEND DEFERRAL TO 1/12/09 PER CITY CLERK**

### 3. STRATEGIC SUPPORT SERVICES

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

**3.4 Mayor's 2009 Biennial Review of Ethics Ordinances.  
Supplemental – 2009 Mayor's Biennial Review of Ethics Ordinances – Amended and Restated**

Attachment – Memo from Mayor Reed

Attachment – Memo from Councilmembers Kalra, Pyle and Chu

**Recommendation:** Accept the Mayor's Biennial Review of the Ethics Ordinances and provide direction to staff as outlined in the Mayor's Memo. (Mayor)

(Rules Committee referral 11/4/09)

\* (Deferred from 11/17/09 – Item 3.8 and 12/8/09 – Item 3.4)

**3.5 2010 Legislative Guiding Principles, Priorities and Advocacy Issues.**

**Recommendation:** As recommended by the Rules and Open Government Committee on December 9, 2009 and as amended to include the City Attorney's Office in the legislative process to ensure positions are consistent with the Guiding Principles:

- (a) Accept the 2010 Legislative Guiding Principles and Advocacy Issues for the second year of the two-year Legislative Session in Sacramento and the 111<sup>th</sup> Congress; and
- (b) Approve a streamlined process for responding to legislative proposals and legislation that would enable the staff to be responsive to bills considered in Sacramento and Washington, D.C.

(City Manager's Office)

\* [Rules Committee referral 12/09/09 – Item H(4)]

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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**4.1 Report of the Community & Economic Development Committee – November 30, 2009  
Councilmember Pyle, Chair**

- (a) Call to Order and Roll Call
- (b) Review of Workplan
- (c) Consent Calendar
  - (1) Update of the Economic Strategy.
  - (2) Mexican Heritage Plaza Update.
  - (3) Fire Department Administrative Citation Fine Schedule.
  - (4) Review of the City's Policy Exempting Affordable Housing from Payment of Parkland Dedication/Park Impact Fees.
- (d) Reports to Committee
  - (1) Chief Development Officer's Monthly Verbal Report. (City Manager's Office)
  - (2) Fire Department Administrative Citation Fine Schedule.
  - (3) Air Service Development and International Strategy. (Airport)
  - (4) Local/Small Business Participation. (Finance/Public Works)

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Report of the Community & Economic Development Committee – November 30, 2009 Councilmember Pyle, Chair (Cont'd.)

- (d) Reports to Committee (Cont'd.)
  - (5) Work2Future Update. (Economic Development)
  - (6) Economic Stimulus Plan and Actions. (Economic Development)
  - (7) Diridon Station Progress. (City Manager's Office/Economic Development/Planning, Building and Code Enforcement/Transportation/Airport/Redevelopment Agency)
  - (8) Update on Public Works Development Services' New Service Model Implementation. (Public Works)
  - (9) Catalyst Fund. (Economic Development)  
**SEE ITEM 4.6 FOR COUNCIL ACTION TO BE TAKEN**
  - (10) Review of Relevant 2010 Legislative Guiding Principles. (Economic Development)  
**HEARD BY COUNCIL 12/8/09**
- (e) Open Forum
- (f) Adjournment

### 4.2 [Report on RFP for Multi-Family Loan Portfolio Management System.](#) [Supplemental – Memo from the Director of Finance](#)

#### **Recommendation:**

- (a) Accept report on Request for Proposal for the purchase of a Multi-Family Loan Portfolio Management System and adoption of a resolution authorizing the Director of Finance to:
  - (1) Execute an [agreement](#) with MK Partners, Inc. (Encino, CA) for the implementation of the Multi-Family Loan Portfolio Management System in an amount not to exceed \$246,700 including all professional and technical support services required to implement the system as well as hosting services that will be provided by Salesforce.com Inc. (San Francisco, CA) under a separate subscription agreement.
  - (2) Execute change orders not to exceed a contingency amount of \$40,000 to cover any unanticipated changes in the system design and implementation.
  - (3) Execute ten one-year options to renew the agreements for continued technical support and hosting services subject to annual appropriation of funding.
- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Fund (Fund 443) for 2009-2010:
  - (1) Decrease the Ending Fund Balance by \$286,700; and
  - (2) Increase the Housing Department's Non-Personal/Equipment Appropriation in the amount of \$286,700.

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

\* (Deferred from 11/3/09 – Item 2.5, et al, 12/1/09 – Item 4.4, and 12/8/09 – Item 4.7)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 [Mills Act Historical Property Contract for the Tommie Smith House.](#)

- \* **Recommendation:** Conduct a public hearing on the Historical Property [Contract](#) (California Mills Act No. MA09-007) between the City of San José and the owners of the Tommie Smith House, located at 55 N. Eleventh Street, (City Landmark No. HL08-181) (Brian Boguess, Property Owner) and adopt a resolution approving the contract. SNI: University. CEQA: Exempt. Council District 3. The Historic Landmarks Commission (HLC) recommends (5-0-1; Peak absent) that the City Council adopt a resolution approving Historical Property Contract File No. MA09-007. (Planning, Building and Code Enforcement) [Resolution](#)  
[Deferred from 12/1/09 – Item 4.6(b)]

### 4.4 [Designation and Naming of Winchester Boulevard as a Targeted Business Area.](#)

**Recommendation:** Adopt a [resolution](#) designating and naming Winchester Boulevard as a Targeted Business Area. (Planning, Building and Code Enforcement)

### 4.5 [Ordinance to Allow Extension of Development Permits in North San José.](#)

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

- \* **Recommendation:** Conduct a public hearing and consider an [ordinance](#) amending Title 20 of the San José Municipal Code, the Zoning Ordinance, to amend Section 20.100.500 of Chapter 20.100 Part 4 to add the North San José Area to the Director of Planning’s authorization to extend certain development permits for a discrete period of time and make other related clarifying changes. CEQA: North San José EIR Resolution No. 72768. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

### 4.6 [Catalyst Program.](#)

**Recommendation:** As recommended by the Community and Economic Development Committee on November 30, 2009, accept the progress report of the investment activities of the Economic Development Catalyst Fund. (Economic Development)  
[Community and Economic Development Committee referral 11/30/09 – Item D(9)]  
**RECOMMEND DEFERRAL TO 1/12/10 PER ADMINISTRATION**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.7 [Brookwood Terrace Family Apartments.](#) [Supplemental – Memo from the Departments of Housing and Finance Presentation](#)

**Recommendation:** Adopt [resolutions](#):

- (a) Supplementing the authority previously granted to issue not to exceed \$13,600,000 of City of San José Multifamily Housing Revenue Bonds (Brookwood Terrace Family Apartments), Series 2009B (the “Bonds”) to allow such issuance in two series, with (i) the Series B-1 Bonds (the “Series B-1 Bonds”) issued fixed rate bonds directly placed with the U.S. Treasury Department (the “Treasury”), and (ii) the Series B-2 Bonds (the “Series B-2 Bonds”) issued either as a publicly offered variable rate demand bonds credit enhanced by a letter of credit from JP Morgan Chase (the “Bank”) or as variable rate bonds directly placed with the Bank; and authorizing the Assistant Director of Finance to negotiate and approve changes to the Bond Documents previously approved by the City Council and to negotiate and approve other documents necessary to enable the issuance of the Bonds in two series.
- (b) Approving a request for disbursement of up to \$600,000 of the existing City construction/permanent loan funding commitment; and, authorizing the Director of Housing to negotiate and execute all documents to effectuate this disbursement.

CEQA: Mitigated Negative Declaration, File No. PDC08-038. Council District 3. SNI: Five Wounds/Brookwood Terrace. (City Attorney’s Office) [Resolution](#)

\* (Deferred from 12/8/09 – Item 4.4)

### 4.8 [Public Utility Easement Vacation at 1542 Larkspur Drive.](#)

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) to vacate a portion of an existing 10-foot wide Public Utility Easement while reserving a Wire Clearance Easement over the area to be vacated, located at the rear of Lot 22 of Tract 1593 (1542 Larkspur Drive). CEQA: Not a Project. Council District 9. (Public Works)

\* **RENUMBERED FROM ITEM 7.4**

## 5. NEIGHBORHOOD SERVICES

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

### 5.2 [Neighborhoods Commission Workplan.](#)

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on December 10, 2009, approve the Neighborhoods Commission Workplan. (City Manager’s Office)

\* [Neighborhood Services and Education Committee referral 12/10/09 – Item D(3)]

## 6. TRANSPORTATION & AVIATION SERVICES

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

6.2 [Agreement with Caltrans for the Highway 87 Detour II Sanitary Sewer Reconstruction Project – Phase II.](#)

**Recommendation:** Approve the second amendment to Utility Agreement No. 1390.1, between the California Department of Transportation and the City, to transfer the remaining [agreement](#) balance of \$4,230,000 to the City for the completion of the Highway 87 Detour II Sanitary Sewer Reconstruction Project – Phase II. CEQA: Mitigated Negative Declaration, File No. PP03-12-378. Council District 3. (Public Works)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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7.1 [Award of Contract for Motor Control Centers at the Water Pollution Control Plant.](#)

**Recommendation:** Report on bids and award of contract for the MCC H1, MCC H2, MCC J1, and MCC J2 Replacement Project to the lowest responsive bidder, Dynalectric Company, in the amount of \$1,637,295; and approval of a budget contingency of 15%, for a total contingency amount of \$245,595. CEQA: Exempt, File No. PP04-03-079. (Environmental Services)

7.2 [Commercial Solid Waste and Recyclable Collection Franchise Agreement.](#)

**Recommendation:** Hold a public hearing on the application of Lam Hauling for a Commercial Solid Waste and Recyclables Collection Franchise, approve the [ordinance](#) granting the franchise, and approve the Commercial Solid Waste and Recyclables Collection Franchise [Agreement](#) for a term from February 12, 2010 to June 30, 2012 with the option of three one-year extensions. CEQA: Exempt, File No. PP08-228. (Environmental Services)

7.3 [Solar America Cities Special Projects Grant.](#)

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Department of Energy to conduct the Solar America Initiative's Solar Market Transformation activities, for the term of January 1, 2010 through December 31, 2011, and to accept a grant in an amount not to exceed \$1,101,636.
  - (b) Adopt a resolution authorizing the City Manager to:
    - (1) Negotiate and execute an agreement with Santa Clara University to accept the donation of the use of the Solar Decathlon House for the term of January 1, 2010 through December 31, 2011, at a value of \$198,050; and
- (Item continued on the next page)*

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.3 Solar America Cities Special Projects Grant. (Cont'd.)

**Recommendation:**

- (b) (2) Negotiate and execute an agreement with the Redevelopment Agency for use of the site located at 155-193 East Santa Clara Street, which is valued at \$9,343 per month, for a period of up to two years, for the Green Vision Education and Demonstration Center.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2009-2010:
  - (1) Establish a City-Wide Expenses Recovery Act – Solar Market Transformation appropriation to the Environmental Services Department in the amount of \$1,101,636; and
  - (2) Increase the estimate for Revenue from Federal Government – Recovery Act by \$1,101,636.

CEQA: Resolution 65459, File No. PP09-204. (Environmental Services/City Manager's Office)

### 7.4 [Public Utility Easement Vacation at 1542 Larkspur Drive.](#)

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) to vacate a portion of an existing 10-foot wide Public Utility Easement while reserving a Wire Clearance Easement over the area to be vacated, located at the rear of Lot 22 of Tract 1593 (1542 Larkspur Drive). CEQA: Not a Project. Council District 9. (Public Works)

\* **ITEM 7.4 RENUMBERED TO ITEM 4.8**

## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Agreement for Architectural Consultant Services for Fire Station No. 37, located at 2175 Lincoln Avenue.](#)

\* **Recommendation:**

- (a) Allow the consultant selection to be made without following the procedures set forth in the Qualifications Based Consultant Selection Policy (QBCS) with regard to selecting BFGC Architects Planners, Inc. (BFGC) to provide architectural services for the Fire Station No. 37 Project.
- (b) Approval of an [agreement](#) with BFGC for architectural consultant services for the Fire Station No. 37 Project, from the date of execution to January 31, 2012, in an amount not to exceed \$256,000.

CEQA: Exempt, File Nos. PP08-050 and PP09-150. Council District 6. (Public Works/Fire)

\* **ITEM 8.1 RENUMBERED TO ITEM 2.17**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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- \* See Items 8.1 “Acceptance of the Annual Report of Financial Transactions of Community Redevelopment Agencies”, 8.2 “Cooperation Agreements between the City and the Redevelopment Agency”, 8.3 “Approval of the Mayor’s Redevelopment Budget Message”, 8.4 “Agency Board approval of proposed contracts/payments”, and 8.5 “Agency’s FY 2009-10 Revised Capital and Operating Budgets and the FY 2010-2015 CIP” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

#### 9.1 [Actions Related to National Basketball Association Franchise.](#)

**Recommendation:** Approve a Memorandum of Understanding ([MOU](#)) by the City and Redevelopment Agency with San José Arena Management, LLC (Arena Manager) that sets forth general terms and the respective roles and responsibilities of the City and Arena Manager in their efforts to attract a National Basketball Association (NBA) franchise to locate in San José. CEQA: Exempt, File No. PP09-202. (City Manager’s Office/ Redevelopment Agency)

- Notice of City Engineer’s Pending Decision on Final Maps
  - Notice of City Engineer’s Award of Construction Projects
  - Open Forum  
*Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.*
  - Continue RDA Board Meeting
  - Adjournment
- \* This meeting will be adjourned in memory of Jim Fox, noted San José downtown developer whose projects include many downtown landmarks such as the Hotel De Anza, One North First and the Sainte Claire Building. (Mayor)

## **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 AMENDED AGENDA**

**DECEMBER 15, 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 but that is within the subject matter jurisdiction of the Redevelopment Agency Board., 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.”

This Agenda 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

Items listed in Section 8 require approval of both the Redevelopment Agency Board and the City Council. **You may provide input on any agenda item 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, 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 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, 14<sup>th</sup> 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
- **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**  
See Item 9 on the City Council Agenda for description of any City Council agenda items relating to the Redevelopment Agency.
- \* **Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.**

## **1 CEREMONIAL ITEMS**

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## **2 CONSENT CALENDAR**

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the 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 CONSENT CALENDAR

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### 2.1 Acceptance of the Report of the Public Safety, Finance and Strategic Support Committee – November 19, 2009.

#### Boardmember Nguyen, Chairperson

(C)(1) Acceptance of the Redevelopment Agency Monthly Financial Reports for September 2009.

(D)(6) Approval of the Comprehensive Annual Financial Report for Fiscal Year 2008–2009, ending June 30, 2009.”

## 3 GENERAL

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## 4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

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## 5 HOUSING

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## 6 PUBLIC FACILITIES AND SPACES

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### 6.1 Public Hearings on the proposed Five-Year Implementation Plans for the San Jose Redevelopment Project Areas.

**Recommendation:** Public Hearing and adoption of a resolution approving the 2010 - 2014 Five-Year Implementation Plans for the existing Redevelopment Project Areas, less the Strong Neighborhoods Initiative Redevelopment Project Area, pursuant to Health and Safety Code 33490. CEQA: Not a project. [MERGED]

### 6.2 Approval of an amendment to the agreement with Gilbane Building Company.

**Recommendation:** Approval of an amendment to the agreement with Gilbane Building Company for the Convention Center. CEQA: Resolution No. 72767, Use of San Jose Downtown Strategy 2000 FEIR and addenda thereto, File No. PP08-002. [MERGED]  
(DROPPED - \$1.1M of the encumbrance amount to be liquidated on 12/31/09)

## 7 PRIVATE DEVELOPMENT

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## 8 JOINT REDEVELOPMENT AGENCY/COUNCIL

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*Item 9.1 on the City Council's Agenda, related to "National Basketball Association MOU" will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today.*

**CONVENE CITY COUNCIL TO CONSIDER ITEMS 8.1 – 8.5 IN A JOINT SESSION**

### 8.1 Acceptance of the Annual Report of Financial Transactions of Community Redevelopment Agencies.

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board:

Agency Resolution                      City Resolution                      SUPPLEMENTAL MEMO

- (a) Accepting the Annual Report of Financial Transactions of community redevelopment agencies for FY 2008-09 for the purpose of forwarding the annual report to the State Controller, in accordance with Community Redevelopment Law, Section 33080.1.
  
- (b) Approving the Independent Auditor's Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of Financial Statement Performed In Accordance With Government Auditing Standards, (Compliance Report) as required by Health and Safety Code 33080.1

CEQA: Not a Project. **[MERGED]**

### 8.2 City Council and Redevelopment Agency Board actions related to the FY 2009-2010 Cooperation Agreements between the City and Agency.

**\* Recommendations:**

- (a) **Adoption of a resolution** by the Redevelopment Agency Board approving an amendment to the Redevelopment Agency's FY 2009-10 Adopted Capital Budget, adding \$1,869,741 for City Support Services, and amending the FY 2009-10 Agency appropriations resolution.

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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- 8.2** (b) Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the Executive Director and City Manager to negotiate and execute an amendment to the FY 2009-10 Cooperation Agreement for the Merged Redevelopment Project Area to make payments to the City for January and February 2010 City Services and project expenses.  
CEQA: Not a Project. **[MERGED]**

### **8.3 City Council/Redevelopment Agency Board approval of the Mayor's Redevelopment Budget Message.**

SUPPLEMENTAL MEMO MAYOR'S SUPPLIMENTAL MEMO 8.3 & 8.4

- \* **Recommendation:** City Council and Redevelopment Agency Board consideration and approval of the Mayor's Redevelopment Agency Budget Message. (Mayor) [Deferred 12/8/09, Item 8.1]

### **8.4 Redevelopment Agency Board approval of proposed contracts/payments.**

- \* **Recommendation:** Adoption of a resolution by the Redevelopment Agency Board

- (a) Authorizing the Executive Director to negotiate and execute contracts and make specified payments during the Interim Budget Period) December 16, 2009, through February 23, 2010; and,
- (b) Authorizing the Executive Director negotiate and execute additional contracts, without additional Board approval, in an amount not to exceed \$10,000 per contract, capped at a cumulative maximum amount of \$100,000 during the Interim Budget Period.
- (c) Approving adjustments to the FY 2009-10 Adopted Capital Budget and amendments to the FY 2009-2010 Agency appropriations resolution.

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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### **8.5 Approval of the Agency's FY 2009-10 Revised Capital and Operating Budgets and the FY 2010-2015 CIP.**

**\* Recommendations:** Redevelopment Agency Board approval of:

(a) The Redevelopment Agency's Revised FY 2009-2010 Revenue, Capital and Operating Budgets; and,

(b) The Redevelopment Agency's Capital Improvement Program (CIP) for FY 2010-15.

[Deferred 12/8/09, Item 8.2]

### **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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