



# **CITY COUNCIL AGENDA**

**JANUARY 29, 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
  - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 1)**
  - \* Pastor Keith Lindstrom, West Valley Presbyterian 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.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

---

- 1.1 Presentation of a commendation honoring the selfless men and women of the San José Fire Department that donated their time and services to aid in the California Wildfires this past October. (Cortese/Pyle)  
(Deferred from 12/11/07 – Item 1.2 and 12/18/07 – Item 1.2)
- 1.2 Presentation of a commendation to The Police Athletic League (PAL) in honor of their Christmas tree giveaway program, through which they distributed 500 Christmas tree to needy families. (Campos)

# 1. CEREMONIAL ITEMS

---

- 1.3 Presentation of a commendation honoring the Independence 76<sup>th</sup> Cavalry Marching Band and Color Guard for taking first place in the 2007 Western Band Association, Class A. (Campos)  
**TO BE HEARD IN THE EVENING**
- 1.4 Presentation of a commendation to Chinmay Jaju for his accomplishments and dedication in the field of Model Airplane competition. (Constant)
- 1.5 Presentation of a proclamation for Holocaust Remembrance Week in San José in memory of the victims of the Holocaust and their families and communities. (Williams)

# 2. CONSENT CALENDAR

---

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

## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) [Regular minutes of December 4, 2007](#)
- (b) [Regular minutes of December 11, 2007](#)
- (c) [Inclusionary Housing Study Session minutes of December 11, 2007](#)

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28230 – Providing for an alternative allocation of costs of providing medical insurance coverage for calendar year 2008.
- (b) ORD. NO. 28231 – Establishing a combination Rule 20A/In-Lieu fee and Rule 20B Underground Utility District along Delmas Avenue from Santa Clara Street to Auzerais Avenue, Cahill Street from San Fernando to Santa Clara Street, San Fernando Street from Highway 87 to Cahill Street, Laurel Grove Lane from Cahill Light Rail Station to Bush Street, Cahill Park from Bush Street to Wilson Avenue, San Fernando Street from Wilson Avenue to 80' west of Wilson Street, Park Avenue from Highway 87 to Montgomery Street, and Auzerais Avenue from Bird Avenue to Highway 87.

## 2. CONSENT CALENDAR

---

### 2.3 [Disclosure and Grant Agreement with San José East Evergreen Rotary.](#)

**Recommendation:** Acceptance of disclosure by Vice Mayor Cortese regarding his status as an uncompensated member of the nonprofit corporation, San José East Evergreen Rotary, and approval of a grant agreement with San José East Evergreen Rotary in the amount of \$7,500. (City Clerk)  
(Rules Committee referral 1/16/08)

### 2.4 **Excused absences for Councilmember Constant.**

**Recommendation:**

- (a) [Request for an excused absence for Councilmember Constant](#) from the Regular Meeting of the City Council on January 8, 2008 due to illness.
- (b) [Request for an excused absence for Councilmember Constant](#) from the Regular Meeting of the City Council on January 15, 2008 due to illness.
- (c) [Request for an excused absence for Councilmember Constant](#) from the Regular Meeting of the Rules and Open Government Committee on January 16, 2008 due to illness.

(Constant)

(Rules Committee referral 1/16/08)

### 2.5 [Excused absences for Vice Mayor Cortese.](#)

\* **Recommendation:** Request for excused absences for Vice Mayor Cortese from the Rules and Open Government Committee for the following dates in order to facilitate the Vice Mayor's membership and participation on the Metropolitan Transportation Commission:

- (a) January 23, 2008
- (b) February 13, 2008
- (c) February 27, 2008
- (d) March 12, 2008
- (e) March 26, 2008
- (f) April 9, 2008
- (g) April 23, 2008
- (h) May 14, 2008
- (i) May 28, 2008
- (j) June 11, 2008
- (k) June 25, 2008
- (l) September 10, 2008
- (m) September 24, 2008
- (n) October 8, 2008
- (o) October 22, 2008
- (p) November 5, 2008

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

---

### 2.5 Excused absences for Vice Mayor Cortese. (Cont'd.)

**Recommendation:**

- (q) November 19, 2008
  - (r) December 3, 2008
  - (s) December 17, 2008
- (Reed)  
(Rules Committee referral 1/16/08)

### 2.6 Approval of fiscal actions for 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 \$342,800.
  - (2) Establish an appropriation to the Department of Public Works for the G-79 Sidewalk Installation in Low-Income SNI Areas project (PSM 518) in the amount of \$97,600.
  - (3) Establish an appropriation to the Department of Transportation for the Traffic Calming Improvements – Gateway East SNI #8 project (PSM 520) in the amount of \$245,200.
- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
  - (1) The G-79 Sidewalk Installation in Low-Income SNI Areas project as more specifically described in the memorandum from the Redevelopment Agency, dated September 28, 2007;
  - (2) The Traffic Calming Improvements – Gateway East SNI #8 project as more specifically described in the memorandum from the Redevelopment Agency, dated December 10, 2007.

CEQA: Mitigated Negative Declaration, File No. H06-017 and PP06-071. Council Districts 3 and 5. (Public Works/Transportation/City Manager's Office)

### 2.7 Contract Change Order for the Airport North Concourse Package 02A Project.

**Recommendation:** Approval of Contract Change Order # 11 with Gonsalves & Satucci, Inc. dba Conco for the Norman Y. Mineta San José International Airport North Concourse Building Foundation and Utility Tunnel Concrete, Package 02A, to convert certain allowance specifications to cover the following necessary items: 1) subdrainage system, 2) lime treatment, 3) 12,000 volt electrical conduits relocation, and 4) west side apron paving; in the total amount of \$368,707.88, at no increase in the total contract amount. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-093. (Public Works/Airport)

## 2. CONSENT CALENDAR

---

### 2.8 [Grant for Japantown Area Pedestrian Improvements.](#)

**Recommendation:** Approval of the following actions to obtain grant funds from the Metropolitan Transportation Commission (MTC) for the Jackson Street: LRT to Japantown Pedestrian Corridor Project from First Street to Fourth Street, in the amount of \$1,300,000:

- (a) Adoption of a resolution authorizing the City Manager to execute and submit a grant application to the MTC for the Congestion Mitigation and Air Quality Improvement Program grant, in the amount of \$865,000, with a local match of \$112,070; and to execute all documents necessary to effectuate the grant.
- (b) Adoption of a resolution authorizing the City Manager to execute and submit a grant application to the MTC for the 2008 Regional Transportation Improvement Program grant, in the amount of \$435,000, with no local match requirement; and to execute all documents necessary to effectuate the grant.

CEQA: Exempt, File No. PP07-054. Council District 3. SNI: Thirteenth Street.  
(Transportation)

### 2.9 **Annual Status Report on Library, Public Safety and Parks and Recreation Bond Programs.**

**Recommendation:**

- (a) [Acceptance of the annual status report on the Branch Library Bond Program](#) for FY 2006-2007.
- (b) [Acceptance of the annual status report on the Public Safety Bond Program](#) for FY 2006-2007.
- (c) [Acceptance of the annual status report on the San José Safe Neighborhood Parks and Recreation Bond Projects](#) for FY 2006-2007.

CEQA: Not a Project. (Citizen Oversight Committee for the Library Bond Projects/  
Citizen Oversight Committee for the Public Safety Bond Program/Citizen Oversight  
Committee for the Parks and Recreation Bond Projects)

## 3. STRATEGIC SUPPORT SERVICES

---

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

### 3.2 **Report of the Rules and Open Government Committee – [January 9, 2008](#) Mayor Reed, Chair**

- (a) City Council
  - (1) Review January 15, 2008 Final Agenda
  - (2) Review January 22, 2008 Draft Agenda

**None – Meeting Cancelled**
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting  
*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules and Open Government Committee – January 9, 2008

(Cont'd.)

- (c) Legislative Update
  - (1) State
    - (a) Neighborhood Speed and Traffic Enforcement. (City Manager/Police/Transportation)  
**Deferred from December 12, 2007**
    - (b) 2007 State Legislative Summary. (City Manager)  
**Deferred from December 12, 2007**
  - (2) Federal
- (d) Meeting Schedules
  - (1) Set Hearings for March (Winter) and April/May (Spring) 2008 for General Plan Amendments. (Planning, Building and Code Enforcement)  
**Deferred from December 12, 2007**
  - (2) Green Vision Study Session on February 1, 2008. (City Manager)
  - (3) 2008-2009 City Budget Calendar and Budget Study Session Schedule. (City Manager)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Halt Purchases of Single Serving Plastic Water Bottles. (Liccardo/Williams)
  - (2) Potential Options for Local Jurisdictions to Help Homeowners Avoid Foreclosure. (Mayor).
    - (a) Foreclosure Activity and Date Homeowner Assistance Efforts. (Housing)
- (h) Review of additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
    - (a) Add item entitled “Public/Private Strategy to Attract Air Service” to the January 28, 2008 agenda. (City Manager)
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
    - (a) Review of remaining provisions of Sunshine Reform Task Force Phase I Report and Recommendations. (Manager)  
**Deferred from December 12, 2007**  
**Continued from December 5, 2007**
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.3 Report of the Rules and Open Government Committee – [January 16, 2008](#)

##### Mayor Reed, Chair

- (a) City Council
  - (1) Review January 22, 2008 Final Agenda  
**None – Meeting Cancelled**
  - (2) Review January 29, 2008 Draft Agenda
    - (a) Agendize Approval of Grant Agreement with San José East Evergreen rotary in the amount of \$2,000. (Clerk/Cortese)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (1) State
    - (a) Neighborhood Speed and Traffic Enforcement. (City Manager/ Police/Transportation)  
**Deferred from December 12, 2007 and January 9, 2008**
    - (b) Accept City Positions on the February 5, 2008 Statewide Presidential Election Ballot – Propositions 91 through 97. (City Manager)
    - (c) Status of the Governor’s Proposed FY 08-09 State Budget (Verbal Report). (City Manager)
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Deferred Compensation Advisory Committee Appointment. (Human Resources)
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Authority to sponsor legislation for the Transfer of Solar Energy. (Mayor)
  - (2) Status Report relating to Internet Filtering Proposal and Computer Use at San José Public Libraries. (Library)
  - (3) Halt use of non-recyclable and non-compostable plastic bags in grocery and retail stores in San José.
  - (4) Accept report in response to Park West Landscape Inc.’s December 2007 letter. (Public Works)
  - (5) Attendance for the Rules and Open Government Committee and Approval of excused absences. (Mayor)
- (h) 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
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
    - (a) Review of remaining provisions of Sunshine Reform Task Force Phase I Report and Recommendations. (Manager)  
**Deferred from December 12, 2007 and January 9, 2008**  
**Continued from December 5, 2007**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.3 Report of the Rules and Open Government Committee – January 16, 2008 (Cont'd.)

- (i) (3) Significant Public Records Act Requests
- (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

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

Councilmember Nguyen, Chair

\* **RECOMMEND DEFERRAL TO 2/12/08 PER ADMINISTRATION**

#### 3.5 Report of the Public Safety, Finance and Strategic Support Committee – January 17, 2008

Councilmember Nguyen, Chair

\* **RECOMMEND DEFERRAL TO 2/12/08 PER ADMINISTRATION**

#### 3.6 Quarterly Ethics Update.

**Recommendation:** Accept staff's quarterly presentation to the City Council regarding recent ethical issues in the news and conflicts of interest under Government Code Section 1090. (City Attorney's Office)

#### 3.7 City Positions on the February 5, 2008 Statewide Presidential Primary Election Ballot – Propositions 91 – 97.

**Recommendation:** As recommended by the Rules and Open Government Committee on January 16, 2008, approve the recommended City positions for Propositions 91-97 on the Statewide Presidential Primary Election ballot:

- (a) Take no position on Proposition 91 – Transportation Funds. Initiative Constitutional Amendment.
- (b) Take no position on Proposition 92 – Community Colleges. Funding. Governance Fees. Initiative Constitutional Amendment and Statute.
- (c) Adopt a position of support for Proposition 93 – Limits on Legislators' Terms in Office. Initiative Constitutional Amendment.
- (d) Adopt a position of support for Proposition 94 – Referendum on Amendment of Indian Gaming Compact.
- (e) Adopt a position of support for Proposition 95 – Referendum on Amendment of Indian Gaming Compact.
- (f) Adopt a position of support for Proposition 96 – Referendum on Amendment of Indian Gaming Compact.
- (g) Adopt a position of support for Proposition 97 – Referendum on Amendment of Indian Gaming Compact.

(City Manager's Office)

(Rules Committee referral 1/16/08)

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.8 Actions related to the City Hall Exhibits Policy.

**Recommendation:**

- (a) Adoption of a resolution approving revisions to Council Policy 7-11, City Hall Exhibits Policy.
- (b) Adoption of the following Appropriation Ordinance Amendments in the General Fund:
  - (1) Establish a City-Wide appropriation to the Office of Economic Development for the City Hall Exhibits Program in the amount of \$60,000.
  - (2) Decrease the Arts Venture Fund appropriation by \$60,000.
- (c) Adoption of the following Appropriation Ordinance Amendments in the Transient Occupancy Tax Fund:
  - (1) Establish an appropriation to the Office of Economic Development for the City Hall Exhibits Program in the amount of \$40,000.
  - (2) Decrease the Cultural Grants appropriation by \$40,000.

CEQA: Not a Project. (Economic Development/General Services/City Manager's Office)

#### 3.9 Public Hearing and adoption of a resolution vacating a public service easement along Pistache Lane.

**Recommendation:** Conduct a public hearing and adopt a resolution vacating a 2.5-foot public service easement along a private street, Pistache Lane, between Leigh Avenue and Foxworthy Avenue. CEQA: Negative Declaration, File No. PDC06-055. Council District 9. (Public Works)

#### 3.10 Council Policy on Labor Negotiation Guidelines.

**Recommendation:** Adoption of a resolution approving a City Council Policy on Labor Negotiations Guidelines. CEQA: Not a Project. (City Manager's Office)  
(Deferred from 1/15/08 – Item 3.4)

\* REFERRED TO RULES AND OPEN GOVERNMENT COMMITTEE OF 1/30/08

#### 3.11 Agreement for Public and Education Access Cable Programming Services.

Supplemental

**Recommendation:**

- (a) Approval of an agreement between the City of San José and the San José Community Media Access Corporation to provide Public and Educational (PE) Access cable programming services for the City of San José for an initial seven (7) year term, with an option to extend for three (3) additional years, in an amount that is subject to receipt of payments from the City's cable providers, but that is projected to be approximately \$10 million over the initial seven year term.

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.11 Agreement for Public and Education Access Cable Programming Services. (Cont'd.)

**Recommendation:**

- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Decrease the Public, Educational and Government (PEG) Access Facilities – Capital appropriation by \$2,750,000.
  - (2) Establish an appropriation to the City Manager’s Office for Public and Educational Access – Capital Expenditures in the amount of \$2,844,000.
  - (3) Establish an appropriation to the City Manager’s Office for Government Access – Capital Expenditures in the amount of \$316,000.
  - (4) Increase the Public, Educational and Government (PEG) Access Facilities – Operations appropriation by \$120,000.
  - (5) Increase the Use of Money and Property revenue estimate by \$220,000.
  - (6) Increase Other Revenue estimate by \$310,000.

CEQA: Not a Project. (City Manager’s Office)

\* [Public Safety, Finance and Strategic Support Committee referral – 1/17/08 – Item (1)]

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

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

#### 4.2 [Public Hearing on the Reorganization/Annexation of Penitencia No. 76.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Penitencia No. 76 on an approximately 1.14 gross acre County pocket consisting of 1 parcel located on the south side of Sierra Road, 200 feet east of Varner Court, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service ( Jack Kim and Hester Lau-Kim, Owner).  
CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

(Deferred from 12/18/07 – Item 4.4)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

4.3 [Public Hearing on the Reorganization/Annexation of Story No. 58.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Story No. 58 on an approximately 6.93 gross acre County island consisting of 25 parcels located on both sides of Rosemar Avenue, between Juliet Park Drive and Fleming Avenue and the north side of Fleming Avenue between Rosemar Avenue and Marchant Court, and detachment of the same from the appropriate special districts including Central Fire Protection, County Sanitation District 2-3, and Area No. 01 (Library Services) County Service (Multiple Owners). CEQA: Resolution No. 65459 (Related Rezoning C06-106). Council District 5. (Planning, Building and Code Enforcement)  
**TO BE HEARD IN THE EVENING**

4.4 [Public Hearing on the Reorganization/Annexation of Capitol No. 55.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Capitol No. 55 on an approximately 0.74 gross acre County island consisting of 4 parcels located on the southwest side of South White Road, 400 feet southeast of East Hills Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, County Sanitation District 2-3, and Area No. 01 (Library Services) County Service (Jesse and Olga Villarreal, Emilia Gonzales, and Alex and Gloria Banuelos, Owners). CEQA: Resolution No. 65459 (Related Rezoning C06-107). Council District 5. (Planning, Building and Code Enforcement)  
**TO BE HEARD IN THE EVENING**

4.5 [Public Hearing on the Reorganization/Annexation of Capitol No. 56.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Capitol No. 56 on an approximately 0.27 gross acre County island consisting of 2 parcels located on the southwest side of South White Road, 600 feet southeast of East Hills Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, County Sanitation District 2-3, and Area No. 01 (Library Services) County Service (Michael Sanders Jr. and Sr., and Isabel M. Hernandez; Owners). CEQA: Resolution No. 65459 (Related Rezoning C06-108). Council District 5. (Planning, Building and Code Enforcement)  
**TO BE HEARD IN THE EVENING**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.6 [Public Hearing on the Reorganization/Annexation of Evergreen No. 200.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Evergreen No. 200 on an approximately 34.1 gross acre County island consisting of 36 parcels located between Pleasant Acres Drive and Ruby Avenue, west of Murillo Avenue, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service (Multiple Owners). CEQA: Resolution No. 65459 (Related Rezoning C06-127). Council District 8. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

### 4.7 [Public Hearing on the Reorganization/Annexation of Evergreen No. 201.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Evergreen No. 201 on an approximately 2.50 gross acre County island consisting of 6 parcels located on the northeast corner of Ruby Avenue and Holderman Drive, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service (Multiple Owners). CEQA: Resolution No. 65459 (Related Rezoning C06-128). Council District 8. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

## 5. NEIGHBORHOOD SERVICES

---

### 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)
- (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)

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

---

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

- (g) (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.  
(Deferred from 1/8/08 – Item 5.1 and 1/15/08 – Item 5.1)

### 5.2 Report of the Neighborhood Services and Education Committee – [January 10, 2008](#) Councilmember Chirco, Chair

- (a) Library Parcel Tax Oversight Committee 2006-07 Annual Report. (Library)  
**Deferred from November 2007**
- (b) Report on San José Education Foundation Pilot Program. (Parks, Recreation and Neighborhood Services)
- (c) Strong Neighborhoods Monthly Update. (City Manager's Office)
  - (1) Neighborhoods Commission Update
- (d) Schools/City Collaborative Monthly Update. (City Manager's Office/Neighborhood Services CSA)
  - (1) Reports from School Safety, Joint Use, and Teacher Recruitment/Retention Sub-committees.
- (e) Oral Petitions
- (f) Adjournment

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Report of the Transportation and Environment Committee – January 14, 2008 Councilmember Williams, Chair – *Meeting Cancelled*

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 [2007-09 Spending Plan for the Supplemental Law Enforcement Services \(SLES\) Fund Grant.](#)

**Recommendation:**

- (a) Approval of the 2007-09 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund for \$1,872,281.  
*(Item continued on the next page)*

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 2007-09 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund Grant. (Cont'd.)

**Recommendation:**

- (b) Approval of the revised 2006-08 Spending Plan for the SLES Grant, reallocating funding from the previously established project #1, Furniture, Fixtures, and Equipment; and project #11, Freezer for Biological Evidence Storage, and allocate \$50,000 interest earned into the established projects within the same grant.
- (c) Adoption of the following 2007-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund (Fund 414):
  - (1) Establish a SLES Grant 2007-09 appropriation for the Police Department in the amount of \$1,872,281; and
  - (2) Increase the Earned Revenue by \$1,872,281.

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

### 8.2 [Police Department In-Custody Death Training Review Panel and Revised Citizen Complaint Process.](#)

[Supplemental Response from the Independent Police Auditor](#)

[Supplemental Memo from City Attorney Rick Doyle](#)

[Supplemental Memo 2 from the Independent Police Auditor on Past Inquiries](#)

[Powerpoint Presentation](#)

**Recommendation:**

- (a) Receive presentation on the Police Department's revised definitions and objective criteria for the Citizen Complaint Process, as directed by the City Council at the June 21, 2007 Council Meeting.
- (b) Receive presentation on the Police Department In-Custody Death Training Review Panel, as directed by the City Council at the September 18, 2007 Council Meeting.
- (c) Direction to the Administration to return in one year with a progress report on the performance of the In-Custody Death Training Review Panel and Citizen Complaint Process, and present any changes if necessary.

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

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

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

---

No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

---

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

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

### 11.1 Public Hearings on Consent Calendar.

**Recommendation:**

- (a) [Consideration of an ordinance rezoning the real property](#) located at/on the northwest corner of Palm Street and W. Alma Avenue from the LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow three single-family detached residences on a 0.20 gross acre site (Enterprise Estate, Inc & Endeavor Investment, Inc., Owners). SNI: Washington. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC06-057 - District 3
  
- (b) Consideration of an ordinance zoning the real property located on the south side of East Taylor Street approximately 90 feet westerly of North 20th Street (944 E Taylor St.) to remove one existing single-family residence and construct two single-family detached residences on a 0.23 gross acre site (Anh-Mai Phuong Le, Owner). CEQA: Exempt.  
PDC07-003 - District 3  
**RECOMMEND CONTINUANCE TO 02/26/08 PER ADMINISTRATION**
  
- (c) [Consideration of an ordinance rezoning the real property located](#) at/on the north side of E Santa Clara Street approximately 360 feet east of 21st Street (1051 East Santa Clara Street) from CG Commercial General and R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow a full-service car wash on a 0.36 gross acre site (Helen Tang, Owner). SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC06-009 - District 3

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

---

## 11.1 Public Hearings on Consent Calendar. (Cont'd.)

### Recommendation:

- \* (d) [Consideration of an ordinance rezoning the real property](#) located on the north side of Ridder Park Drive at the southeast corner of Interstate 880 and Brokaw Road from the IP Industrial Park Zoning District to the CG Commercial General Zoning District to allow commercial uses on a 17.38 gross acres site (Northwest Publications Inc, Owner; Sand Hill Property Company, Developer). CEQA: Resolution No. 72768 and Addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

### [Supplemental](#)

[C07-048](#) - District 4

- (e) [Consideration of an ordinance rezoning the real property](#) located at the northeast corner of Monterey Road and Umbarger Road (2680 Monterey Rd) from County to the CN Commercial Neighborhood Zoning District to allow commercial uses on a 2.7 gross acre site (Caputo, Daniel J. Jr. Trustee & Et Al, Owner; Phil Rolla, Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

[C07-092](#) - District 7

- \* (f) Consideration of an ordinance rezoning the real property located at the northwest corner of Los Gatos-Almaden Road and Warwick Road (14861 Los Gatos-Almaden Road) from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site (Abdy Mirzadegan, Owner). CEQA: Resolution No. 65459.

[C07-087](#) - District 9

**RECOMMEND CONTINUANCE TO 02/05/08 PER ADMINISTRATION**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

---

## 11.2 [Public Hearing on US-101/Oakland/Mabury Transportation Policy Impact Fee Ordinance.](#)

**Recommendation:** Conduct public hearing and consider approval of an ordinance adding a new Chapter 14.30 to Title 14 of the San José Municipal Code establishing the Transportation Impact Fee required to implement the traffic improvements set forth in the US-101/Oakland/Mabury Transportation Development Policy approved by Council on December 18, 2007. CEQA: Resolution No. 74195.1. Council District 3 and 4. SNI: Thirteenth Street. (Transportation)

## 11.3 [ADMINISTRATIVE HEARING and consideration of an appeal of the Planning Commission’s decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.](#)

### [Supplemental](#)

\* **Recommendation:** ADMINISTRATIVE HEARING and consideration of an appeal of the Planning Commission’s decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow demolition of 78,409 square feet of existing commercial building and allow construction of 80,800 square feet resulting in a total of 122,584 square feet for commercial uses including the off-sale of alcohol for a new grocery store (Whole Foods) on a 10.2 gross acres (Mandatory denial by the Planning Commission 12/10/07), in the CG General Commercial Zoning District, located in the area generally bound by Blossom Hill Road on the north, Gallup Drive to the west, Mesa drive to the south, and Almaden Expressway to the east (1110 Blossom Hill Road) (Pueblo Plaza Partnership, Owner). SNI: Hoffman/Via Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold the appeal and approve the subject Conditional Use Permit and make a Determination of Public Convenience or Necessity by finding that the required findings for a Determination of Public Convenience or Necessity can be made and that there is a significant overriding public benefit served by the proposed off-sale of alcohol.  
CP07-072/ABC07-006 – District 10

## ● 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>
9975	Montague Expressway, 550 feet west of North 1 <sup>st</sup> Street	4	Legacy Partners	7 Lots / 530 Units	Multi-Family Attached and Commercial Units

- Notice of City Engineer’s Award of Construction Projects
- Notice of Contracts Executed by Council Appointees

In accordance with Municipal Code Section 4.04.080, titled “Quarterly Reports”, the following is a list of contracts executed by Council Appointees or designees during the first quarter of Fiscal Year 2007-2008 (July 1, 2007 – September 30, 2007). The list includes contracts or amendments to contract for services with a value between \$100,000 and \$250,000 and contracts or amendments to contracts for equipment, supplies, and material with a value between \$100,000 and \$1 million.

City Attorney’s Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Hanson Bridgett Marcus Vlahos Rudy, LLP	Elections Commission Evaluator; First Amendment to add \$30,000 and extended term	\$230,000

City Auditor’s Contract Activity

The City Auditor’s Office has no contract activity to report.

City Clerk’s Contract Activity

The City Clerk’s Office has no contract activity to report.

City Manager’s Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Acire, Inc.	Consultant to develop an interactive system at the City Hall Lobby Traveler Information Center.	\$220,000
Burchard & Rinehart	Consultant to provide appraisal services for the Public Works Real Estate Division.	\$250,000
Carneghi-Blum & Partners	Consultant to provide appraisal services for the Public Works Real Estate Division.	\$250,000
CTG Energetics, Inc.	Consultant to perform green building analysis including data collection and energy modeling.	\$245,000
DR Associates International	Consultant to provide screening of potential employees.	\$162,000
Hargis & Associates	Consultant to develop and administer assessments of sworn personnel.	\$122,000
J Kaeuper & Company	Consultant to provide appraisal services for the Public Works Real Estate Division.	\$250,000

*(Item continued on the next page)*

- Notice of Contracts Executed by Council Appointees  
(Cont'd)

City Manager's Contract Activity (Cont'd.)

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Management Education Group	Consultant to conduct leadership training.	\$203,000
Management Partners, Incorporated	Consultant to support the City Manager's Structural Budget Deficit Task Force.	\$200,000
Neale & Sons, Inc.	Consultant to provide appraisal services for the Public Works Real Estate Division.	\$250,000
Patrick Idiart & Associates	Consultant to provide appraisal services for the Public Works Real Estate Division.	\$250,000
Smith & Associates	Consultant to provide appraisal services for the Public Works Real Estate Division.	\$250,000
The Reitman Group	Consultant to provide appraisal services for the Public Works Real Estate Division.	\$250,000
Wilfred Jarvis Institute	Consultant services to provide leadership training and consulting for multiple departments; Second Amendment to add \$50,000 and extend term.	\$250,000

Director of Finance Contract Activity – Services

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Alameda Co Sheriff's Office	Emergency Vehicle Operation Training Course	\$159,478
Alpha Analytical Labs, Inc.	Water Sample Analysis	\$150,000
B & A Friction Materials	Automotive - Brakes & Related Parts and Services	\$149,100
BRG Supply, LLC	Traffic Signal Controllers, Related Equipment & Services	\$215,000
Cameron	Diesel Engine: Parts, Inspections & Technical Assistance	\$120,000
Central Medical Lab, Inc.	Testing of Blood, Urine and Breath	\$210,000
Coast Oil Co.	Fuel, Oil, Grease, Solvent and Lube Analysis	\$120,000
Compass Group USA, Inc.	Meals for the Senior Nutrition Program	\$175,000
Contract Sweeping Services, Inc.	Power Street Sweeping	\$160,000
Cummins West, Inc.	Installation of Diesel Particulate Filters	\$116,000
Cupertino Electric, Inc.	Misc. Electrical Maintenance & Repair Services	\$150,000
Duran Hogan Construction, Inc.	Sidewalk Removal & Replacement	\$100,000
Duran Hogan Construction, Inc.	Sidewalk Repair	\$140,000
ECCO Equipment Corp.	Rental - Earth Moving & Construction Equipment	\$150,000

*(Item continued on the next page)*

- Notice of Contracts Executed by Council Appointees  
(Cont'd)

Director of Finance Contract Activity – Services (Cont'd.)

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Fricke Parks Press	Printing of Citywide Activity Guide	\$124,445
Graebel Companies, Inc.	Drayage Moving & Storage Services	\$125,000
Hertz Corporation,	Rental - Large & Small Construction Equipment	\$120,000
Hi Tech Emergency Vehicle	Maintenance Repair & Equipment for Fire Apparatus and Related Equipment	\$230,250
Industrial Safety Supply	Breathing Apparatus Flow Testing & Repair	\$120,000
Jack Doheny Supplies, Inc.	Rental - Large Cleaning Machines/Equipment	\$150,000
M F Filice and Sons	Replenishment of Fibar	\$200,000
Monterey Mechanical	Misc. Emergency/Non Emergency Repairs	\$160,000
Motorola CE, Inc.	Motorola Electronic Replacement Parts & Repair	\$130,000
Nunez Painting, Inc.	Sandblasting and Painting	\$200,000
On Assignment Lab Support	Temporary Personnel Services	\$136,364
Oracle USA, Inc.	Software Update License & Support Service	\$117,786
Oracle USA, Inc.	Peoplesoft Support Service	\$251,972
Reed & Graham	Street Surface Repair	\$100,000
Rosendin Electric, Inc.	Misc. Electrical Maintenance & Repair Services	\$150,000
Safety Kleen Systems	Pickup & Disposal of Hazardous Waste	\$165,000
San Jose Mercury News	Publication of Legal Notices and Advertising	\$155,000
Santa Clara Valley Medical Center	Medical Testing	\$150,000
Scheidts, Ray Electric Inc.	Electrical Maintenance & Repair Services	\$150,000
Scott's P.P.E., Inc.	Cleaning & Repair of Firefighter Turnouts, Jackets & Boots	\$170,000
Summit Uniform	Purchase and Repair of Body Armor	\$110,000
Telstar Instruments, Inc.	On-Site Repair, Maintenance & Calibration of Process Control Instruments/EquipmentControl Plant	\$200,000
Three M Custom Svc.	Maintenance Agreement Theft Detection Software	\$146,172
TI Management Group, LLC	Window Washing Services	\$150,000
Tiburon Inc.	Annual Software Support & Maintenance of Record Management System	\$189,288
Trendtec - San Jose, CA	Temporary Personnel Services for Water Pollution Control Plant; First Amendment to add \$79,580	\$132,031
Trugreen Landcare	Tree Maintenance; First Amendment to add \$35,000	\$125,000
Trugreen Landcare	Tree Maintenance	\$125,000
Trugreen Landcare	Tree Maintenance	\$210,000
Western States Oil Co.	Fuel, Oil, Grease, Solvent and Lube Analysis	\$100,000
Willson Construction	Sidewalk Removal & Replacement	\$100,000
Wingfoot Commercial	Automotive Tires/Services & Repairs	\$245,000

- Notice of Contracts Executed by Council Appointees  
(Cont'd)

Director of Finance Contract Activity – Equipment, Materials, and Supplies

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
ABB Automation, Inc.	Repair & Replacement Hardware, Distributed Control System and Variable Frequency Drives	\$400,000
Allstar Fire Equipment, Inc.	Firefighter Protective Clothing	\$150,000
AZCO	Traffic Signals/Street Light Poles, Parts & Supplies	\$230,000
Badger Meter, Inc.	Badger Meters & Replacement Parts	\$400,000
Baker & Taylor Entertainment	Compact Discs	\$100,000
Baker & Taylor, Inc.	Library Materials; First Amendment to add \$50,000	\$100,000
Baker & Taylor, Inc.	Paperback Books	\$135,000
Beck Shoes, Inc.	Safety Shoes	\$119,750
Brite Food Service	Raw Food, Freezer & Cooking Supplies	\$175,000
Buckles Smith Electric	Electrical Parts and Supplies	\$150,000
Buckles Smith Electric	Electrical Parts and Supplies	\$130,000
Butler Animal Health	Animal Medicine & Misc. Animal Supplies; First Amendment to add \$45,477	\$135,477
Calabrian Corporation	Industrial Chemical Sulfur Dioxide	\$220,000
Clean Source	Paper Products	\$310,000
Clean Source	Janitorial Supplies	\$100,000
Coast Oil Co.	Fuel & Petroleum Products	\$100,000
Cooks Automotive Service	Automotive Parts - Belts, Brakes, Filters, Fuel Systems	\$162,500
Curtis, L N & Sons	Small Tools, Misc. Parts & Supplies to Repair Nozzles/Hoses	\$195,000
Dapper Tire Company	Replacement Supplies Automotive Tires/Parts	\$113,000
Double D Transportation	Gravel Rich Bed Bottom Material	\$350,000
EBSCO Publishing	Periodical Subscriptions	\$120,000
Electrical Distributors	Street Lights & Traffic Signal Equipment	\$330,000
Graybar Electrical Co, Inc.	Electrical Parts & Supplies	\$130,000
Industrial Safety Supply	Safety Supplies	\$195,000
Ingram Library Services, Inc.	Library Materials	\$125,000
Jam Services, Inc.	Vehicle Signal Head & Pedestrian Signal Head	\$250,000
Kemira Water Solutions, Inc.	Aqueous Ferrous Chloride	\$750,000
LC Action Police Supply	Automotive Emergency Accessories & Parts	\$100,000
Lucid Star, Inc.	Chinese Language Books & Media	\$100,000
Maita Chevrolet GEO & GMAC	Automobile-Unmarked Police Pursuit Sedan	\$199,819

*(Item continued on the next page)*

- Notice of Contracts Executed by Council Appointees  
(Cont'd)

Director of Finance Contract Activity – Equipment, Materials, and Supplies (Cont'd.)

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Midwest Tape	Video Cassettes, Compact Discs & DVDs	\$200,000
Motorola CE Inc.	Motorola Radios/Batteries/Multi Units Charger	\$105,377
Mueller, Inc.	Fire Hydrants	\$200,000
Multi-Cultural Books & Videos	Indian Language Books and Media	\$100,000
Pioneer Americas, Inc.	Liquid Sodium Hypochlorite	\$150,000
S & S Supplies & Solutions	Hardware and Hand Tools	\$200,000
Safeway Sign Co.	Street Regulatory Signs; First Amendment to add \$60,000	\$120,000
San Diego Police Equip Co., Inc.	Ammunition	\$173,000
Silicon Valley Library System	Electronic Library Databases	\$205,000
Synchronex	Traffic Signal "P" Cabinets	\$130,000
Sysco Food Svcs., Central CA	Groceries, Product & Kitchen Supplies	\$200,000
Sysco Food Svcs.	Food, Freezer and Cooking Supplies	\$250,000
Target Specialty Products	Fertilizer, Herbicides, Insecticides	\$230,000
United States Postal Service	Postage	\$600,000
Valley Oil Co.	Fuel & Petroleum Products	\$200,000
Waxie Sanitary Supply	Janitorial Paper Supplies	\$130,000
XPEDX	Recycled Paper Bond	\$134,410

- 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.