

CITY COUNCIL AGENDA

OCTOBER 23, 2007

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. 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**

- 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)

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

- 3:00 p.m. - Hear Open Forum and continue the RDA Board Meeting
(no earlier than 3:00 p.m.) [See RDA Agenda](#)

- **Invocation (District 9)**

- * Rev. Ed McNeill, St. Edward's Episcopal 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 to the Geographic Information System (GIS) Team for its exemplary dedication and valuable contributions to the City organization. (Public Works)
 - *

- 1.2** Presentation of a commendation to Xilinx, INC for their outstanding contributions to the economic vitality of the City of San José. (Mayor/Chirco)
 - * (Rules Committee referral 10/17/07)

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to ComedySportz for their dedication to bringing family-friendly entertainment to the residents of San José. (Mayor/Liccardo)
* (Rules Committee referral 10/17/07)
- 1.4 Presentation of a proclamation declaring October as Domestic Violence Awareness Month. (Williams/Campos)
* (Rules Committee referral 10/17/07)

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 [August 7, 2007](#).
- (b) Regular minutes of August 14, 2007.

2.2 Final adoption of ordinances.

* **Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28144 – Amending Title 23 of the San José Municipal Code, the Sign Code, to add new sections to Chapter 23.02 to define a historic sign and a projected light sign, to amend Section 23.023.1010 of Chapter 23.02 to clarify displays that are prohibited unless otherwise allowed, to amend Section 23.02.1090 of Chapter 23.02 to allow for relocation of historic signs and make other clarifying changes and to amend Section 23.04.120 of Chapter 23.04 to allow for the display of projected light signs within the Downtown Sign Zone under specified parameters and making clarifying changes.
- (b) ORD. NO. 28149 – Amending Ordinance No. 27606 and repealing Ordinance No. 28055 to extend the entire period of the limited pilot program to allow certain second residential units from January 1, 2006 to April 30, 2008, which program automatically terminates if 100 permits are issued, and to modify certain parameters of the pilot program related to size, setbacks, height and windows; and amending Ordinance No. 27675 to extend until April 30, 2008 the temporary suspension of Chapter 14.25 of Title 14 of the San José Municipal Code pertaining to park impact requirements otherwise applicable to second units.

2. CONSENT CALENDAR

2.3 [Approval of Councilmember Campos' Travel to San Diego, CA.](#)

Recommendation: Approval of Councilmember Campos' travel to San Diego, CA on October 11, 2007 to attend a Legislative Meeting representing the League of California Cities/Latino Caucus. Source of Funds: Mayor/Council Travel Fund. (Campos)
(Rules Committee referral 10/10/07)

2.4 [Approval to conduct the San José Sports Hall of Fame Induction Ceremony at the HP Pavilion.](#)

Recommendation: Approval of a recommendation by the San José Arena Authority to conduct a City Event (the San José Sports Hall of Fame Induction Ceremony) at HP Pavilion at San José on November 17, 2007. CEQA: Not a Project. (Economic Development)

2.5 [Approval of actions related to the Amgen Tour of California.](#)

* **Recommendation:**

- (a) Approval of the use of City streets for the Amgen Tour of California Stage Finish on Wednesday, February 20, 2008, provided that required street closure and encroachment permits are issued;
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a participation agreement with AEG Cycling, LLC, for a Stage Finish and Lifestyle Festival of the 2008 Amgen Tour of California, to provide services and support for the Tour in an amount not to exceed \$131,000 to be funded from the Sports Opportunity Fund; and
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the San José Sports Authority to assist in providing said support services for the 2008 Amgen Tour of California, as convener of the Local Organizing Committee for said Tour.

CEQA: Exempt, File No. PP05-277. (Economic Development)

2.6 [Approval of actions related to a Targeted Employment Area.](#)

* **Recommendation:** Adoption of a resolution:

- (a) Approving the boundaries of the Targeted Employment Area.
- (b) Authorizing the City Manager to submit an application on behalf of the City of San José to the State Department of Housing and Community Development for a Targeted Employment Area.

CEQA: Not a Project. (Economic Development)

2. CONSENT CALENDAR

2.7 [Approval of actions related to the freight elevator at the San José Museum of Art.](#)

Recommendation:

- (a) Reject the sole bid for the repair of the freight elevator at the San José Museum of Art.
- (b) Adoption of a resolution authorizing the Director of Finance to negotiate and execute an agreement with Schindler Elevator Corporation for the repair of the freight elevator at the San José Museum of Art with a not to exceed compensation of \$400,000, including a 15% contingency for unexpected repairs.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-059. (Finance)

2.8 [Approval to extend the term for the line of credit for the Dolce Hayes Mansion.](#)

Recommendation: Adoption of a resolution authorizing the Director of Finance to negotiate and execute the first amendment to the loan agreement between the City of San José and Comerica Bank, extending the maturity date of the Dolce Hayes Mansion \$5,000,000 line of credit by a period of one-year from October 29, 2007 to October 29, 2008. CEQA: Not a Project. (Finance)

2.9 [Request for an excused absence for Mayor Reed.](#)

Recommendation: Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on October 10, 2007 due to Authorized City Business: San José/Silicon Valley Chamber of Commerce City-to-City trip to Austin, TX. (Mayor)
(Rules Committee referral 10/10/07)

2.10 [Approval of the Master Plan for the new West Evergreen Park.](#)

Recommendation: Approval of the master plan for the new West Evergreen Park. CEQA: Exempt, File No. PP07-159. Council District 7. SNI: West Evergreen. (Parks, Recreation and Neighborhood Services)

2.11 [Approval of the Master Plan for the new Newhall Park.](#)

- * **Recommendation:** Approval of the master plan for the new Newhall Park. CEQA: Exempt, File No. PP07-161. Council District 3. (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.12 Approval of actions related to the Master Plan for the Lower Silver Creek Trail.

- * **Recommendation:** Approval of the Lower Silver Creek Trail Master Plan and adoption of a resolution incorporating the environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project. CEQA: Mitigated Negative Declaration, File No. PP07-106. Council District 3, 5 and 8. SNI: Five Wounds/Brookwood Terrace, Mayfair, East Valley, 680 Communities, Gateway East. (Parks, Recreation and Neighborhood Services)

RECOMMEND DEFERRAL TO 10/30/07 PER ADMINISTRATION

2.13 Approval to designate Councilmember Chu as a voting delegate for the National League of Cities Meeting on November 17, 2007.

Recommendation: Approval of the proposed designation of Councilmember Kansen Chu as the voting delegate at the November 17, 2007 Annual Business Meeting for the National League of Cities in New Orleans, Louisiana. CEQA: Not a Project. (City Manager's Office)

- * (Rules Committee referral 10/17/07)

2.14 Acceptance of the 2006-2007 Annual Report supplemental actions.

Recommendation:

- (a) Adoption of the following 2007-2008 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5 (382):
 - (1) Eliminate the Loan to the Neighborhood Security Bond Fund in the amount of \$2,322,000; and
 - (2) Increase the Ending Fund Balance in the amount of \$2,322,000.
- (b) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Neighborhood Security Bond Fund (475):
 - (1) Decrease the estimate for Transfers in the amount of \$2,322,000;
 - (2) Decrease the Fire Station 2 – Rebuild appropriation in the Fire Department in the amount of \$500,000; and
 - (3) Decrease the Contingency Reserve in the amount of \$1,822,000.
- (c) Adoption of the following 2007-2008 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Services (392):
 - (1) Increase the Fire Station 2 – Rebuild appropriation in the Fire Department in the amount of \$500,000; and
 - (2) Decrease the Ending Fund Balance in the amount of \$500,000.

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

- * (Rules Committee referral 10/17/07)

2. CONSENT CALENDAR

2.15 [Approval of work2future Board of Directors nomination.](#)

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2007, approve the appointment of Luz Maria Rodriguez to serve as a private sector representative on the work2future Board of Directors. (Mayor)

* (Rules Committee referral 10/3/07)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – [September 26, 2007](#) Mayor Reed, Chair

- (a) City Council
 - (1) Review October 2, 2007 City Council Agenda
 - (2) Review October 9, 2007 Draft City Council 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) Approve a City Council Study Session on Deferred Maintenance and Infrastructure Backlog for Thursday, October 25, 2007 from 9:00 a.m. – 12:00 Noon.
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Recommend staff to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall. (City Manager)
 - (2) Approve Workload assessment for the Study of a Potential Inclusionary Housing Ordinance in San José. (Housing)

Deferred from September 19, 2007
- (h) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
- (h)
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (a) Add a progress report to the October 18, 2007 Committee meeting regarding Council Referral #18 from June 21, 2007 Special Council Meeting. (City Manager)
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – [October 3, 2007](#)

Mayor Reed, Chair

- (a) City Council
 - (1) Review October 9, 2007 City Council Agenda
None – Meeting Cancelled
 - (2) Review October 16, 2007 Draft City Council Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Accept the September 25, 2007 State Legislative Bill Matrix.
(City Manager)
 - (2) Federal
- (d) Meeting Schedules
 - (1) Approval to set a Study Session on the management of the Convention Center and Cultural Facilities on December 17, 2007. (City Manager)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Oral Presentation of Boards/Commissions Fall Recruitment and Next Steps. (City Clerk)
 - (2) Approve appointment to the Work2future Board of Directors. (Mayor)
SEE ITEM 2.15 FOR COUNCIL ACTION TO BE TAKEN
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Recommend staff to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall. (City Manager)
Deferred from September 26, 2007
 - (2) City Attorney's Response to referral dated August 29, 2007 from Rules and Open Government Committee. (City Attorney)
 - (3) Approve Ceremonial Guidelines. (Cortese)
 - (4) Recommend staff to negotiate and purchase land for the Willow Glen Spur Trail. (Oliverio)
SEE ITEM 5.2 FOR COUNCIL ACTION TO BE TAKEN
 - (5) Approve expenditure of Faith Leaders Appreciation Breakfast. (Mayor)
- (h) Review of Additions to Council Committee Agendas
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Recommend meeting schedule for reviewing remaining provisions of Sunshine Reform Task Force Phase 1 Report. (City Manager)
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

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3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair

3.4 [Approval of Statement of Policy for the Information Technology Director position.](#)

Recommendation: Adoption of a Statement of Policy and City Council Questions related to the selection of a new Information Technology Director as described in this memo, in compliance with City Charter Section 411.1. CEQA: Not a Project. (Human Resources)

3.5 [Acceptance of the report on Geographic Information Systems.](#)

Recommendation: Acceptance of the Report on City of San José Geographic Information Systems. CEQA: Not a Project. (Public Works/Information Technology)

3.6 Report of the Rules and Open Government Committee – [September 12, 2007](#) Mayor Reed, Chair

- (a) City Council
 - (1) Review September 18, 2007 City Council Agenda
 - (a) Add New Items to final agenda
 - (1) Approve recommendations regarding Residential Traffic Calming Community Hearings. (Mayor)
HEARD BY COUNCIL 9/18/07 – ITEM 6.3
 - (2) Review September 25, 2007 Draft City Council 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
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Report of Public Hearing Regarding Smoking Ban in Public Parks. (Parks, Recreation and Neighborhood Services)
TO BE HEARD BY COUNCIL 10/23/07
 - (2) Monthly Update on Public/Private Partnership Program. (City Manager)
HEARD BY COUNCIL 10/2/07 – ITEM 4.3
 - (h) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (a) Amend Workplan to include updates from the San José Education Foundation Homework Center Program. (Chirco)
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee

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(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.6 Report of the Rules and Open Government Committee – September 12, 2007 (Cont'd.)

- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

* (Deferred from 10/2/07 – Item 3.1 and 10/16/07 – Item 3.1)

3.7 Report of the Rules and Open Government Committee – [September 19, 2007](#) Mayor Reed, Chair

- (a) City Council
 - (1) Review September 25, 2007 City Council Agenda
 - (a) Add New Items to final agenda
 - (1) Accept and Approve the Strategic Planning Retreat Report.
(Mayor)

HEARD BY COUNCIL 9/25/07 – ITEM 2.6

- (2) Review October 2, 2007 Draft City Council Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
 - (1) (a) Approve special meeting request of the Community and Economic Development Committee on October 9, 2007, starting at 1:00 p.m. – 3:30 p.m.
 - (b) Approval to amend the start time of the October 22, 2007 Community and Economic Development Committee meeting to 1:00 p.m.
(City Manager's Office)

(e) The Public Record

(f) Appointments to Boards, Commissions and Committees

- (1) Approve reappointment of incumbents to the Committee for Transit Authority. (Mayor)

HEARD BY COUNCIL 9/25/07 – ITEM 2.7

- (2) Approve appointments to the work2future Board of Directors. (Mayor)

HEARD BY COUNCIL 9/25/07 – ITEM 2.8

(g) Rules Committee Reviews, Recommendations and Approvals

- (1) Clean Air Vehicle Program:
 - (a) Consider Councilmember Constant's proposal to Expand the Program. (Constant)
 - (b) Review Department of Transportation's Workload Assessment of Expansion of the Program. (Transportation)

SEE ITEM 7.1 FOR COUNCIL ACTION TO BE TAKEN

- (2) Proposal for a citywide inclusionary housing policy. (Housing)

Recommend deferral to September 26, 2007

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.7 Report of the Rules and Open Government Committee – September 19, 2007

(Cont'd.)

- (g) (3) Approval of Festival in the Park Donation and use of funds. (Constant)
HEARD BY COUNCIL 9/25/07 – ITEM 2.9
 - (4) Approval of an agreement to audit the City Auditor's Office. (Mayor)
HEARD BY COUNCIL 9/25/07 – ITEM 2.10
 - (5) Receive report of Conditional Approval of Stock Transfer relating to Bay 101. (Auditor)
 - (6) Receive Report of Activities for the Period of July 16 through August 15, 2007. (Auditor)
 - (h) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Add the entitled report "Hispanic Heritage Baseball Museum Hall of Fame" to the October 9, 2007 committee meeting. (City Manager's Office)
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (i) Open Government Initiatives
 - (j) Open Forum
 - (k) Adjournment
- * (Deferred from 10/16/07 – Item 3.2)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – [October 9, 2007](#) Councilmember Pyle, Chair

- (a) Review of Committee Workplan
- (b) Pilot Program: Small Shopping Centers Improvement Update. (Economic Development)
- (c) Proposition 1C Housing and Emergency Shelter Trust Fund. (Housing)
Deferred from August 27, 2007
- (d) Hispanic Heritage Baseball Museum Hall of Fame. (Economic Development)
- (e) Status Update on the Berryessa Flea Market. (Economic Development)
- (f) Oral Petitions
- (g) Adjournment

4.2 Approval of budget actions related to the sale of City-owned property located on Corte De Rosa and Camden Avenue.

[Supplemental](#)

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

- (a) Increase the Economic Uncertainty Reserve by \$2,400,000; and
(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Approval of budget actions related to the sale of City-owned property located on Corte De Rosa and Camden Avenue. (Cont'd.)

Recommendation:

(b) Increase the estimate for Other Revenue by \$2,400,000.

CEQA: Not a Project. Council District 10. (Public Works/City Manager's Office)
[Deferred from 9/11/07 – Item 2.8 (b)]

* **DROP**

4.3 [Approval of actions related to the City's Sister City Program.](#)

* **Recommendation:**

(a) Adoption of a resolution affirming the previously adopted Council guidelines on Sister City Affiliations and amending the guidelines to include consideration of a new Sister City affiliation only after that City has been established as an Economic Partnership City and tangible results can be demonstrated.

(b) Direction to staff to:

- (1) Pursue a select number of new relationships with International City-Regions as appropriate for mutual economic benefit, taking the form either of informal working relationships or formal economic partnership agreements.
- (2) Seek opportunities to strengthen economic and professional linkages with existing Sister Cities that are also high-tech centers, where applicable.
- (3) Participate, when appropriate, with the Bay Area Council's 2007 Memorandum of cooperation with the Shanghai-Hong Kong Council for the Promotion and Development of Yangtze.
- (4) Acknowledge and encourage businesses, civic organizations, schools and residents to initiate and maintain global relationships with peers and partners around the world.
- (5) Create a Citywide account at mid-year to fund travel-related expenses for the mayor or councilmember to participate in an official sister city delegation or Economic Development mission, and to pay expenses associated with hosting official sister city delegations or other high-level international visitors.

CEQA: Not a Project. (Economic Development)

4.4 [Acceptance of the process for early consideration as it relates to planning applications.](#)

Recommendation: Acceptance of staff's approach to schedule selected pending Planning applications for Early Consideration by the City Council for continued processing or denial. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 [Approval of the proposed Framework for Preservation of Employment Lands.](#)

[Joint Mayor/Council Memo](#)

Recommendation:

- (a) Adoption of the proposed Framework for Preservation of Employment Lands.
- (b) Direct the Administration to initiate General Plan text amendments for Discretionary Alternate Use Policies to allow, without the requirement of a change in a General Plan land use designation on a site, commercial uses or a combination of commercial and industrial uses on sites designated exclusively for industrial uses if specific criteria are met and to delete text in the General Plan for Discretionary Alternate Use Policies that currently allows non-employment uses on land designated for Light Industrial or Heavy Industrial uses.

CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)

TO BE HEARD NO EARLIER THAN 3:30 P.M.

5. NEIGHBORHOOD SERVICES

5.1 **Report of the Neighborhood Services and Education Committee – [October 11, 2007](#) Councilmember Chirco, Chair**

- (a) Report on the 2007 Summer Aquatics. (PRNS)
- (b) San José Education Foundation Update on Homework Center Program. (PRNS)
- (c) Evaluation of Second Unit Pilot Program. (PBCE/Housing)

Deferred from August 2007

* **HEARD BY COUNCIL 10/16/07**

- (d) Approval of Proposed Grants Policy and a Proposed Emergency Grants Policy and Procedure. (CMO)

Deferred from September 2007

* **SEE ITEM 5.4 FOR COUNCIL ACTION TO BE TAKEN**

- (e) Strong Neighborhoods Monthly Update. (CMO)
 - (1) Renewing the Action Agenda Update.
 - (2) Richmond-Menker Neighborhood Assessment.
- (f) Schools/City Collaborative Monthly Update. (CMO/Neighborhood Services CSA)
- (g) Review of Relevant Legislative Guiding Principles for 2008. (CMO)
- (h) Oral Petitions
- (i) Adjournment

5.2 [Approval of actions related to the Willow Glen Spur Trail.](#)

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2007, direct staff to move forward in negotiating a final price within the available project budget and purchasing the land that is for sale from Union Pacific between the boundary of Los Gatos Creek and Highway 87 that has been identified in the Greenprint for the Willow Glen Spur Trail. (Oliverio)

[Rules and Open Government Committee referral 10/03/07 – Item (G)(4)]

RECOMMEND DEFERRAL TO 11/06/07 IN THE EVENING PER DISTRICT 6

5. NEIGHBORHOOD SERVICES

5.3 Acceptance of the report on the public hearing conducted by the San José Parks and Recreation Commission and approval of an ordinance regarding a proposed smoking ban in public parks.

Memo from Mayor, Vice Mayor and Councilmember Nguyen

* **Recommendation:** As recommended by the Rules and Open Government Committee on September 12, 2007:

- (a) Consideration of the report on the public hearing conducted by the San José Parks and Recreation Commission regarding a proposed smoking ban in public parks held on August 1, 2007; and
- (b) Approval of an ordinance amending Sections 9.44.022, 9.44.030 and 9.44.040 of Chapter 9.44 of Title 9 of the San Jose Municipal Code to prohibit smoking in parks, community centers and libraries.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Attorney)
[Rules Committee referral 9/12/07 – Item (G)(1)]

* **TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR**

5.4 Approval of the Proposed Grants Policy and the Proposed Emergency Grants Policy and Procedure.

* **Recommendation:**

- (a) Adoption of a resolution approving a new Council policy on Grants to Outside Entities.
- (b) Adoption of a resolution approving a new Council policy on Emergency Financial Assistance to Non-Profit Organizations.
- (c) Direct staff to incorporate the following requirement related to web posting of financial information to the City's standard terms and conditions for grant agreements and operating subsidy agreements:
 - (1) For organizations receiving cumulative City grant or operating subsidy funding greater than \$200,000 in a fiscal year, the organization shall post their most recent yearly audited financial statement on their organization's web site and not later than 30 days after receipt of the audited financial statement.

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

* [Neighborhood Services and Education Committee referral 10/11/07 – Item (d)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair

6. TRANSPORTATION & AVIATION SERVICES

6.2 [Approval of actions related to the San Pedro Street and Blewett Avenue Traffic Calming Pilot Projects.](#)

- * **Recommendation:** Adoption of resolutions:
- (a) Amending the exemption approved for the San Pedro Street Traffic Calming Pilot Project at the June 05, 2007 Council meeting, to provide for traffic calming measures other than road lumps.
 - (b) Exempting the Blewett Avenue Traffic Calming Pilot Project from the Traffic Calming Policy 5-6.
- CEQA: Exempt, File No. PP06-071. Council District 3. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to Zero Waste Goals.

Recommendation:

- (a) Adopt a resolution establishing a goal of 75% waste diversion by 2013, and a goal of Zero Waste by 2022;
- (b) Direct staff to complete waste characterization studies and return to the Transportation and Environment Committee with those results by August 2008 and;
- (c) Direct staff to return by the end of 2008 for Council consideration of an Integrated Waste Management Master Plan to achieve zero waste goals.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee referral 10/1/07 – Item (b)]

RECOMMEND DEFERRAL TO 10/30/07 PER THE RULES COMMITTEE

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 “Approval of an agreement with Royston Hanamoto Alley & Abey for landscape architectural and construction phase services” and 8.2 “Approval of a Relocation Plan for the proposed Downtown Mixed-use Site assembly area” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

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

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9955	East side of Taft Drive, 200 feet north of Blossom Valley Drive	9	Masoumi Brothers LLC	5 Lots / 5 Units	Single Family Detached

- Notice of City Engineer’s Award of Construction Projects
- Open Forum (To be heard no earlier than 3:00 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum) [See RDA Agenda](#)
- 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.