



# CITY COUNCIL AGENDA

**MARCH 4, 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
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 3)**
- **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**

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- 1.1 Presentation of an award to the City of San José from Kids in Common for taking bold steps to improve children's lives by partnering to create the Children's Health Initiative. (Chirco)
- 1.2 Presentation of a commendation to Jesse Carabajal, a City of San José Parks employee, for his heroic efforts to save a high school student's life from alcohol poisoning. (Constant)
- 1.3 Presentation of a commendation to Luis Valdez for his accomplishments as a writer, director and playwright and his commitment to community and efforts to inspire students. (Liccardo/Campos)

# 1. CEREMONIAL ITEMS

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- 1.4 Presentation of a proclamation declaring March as National Nutrition Month and March 10, 2008 as Registered Dietician Day in the City of San José. (Mayor)

# 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.**

2.2 **Final adoption of ordinances.**

2.3 **[Naming of a new park.](#)**

**Recommendation:** As recommended by the Parks and Recreation Commission of January 16, 2008, name a new park located at Falls Creek Drive and Batten Way as “Falls Creek Park”. (City Clerk)

2.4 **[Amendments in the Services for Redevelopment Capital Projects Fund for 2007-2008.](#)**

**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 \$879,591.
  - (2) Increase the appropriation to the Public Works Department for the San Antonio Avenue Traffic Signal Modification project (PSM #475, Amendment 1) in the amount of \$349,528.
  - (3) Increase the appropriation to the Department of Public Works for the Eden Avenue Streetscape Improvement project (PSM #487, Amendment 1) in the amount of \$353,036.
  - (4) Establish an appropriation to the Department of Parks, Recreation & Neighborhood Services for the Alma Community Center Improvement project (PSM #524) in the amount of \$177,027.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Alma Community Center Improvement project as more specifically described in the memorandum from the Redevelopment Agency, dated January 17, 2008.

CEQA: Exempt, File Nos. PP06-210, PP07-240 and PP04-049. Council Districts: 1, 5, and 7. SNI: Mayfair/Washington/Winchester. (Public Works/Parks, Recreation and Neighborhood Services/City Manager’s Office)

## 2. CONSENT CALENDAR

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### 2.5 Actions related to the 2006 Super Urban Area Security Initiative grant.

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Increase the 2006 Super Urban Area Security Initiative appropriation by \$4,848.
  - (b) Increase the 2006 Metropolitan Medical Response System appropriation by \$6,969.
  - (c) Increase the estimate for Revenue from the federal government by \$11,817.
- CEQA: Not a Project. (Emergency Services/City Manager's Office)

### 2.6 Increase in the Percentage of Land Acquisition Costs that can be Funded by City Loans.

**Recommendation:** Adoption of a resolution approving an increase from 50% to 100% of land price that can be funded under the City's property acquisition loan program for affordable housing projects that receive a funding commitment from the City Council.  
CEQA: Not a Project. (Housing)

### 2.7 Approval of a Work2future Grant from the Housing Trust Fund.

\* **Recommendation:**

- (a) Adoption of a resolution:
  - (1) Approving a grant for \$300,000 to the Office of Economic Development, through its Work2future Program from the Housing Trust Fund, out of the Housing and Homeless Projects Appropriation, for the implementation of Project Hope - homeless, a job training and employment preparation program for forty-two homeless and at-risk individuals.
  - (2) Approving a grant of \$300,000 to the Office of Economic Development, through its Work2future Program from the Housing Trust Fund, out of the Housing and Homeless Projects Appropriation, for the implementation of Project Hope - ex-offenders, a job training and employment preparation program for twenty eight non-violent, ex-offenders recently released back into the community.
  - (3) Authorizing the Director of Housing to execute all necessary documents to implement the two programs.
  - (4) Authorizing the Director of Housing to accept up to \$320,000 in a Federal Appropriation grant from the Department of Labor to fund a new job training and employment preparation program and to execute any necessary documents to effectuate the grant.
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Housing Trust Fund (Fund 440) for 2007-2008:
  - (1) Increase the estimate for Earned Revenue by \$320,000.
  - (2) Establish an appropriation for the Job Training Grant Program in the amount of \$320,000.

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

## 2. CONSENT CALENDAR

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### 2.8 [Request for an excused absence for Council Member Williams.](#)

**Recommendation:** Request for an excused absence for Council Member Williams from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on February 21, 2008 due to Authorized City Business: attendance at the Capital Corridor Joint Powers Authority follow-up meeting of the intercity corridor agencies in Sacramento, CA. (Williams)  
(Rules Committee referral 2/20/08)

### 2.9 [Approval to submit and accept a grant application to support the Mayor's Gang Prevention Task Force.](#)

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to submit an application to the Federal Office of Juvenile Justice and Delinquency grant in the amount of \$493,500 to support the efforts of the Mayor's Gang Prevention Task Force and to execute a grant agreement accepting the grant and any collateral documents, and to execute amendments to the grant agreement to extend or modify the grant period or to accept additional grant funds under this grant. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Report of the Rules and Open Government Committee – February 20, 2008 Mayor Reed, Chair

- (a) City Council
  - (1) Review February 26, 2008 Final Agenda
  - (2) Review March 4, 2008 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) Oppose Proposition 98 and Support Proposition 99 – Constitutional Amendments Dealing with Government Acquisition Regulation of Private Property. (City Manager's Office/Redevelopment Agency)
  - (2) Federal
    - (a) Santa Clara Valley Water District FY 2009 – Federally Partnered Projects. (City Manager's Office/Environmental Services)
- (d) Meeting Schedules
- (e) The Public Record

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – February 20, 2008 Mayor Reed, Chair (Cont'd.)

- (f) Appointments to Boards, Commissions and Committees
  - (1) Appointments to the Housing and Community Development Advisory Commission and the Small Business Development Commission. (Nguyen)
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) (a) Audit of the Travel Expenditures of the Federated Retirement System and the Police and Fire Retirement Plan. (Auditor)
  - (b) Request for Revision of Auditor's Work Plan to audit Travel Expenses of the Retirement Boards. (Police and Fire Retirement Board)
  - (c) Request for Revision of Auditor's Work Plan to audit Travel Expenses of the Retirement Boards. (Federated City Employees' Retirement System)
- (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
    - (a) Add item to the March 20, 2008 agenda entitled, "Report on progress and status of the Public Safety Bond capital improvement program". (City Manager's Office)
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee February 21, 2008

##### Council Member Nguyen, Chair

- (a) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
  - (1) Financial Statements
  - (2) Capital Cost Report
  - (3) Cash Flow Projections
- (b) Report on the Entertainment Zone Cost Recovery Plan and its use for Police Overtime. (Police)  
**Request Deferral**
- (c) Public Safety Quarterly Reports. (Police/Fire)
  - (1) Police
  - (2) Fire**Request Deferral**
- (d) Second Quarterly Reports on 2007-2008 Performance Measurements for October-December 2007. (City Manager's Office)
  - (1) Public Safety
  - (2) Human Resources

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee (Cont'd.) February 21, 2008

##### Council Member Nguyen, Chair

- (e) Report on Call Center Customer Services. (Information Technology)
  - (f) FY 2007-08 Second Quarter Debt Report. (Finance)
  - (g) FY 2007-08 Second Quarter Investment Report. (Finance)
  - (h) Review of the Park Townsend Disposition and Development Agreement. (City Auditor)
  - (i) Review of the 101 San Fernando Disposition and Development Agreement. (City Auditor)
- Request Deferral to March 20**
- (j) Bridge Replacement Audit – Phase II. (City Auditor)
- Request Deferral to March 20**
- (k) Oral Petitions
  - (l) Adjournment

#### 3.4 Proposed Amendments to City Charter and Municipal Code for the November 2008 ballot.

##### Recommendation:

- (a) Direction to the City Attorney to prepare an amendment to the City Charter to allow the City Council by majority vote to place Council Appointees on administrative leave for placement on a future ballot.
- (b) Discussion of the California Elections Code recall process which allows voters to recall an official and elect his or her successor by a plurality vote in the same election, and direction to the City Attorney to prepare amendments to the Charter if the Council approves changes to the City of San José recall process consistent with the California Elections Code.
- (c) Discussion and direction on when to require a Member of the Council to abstain from participating in and voting on a matter before the City Council if to participate in the particular matter would create an appearance of bias.
- (d) Discussion of alternate City Council salary setting methods and direction to the City Attorney to prepare a Charter amendment if a change to the current method is approved.

(City Attorney's Office)

(Deferred from 1/15/08 – Item 3.3)

**RECOMMEND DROP, REFER BACK TO RULES AND OPEN GOVERNMENT COMMITTEE, PER MAYOR**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 [Youth Commission terms.](#)

**Recommendation:** Approval of an ordinance amending Section 2.08.4830 of Chapter 2.08 of Title 2 of the San José Municipal Code to shorten the term for members of the Youth Commission to two-year terms from three-year terms, and to allow the Council to modify the term dates for Youth Commissioners in order to achieve continuity of membership on the Youth Commission.

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

#### 3.6 [Council Policy on Labor Negotiation Guidelines.](#)

[Attachment – Council labor Negotiation Guidelines Draft](#)

**Recommendation:** Adoption of a resolution approving a City Council Policy on Labor Negotiation Guidelines. CEQA: Not a Project. (City Attorney's Office)  
(Rules Committee referral 01/30/08)

#### 3.7 [Actions relating to the naming of the Vietnamese Retail Area on Story Road, Between Senter Road and U.S. 101.](#)

[Memo from Mayor Chuck Reed and Councilmember Madison Nguyen](#)

\* **Recommendation:** As recommended by the Rules and Open Government Committee:

- (a) Adoption of a resolution rescinding [Resolution No. 74127](#).
- (b) Adoption of a resolution recognizing Story Road, between Senter and US 101, as a Vietnamese retail destination.
- (c) [Adoption of a resolution recognizing Story Road, between Senter and US 101, by a name to be determined by Council.](#)

[Attachment – Memo from Councilmember Kansan Chu](#)

[Attachment – Draft Resolutions and Ordinances](#)

- (d) Consideration of options related to placing one or more measures on a ballot, as follows:
  - (1) Adoption of a resolution or ordinance ordering the submission to the electors of the City of San José at the General Municipal Election to be held on June 3, 2008 asking voters: “Shall the Story Road retail area between Senter Road and US 101 be named Little Saigon?”; *or*
  - (2) Adoption of a resolution or ordinance ordering the submission to the electors of a designated and specific area of the City of San José at the General Municipal Election to be held on June 3, 2008 asking voters: “Shall the Story Road retail area between Senter Road and US 101 be named Little Saigon?”; *or*
  - (3) Adoption of a resolution or ordinance ordering the submission to the electors of the City of San José at the General Municipal Election to be held on June 3, 2008 asking voters the following three questions: (1) “Shall the Story Road retail area between Senter Road and US 101 be named Little Saigon?”, (2) “Shall the Story Road retail area between Senter Road and US 101 be named Saigon Business District?”, (3) “Shall the Story Road retail area between Senter Road and US 101 be named at this time?”; *or*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Actions relating to the naming of the Vietnamese Retail Area on Story Road, Between Senter Road and U.S. 101. (Cont'd.)

**Recommendation:**

- (d) Consideration of options related to placing one or more measures on a ballot, as follows: (Cont'd.)
- (4) Adoption of a resolution or ordinance ordering the submission to the electors of a designated and specific area of the City of San José at the General Municipal Election to be held on June 3, 2008 asking voters the following three questions: (1) "Shall the Story Road retail area between Senter Road and US 101 be named Little Saigon"?, (2) "Shall the Story Road retail area between Senter Road and US 101 be named Saigon Business District?", (3) "Shall the Story Road retail area between Senter Road and US 101 be named at this time?"; *or*
- (5) Adoption of a resolution or ordinance ordering the submission to the electors of the City of San José at the General Municipal Election to be held on June 3, 2008 asking voters the following six questions: (1) "Shall the Story Road retail area between Senter Road and US 101 be named Little Saigon"?, (2) "Shall the Story Road retail area between Senter Road and US 101 be named Saigon Business District?", (3) "Shall the Story Road retail area between Senter Road and US 101 be named New Saigon?", (4) "Shall the Story Road retail area between Senter Road and US 101 be named Vietnam Town?", (5) "Shall the Story Road retail area between Senter Road and US 101 be named Vietnam Business District?" (6) "Shall the Story Road retail area between Senter Road and US 101 be named Vietnamese-American Business District?" (7) "Shall the Story Road retail area between Senter Road and US 101 be named at this time?"; *or*
- (6) Adoption of a resolution or ordinance ordering the submission to the electors of a designated and specific area of the City of San José at the General Municipal Election to be held on June 3, 2008 asking voters the following six questions: (1) "Shall the Story Road retail area between Senter Road and US 101 be named Little Saigon"?, (2) "Shall the Story Road retail area between Senter Road and US 101 be named Saigon Business District?", (3) "Shall the Story Road retail area between Senter Road and US 101 be named New Saigon?", (4) "Shall the Story Road retail area between Senter Road and US 101 be named Vietnam Town?", (5) "Shall the Story Road retail area between Senter Road and US 101 be named Vietnam Business District?" (6) "Shall the Story Road retail area between Senter Road and US 101 be named Vietnamese-American Business District?" (7) "Shall the Story Road retail area between Senter Road and US 101 be named at this time?"; *or*

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Actions relating to the naming of the Vietnamese Retail Area on Story Road, Between Senter Road and U.S. 101. (Cont'd.)

**Recommendation:**

- (d) Consideration of options related to placing one or more measures on a ballot, as follows: (Cont'd.)
  - (7) Provide direction to the City Clerk to return to the City Council not later than the end of June 2008 with all necessary actions to place one or more of the proposed measures on the November 4, 2008 ballot.
- (e) Reallocation of available funding currently budgeted for signage to help cover the cost of the election.
- (f) Direction to staff to draft a Council Policy that outlines a process to officially name areas or districts of the City.
- (g) Authorization to the City Manager to implement changes to allow for the placement of decorative street banners and gateway signs in the public right-of-way for the purposes of identifying unique retail areas.

(Rules Committee referral 02/13/08)

**TO BE HEARD LAST IN THE EVENING**

#### 3.8 Purchase of Microsoft Software.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute any necessary documentation to make purchases from PC Mall Gov Microsoft software licensing, under the pricing, terms, and conditions obtained under the Microsoft Select License Agreement for State and Local Governments not to exceed \$500,000 for the first year, and for two additional years, as may be required, subject to annual appropriations. CEQA: Not a Project. (Finance)

#### 3.9 Report of the Rules and Open Government Committee – February 6, 2008 Mayor Reed, Chair

- (a) City Council
  - (1) Review February 12, 2008 Final Agenda
  - (2) Review February 19, 2008 Draft Agenda

**None- Meeting Cancelled**
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
  - (1) City Council – Santa Clara Valley Water District Board Joint Study Session on Water Supply on April 24, 2008 from 9:00 a.m. – Noon. (Environmental Services)
- (e) The Public Record

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.9 Report of the Rules and Open Government Committee – February 6, 2008 (Cont'd.) Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Discussion of Open Government issues involving online calendar posting, the lobbyist ordinance and other necessary disclosures by the Mayor and Council Offices. (Mayor)
  - (2) Proposed Amendments to City Charter and Municipal Code. (Attorney)
    - (a) Council Appointee Administrative Leave
    - (b) Recall Elections
    - (c) Abstention Ordinance
    - (d) Council Salary Setting Methods and Options
  - (3) Consider direction to the City Attorney to draft an ordinance providing flexibility for property and business improvement districts. (Attorney)

#### **HEARD BY COUNCIL 2/12/08 – ITEM 3.11**

- (h) Review of additions to Council Committee Agendas
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

\* (Deferred from 2/26/08 – Item 3.2)

#### 3.10 Report of the Rules and Open Government Committee – February 13, 2008 Mayor Reed, Chair

- (a) City Council
  - (1) Review February 19, 2008 Final Agenda  
**None- Meeting Cancelled**
  - (2) Review February 26, 2008 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Appointment of Jennifer Rodriguez to replace Beverly Bryant on the Envision San José 2040 Task Force. (Planning, Building and Code Enforcement)
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Appointment of Council Member Forrest Williams to lead the Okayama Sister City Delegation. (Mayor)
  - (2) Saigon Business District Discussion. (Mayor)

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### 3. STRATEGIC SUPPORT SERVICES

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#### 3.10 Report of the Rules and Open Government Committee – February 13, 2008 Mayor Reed, Chair (Cont'd.)

- (h) Review of additions to Council Committee Agendas
    - (1) Community and Economic Development Committee
      - (a) Add the following reports: 1) “Soft Closing” Pilot Program Follow-up Report; 2) “Update Report on the Status of the Berryessa Flea Market”; and 3) “Update Report on the Revolving Loan Fund Program” to the March 24, 2008 CED Agenda.  
(Manager)
    - (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)  
**Continued from January 23, 2008**  
**Recommend Deferral to March 5, 2008**
    - (3) Significant Public Records Act Requests
    - (4) Council Policy Manual Update
  - (j) Open Forum
  - (k) Adjournment
- \* (Deferred from 2/26/08 – Item 3.3)

#### 3.11 HP Funds allocated for constituent outreach.

- \* **Recommendation:**
- (a) Approval of Amendment No. 3 to the Naming Rights and Trademark License Agreement among the City, San José Arena Management, San José Sharks and Hewlett Packard Corporation removing certain restrictions on the use of a portion of the funds received by the City in exchange for the Arena naming rights.
  - (b) Adoption of a resolution specifying the City Council’s intent to use the additional funds from the Naming Rights Agreement for any use allowed under the Council Expenditure and Reimbursement Policy, except personnel.
- (City Attorney)  
(Rules Committee referral 1/30/08)  
(Deferred from 2/12/08 – Item 3.5 and 2/26/08 – Item 3.5)  
**RECOMMEND DEFERRAL TO 3/11/08, PER CITY ATTORNEY’S OFFICE**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.12 Calling for a Regular Municipal Election on June 3, 2008.

**Recommendation:** Adoption of a resolution calling for a Regular Municipal Election on June 3, 2008 and a Run-Off Municipal Election on November 4, 2008, If need be, for the purpose of electing Council Members for Districts 2, 4, 6, 8 and 10 and requesting consolidation with the County of Santa Clara. (City Clerk)

\* (Rules Committee referral 02/27/08)

#### 3.13 Adoption of support for Federal Housing Legislation HR840 and S1518.

**Recommendation:** Adoption of support for Federal Housing Legislation JR840 (Carson) – Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007 and S1518 (Reed) – Community Partnership to End Homelessness Act of 2007, if amended. (Housing)

\* (Rules Committee referral 02/27/08)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

#### 4.2 Approval of a \$10 million Second-Mortgage Loan Commitment Program.

\* **Recommendation:**

(a) Adoption of a resolution approving the creation of a \$10 million second-mortgage loan commitment program to be used to assist homebuyers purchase homes in new construction developments, under which the Director of Housing is authorized to: establish project selection criteria; publish a Notice of Funding Availability (NOFA); review and rank applications; reserve funding for homebuyers in individual developments; and fund second mortgages to income-qualified buyers.

(b) Adoption of a resolution approving a City policy to set the housing-cost cap at 35% of household income for City-assisted homebuyers whose incomes are between 110% and 120% of Area Median Income.

(c) Adoption of the following Appropriation Ordinance amendments in the Low- and Moderate-Income Housing Fund in 2007-2008:

(1) Decrease the appropriation for Loans, Grants and Site Acquisition by \$10,000,000.

(2) Establish an appropriation for the Second-Mortgage Commitment Program in the amount of \$10,000,000.

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

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Actions related to the Coyote Valley Specific Plan and the revised Environmental Impact Report.

\* **Recommendation:** Take the following actions to continue funding for the preparation of the Coyote Valley Specific Plan and the revised Environmental Impact Report (EIR) and related documents:

- (a) Approval of the Comprehensive Revised, Amended and Restated Funding and Reimbursement Agreement with Coyote Housing Group, LLC for the work associated with the preparation of the Coyote Valley Specific Plan and revised EIR and related documents to extend the term from December 31, 2007 to March 31, 2009, including a provision for the Director of Planning, Building and Code Enforcement (PBCE) to extend the term in writing by up to six month increments beyond March 31, 2009 if necessary for project completion,; and increase the amount of funding to cover staff and consultant costs by \$2.5 million for a total of approximately \$19.7 million.
- (b) Adoption of a resolution authorizing the Director of Planning, Building and Code Enforcement to negotiate and execute five individual continuation agreements between the City and Schaaf and Wheeler (Hydrologist), Hexagon Transportation Consultants, HMM Inc. (Civil Engineers), Wetlands Research Associates (Biologists), and David J. Powers & Associates, to extend the term of each of the agreements from their expiration date of June 30, 2008 (or December 31, 2007 for David J. Powers and Associates) to March 31, 2009, including a provision for the Director of PBCE to extend each term by up to six month increments beyond March 31, 2009 if necessary for project completion and to increase the total amount of compensation for each firm as follows:
  - (1) Increase the compensation to Schaaf and Wheeler, the project hydrologist, by an amount of \$10,000 to analyze hydrological issues and impacts resulting from the plan refinement concepts for a total amount not to exceed \$150,000.
  - (2) Increase the compensation to Hexagon Transportation Consultants by an amount of \$10,000 to analyze transportation issues and impacts resulting from the plan refinement concepts for a total amount not to exceed \$234,415.
  - (3) Increase the compensation to HMM Inc., a civil engineering firm, by an amount of \$84,000 to provide engineering support for plan refinement concepts, update infrastructure cost estimates, and provide analytical support for the financial and fiscal analyses for a total amount not to exceed \$134,000.
  - (4) Increase the compensation to Wetlands Research Associates (WRA), the project biologist, by an amount of \$18,980 to evaluate biological issues for a total amount not to exceed \$158,380.
  - (5) Increase the compensation to David J. Powers & Associates Inc. by an amount of \$1,000,000 (\$592,500 in this fiscal year and \$407,500 in FY 2008/2009) for additional services required to complete and recirculate the revised EIR for a total amount not to exceed \$3,034,570.

*(Item continued on the next page)*

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.3 Actions related to the Coyote Valley Specific Plan and the revised Environmental Impact Report (Cont'd.)**

- (c) Adoption of a resolution authorizing the Director of PBCE to negotiate and execute minor amendments to the seven individual agreements between the City and Apex Strategies, Economic & Planning Systems, Dahlin Group, KenKay Associates, Engeo Engineers, Basin Research Associates, and Lowney Associates to extend the term of each of the agreements from their expiration date of June 30, 2008 to March 31, 2009, including a provision for the Director of PBCE to extend to each term by up to six month increments beyond March 31, 2009 if necessary for project completion.
- (d) Authorize the Director of PBCE to request qualifications of land use/zoning consultants to conduct peer review of the development of zoning for the Coyote Valley Specific Plan, and adopt a resolution authorizing the Director of PBCE to negotiate and execute agreements with qualified consultants for an amount not to exceed \$85,648.
- (e) Adoption of a resolution authorizing the City Attorney to negotiate and execute a continuation agreement between the City and Cox, Castle and Nicholson for consultant legal services on the Coyote Valley Specific Plan from December 31, 2007 to March 31, 2009, including a provision for the City Attorney to extend the term by up to six month increments beyond March 31, 2009 if necessary for project completion, and to increase compensation by \$75,000 for a total amount not to exceed \$345,000.
- (f) Adoption of the following amendments to the 2007-2008 Appropriation Ordinance and Funding Sources Resolution in the General Fund as follows:
  - (1) Increase the City-Wide appropriation for the Coyote Valley Specific Plan by \$1,300,000 for FY 2007/2008; and
  - (2) Increase earned revenue from Other Revenue by \$1,300,000 for FY 2007/2008.
- (g) Continuation of seven limit dated positions (2.0 Planner, 1.0 Senior Planner and 2.0 Principal Planner, 1.0 GIS Specialist and 1.0 Office Specialist) from December 31, 2007 through June 30, 2008. Five of these positions (2.0 Planner, 1.0 Senior Planner and 2.0 Principal Planner) will continue as full-time positions from July 1, 2008 through project completion and two of them will continue as half time positions (i.e. 0.5 GIS Specialist and 0.5 Office Specialist).

CEQA: Exempt, File No. PP03-06-211. Council District 2. (Planning, Building and Code Enforcement/City Manager's Office)

(Deferred from 02/26/08 – Item 4.6)

**RECOMMEND DEFERRAL TO 3/11/08 PER ADMINISTRATION**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair – *No Report.***

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair – *No Report.*

### 6.2 [Report on RFP for a Closed Circuit Television System for the Airport.](#)

**Recommendation:** Report on Request for Proposal (RFP) for a Closed Circuit Television system for the Norman Y. Mineta International Airport and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with 180 Connect for the purchase and installation of a Closed Circuit Television System for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$1,708,368 including all hardware, software, sales tax, and the first year of maintenance and support and professional services.
- (b) Exercise four one-year options for ongoing maintenance subject to the appropriation of funds.
- (c) Execute change orders in an amount not to exceed \$342,000 as contingency to cover unanticipated changes in the system design and/or installation.

CEQA: Resolution Nos. 67380 and 71451, File No. PP06-004. (Finance)

\* **RECOMMEND DEFERRAL TO 3/11/08 PER ADMINISTRATION**

### 6.3 [Report on RFP for Public Address System for the Airport.](#)

**Recommendation:** Report on Request for Proposal (RFP) for a Public Address System at the Norman Y. Mineta San José International Airport and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with Signatures Technology Inc., DBA Com-Net Software for the purchase and installation of a Public Address System for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$1,652,805 including all hardware, software, sales tax and the first year of support and professional services.
- (b) Exercise four one-year options for ongoing maintenance subject to the appropriation of funds.
- (c) Execute change orders in an amount not to exceed \$330,560 as contingency to cover unanticipated changes in the system design and/or installation.

CEQA: Resolution Nos. 67380 and 71451, File No. PP06-004. (Finance)

## 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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- Open Forum (To be heard no earlier than 3:30 p.m.)
- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS

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(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.

No Public Hearings on Consent Calendar.

### 11.2 [Rezoning real property bounded between San Felipe Road and Rachaella Lane and located north of Rachaella Lane land at the terminus of Gayley Place.](#)

[Attachment - Planned Development Zoning on Green Acres Estates](#)

**Recommendation:** Consideration of an ordinance rezoning the real property bounded between San Felipe Road and Rachaella Lane and located north of Rachaella Lane land at the terminus of Gayley Place from the A-Agriculture District to the A(PD) Planned Development Zoning District to allow up to three single-family detached residences on a 2.69 gross acres site (consisting of approximately 0.63 acres of which are bounded between San Felipe Road and Rachaella Lane and approximately 2.06 acres of which are located north of Rachaella Lane land at the terminus of Gayley Place) (Superior Real Estate Development & Investment, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-1).

PDC06-104 – District 8

### 11.3 [Rezoning real property located on the south side of Tully Road.](#)

\* **Recommendation:** Consideration of an ordinance rezoning the real property located on the south side of Tully road 500 feet westerly of Capitol Expressway from A-Agriculture and IP-Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow a parking lot and open space uses on a 5.5 gross acre site (General Growth Properties, Owner). CEQA: Mitigated Negative Declaration and addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC07-070 – District 8

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum
- Adjournment

## **CITY OF SAN JOSÉ 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 JOSÉ 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.