



# CITY COUNCIL AGENDA

**JANUARY 8, 2008**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
DAVID D CORTESE, VICE MAYOR  
JUDY CHIRCO  
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 on items that are not on the agenda during Open Forum. 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 and Staff Reports 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.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

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

- **Call to Order and Roll Call**

- 9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133

- [See Separate Agenda](#)

- 1:30 p.m. - Regular Session, Council Chambers, City Hall

- 1:30 p.m. - General Plan Public Hearings

- 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)

- **Invocation (District 1)**

- \* Father Sotiri Rousakis, St. Nicholas Greek Orthodox Church

- **Pledge of Allegiance**

- **Orders of the Day**

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

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

- \* **NOTE: CONTINUATION OF DECEMBER 18, 2007 GENERAL PLAN PUBLIC HEARINGS HEARD AS ITEM 4.2.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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**1.1** Presentation of a commendation to Lynbrook High School as the only High School in the City of San José to make the Top 100 High Schools on the U.S. News & World Report List. (Constant)

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to Pamela J. Price for her dedication and generosity to the District 8 community. (Cortese)
- 1.3 Presentation of a commendation to Pastor Michael-Ray Mathews, senior pastor of Grace Baptist Church of San José, for his commitment to social justice and faith based community organizing. (Liccardo)
- 1.4 Presentation of a commendation to the San José Museum of Quilts and Textiles celebrating 30 years of outstanding contributions to the City of San José. (Mayor) (Rules in-Lieu referral 12/19/07)

# 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 6, 2007](#)
- (b) Special Meeting Minutes of [November 13, 2007](#)
- (c) Joint City Council/Redevelopment Agency Board/Santa Clara Valley Water District Study Session on Flood Management Issues Minutes of [November 19, 2007](#)
- (d) Regular Minutes of [November 20, 2007](#)  
(Deferred from 12/18/07 – Item 2.1)

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28212 – Amending Title 12 of the San José Municipal Code to repeal Part 8 of Chapter 12.06 regulating officeholder accounts; adopt interim officeholder account regulations; prohibit the establishment of officeholder accounts after July 1, 2008; and make other technical and clarifying changes.
- (b) ORD. NO. 28213 – Amending Sections 12.04.110 and 12.04.120 of Chapter 12.04 of Title 12 of the San José Municipal Code to increase the total amount of penalties which may be imposed by the San José Elections Commission; making technical changes to Sections 12.06.030, 12.06.180, 12.06.290 and 12.06.610 of Chapter 12.06 and amending Chapter 12.06 of Title 12 by adding a new Part 10 to set out requirements for campaign communications and mass mailing disclosures and disclaimers

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- (c) [ORD. NO. 28220](#) – Amending Sections 22.08.010 and 22.08.020 of Chapter 22.08 of Title 22 of the San José Municipal Code to provide that the City Council may adjust the public art allocation for the Police Southside Substation Project outside of the annual capital budget approval process.
- (d) [ORD. NO. 28221](#) – Rezoning certain real property situated on the southeast corner of Bollinger Road and Miller Avenue (6148 Bollinger Road) to CN Commercial Neighborhood Zoning District. C07-085
- (e) [ORD. NO. 28222](#) – Rezoning certain real property situated at the (1) north west corner of Clinton Place and Stockton Avenue (299 Stockton Avenue) and (2) the south side of Clinton Place approximately 200 feet west of Stockton Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC07-074
- (f) [ORD. NO. 28224](#) – Rezoning certain real property situated at the northeasterly side of North King Road, approximately 640 feet south of Mabury Road, to A(PD) Planned Development Zoning District. PDC07-015
- (g) [ORD. NO. 28225](#) – Rezoning certain real property situated at the southwest corner of East Hedding and North Tenth Street (899 North 10<sup>th</sup> Street) to A(PD) Planned Development Zoning District. PDC07-025
- (h) [ORD. NO. 28226](#) – Rezoning certain real property generally bounded by East Virginia Street to the north, South 6<sup>th</sup> Street to the east, Martha Street to the south, and South 5<sup>th</sup> Street to the west to A(PD) Planned Development Zoning District. PDC07-035

### 2.3 [Councilmember Campos' travel to Sacramento, CA.](#)

**Recommendation:** Approval of Councilmember Campos' travel to Sacramento, CA on January 17, 2008 to attend the League of CA Cities – Transportation, Communications & Public Works Committee. Source of Funds: Mayor/Council Travel Fund. (Campos) (Rules in-Lieu referral 12/19/07)

### 2.4 [Councilmember Campos' travel to La Jolla, CA.](#)

**Recommendation:** Approval of Councilmember Campos' travel to La Jolla, CA on February 8-9, 2008 to attend the League of CA Cities Board of Director's Meeting. Source of Funds: Mayor/Council Travel Fund. (Campos) (Rules in-Lieu referral 12/19/07)

## 2. CONSENT CALENDAR

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### 2.5 Excused absences for Councilmember Chirco.

**Recommendation:** Request for excused absences for Councilmember Chirco.

- (a) [Request for an excused absence from the City Council Study Session](#) of December 17, 2007 due to Illness.
- (b) [Request for an excused absence from the Regular City Council Meeting](#) of December 18, 2007 due to Illness.

(Chirco)

(Rules in-Lieu referral 12/19/07)

### 2.6 [Legal services for the Terminal Area Improvement Program.](#)

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a Fourth Amendment and Continuation Agreement with Nossaman Guthner Knox & Elliot LLP for legal services related to the Design-Build Agreement for the Airport Terminal Area Improvement Program, continuing the term from January 1, 2008 through December 31, 2008 with no increase in total compensation. CEQA: Not a Project. (City Attorney's Office)

### 2.7 [City Manager Debra Figone's Travel to Louisville, Kentucky.](#)

**Recommendation:** Approval of City Manager Debra Figone's travel to Louisville, Kentucky on January 24-26, 2008 to participate in the Large Cities Executive Forum. (Source Funds: City Manager's Non-Personal Appropriation). CEQA: Not a Project. (City Manager's Office)

### 2.8 [Second annual San José King-Of-The-Mountain Ride.](#)

**Recommendation:** Adoption of a resolution authorizing the Office of Economic Development to develop, produce and conduct the second annual San José King-Of-The-Mountain Ride on City streets on February 16, 2008, as a City event with registration fees of \$100 and \$50. CEQA: Exempt, File No. PP05-277. Council Districts 3, 4 and 5. (Economic Development)

### 2.9 [Excused absence for Councilmember Nguyen .](#)

**Recommendation:** Request for an excused absence for Councilmember Nguyen from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on December 20, 2007 due to Prior Long Standing Commitment. (Nguyen)  
(Rules in-Lieu referral 12/19/07)

## 2. CONSENT CALENDAR

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### 2.10 Oak Grove Elementary School District Surplus Property.

**Recommendation:** Approval to take no action regarding acquisition of an approximately 10-acre surplus site (formerly Calero School) in the Oak Grove School District. Approval to notify the District that the City does not currently have an interest in acquisition of the property and encourages the District to work closely with the City's Planning Division staff regarding potential redevelopment of the site in the future by a third party. Council District 2. CEQA: Not a Project. (Planning, Building and Code Enforcement)

### 2.11 Redevelopment Agency Capital Projects.

**Recommendation:**

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:
- (1) Increase the estimate for Earned Revenue by \$447,000.
  - (2) Establish an appropriation to the Department of Public Works for the Improvement District 99-218SJ Deferral of Assessments FY07-08 (PSM 515) in the amount of \$150,000.
  - (3) Establish an appropriation to the Department of the City Manager's Office for the Reimbursement for Consultant Services Provided by RHI project (PSM 516) in the amount of \$7,000.
  - (4) Establish an appropriation to the Department of Housing for the Neighborhood Housing Services Silicon Valley project (PSM 517) in the amount of \$250,000.
  - (5) Establish an appropriation to the Department of Transportation for the Agency Site Improvement project (PSM 522) in the amount of \$40,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Agency Site Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated December 10, 2007.

CEQA: Resolution No. 68905, File No. PP07-278. (Public Works/City Manager's Office/Housing/Transportation)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Rules and Open Government Committee Mayor Reed, Chair – *No Report*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Public Safety, Finance and Strategic Support Committee – December 20, 2007

##### Councilmember Nguyen, Chair

- (a) Audit of the Management of the City's Tax-Exempt Bond Program and Use of Interfund Loans to Provide Financing for Capital Bond Projects. (Auditor/ Finance/City Attorney)
- (b) External Auditor's Reports: Single Audit Reports for San Jose Convention and Cultural Facilities and Hayes Mansion Conference Center for the Year Ended June 30, 2007 and Reports to the Public Safety, Finance and Strategic Support Committee, Fiscal Year Ended June 30, 2007. (Finance)

##### **Deferred from November 15**

- (c) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
  - (1) Financial Statements
  - (2) Capital Cost Report
  - (3) Cash Flow Projections
- (d) Bi-Monthly Financial Report for September/October 2007. (Budget)
- (e) Report on the 2007-08 First Quarter Revenue Collection Strategic Plan Report. (Finance)

##### **Deferred from November 15**

- (f) Semi-Annual Recommendation Follow-up Report on all Outstanding Audit Recommendations for the Six Months Ending June 30, 2007. (Auditor)
- (g) Review of Plans for Heart Safe City Classification. (Fire)

##### **Request Deferral to January 2008**

- (h) Quarterly Update on Performance Measurements. (City Manager)
- (i) Quarterly Update on Council Directives. (City Manager)
- (j) Review of Fire Department 2000 Strategic Plan and Update. (Fire)

##### **Request Deferral to January 2008**

- (k) Report on Recruitment, Diversity Management and Workforce Planning. (Human Resources)

##### **Request Deferral to January 2008**

- (l) Report on Department Business Technologies. (Information Technology)
  - (1) Integrated Billing System (IBS)
  - (2) Recruiting
  - (3) Financial Management System (FMS) Upgrade

##### **Request Deferral to January 2008**

- (m) Report on City Service Area (CSA) Activities. (Information Technology)
  - (1) Public Safety
  - (2) Parks, Recreation, Neighborhood Services (PRNS) Registration

##### **Request Deferral to January 2008**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Public Safety, Finance and Strategic Support Committee – December 20, 2007 (Cont'd.)

- (n) Report on Citywide Business Technology. (Information Technology)
  - (1) Application Management and Data Automation (AMANDA) Expansion  
**Deferred from November 15**  
**Request Deferral to April 2008**
- (o) Oral Petitions
- (p) Adjournment

\* **RECOMMEND DEFERRAL TO 1/15/08 PER ADMINISTRATION**

#### 3.3 [Actions related to the Human Rights Commission meeting of November 15, 2007.](#)

##### **Recommendation:**

- (a) As recommended by the Rules and Open Government Committee, consider communications and information received by the committee regarding the Human Right Commission meeting of November 15, 2007.
- (b) Consideration of removal of a Human Rights Commissioner, David Parker (Rules and Open Government referral with no recommendation – December 5, 2007).

(City Clerk)

[Rules Committee referral 12/5/07 – Item (f)(1)]

#### 3.4 [Acceptance of the 2008 Legislative Priorities](#)

**Recommendation:** Acceptance of the 2008 Legislative Priorities for the second year of the two-year Legislative Session in Sacramento and 110<sup>th</sup> Congress. CEQA: Not a Project. (City Manager's Office)

#### 3.5 [Agreement with the Association of Building, Mechanical and Electrical Inspectors.](#)

**Recommendation:** Adoption of a resolution approving the terms of an agreement with the Association of Building, Mechanical and Electrical Inspectors (ABMEI) and authorizing the City Manager to execute the agreement with a term of December 11, 2007 to December 10, 2009. CEQA: Not a Project. (City Manager's Office)

#### 3.6 [Annual Summary of Upcoming Labor Negotiations as proposed by the Sunshine Reform Task Force.](#)

**Recommendation:** Acceptance of the staff report on Annual Summary of Upcoming Labor Negotiations as proposed by the Sunshine Reform Task Force. CEQA: Not a Project. (City Manager's Office)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 [2008 Retiree Health Care Rates.](#)

**Recommendation:**

- (a) Direction to the City Attorney to prepare an ordinance for Council consideration in early January that would define the lowest-cost plans for retiree health care in calendar year 2008 to be the Kaiser plans without new co-payments.
  - (b) Approval of this one-year change to be retroactive to January 1, 2008.
- CEQA: Not a Project. (City Manager's Office/City Attorney's Office)

#### 3.8 [Core telecommunication, long distance and Internet services.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute any necessary documentation to make purchases for six years under the pricing, terms, and conditions obtained under CALNET 2, a public agency cooperative agreement between the State of California and AT&T, in a cumulative amount not to exceed \$3,500,000 for the first year, and subsequent year purchases, as may be required, subject to annual appropriations, for:

- (a) Core telecommunication services;
- (b) Long distance services; and
- (c) Internet services.

CEQA: Not a Project. (Finance)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

#### 4.2 General Plan Items.

#### CONTINUATION OF DECEMBER 18, 2007 GENERAL PLAN HEARINGS

\* **Recommendation:**

- (a) [Text Amendment to allow a change in the maximum allowable height for structures where height is an intrinsic part of the structure's function.](#)

Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to allow solar panels and other structures, where height is an intrinsic part of the structure's function, to have a maximum allowable height not to exceed 100 feet or the maximum allowable building height in the General Plan, whichever is greater. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1, Platten absent). CEQA: Resolution No. 65459.

[GP07-T-07](#) – Citywide

[Continued from 12/18/07 – Item 10.1(c)]

[Letter from SCC Airport Landuse Commission](#)

[Supplemental](#)

[Supplemental Memo from Joe Horwedal](#)

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 General Plan Items. (Cont'd.)

**Recommendation:**

- (b) **Approval of all General Plan amendment actions on December 18, 2007 and January 8, 2008.**

**Recommendation:** Adoption of a resolution approving all General Plan amendment actions taken on December 18, 2007 and January 8, 2008, and adoption of any related CEQA resolutions. (Planning, Building and Code Enforcement)

(Continued from 12/18/07 – Item 10.7)

[Supplemental](#)

[Supplemental Memo from Joe Horwedal](#)

### 4.3 [Reorganization/Annexation of Riverside No. 52.](#)

**Recommendation:** Adoption of a resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to make an application to the Santa Clara County Local Agency Formation Commission to allow the reorganization of territory designated as Riverside No. 52, which involves the annexation to the City of San José of approximately 15 gross acres of land, located at the southeast corner of Piercy Road and Tennant Avenue, and the detachment of the same from the Central Fire Protection District and the Santa Clara County Library Service Area. CEQA: Mitigated Negative Declaration, File No. PDC06-102. Council District 2. (Planning, Building and Code Enforcement)

### 4.4 [LAFCO Urban Service Area Amendment.](#)

**Recommendation:** Adoption of a resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to make application to the Santa Clara County Local Agency Formation Commission to amend the City's Urban Service Area (USA) to include approximately 4.75 acres at the southeast corner of Piercy Road and Tennant Avenue within the USA. CEQA: Mitigated Negative Declaration, File Nos. GP05-02-04 and UGB05-001. (Planning, Building and Code Enforcement)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – December 13, 2007 Councilmember Chirco, Chair

- (a) Animal Care and Services Bi-annual Report. (Parks, Recreation and Neighborhood Services)
- (b) Youth Commission Update. (Parks, Recreation and Neighborhood Services)
- (c) HNVF Report on Migration to Results-Based Accountability. (Parks, Recreation and Neighborhood Services)

**Deferred from November 2007**

- (d) Report on Project Blossom. (Planning, Building and Code Enforcement)

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – December 13, 2007 (Cont'd.)

- (e) Report on the Mobile Home Park Infrastructure Program. (Housing)
- (j) Oral Petitions
- (k) Adjournment
- (f) Strong Neighborhoods Monthly Update. (City Manager's Office)
  - (1) Pilot Areas Update. (Verbal Report)
- (g) Schools/City Collaborative Monthly Update. (City Manager's Office/ Neighborhood Services CSA)
  - (1) Reports from School Safety, Joint User, and Teacher Recruitment/ Retention Subcommittees.
- (h) Quarterly Report on Performance Measurements.  
**Request Deferral to February 2008**
- (i) Quarterly Update on Council Directives.

\* **RECOMMEND DEFERRAL TO 1/15/08 PER ADMINISTRATION**

### 5.2 Actions related to the acquisition of a billboard located at 1000 South Bascom.

**Recommendation:** Adoption of a resolution determining that the public interest and necessity require the acquisition of a billboard owned by Clear Channel Outdoor ("CCO") located at 1000 South Bascom, San José, CA (APN Numbers 282-29-002, 003, and 004) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, File No. PP05-0126. Council District 6. (Public Works)  
(Deferred from 12/4/07 – Item 3.6 and 12/18/07 – Item 5.2)

### 5.3 [Request for Proposal for Branch Libraries Opening Day Collection.](#)

**Recommendation:** Report on Request for Proposal (RFP) for Branch Libraries Opening Day Collection Services and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with Baker and Taylor Inc., (Charlotte, NC) for Opening Day Collection Services which include the purchase, processing, cataloging, delivery and shelving of material and applicable sales taxes for a three-year term for an amount not to exceed \$4,200,000 subject to annual appropriations.
- (b) Execute change orders not to exceed a 10% contingency in the amount of \$420,000 to cover supplemental services and any unanticipated changes or requirements subject to annual appropriations.

CEQA: Not a Project. (Finance)

## 5. NEIGHBORHOOD SERVICES

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### 5.4 [Agreement for the Calabazas Branch Library Project.](#)

**Recommendation:**

- (a) Approval of an agreement with Krong Design, Inc. for consultant services including project design, preparation of construction documents, and construction administration services for the Calabazas Branch Library project, from the date of execution to February 28, 2011 in an amount not to exceed \$858,000.
- (b) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
  - (1) Establish an appropriation to the Library Department for the Calabazas Branch Community Room in the amount of \$517,000; and
  - (2) Decrease the Reserve: Rainbow Park Improvements by \$517,000.

CEQA: Not a Project. Council District 1. (Public Works/Library/Parks, Recreation and Neighborhood Services/City Manager's Office)

## 6. TRANSPORTATION & AVIATION SERVICES

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

### 6.2 [Amendment to the Master Parking Rate Schedule at certain City parking facilities.](#)

\* **Recommendation:**

- (a) Adoption of a resolution to repeal Resolution No. 74183 and amend the Master Parking Rate Schedule to discontinue the \$5 pilot program after 10:00 pm on Thursday, Friday and Saturday evenings; and to authorize the Director of Transportation to accelerate the previously approved January 2010 adjustment of the \$2 flat rate to \$3 after 6 pm at various City parking facilities to January 2009, with increases of \$1 every two years up to a maximum of \$5 by 2013.
- (b) Direction to staff to provide quarterly updates to the Downtown Parking Board regarding the \$2 flat rate after 6:00 pm, with a formal review of the rate in June 2008 to include the revenues generated, the expenses for continuing the enhanced security and cleaning efforts in various City parking facilities, and the potential impact on Downtown businesses.

CEQA: Not a Project. Council District 3. (Transportation/Police)

### 6.3 Downtown Property and Business Improvement District.

- \* **Recommendation:** Approval of an agreement with the San José Downtown Property Owners Association and the San José Downtown Association to provide services for the Downtown Property and Business Improvement District as specified in the agreement and as outlined in the Downtown Property and Business Improvement District Management Plan/Engineer's Report. CEQA: Not a Project. (Transportation)

\* **RECOMMEND DEFERRAL TO 1/15/08 PER ADMINISTRATION**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Item 8.1 “Approval of an amendment to the Alum Rock Redevelopment Project Area Plan” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

- Notice of City Engineer’s Pending Decision on Final Maps

\* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9968	South side of Rose Avenue, 120 feet east of Nancy Lane	5	Capital Towne House	8 Lots / 82 Units	Conversion of Apartments to Condominiums

- Notice of City Engineer’s Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Adjournment

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

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

### **1. Public Meeting Decorum:**

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

### **2. Signs, Objects or Symbolic Material:**

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

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

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, 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.