



CITY COUNCIL AGENDA

NOVEMBER 16, 2010

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

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

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 request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) See RDA Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 10)**
Almaden Senior Association Members

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

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

ADJOURNMENT: This meeting will be adjourned in memory of Michelle Wagner, member of the Santa Visits Alviso Foundation in District 4, who passed away on September 3, 2010. (Chu)

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

THE SAN JOSÉ FINANCING AUTHORITY WILL MEET IN A JOINT SESSION FOLLOWING THE AFTERNOON COUNCIL SESSION

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring November 1-30 as the “2010 Combined Giving Campaign.” (Environmental Services)
- 1.2 Presentation of a proclamation recognizing the Month of November 2010 as “National Alzheimer’s Disease Awareness Month” in the City of San José. (Herrera)
- 1.3 Presentation of a proclamation declaring November 16, 2010 as “GIS Day” in the City of San José. (Constant)
 - * (Rules Committee referral 11/10/10)
- 1.4 Presentation of a proclamation declaring the Week of November 22 – 27, 2010 as “Family Week” in the City of San José. (Kalra)
 - * (Rules Committee referral 11/10/10)

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. 28844 – An interim ordinance of the City of San José establishing a temporary moratorium, in the event that State of California Proposition 19 passes by a majority of the electorate participating in the November 2, 2010 statewide election, on the establishment or expansion of businesses involving the cultivation, processing, distribution, transportation, sale, possession or consumption of marijuana that may be allowed under Proposition 19, pending the review and possible amendment by the City of San José of land use and other regulations applicable to such businesses or uses, and setting forth the legislative findings to support such temporary moratorium.
DROP
- (b) ORD. NO. 28846 – Rezoning certain real property situated at the northerly corner of Clayton Road and Hickerson Drive (10160 Clayton Road) from the R-1-5 Residential Zoning District to the A(PD) Planned Development Zoning District. PDC09-027
- * (c) ORD. NO. 28848 – Amending Section 3.36.580 of Part 4 of Chapter 3.36 of Title 3 of the San José Municipal Code to suspend the distribution of funds from the Police and Fire Department Retirement Plan Supplemental Retiree Benefit Reserve during Fiscal Year 2010-2011.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of October 27, 2010.](#) (Mayor)
- (b) [Transportation and Environment Committee Report of November 1, 2010. \(Liccardo\)](#)
- (c) [Community and Economic Development Committee Report of October 25, 2010. \(Pyle\)](#)

* [Deferred from 11/9/10 – Item 2.3(b)]

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Chu from the City Council Study Session on November 18, 2010 due to Authorized City Business: League of California Cities Board of Directors Meeting in San Diego, CA.](#) (Chu)
(Rules Committee referral 11/03/10)
- (b) [Request for excused absences for Councilmember Campos from the City Council Study Session on November 8, 2010, and the Closed Session and Afternoon Session of the City Council on November 9, 2010 due to mandatory trainings and meetings for all Newly Elected Assemblymembers.](#) (Campos)
(Rules Committee referral 11/10/10)

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2.5 City Council Travel Reports.

2.6 [Agreement with the Association of Bay Area Governments for Trash Capture Equipment.](#)

Recommendation: Approve a grant [agreement](#) with the Association of Bay Area Governments which will provide trash capture equipment for installation in existing storm drainage infrastructure necessary for compliance with the requirements of the San Francisco Bay Municipal Regional Stormwater Permit. CEQA: Not a Project, File No. PP10-066(a) – cooperative purchase. The execution of this agreement is not a project. However, additional CEQA review will be required for the actual construction activities related to the installation of some of these trash capture devices based upon the specific physical environmental circumstances of the sites selected. (Environmental Services)

2.7 [Lease Renewal for the Independent Police Auditor Office Space.](#)

Recommendation: Approve a [First Amendment to Lease](#) with Legacy Partners for 3,013 square feet of office space located at 75 E. Santa Clara for the Independent Police Auditor for an additional five years beginning on November 1, 2010. The cost of lease payments will be \$4,820.80 per month during the first year of the extended term, \$4,971.45 for the second year, \$5,122.10 for the third year, \$5,272.75 for the fourth year, and \$5,423.40 for the fifth year. CEQA: Exempt, File No. PP10-066(f). Council District 3. (General Services)

2. CONSENT CALENDAR

2.8 [Contract Change Order No. 26 for Watson Park Remediation and Ph. I Improvements Project.](#)

Recommendation:

- (a) Approve [Contract](#) Change Order No. 26 for Watson Park Remediation and Ph. I Improvements Project in the amount of \$132,332 and adoption of a [resolution](#) authorizing the Director of Public Works to execute Contract Change Order No. 26.
 - (b) Approve an increase in the project delivery budget in the amount of \$84,328.
 - (c) Approve an increase in the contingency budget in the amount of \$325,094.
- CEQA: Mitigated Negative Declaration, File No. PP07-130, September 2008. Council District 3. SNI: 13th Street. (Public Works)

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

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2010-2011:

- (a) Increase the estimate for Earned Revenue by \$116,000.
 - (b) Establish the appropriation to the Department of Public Works for the Improvement District 99-218SJ Deferral of Assessments Fiscal Year 2010-2011 (PSM 613) in the amount of \$116,000.
- (Public Works/City Manager's Office)

2.10 [Councilmember Chu's Travel to San Diego, CA.](#)

Recommendation: Approve travel by Councilmember Chu to San Diego, California on November 17 – 19, 2010 to attend the League of California Cities Board of Directors Meeting as San José's designated representative. Source of Funds: Mayor & Council Travel Fund. (Chu)
(Rules Committee referral 11/03/10)

2.11 [Councilmember Chu's Travel to Denver, CO.](#)

Recommendation: Approve travel by Councilmember Chu to Denver, Colorado on December 1 – 4, 2010 to attend the National League of Cities Congress of Cities Conference and Annual Business Meeting. Source of Funds: Mayor & Council Travel Fund. (Chu)
(Rules Committee referral 11/03/10)

2.12 [District 6 Movie Screening.](#)

Recommendation: As recommended by the Rules and Open Government Committee on November 10, 2010:

- (a) Approve the District 6 showing of the film "Trashed" as a City Council sponsored Special Event; and

(Item continued on the next page)

2. CONSENT CALENDAR

2.12 District 6 Showing of the Film “Trashed”. (Cont’d.)

Recommendation:

- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

(City Clerk)

* [Rules Committee referral 11/10/10 – Item H(4)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 [TEFRA Hearing for the Issuance of Tax-Exempt Revenue Bonds for the Benefit of Lincoln Glen Manor for Senior Citizens Project Located at 2671 Plummer Avenue.](#)

Recommendation:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing for the issuance of \$14,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Municipal Finance Authority (“CMFA”) for the benefit of Lincoln Glen Manor for Senior Citizens Project located at 2671 Plummer Avenue, San José, CA.
- (b) Adopt a [resolution](#) approving the issuance of Tax-Exempt Revenue Bonds, by the CMFA in an aggregate principal amount not to exceed \$14,000,000 to be used to (a) refund, on a current basis, all outstanding ABAG Finance Corporation for Nonprofit Corporations Insured Certificates of Participation (Lincoln Glen Manor for Senior Citizens), Series 2000, executed and delivered to (i) refinance certain existing indebtedness of Lincoln Glen Manor for Senior Citizens (“the Corporation”), (ii) finance the renovation of existing buildings, and (iii) finance the costs of construction of a 31 unit assisted living facility; (b) finance the conversion of 8 independent living units (from a 20 unit building) into 11 memory care beds for patients suffering from Alzheimer’s disease and dementia; and (c) finance the expansion, remodeling and updating of the Corporation’s Central Manor, all located at the Corporation’s multi-level facility for the elderly at 2671 Plummer Avenue in the City to be owned and operated by the Corporation and located within the City.

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

3.3 [Amendments to Chapter 3.48 of the San José Municipal Code Related the City’s Deferred Compensation Plan.](#)

Recommendation: Approve an [Ordinance](#) to retroactively amend Chapter 3.48 of the San José Municipal Code to allow rollovers from the City’s Police and Fire Department Retirement Plan and Federated City Employees Retirement System into the City’s Deferred Compensation Plan. CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

3. STRATEGIC SUPPORT SERVICES

3.4 Supplemental Retiree Benefit Reserves.

Supplemental – Memo from the Office of Employee Relations

Recommendation: Adopt a resolution amending and restating Resolution No. 72859 to provide that there shall be no supplemental retiree benefit reserve distribution from the Federated City Employees Retirement Plan during Fiscal Year 2010-11.

* (Rules Committee referral 11/10/10) Ordinance

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Contract Awards for the Neighborhood Stabilization Program 2 Single-Family Acquisition/Rehabilitation/Resale Program.

Recommendation: Adopt a resolution:

- (a) Authorizing the Director of Housing to negotiate and execute contracts to implement the federally funded Neighborhood Stabilization Program 2 Single-Family Acquisition/Rehabilitation/Resale Program for up to (1) \$5,600,000 with the Cypress Group, and (2) \$5,600,000 with Community Rehabilitation Partners for a total of \$11,200,000.
- (b) Authorizing the Director of Housing to negotiate and execute subsequent contract amendments with the Cypress Group and Community Rehabilitation Partners to include future program income received from the resale of NSP 2 homes.

CEQA: Exempt, File No. PP10-166. Council Districts 2, 3, 4, 5, 6, 7, 8 and 10. SNI: 13th Street, University, Washington, Greater Gardner, K. O. N. A., Mayfair, Tully Senter, Gateway East, West Evergreen, Spartan Keyes, East Valley/680 Communities, Edenvale/Great Oaks, Hoffman/Via Monte. (Housing)

4.2 Licensing and Regulating Tobacco Retail Establishments.

Supplemental – Memo from the Director of Planning, Building and Code Enforcement
Attachment – Memo from Councilmembers Chu, Campos and Kalra

Recommendation:

- (a) Accept staff's report on licensing and regulating tobacco retail establishments;
- (b) Direct the City Attorney to draft an ordinance amending the San Jose Municipal Code to add a new Chapter to license and regulate establishments engaged in the sale of tobacco and tobacco related products;
- (c) Direct the City Attorney to draft a resolution amending the City's Schedule of Fees and Charges to establish fees associated with the licensing and regulation of tobacco retail establishments; and
- (d) Direct the City Attorney to draft a resolution amending the City's Schedule of Administrative Fines to establish fine amounts for violations of the new Chapter.

CEQA: Not a Project, File No. PP10-068(b). (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 [Report on bids and award of contract for the Watson Park Phase II Improvements Project.](#)

Recommendation:

- (a) Report on bids and award of contract for the Watson Park Phase II Improvements Project to the low bidder, Joseph J. Albanese, Inc., for the base bid and Add Alternate No. 1 in the amount of \$1,702,000, and approval of a contingency in the amount of \$158,000.
- (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Watson Park Phase II Development (Soccer Field) by \$416,000; and
 - (2) Decrease the appropriation to the Parks, Recreation and Neighborhood Services Department for the Reserve: Future PDO/PIO Projects by \$416,000.

CEQA: Mitigated Negative Declaration, File No. PP07-130, September 2008. Council District 3. SNI: 13th Street. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

5.2 [Funding Recommendations for New Park Facilities.](#) [Attachment – Memo from Councilmembers Chirco, Liccardo, Oliverio and Pyle](#) [Attachment – Memo from Councilmember Chu](#)

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

- (a) Implement a pilot program, through December 31, 2011, to authorize staff:
 - (1) To proceed with the development of any new park, trail or recreational facility for which there is (1) an appropriation of all funding necessary for the full development of the project including design and construction for all improvements and amenities set forth in the City Council approved master plan for that project and (2) identification of funding for a three-year park establishment period; and
 - (2) To proceed with the development of any new park, trail or recreational facility for which there is (1) an appropriation of funding for the design and construction of the project for all improvements and amenities set forth in the City Council approved master plan for the project and (2) a “donation” agreement for all work during the three-year park establishment period; and
 - (3) To use parkland fees and Construction & Conveyance taxes to fund a three-year park establishment period as part of the full cost of the development of any new park, trail or recreational facility, provided that including such funding does not prevent funding the design and building of a new park, trail, or recreational facility identified as an “existing” or “Priority 1” project in the adopted Greenprint Update.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Funding Recommendations for New Park Facilities. (Cont'd.)

Recommendation: Adopt a resolution to:

- (b) Modify the park maintenance exemption to the City's prevailing wage requirements approved by the City Council on February 12, 2008 to include any "donated" park establishment period services or park maintenance by a developer or other entity with, or without, an interest in a development in the City, provided that the donation is for a minimum of two years and meets the other conditions set forth in the memorandum.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making.
(Parks, Recreation and Neighborhood Services)

* (Deferred from 11/9/10 – Item 5.1)

* **TO BE HEARD LAST, NO EARLIER THAN 2:30 P.M.**

6. TRANSPORTATION & AVIATION SERVICES

6.1 Master Cooperative Agreement with the California High Speed Rail Authority for the High Speed Train Project.

- * **Recommendation:** Approval of Various Actions Related to the California High Speed Rail Train Project. CEQA: Not a Project, File No. PP10-066(e), agreement involving no physical change to the environment. The recommended actions are advisory to the CHSRA. The CHSRA is in the process of preparing an EIR for the High-Speed Train project. (Transportation)
(Deferred from 10/19/10 – Item 6.2)

RECOMMEND DEFERRAL TO 12/7/10 PER ADMINISTRATION

6.2 [Public Hearing and Election on the Formation of Maintenance District 23.](#) [Supplemental – Memo from the Director of Public Works](#) [Attachment – Conflict of Interest Form for Councilmember Chu](#)

- * **Recommendation:** Initiate a public hearing regarding the formation of Maintenance District 23, generally located along Berryessa east of Interstate 680 to Piedmont Road, and continue the public hearing and all subsequent actions, including the election process and formation, until January 11, 2011. CEQA: Exempt, File No. PP10-090. Council District 4. (Public Works/Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Public Hearing on Commercial Solid Waste and Recyclables Collection Franchise.](#)

Recommendation: Hold a public hearing on the application of Revolution Resource Recovery, LLC 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 December 21, 2010 to June 30, 2012 with the option of three one-year extensions. CEQA: Exemption; File No. PP08-228. (Environmental Services)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Item 8.1 “Approval of amendments to Cooperation Agreements for the loan of Agency employees to the City” 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**
- **Adjournment**
This meeting will be adjourned in memory of Michelle Wagner, member of the Santa Visits Alviso Foundation in District 4, who passed away on September 3, 2010. (Chu)

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY/AGENDA**

1:30 P.M.

TUESDAY, NOVEMBER 16, 2010

CHAMBERS

1. **Call to Order and Roll Call**
2. **[Property Exchange with TOD Brokaw, LLC Related to Airport West and Adjacent Property.](#)**
[Supplemental - Memo from Office of Economic Development](#)
Recommendation:
 - (a) Adopt a resolution by the San José City Council authorizing the City Manager or the City Manager's designee to negotiate, execute and deliver an Agreement for the Exchange of Interests in Real Property with TOD Brokaw, LLC for property located at and adjacent to 1125 Coleman Avenue; and a First Amendment to Site and Facility Lease and a First Amendment to General Sublease Agreement relating to the City of San José Financing Authority's Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project); and authorizing other actions related to the exchange of properties.
 - (b) Adopt a resolution of the City of San José Financing Authority Board authorizing the Executive Director, or Executive Director's designee, to negotiate, execute and deliver a First Amendment to Site and Facility Lease and a First Amendment to General Sublease Agreement relating to the City of San José Financing Authority's Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project); and authorizing other actions related to the exchange of properties.

CEQA: Addendum to an EIR Resolution 71716, File No. PP10-004. Council District 3. (Economic Development)
3. **Open Forum** (*to be heard with Open Forum for the City of San José and San José Redevelopment Agency Board*)
4. **Adjourn the San José Financing Authority.**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

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

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

REDEVELOPMENT AGENCY AGENDA

NOVEMBER 16, 2010

PETE CONSTANT
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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:

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- 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, 14th Floor, San Jose, CA 95113-1903 at the same time that the public records are distributed or made available to the Redevelopment Agency Board.

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

On occasion the Redevelopment Agency may consider agenda items out of order.

- **Call to Order and Roll Call**
9:00 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.
- **Orders of the Day**
See Item 9 on the City Council Agenda for description of any City Council agendized items relating to the Redevelopment Agency.
- **Closed Session Report**

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

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

2 CONSENT CALENDAR

2.1 Approval of Minutes.

- (a) Approval of Redevelopment Agency [Minutes](#) for the Regular meeting of October 19, 2010.

2.2 Approval of Council/Board Committee Reports.

- (a) [Report](#) of the Public Safety, Finance and Strategic Support Committee – October 21, 2010. (Nguyen)
- (b) [Report](#) of the Rules and Open Government Committee – October 13, 2010. (Mayor)
- (c) [Report](#) of the Rules and Open Government Committee – October 20, 2010. (Mayor)
- (d) [Report](#) of the Rules and Open Government Committee – October 27, 2010. (Mayor)

2.3 Approval of an [amendment](#) to the Master Agreement with Kleinfelder West, Inc., for geotechnical and environmental services.

Recommendation: Approval of a [Continuation Agreement](#) and Fourth Amendment to the Master Agreement with Kleinfelder West, Inc., for continued geotechnical and environmental services and extending the agreement until September 30, 2012, at no additional cost to the Agency. CEQA: Not a project. [MERGED]

3 GENERAL

3.1 Report of the Executive Director, Harry S. Mavrogenes (Verbal Report)

3.2 Approval of an [amendment](#) to the agreement with RSG for preparation of necessary studies and reports.

Recommendation: Approval of the first amendment to the [agreement](#) with Rosenow Spevacek Group, Inc. (RSG), in the amount of \$210,000 for a total contract amount not to exceed \$250,000, to assist the Agency in its negotiations with the County of Santa Clara and for the preparation of necessary studies and reports for proposed plan amendments to the Strong Neighborhoods Initiative (SNI) Redevelopment Plan. CEQA: Not a project, File No. PP10-066(d), Professional consulting services with no commitment to a future course of action. [SNI]

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

7 PRIVATE DEVELOPMENT

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

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

CONVENE CITY COUNCIL TO CONSIDER ITEM 8.1 IN A JOINT SESSION

8.1 Approval of [amendments](#) to Cooperation Agreements for the loan of Agency employees to the City.

Recommendation: City Council and Redevelopment Agency Board approval of:

- (a) The fourth amendment to the [Cooperation Agreement](#) between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Senior Policy Advisor, Economic Development and Land Use by one year; and,

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.1 (b) The fourth amendment to the [Cooperation Agreement](#) between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Schedule Coordinator by one year.
CEQA: Not a project.

ADJOURN CITY COUNCIL PORTION OF THE MEETING

- 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.

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

- 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.

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 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, unless they are speaking during open forum.
- 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.