



CITY COUNCIL AGENDA

NOVEMBER 20, 2007

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
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DAVID D CORTESE, VICE MAYOR 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**
 - 9:30 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 10)**
- **Pledge of Allegiance**
- **Orders of the Day**

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

**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 Calvary Catholic Cemetery for 125 years of service to the City of San José. (Campos)
- 1.2 Presentation of commendations to Colleen Lee, Patricia Li, Marianna Mao and Wendy Mu for representing the United States of America in the 2007 Mathematical Olympiad for Girls and striving to help promote girls' excellence in mathematics internationally. (Constant)

TO BE HEARD IN THE EVENING

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Vicki Poulos, Bob Poulos and Sandra Yeaton for their work in providing funds and labor on beautification to the entrance of and work with anti-graffiti clean-up in Saratoga Creek Park through the Adopt-A-Park program. (Constant)
- 1.4 Presentation of a proclamation declaring the week of November 11 - 17 as National Hunger and Homelessness Awareness Week in the City of San José. (Housing)
- 1.5 Presentation of a commendation recognizing the great work of Project Homeless Connect agencies' staff and volunteers in putting together an innovative effort to tackle the need in the County of Santa Clara. (Housing)
- 1.6 Presentation of a proclamation declaring November 18-24, 2007 as "Family Week in the City of San José". (Williams/Oliverio/Liccardo)

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 September 11, 2007
- (b) Regular minutes of September 18, 2007
- (c) Regular minutes of September 25, 2007

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 28164 – Amending Section 3.36.020.3 of Chapter 3.36 of Title 3](#) of the San José Municipal Code to include incentive pay for fire anti-terrorist training in compensation for purposes of calculation of benefits in the Police and Fire Department Retirement Plan.
- (b) [ORD. NO. 28166 – Amending Title 24 of the San José Municipal Code](#) to adopt the 2007 California Building, Plumbing, Mechanical, Electrical Codes, California Existing Building Code, California Historical Building Code, and 2006 International Existing Building Code with certain exceptions, modifications and additions.

(Item continued on the next page)

2. CONSENT CALENDAR

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

Recommendation:

- (c) ORD. NO. 28167 – Amending Chapter 17.12 of the San José Municipal Code to adopt the 2007 California Fire Code with local amendments relating to fire flow, sprinkler and fire alarm systems and standards, access control devices, breathing air replenishment and public radio coverage, large battery charging systems and continuous gas detection systems and to maintain existing of fire protection and regulatory authority.
- (d) ORD. NO. 28170 – Rezoning certain real property situated on the southeast corner of Lincoln Avenue and Nevada Place (1556 Lincoln Avenue) from the R-2 Two Family Residence Zoning District to the A(PD) Planned Development Zoning District. PDC06-101
- (e) ORD. NO. 28171 – Prezoning certain real property situated at the south side of Sierra Road, 200 feet east of Varner Court, to R-1-2 Single Family Residence Zoning District. C06-105
- (f) ORD. NO. 28172 – Prezoning certain real property situated on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive to R-1-8 Single Family Residence Zoning District. C06-111
- (g) ORD. NO. 28173 – Prezoning certain real property situated at the south side of Woodard Road, 300 feet west of Twilight Drive to R-1-8 Single Family Residence Zoning District. C06-113

2.3 [Approval of actions related to the Master Plan for the Lower Silver Creek Trail.](#)

[Attachment](#)

Recommendation:

- (a) Approval of the Lower Silver Creek Trail Master Plan; and,
 - (b) 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 Districts 3, 5 and 8. SNI: Five Wounds/Brookwood Terrace, Mayfair, East Valley/680 Communities. (Parks, Recreation and Neighborhood Services)
(Deferred from 10/23/07 – Item 2.12 and 10/30/07 – Item 2.3)

2. CONSENT CALENDAR

2.4 [Approval of actions related to the acoustical design services at the Reid Hillview Airport.](#)

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara to provide the County with acoustical design services, construction administration and acoustical treatment construction of eligible properties located within the Noise Impact Area at Reid Hillview Airport, in an amount payable to the City not to exceed \$500,000, for the period November 20, 2007 to December 31, 2009.
- (b) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources resolution amendments in the Airport Renewal and Replacement Fund (527):
 - (1) Increase the estimate for Earned Revenue in the amount of \$500,000; and
 - (2) Establish an appropriation to the Airport Department for the Reid Hillview Noise Treatment Program in the amount of \$500,000.

CEQA: Exempt, File No. E-14391. (Airport/City Manager's Office)

2.5 [Approval of new lease agreements at the Airport.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute new lease agreements with American Airlines, United Airlines, Southwest Airlines and Delta Air Lines, the airlines currently operating at Mineta San José International Airport in the air freight building, located at 1521 Airport Blvd., with month-to-month terms effective December 1, 2007 through June 30, 2012 and annual income to the City of approximately \$320,000. CEQA: Resolution Nos. 67380 and 71451, File Nos. PP07-132 through 07-135. (Airport)

2.6 **Request for excused absences for Councilmember Campos.**

Recommendation: Request for excused absences for Councilmember Campos.

- (a) [Request for an excused absence from the Convention Center Expansion Study Session on Monday, November 13, 2007 due to a prior long standing commitment.](#)
- (b) [Request for an excused absence from the Special City Council Meeting on Monday, November 13, 2007 due to a prior long standing commitment.](#)

(Campos)

(Rules Committee referral 11/7/07)

2.7 [Request for an excused absence for Vice Mayor Cortese.](#)

Recommendation: Request for an excused absence for Vice Mayor Cortese from the Regular Evening Council Meeting on November 6, 2007 due to Authorized City Business: Public Safety/Crime Prevention Meeting in Council District 8. (Cortese)
(Rules Committee referral 11/7/07)

2. CONSENT CALENDAR

2.8 [Approval to terminate an agreement with Waste Management of California, Inc.](#)

Recommendation:

- (a) Approval of [an ordinance](#) repealing Ordinance No. 27751 to terminate the Commercial Solid Waste and Recyclables Collection Franchise Agreement with Waste Management of California, Inc. dba Waste Management of Santa Clara County; and,
- (b) Adoption of a resolution authorizing the Director of the Environmental Services Department to send a notice to Waste Management of California, Inc. terminating the Commercial Solid Waste and Recyclables Collection Franchise Agreement effective July 1, 2007.

CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)

2.9 [Approval to terminate an agreement with USA Waste of California, Inc.](#)

Recommendation:

- (a) Approval of [an ordinance](#) repealing Ordinance No. 27749 to terminate the Commercial Solid Waste and Recyclables Collection Franchise Agreement with USA Waste of California, Inc. dba Green Valley Disposal Company, Inc.; and,
- (b) Adoption of a resolution authorizing the Director of the Environmental Services Department to send a notice to USA Waste of California, Inc. terminating the Commercial Solid Waste and Recyclables Collection Franchise Agreement effective July 1, 2007.

CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)

2.10 [Approval to amend an agreement with Metcalf & Eddy, Inc. for consultant services.](#)

[Attachment](#)

Recommendation: Approval of a second amendment to the agreement with Metcalf & Eddy, Inc. for consultant services for hydraulic models for the San José Municipal Water System, to extend the term of the agreement by six months to May 31, 2008, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

2.11 [Approval of open purchase order #4 FY 2007-2008 for supplies, materials, equipment and services.](#)

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #4 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

2. CONSENT CALENDAR

2.12 Approval of an agreement for the maintenance and support of defibrillators.

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute an agreement with Medtronic Incorporated for the maintenance and support of existing Lifepak 12 and Lifepak 500 Cardiac Monitors (defibrillators) for a five-year term, payable \$68,015.00 annually for the five-year duration of this agreement, for a total of \$340,075.00, subject to annual appropriations. CEQA: Not a Project. (Finance)

2.13 Approval to amend an agreement for security guard services for various City Departments.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an amendment to the agreement with National Security Industries to extend the term of the agreement for security guard service for General Services and the Water Pollution Control Plant by four months from November 30, 2007 to March 31, 2008, with a total compensation not to exceed \$144,000 for the extension period.
- (b) Execute an amendment to the agreement with Silicon Valley Security and Patrol, Inc. to extend the term of the agreement for security guard services for Parks & Recreation and Neighborhoods Services and the Department of Transportation by four months from November 30, 2007 through March 31, 2008 with a total compensation not to exceed \$131,000 for the extension period.

CEQA: Not a Project. (Finance)

2.14 Request for an excused absence for Councilmember Nguyen.

Recommendation: Request for an excused absence for Councilmember Nguyen from the Special City Council Meeting on November 13, 2007 due to Authorized City Business: Speaking Engagement at UC Santa Cruz. (Nguyen)
(Rules Committee referral 11/7/07)

2.15 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 \$829,500.
 - (2) Establish an appropriation to the Department of Transportation for the Agency Pole Painting project (PSM 501) in the amount of \$250,000.
 - (3) Increase the appropriation to the Department of Parks Recreation and Neighborhood Services for the Christmas in the Park project (PSM 506) in the amount of \$79,500.

(Item continued on the next page)

2. CONSENT CALENDAR

2.15 Approval of fiscal actions for Redevelopment Agency Capital Projects. (Cont'd.)

Recommendation:

- (a) (4) Establish an appropriation to the Department of Parks Recreation and Neighborhood Services for the Roosevelt Skate Park project (PSM 507) in the amount of \$500,000.
- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the:
 - (1) Agency Pole Painting project as more specifically described in the memorandum from the Redevelopment Agency, dated September 12, 2007.
 - (2) Roosevelt Skate Park project as more specifically described in the memorandum from the Redevelopment Agency, dated September 28, 2007.

CEQA: Mitigated Negative Declaration, File No. PP03-397 and Exempt, File Nos. PP07-242 and PP05-007. Council District 3. SNI: Five Wounds/Brookwood. (Parks, Recreations and Neighborhood Service/Transportation/City Manager's Office)

2.16 Approval to apply for a renewal of the City's special use permit for the operation of San José Family Camp in the Stanislaus National Forest.

Recommendation: Adoption of a resolution authorizing the Parks, Recreation & Neighborhood Services Department to apply to the United States Forest Service for a renewal of the City's special use permit for the operation of San José Family Camp in the Stanislaus National Forest and to return to the City Council for permit approval in December 2007. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

2.17 Approval of actions related to the relocation of utility easements at the Airport.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to execute all documents necessary to complete real estate transactions for the relocation of utility easements at Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-246. (Public Works)

2.18 Request for an excused absence for Councilmember Pyle.

Recommendation: Request for an excused absence for Councilmember Pyle from the Regular Meeting of the Neighborhood Services & Education Committee on November 8, 2007 due to prior long standing commitment. (Pyle)
(Rules Committee referral 11/7/07)

2. CONSENT CALENDAR

2.19 Approval of resolutions relating to the establishment of speed limits.

Recommendation: Repeal Resolution No. 73647 related to the establishment of speed limits in the City of San José, and adopt a resolution to:

- (a) Re-establish speed limits with changes to the following roadway within the City of San José:
 - (1) Story Road, between Senter Road and Bayshore Freeway, to include the segment between Via Ferrari Drive and Bayshore Freeway, 40 MPH.
- (b) Establish speed limits on the following roadways within the City of San José:
 - (1) Hassler Parkway, between Silver Creek Valley Road and Dove Road, 35 MPH.
 - (2) Old Bayshore Highway, between Airport Parkway and North First Street, 40 MPH.
 - (3) Palisade Drive, between Hellyer Avenue and Coyote Road, 25 MPH.

CEQA: Exempt, File No. PP05-030. Council Districts 2, 3, 7 and 8. (Transportation)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – October 17, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review October 23, 2007 City Council Agenda
 - (a) Add New Items to final agenda
 - (1) Discussion and action on an urgency ordinance regarding municipal code 17.12.445 (Additional safety requirements for multi-story and other building presenting unique firefighting challenges). (Cortese)
 - (2) Review October 30, 2007 Draft City Council Agenda
 - (a) Add New Items to draft agenda
 - (1) Discussion and approval of San José's Green Vision. (Mayor)
HEARD BY COUNCIL 10/30/07 – ITEM 9.1
 - (2) Verbal Update of Legislative Priorities by Senator Elaine Alquist. (Mayor)
HEARD BY COUNCIL 10/30/07 – ITEM 3.5
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (2) Federal
 - (d) Meeting Schedules
 - (e) The Public Record
- (Item continued on the next page)*

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – October 17, 2007 (Cont'd.) Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committees
 - (1) Re-appointment to the Small Business Advisory Commission and Human Rights Commission. (Nguyen/Chu)
- (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's Office)
Deferred from September 26, 2007 and October 3, 2007
- (h) Review of Additions to Council Committee Agendas
- (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. (City Manager's Office)
Recommend Deferral to October 24, 2007
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment
(Deferred from 11/6/07 – Item 3.1)

3.2 Report of the Rules and Open Government Committee – October 24, 2007 Mayor Reed, Chair

- (a) City Council
 - (1) Review October 30, 2007 Final Agenda
 - (2) Review November 6, 2007 Draft Agenda
 - (a) Add New Items to draft agenda
 - (1) Approval of actions for the 2007 Mayor's Biennial Ethics Review. (Mayor)
 - (b) Assign "Time Certain" to Agenda Items (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Governor's End of Session Actions (Verbal Report). (Manager)
 - (b) City Sponsored Legislation for the Second Year of the Two-Year Session. (Manager)
 - (2) Federal
- (d) Meeting Schedules
 - (1) Approve time change for the December 11, 2007 Study Session on Inclusionary Housing. (Mayor)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Re-appointment to the Civil Service Commission. (Clerk)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – October 24, 2007 (Cont'd.)

Mayor Reed, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Recommend staff utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall. (Manager)
Deferred from September 26, 2007, October 3 and 17, 2007.
 - (2) Approve “Mini-Grant” form for Mayor/Council Office Grants or Contributions \$500 or less. (Clerk)
 - (3) Consider San José Public Library Internet Access and Computer Use Policy Proposal. (Constant)
- (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
 - (a) Add the entitled update “Discussion on Long Term Ownership and Operation of South Bay Water Recycling” on the November 5, 2007 agenda. (Environmental Services)
 - (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 October 17, 2007
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3.3 Report of the Rules and Open Government Committee – October 31, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review November 6, 2007 Final Agenda
 - (2) Review November 13, 2007 Draft Agenda
None – Meeting Canceled
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) Support for Federal Housing Legislation: H.R. 1851 (Waters) – Section 8 Voucher Reform Act of 2007 and H.R. 1852 (Frank) – Expanding Homeownership Act of 2007. (Housing)

HEARD BY COUNCIL 11/6/07 – ITEM 3.6

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – October 31, 2007 (Cont'd.)

Mayor Reed, Chair

- (d) Meeting Schedules
 - (1) Approval to cancel Rules and Open Government Committee meetings in November and December and set dates for “Rules in-Lieu” meetings. (City Clerk)
 - (2) Approval to set Special City Council Meeting on November 13, 2007. (City Clerk)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Attorney’s response to referral dated August 20, 2007 from Rules and Open Government Committee relating to taping of Closed Sessions. (City Attorney’s Office)
Deferred from October 3, 2007
Recommend deferral to November 7, 2007
 - (2) Discussion and action on an Urgency Ordinance regarding Municipal Code 17.12.445 (Additional safety requirements for multi-story and other building presenting unique firefighting challenges). (Cortese)
Recommend deferral to November 7, 2007
 - (3) Recommend waive rotunda rental fee for the Northern California Future City Competition. (Williams)
- (h) Review of additions to Council Committee Agendas
- (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 October 24, 2007
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3.4 Report of the Rules and Open Government Committee – November 7, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review November 13, 2007 Final Agenda
None – Meeting Canceled.
 - (2) Review November 20, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Report of the Rules and Open Government Committee – November 7, 2007 (Cont'd.)

Mayor Reed, Chair

- (d) Meeting Schedules
 - (1) Approval of the City Council Meeting Schedule for the period January – July 2008; and Study Session Schedule for the period January – July 2008. (City Manager's Office)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Discussion and action on an Urgency Ordinance regarding Municipal Code 17.12.445 (Additional safety requirements for multi-story and other building presenting unique firefighting challenges). (Cortese)
Deferred from October 17 and 31, 2007
 - (2) Recommend staff prepare a Workplan assessment for a proposal for a citywide green building policy. (Chu/Chirco/Campos/Liccardo)
 - (3) Recommend staff develop a workload assessment for drafting an incentive-based private development green building policy. (Constant/Oliverio)
 - (4) Acceptance of the Status report on Public/Private Partnerships. (City Manager's Office)
- (h) Review of additions to Council Committee Agendas
- (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 October 31, 2007
 - (b) City Attorney's response to referral dated August 20, 2007 from Rules and Open Government Committee relating to taping of Closed Sessions. (City Attorney's Office)
Deferred from October 3 and 31, 2007
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
 - (a) Approval to validate and rescind selected policies contained in the City Council Policy Manual. (City Manager's Office)
- (j) Open Forum
- (k) Adjournment

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

3. STRATEGIC SUPPORT SERVICES

3.6 Approval of an ordinance prohibiting nepotism for the Mayor, Members of the City Council and Council Appointees.

Recommendation: Approval of an ordinance amending Title 12 of the San José Municipal Code by adding a new Chapter 12.20 to establish rules prohibiting nepotism for the Mayor, members of the City Council, and Council appointees. CEQA: Not a Project. (City Attorney's Office)

RECOMMEND DEFERRAL TO 12/4/07 PER CITY ATTORNEY'S OFFICE

3.7 [Approval of actions related to the City's Sanitary Sewer Service and Storm Sewer Service Billing System.](#)

Recommendation: Direction to staff to continue the process of billing and collecting the City's Sanitary Sewer Service and Storm Sewer Service billings by placing these bills on the Santa Clara County Tax Roll annually. CEQA: Not a Project. (Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair

4.2 [Approval of actions for the development of the Fairgrounds Senior Apartments Project.](#)

Recommendation: Adoption of a resolution:

- (a) Approving a construction/permanent funding commitment of up to \$12,900,000 to ROEM Development Corporation, or its designated affiliate, for the development of the 201-unit Fairgrounds Senior Apartments project that is located at 520 Tully Road; and
- (b) Finding that use of 20% Low- and Moderate-Income Housing Funds for the Fairgrounds Senior Apartments project is of benefit to the Redevelopment Project Areas in San José.

CEQA: Resolution No. 71359, File No. PDC02-040. Council District 7. (Housing)

4.3 [Approval of actions related to the Fairways at San Antonio Affordable Housing Project.](#)

[Supplemental](#)

Recommendation: Adoption of a resolution:

- (a) Approving an increase in the permanent loan of up to \$1,154,515 to Affirmed Housing Group, or its designed affiliate, for the development of the 86-unit Fairways at San Antonio affordable family housing project located at 305 San Antonio Court, to be made available to extremely low-, very low-, and low-income households.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Approval of actions related to the Fairways at San Antonio Affordable Housing Project. (Cont'd.)

Recommendation:

- (b) Authorizing the staff to proceed with loan origination and disbursement given the pending litigation involving an existing billboard on a parcel contiguous to the site.

CEQA: Mitigated Negative Declaration, File No. PDC 05-104. Council District 5.

SNI: Gateway East. (Housing)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – [November 8, 2007](#) Councilmember Chirco, Chair

- (a) Library 2006-07 Annual Usage Report. (Library)
- (b) Library Parcel Oversight Committee 2006-07 Annual Report. (Library)
Recommend Deferral to January 2008
- (c) Report on the Off-Sale of Alcoholic Beverage Program. (Planning, Building and Code Enforcement)
- (d) HNVF Report on Migration to Results-Based Accountability. (Parks, Recreation and Neighborhood Services)
Recommend Deferral to December 2007
- (e) Grants Quarterly Status Report. (Parks, Recreation and Neighborhood Services)
- (f) Quarterly Report on Performance Measures.
Deferred from September 2007
- (g) Strong Neighborhoods Monthly Update. (City Manager's Office)
 - (1) Neighborhoods Commission Status Report.
 - (2) Neighborhood Development Center.
Deferred from September 2007
 - (3) Renewing the Action Agenda Update.
Deferred from October 2007
- (h) Schools/City Collaborative Monthly Update. (City Manager's Office/ Neighborhood Services CSA)
 - (1) Sub-Committee Reports.
- (i) Oral Petitions
- (j) Adjournment

5.2 [Approval of an ordinance establishing a Neighborhood Commission for a two-year period.](#)

Recommendation: Approval of [an ordinance](#) to establish a Neighborhood Commission for the period of April 1, 2008 to March 31, 2010. (City Attorney's Office)

5. NEIGHBORHOOD SERVICES

5.3 Public Hearing and approval of Parkland Dedication Ordinance and Park Impact Ordinance In-Lieu Fee Adjustments.

Recommendation: Public Hearing and adoption of a resolution setting forth the new Parkland Schedule of In-Lieu Fees charged pursuant to Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) of the San José Municipal Code to reflect the 2006 Residential Land Value Study. CEQA: Resolution No. 65459. (Parks, Recreation and Neighborhood Services)

5.4 Approval to award the Happy Hollow Park & Zoo-Zoo Attractions Project.

Recommendation:

- (a) Report on bids and award of contract to the low bidder, West Bay Builders, Inc. for the Happy Hollow Park & Zoo-Zoo and Attractions (Phase IIA) package base bid in the amount of \$37,830,000, plus bid alternates 3, 4, 5, 6, 7, 8 and 10 for a total contract award of \$39,255,000, and approval of a 7% contingency in the amount of \$2,748,000.
- (b) Adoption of a resolution incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project. CEQA: Mitigated Negative Declaration, File No. PP05-142. (Public Works/Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 **Report of the Transportation and Environment Committee – November 5, 2007 Councilmember Williams, Chair**

- (a) Action on items recommended for deferral.
 - (1) Status Report on the Activities Related to the Municipal Climate Action Plan. (Environmental Services)
Recommend Deferral to December 2007
 - (2) Update on Council Directives. (City Manager’s Office)
Recommend Deferral to December 2007
 - (3) Report on Process for Development and Adoption of the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES). (Environmental Services)
Recommend Deferral to January 2008
 - (4) Report on Retrofitting the City’s Sidewalk to Conform with American Disability Act (ADA) Requirements. (Transportation)
Recommend Deferral to February 2008
 - (5) Caltrans Director Report. (Transportation)
Recommend Deferral to February 2008

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – November 5, 2007 (Cont'd.)

- (b) Status Report on Las Plumas EcoPark Site Development Status. (Environmental Services)
Deferred from August 2007
- (c) Report on the Transportation Maintenance Master Plan. (Transportation)
Deferred from October 2007
- (d) Update Report on the Utility Trench Cut Policy Review. (Public Works)
- (e) Evaluation of Current City Special Event & Recycling Services and Options for Service Improvements (Environmental Services)
SEE ITEM 7.4 FOR COUNCIL ACTION TO BE TAKEN
- (f) Report on Water District Board Actions Relating to South Bay Water Recycling. (Environmental Services)
SEE ITEM 7.5 FOR COUNCIL ACTION TO BE TAKEN
- (g) Quarterly Update Report on Performance Measurements for General Services, Environmental Services and Transportation Departments. (City Manager's Office)
Deferred from September 2007
- (h) Report on Tree Preservation Services Requirements. (City Manager's Office/ Transportation/Planning, Building and Code Enforcement)
- (i) Oral Petitions
- (j) Adjournment

6.2 [Approval of actions related to the BART Extension to San José/Silicon Valley.](#)

[Supplemental](#)

Recommendation: Approval of the preferred design recommendations to the Santa Clara Valley Transportation Authority regarding the BART Extension to San José/Silicon Valley as follows:

- (a) Select the "Southern Offset" for the BART tunnel alignment in the vicinity of Santa Clara Street and Coyote Creek.

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

[Deferred from 10/16/07 – Item 6.4(b)]

6.3 [Approval of actions related to Taxicab Services.](#)

[Attachment](#)

[Supplemental](#)

Recommendation:

- (a) Discussion and possible action on the recommendations of the T&E Committee to direct staff to bring forward to the City Council a report on the development of a Taxicab Commission.
- (b) [Discussion and possible action regarding airport company taxicab permit allocations.](#)

CEQA: Not a Project. (Airport/Transportation/Police)

[Transportation and Environment Committee referral 10/01/07 – Item (j)]

(Deferred from 10/16/07 – Item 6.3 and 11/06/07 – Item 6.2)

6. TRANSPORTATION & AVIATION SERVICES

6.4 [Approval of a master agreement for consulting services related to the Airport Noise Impact Area.](#)

Recommendation: Approval of a master agreement with Charles M. Salter Associates, Inc., for consultant services related to sound attenuation and treatment of dwelling units located within the Airport Noise Impact Area in an amount not to exceed \$2,370,000 for the period November 20, 2007 to December 31, 2010. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-225. (Airport)

6.5 [Acceptance of the Status Report on the implementation of the Enhanced Parking Security and Cleaning Plan.](#)

Recommendation: Acceptance of the second status report on the implementation of the Enhanced Parking Security and Cleaning Plan, and the six-month pilot program on the \$5 rate at City parking garages after 10 p.m. on Thursday, Friday and Saturday that began July 1, 2007. CEQA: Not a Project. Council District 3. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Approval of an ordinance modifying local sewer discharge limits and making other changes to conform local requirement to Federal Pretreatment Program requirements.](#)

[Attachment](#)

Recommendation: Approval of [an ordinance](#) amending Chapter 15.12 of Title 15 of the San José Municipal Code to modify local discharge limits for copper, nickel selenium and total phenol, to eliminate limits for manganese, total toxic organics and xylene, to expand reporting, record keeping and sampling requirements and to require industrial pretreatment applications to be filed at least ninety days prior to discharge or the expiration of an existing permit, and to add definitions and conform Municipal Code requirements to federal pretreatment program requirements. CEQA: Exempt, File No. PP07-247. (City Attorney's Office)

7.2 [Approval of a consultant agreement for the Plant Master Plan.](#)

[Attachment](#)

Recommendation:

- (a) Approval of an agreement with Carollo Engineers to develop a Master Plan for the San José/Santa Clara Water Pollution Control Plant for an initial not-to exceed amount of \$2,500,000 and for a term commencing upon approval of the agreement and extending through June 30, 2011.
- (b) Adoption of a resolution authorizing the City Manager to execute the following options to increase the amount of compensation: Option 1 to be exercised on or after July 1, 2008, to increase compensation to \$5,000,000; Option 2 to be exercised on or after July 1, 2009 and to increase compensation to \$6,000,000.

CEQA: Not a Project. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 Approval of actions related to the City's Sewer Collection and Treatment System.

Recommendation:

- (a) Acceptance of the staff report analyzing financing alternatives to fund the short-term critical infrastructure needs of the City's sewer collection and treatment system.
- (b) Direction to staff to proceed with the following Sewer Service and Use Charge five-year rate assumptions (Option #3) and prepare for Council approval in Spring 2008 the following rate increase for 2008-09:
 - (1) 2007-2008 = 9%
 - (2) 2008-2009 = 15%
 - (3) 2009-2010 = 15%
 - (4) 2010-2011 = 8%
 - (5) 2011-2012 = 8%
- (c) Direction to staff to:
 - (1) Plan for the Five-Year Sanitary Sewer and Treatment Plant Capital Improvement Programs using the above rate strategy; and
 - (2) Seek assistance of a financial consultant to provide outside expertise on the rate strategy.

CEQA: Not a Project. (Environmental Services/Public Works/Transportation/Finance)

7.4 Approval of the actions related to Recycling at City Venues and Events.

Recommendation: Direction to staff to:

- (a) For following five special events, Italian Family Days, Tapestry and Talent, Cinco de Mayo, San José Jazz Festival, and Independence Day:
 - (1) Implement Zero Waste programs
 - (2) Provide compostable food service ware and compostable collection and processing.
 - (3) Require food vendor participation in the compostable foodware program.
- (b) Implement a program for certifying events that meet specific criteria for "Going Green," "Green," or "Zero Waste" events;
- (c) Effective January 1, 2008, require special events as a condition of their Event Authorization to specify that food vendors use # 1 (PET) plastic recyclable or compostable beverage containers for events with greater than 30,000 attendees;
- (d) Implement a pilot program to recycle and compost garbage from City special events and venues through specialized off-site processing;
- (e) Evaluate ways to improve recycling at the San José Mineta International Airport, San José McEnery Convention Center, and other showcase City venues by providing technical assistance and services; and
- (f) Create example agreement language and web resources to support event organizers and vendors in recycling program implementation.

CEQA: Exempt, File No. PP07-097. (Environmental Services)

[Transportation and Environment Committee referral 11/05/07 – Item (e)]

7. ENVIRONMENTAL & UTILITY SERVICES

7.5 [Acceptance of the update in the Long-term Ownership and Operation of South Bay Water Recycling.](#)

[Attachment](#)

Recommendation: Acceptance of the update on issues and options for the long-term ownership and operation of South Bay Water Recycling. CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee referral 11/05/07 – Item (f)]

8. PUBLIC SAFETY SERVICES

8.1 [Report on bids and approval of actions related to the Police Southside Substation Project.](#)

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Police Southside Substation Project. CEQA: Mitigated Negative Declaration, File No. PP04-304. (Public Works).

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 [Approval of the designation of a Vietnamese Retail Area.](#)

[Letter from the Public](#)

[Memo from Mayor, Vice Mayor and Councilmembers](#)

Recommendation:

- (a) Adoption of a resolution recognizing Story Road, between Senter and US 101, as a Vietnamese Retail Area and to select a name to identify the area.
- (b) Direction to the City Manager and City Attorney to explore policy and ordinance 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.

CEQA: Not a Project. Council District 7. SNI: Tully/Senter, Spartan/Keyes. (City Manager's Office/Redevelopment Agency)

TO BE HEARD IN THE EVENING IMMEDIATELY FOLLOWING LAND USE ITEMS

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS

(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) [Adoption of a resolution initiating proceedings and setting a public hearing](#) on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Penitencia No. 76 which involves the annexation to the City of San José of 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)

- (b) [Adoption of a resolution initiating proceedings and setting a public hearing](#) on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Parker No. 25 which involves the annexation to the City of San José of approximately 3.49 gross acre County pocket consisting of 13 parcels located on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting County Service and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)

(Item continued on the next page)

11. PUBLIC HEARINGS

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

Recommendation:

- (c) [Adoption of a resolution initiating proceedings and setting a public hearing](#) on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Parker No. 26 which involves the annexation to the City of San José of approximately 0.53 gross acre County pocket consisting of 2 parcels located on the south side of Woodard Road, 300 feet west of Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)

11.2 Consideration of an ordinance rezoning the real property located on the south side of Hillsdale Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the south side of Hillsdale Avenue approximately 600 feet east of Pearl Avenue (866 Hillsdale Avenue) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to six single-family attached residences on a 0.45 gross acre site (Hamid Abtahi & Tom Ronning, Owner). CEQA: Exempt.

PDC07-022 – District 6

RECOMMEND DEFERRAL TO 12/04/07

- 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.