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# CITY COUNCIL AGENDA

**AUGUST 5, 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.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

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
  - \* RDA Agenda to be heard immediately following the Consent Calendar  
[See Separate Agenda](#)
  - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
- **Invocation (District 7)**
  - \* Bishop Lopez, Church of Jesus Christ of Latter-Day Saints
- **Pledge of Allegiance**
- **Orders of the Day**

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

ADJOURNMENT: This meeting will be adjourned in memory of David Powers, founder of David J. Powers & Associates, Inc., who passed away July 13, 2008, for his legacy and contributions to environmental review and public policy over the past 35 years. (Mayor)

**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 a commendation to the Santa Clara County Office of Education for receiving Head Start's "Gold Certificate". (Chu)
- 1.2 Presentation of proclamation declaring Tuesday, August 5, 2008 as "National Night Out" in the City of San José. (Mayor)
- 1.3 Presentation of the Government Finance Officers Association's "Certificate of Achievement for Excellence in Financial Reporting" and the "Award of Financial Reporting Achievement" to the San José Redevelopment Agency. (Mayor/Redevelopment Agency)

# 2. CONSENT CALENDAR

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

## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Regular Minutes of April 22, 2008
- (b) Joint City Council/Santa Clara Valley Water District Board Study Session Minutes of April 24, 2008

[Deferred from 6/24/08 – Item 2.1(a) – (b)]

- \* (c) [2008-2009 Operating and Capital Budget; 2009-2013 Capital Improvement Program Study Session Minutes of May 7, 2008 through May 16, 2008](#)

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28351 – Repealing Ordinance No. 27971 and establishing a new, accurate legal description of the expanded public right-of-way on Taylor Street between Anita and Walnut Streets.
- (b) ORD. NO. 28357 – Establishing a Rule 20A Underground Utility District along White Road, between Rose Avenue and 150 feet north of Alum Rock Avenue.

## 2.3 Certification of the Results of the Municipal Election held on June 3, 2008.

**Recommendation:** Adoption of a resolution declaring the results of the June 3, 2008 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)  
(Deferred from 6/24/08 – Item 2.6)

## 2. CONSENT CALENDAR

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### 2.4 [Approval in Open Session of payment in exchange for release of claim considered by the Council in Closed Session on June 17, 2008.](#)

- \* **Recommendation:** Approval of payment to claimants, Melanie Gill and Robert Day, in the amount of \$75,000, pursuant to a Release, authorized by the City Council in Closed Session on June 17, 2008. (City Attorney's Office)

### 2.5 [Office of the City Auditor's Report.](#)

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities for the Period May 16, 2008 through June 15, 2008.* (City Auditor)

### 2.6 [City Manager Figone's Travel to Chicago, Illinois.](#)

**Recommendation:** Approval of travel for City Manager Debra Figone to Chicago, IL on October 1-3, 2008 for the 2008 San José/Silicon Valley Chamber of Commerce City-to-City Trip. Source of Funds: City Manager's Non Personal Appropriation. (City Manager's Office)

### 2.7 [California State Employment Development Department Memorandum of Understanding.](#)

**Recommendation:** Adoption of a resolution:

- (a) Designating the City's Office of Economic Development, the Planning Division of the Department of Planning, Building and Code Enforcement, consultant Applied Development Economics, and consultant Beacon Economics as representatives of the City, and authorizing them to examine ES202 industry and employment data for the City of San José from the California State Employment Development Department (EDD) for economic development purposes related to the Envision San José 2040 General Plan update; and
- (b) Authorizing the City Manager or her designee to negotiate and execute a Memorandum of Understanding (MOU) with the California State Employment Development Department to examine ES202 industry and employment data for the City of San José for economic development purposes related to the Envision San José 2040 General Plan update. Execution of the MOU shall be contingent upon execution of amendments to the consultant agreements with ADE and Beacon to require compliance with the EDD MOU and all its requirements.

CEQA: Not a Project. (Economic Development)

## 2. CONSENT CALENDAR

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### 2.8 [Agreement with California Trolley and Railroad Corporation for the Trolley Line at Kelley Park.](#)

**Recommendation:** Approval of an agreement with the California Trolley and Railroad Corporation to provide overhead electricity to the tracks and to maintain and operate a section of the Trolley Line located at Kelley Park, known as the Kelley Park Line, for an initial 36 months with the option, conditioned upon mutual agreement, to extend the agreement an additional 24 months. CEQA: Exempt, File No. PP08-131. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)

### 2.9 [Actions Related to the Vietnamese Heritage Garden.](#)

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the agreement with the Viet Heritage Society for the development, maintenance and operations of the Vietnamese Heritage Garden to:
  - (1) Increase the City's contribution toward the project by \$100,000, from \$1,730,000 to \$1,830,000; and
  - (2) Amend the agreement to change the completion of Phase I of the improvements within 6 years of execution of the original agreement and completion of Phase II of the improvements by December 31, 2015 and to provide the terms of use of the additional funding.
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (450):
  - (1) Increase Beginning Fund Balance by \$100,000; and
  - (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Vietnamese Cultural Heritage Garden (PSM 534) in the amount of \$100,000.
- (c) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Vietnamese Heritage Garden project as more specifically described in the memorandum from the Redevelopment Agency, dated January 15, 2008.

CEQA: Resolution No. 66098, File No. PP04-228. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services/City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.10 Actions Related to the Mayellen Avenue Land Acquisition.

**Recommendation:**

- (a) Adoption of a resolution approving a purchase agreement with Henry Morado and Ofelia Lopez Morado for the purchase of real property located at 495 Mayellen Avenue, San José, CA (APN No. 277-16-060) for the amount of \$412,000, with an estimated additional amount of \$9,000 for closing and escrow costs, and authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction.
  - (b) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
    - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$421,000 for the Mayellen Avenue Land Acquisition; and
    - (2) Decrease the Reserve: Future PDO/PIFO Projects by \$421,000.
- CEQA: Exempt, File No. PP08-140. Council District 6. SNI: Burbank/Del Monte. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

### 2.11 Excused absence for Councilmember Liccardo.

**Recommendation:** Request for an excused absence for Councilmember Liccardo from the Regular Meeting of the Community and Economic Development Committee on June 23, 2008 due to a subpoena to testify in a criminal trial on June 23, 2008. (Liccardo)  
(Rules in-Lieu referral 07/23/08)

### 2.12 Councilmember Pyle's Travel to Dublin, Ireland

**Recommendation:** Approval of travel by Councilmember Pyle to Dublin, Ireland on July 19, 2008 – July 25, 2008 to foster the important civic and government linkages that have been built during the 22-year San José-Dublin Sister City relationship. The four-day official trip will include meetings with the City of Dublin and Irish National Government, Dublin area businesses and university officials. Source of Funds: Special Fund managed by the Office of Economic Development to travel for Economic Development business. (Pyle)  
(Rules in-Lieu referral 07/23/08)

## 3. STRATEGIC SUPPORT SERVICES

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

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – [June 11, 2008](#)

##### Mayor Reed, Chair

- (a) City Council (City Clerk)
  - (1) Review June 17, 2008 Final Agenda
  - (2) Review June 24, 2008 Special Meeting Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) AB 1195 (Torrico): Recycling: Used Oil: Incentive Payments. (Environmental Services)

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##### **HEARD BY COUNCIL 6/17/08**

- (2) Federal
  - (d) Meeting Schedule
  - (e) The Public Record
  - (f) Appointments to Boards, Commissions and Committee
    - (1) 1 re-appointment to the Traffic Appeals Commission. (Nguyen)
  - (g) Rules Committee Reviews, Recommendations and Approvals
    - (1) Modification to Municipal Code 11.38.210 – No Vehicle Solicitation Zone to Prohibit Sale of Cars in Public Areas that Create Safety Hazards or Public Nuisances Workload Assessment. (City Attorney’s Office/ Transportation/Police)
  - (h) Review of additions to Council Committee Agendas
    - (1) Community and Economic Development Committee
      - (a) Add “Updated on the Art and Technology Lighting Program for City Hall” to the June 23, 2008 CED Committee agenda. (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 6/24/08 – Item 3.2)

#### 3.3 Report of the Rules and Open Government Committee – [June 18, 2008](#)

##### Mayor Reed, Chair

- (a) City Council (City Clerk)
  - (1) Review June 24, 2008 Final Agenda
    - (a) Adoption of appropriation ordinance and funding sources resolution amendments in the general fund to terminate the officeholder account for Councilmember Campos, District 5. (City Clerk)

##### **HEARD BY COUNCIL 6/24/08**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Rules and Open Government Committee – June 18, 2008 (Cont'd.)

##### Mayor Reed, Chair

- (a) City Council (Cont'd.)
    - (1) Review June 24, 2008 Final Agenda
      - (b) Approval of the use of a special events account for the community resource fair and adoption of appropriation ordinance amendments and funding sources resolution amendments in the gift trust fund for the community resource fair. (City Clerk)  
**HEARD BY COUNCIL 6/24/08**
      - (c) Urgent Temporary Taxicab Fuel Surcharge. (Constant)
    - (2) Review July 1, 2008 Draft Agenda  
None – Meeting Cancelled
  - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (c) Legislative Update
    - (1) State
      - (a) Recommendation to adopt a support position on SB 1407 (Perata) – Courthouse Construction. (Cortese)  
**HEARD BY COUNCIL 6/24/08**
    - (2) Federal
  - (d) Meeting Schedule
    - (1) Approval to set the Employment Lands Study Session on September 2, 2008 from 9:00 a.m. – 12:00 p.m. (Planning, Building and Code Enforcement)
  - (e) The Public Record
  - (f) Appointments to Boards, Commissions and Committee
  - (g) Rules Committee Reviews, Recommendations and Approvals
    - (1) Recommendation to refer to staff for review AB 2064 (Vietnam War Curriculum). (Cortese)
    - (2) Approval of the City Auditor's Fiscal Year 2008-09 Work Plan. (Auditor)
    - (3) Accept workload assessment for the neighborhoods of distinction. (Planning, Building and Code Enforcement)
  - (h) Review of additions to Council Committee Agendas
  - (i) Open Government Initiatives
  - (j) Open Forum
  - (k) Adjournment
- (Deferred from 6/24/08 – Item 3.15)

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### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Report of the Public Safety, Finance and Strategic Support Committee – June 19, 2008 Councilmember Nguyen, Chair

- (a) Action of Items Recommended for Deferral.
  - (1) Procedures, Protocols and Policies Regarding the County Jail. (Oliverio)
- (b) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
  - (1) Financial Statements
  - (2) Capital Cost Report
  - (3) Cash Flow Projections
- (c) Bi-Monthly Financial Report for March/April 2008. (Budget)
- (d) Third Quarter Report on 2007-2008 Performance Measurements for January-March 2008. (City Manager's Office)
  - (1) Public Safety
- (e) Public Safety Quarterly Reports. (Fire/Police)
  - (1) Fire
  - (2) Police
- (f) Report on 2007-08 Third Quarter Revenue Collection Strategic Plan. (Finance)
- (g) Report on Department Business Technologies. (Information Technology)
- (h) Follow-up Review of Arena Management Agreement. (City Auditor)
- (i) Oral Petition
- (j) Adjournment

\* **RECOMMEND DEFERRAL TO 8/19/08 PER ADMINISTRATION**

#### 3.5 [Approval of a Memorandum of Agreement with the Municipal Employees' Federation \(MEF\), AFSCME Local 101.](#)

**Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement with the Municipal Employees' Federation (MEF) AFSCME Local No. 101, AFL-CIO, and authorizing the City Manager to execute the agreement with a term of July 1, 2008 to June 30, 2011. CEQA: Not a Project. (City Manager's Office)

#### 3.6 [Agreement with the City Association of Management Personnel \(CAMP\).](#)

**Recommendation:** Adoption of a resolution approving the terms of an agreement with the City Association of Management Personnel (CAMP), and authorizing the City Manager to execute the agreement with a term of July 1, 2008 to June 30, 2010. CEQA: Not a Project. (City Manager's Office)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Council Discussion, Consideration, and Action on the Submission of Various Ballot Measures for the November 4, 2008 Election.

[Attachment – Memo from Mayor Reed](#)

[Attachment – Memo from Councilmember Oliverio](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Attachment – Memo from Councilmember Campos](#)

[Attachment – Memo from Councilmember Chu](#)

[Supplemental Memo from the City Manager](#)

[Supplemental Memo from the City Manager](#)

[Supplemental – Replacement Memo](#)

[Attachment – Replacement Memo from the City Attorney](#)

[Attachment – Memo from the City Attorney](#)

[Letter from Sherman Oaks Neighborhood Association](#)

[Letter from Burbank Del Monte Neighborhood Advisory Committee](#)

[Supplemental A – SJ Ballot Measure Refinement Survey](#)

[Supplemental B – Resolution](#)

[Supplemental C – Resolution](#)

[Supplemental D – Resolution](#)

[Supplemental E – Resolution](#)

[Supplemental F – Resolution](#)

[Supplemental G - Resolution](#)

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#### **Recommendation:**

- (a) Council discussion and consideration of various ballot measures for the November 4, 2008 election, and adoption of resolutions of the City Council calling and giving notice of, on its own motion, Special Municipal Elections to be held on November 4, 2008, to submit to the electors of the City of San José the following measures:
  - (1) A measure entitled “Reduction of Tax Rate and Updating of Telecommunications Users Tax” to reduce the tax from 5% to 4.75%.
  - (2) A measure entitled “Reduction and Replacement of 9-1-1 Fee” to replace the existing fee of \$1.75 per single line and \$13.13 on trunk lines, with a reduced tax of \$1.65 and \$12.38, respectively.
  - (3) A measure entitled “The San José Vital City Services Preservation Measure” to increase the existing business tax on card room revenues from 13% to 18% and clarify the definition of gross revenues.
  - (4) A measure entitled “Long Term Agreements in Certain City Parks” to amend the City Charter to permit the Council, without voter approval, to enter into agreements of up to 30 years, from the existing 3 years, that impact parks over 5 acres, if the agreements enhance the recreational purposes of the park.
  - (5) A measure entitled “Council Compensation” to amend the City Charter to set Mayor and City Council salaries to 80% and 60%, respectively, of the salary established for a California Superior Court Judge.
- (b) Council discussion and consideration of the inclusion of ordinance language in voter pamphlets.

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

### 3. STRATEGIC SUPPORT SERVICES

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- \* (c) Possible reconsideration of actions taken on June 19, 2008 on the following matters:
  - (1) Waive the 10-day Sunshine Notice Requirements to reconsider two actions taken by the City Council at a Special Meeting on June 19, 2008.
  - (2) Consider placing a measure on the November 2008 ballot that would increase the card room business tax rate *only* if the number of card room tables permitted was also increased. (Constant)
  - (3) Reconsider placing the Parkland/Proposed Fire House 37 on the November 4, 2008 ballot. (Oliverio)

#### 3.8 Fiscal Year 2008-09 Property Tax Levy for General Obligation Bonds.

**Recommendation:** Adoption of a resolution establishing the FY 2008-09 property tax levy on all taxable property for general obligation bonded indebtedness. CEQA: Not a Project. (Finance)

#### 3.9 Public Hearing on the Sewer Service and Use Charges and Storm Sewer Service Charges.

- \* **Recommendation:** Conduct a public hearing on the Sewer Service and Use Charges and Storm Sewer Service Charges report filed by the Director of Finance with the City Clerk's Office and adoption of a resolution approving the placement of recommended charges on the 2008-2009 tax roll, with such modifications as Council may make based on public hearing testimony. CEQA: Not a Project. (Finance)

#### 3.10 Actions Related to Bellarmine College Preparatory.

**Recommendation:** Approval of the following actions regarding Bellarmine College Preparatory, located at 960 West Hedding Street, San José, CA 95126:

- (a) Conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of \$2,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Statewide Community Development Authority (CSCDA).
- (b) Adopt a resolution approving the issuance of Tax-Exempt Obligations by the CSCDA in an aggregate principal amount not-to-exceed \$2,000,000 ("the "Bonds") to be used to (a) finance or refinance the acquisition, construction, rehabilitation and improvement of property, including real and personal property, and including energy efficiency upgrades at Bellarmine's existing school campus and (b) pay related expenses.

CEQA: Mitigated Negative Declaration, File No. PDC07-072. (Finance)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Report of the Community & Economic Development Committee – [June 23, 2008](#) Councilmember Pyle, Chair

- (a) Review of the Committee Workplan.
- (b) Housing Element. (Housing/Planning, Building and Code Enforcement)
- (c) Inclusionary Housing Policy- Status Report. (Housing)
- (d) Status Update on Civic Center Auditorium and the Convention Center. (Public Works)
- (e) Green Vision: Clean Tech Strategy. (Economic Development)
- (f) First Act Big Deals- BART Downtown Station and Diridon Station. (Redevelopment Agency/Transportation/ Planning, Building & Code Enforcement)
- (g) Art & Technology Lighting for City Hall. (Economic Development)
- (h) Update:
  - (1) Mexican Heritage Plaza. (General Services)  
**SEE ITEM 4.3 FOR COUNCIL ACTION TO BE TAKEN**
- (i) Oral Petitions
- (j) Adjournment

### 4.2 [Housing Director Authority Relating to Predevelopment Loans and Second Mortgages.](#)

#### **Recommendation:**

- (a) Approval of [an ordinance](#) amending Chapter 5.06 of Title 5 of the San José Municipal Code – “Contract Authority of the Director of Housing, City Manager and Director of Finance” – to modify the Director of Housing’s delegated authority by: eliminating the maximum amount of predevelopment loans that can be made to nonprofit housing developers by the Director; and authorizing the Director to make commitments of project-based second mortgages.
- (b) Adoption of a resolution to increase the maximum amount of predevelopment loans that can be approved by the Director of Housing from \$100,000 to \$500,000; and set a \$500,000 limit on the amount of project-based second mortgages that can be committed by the Director of Housing to any one for-sale development.

CEQA: Not a Project. (Housing)

(Deferred from 5/20/08 – Item 4.3 and 6/3/08 – Item 4.4)

**RECOMMEND DEFERRAL TO 8/26/08**

### 4.3 [Mexican Heritage Plaza Transition Plan.](#)

**Recommendation:** Accept the staff report updating the Committee on the transition plan for Mexican Heritage Plaza. CEQA: Not a Project. (General Services/Economic Development)

[Community and Economic Development Committee referral 06/23/08 – Item (h)]

**RECOMMEND DEFERRAL TO 8/19/08**

4.4 [Approval of Funding for Bill Wilson Center for the Rehabilitation of The Commons.](#)

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

- (a) Approving a funding commitment of up to \$1,800,000 in Federal HOME Funds for Bill Wilson Center, or its designee, for the rehabilitation of The Commons, a 28-unit affordable rental housing project targeted to San José and Santa Clara youth aging out of foster care or otherwise at risk of homelessness located at 3661 Peacock Court in the City of Santa Clara, to be made available to extremely low-income, very low-income and low-income households; and
- (b) Approving a 224% loan-to-value ratio as an exception to City policy that the loan-to-value ratio in affordable housing projects should not exceed 100%.

CEQA: Exempt. (Housing)

NEPA: (National Environmental Policy Act): Finding of No Significant Impact (FONSI).

## 5. NEIGHBORHOOD SERVICES

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

5.2 **[Report on Bids and Action Related to Bascom Library and Community Center Project.](#)**

[Supplemental – Memo from the Directors of PRNS, the Libraries and Public Works](#)

[Supplemental – Memo from the Director of Public Works](#)

[Attachment – Letter from Zolman Construction](#)

[Attachment – Letter from the State of California](#)

[Attachment – Letter from Zovich Construction](#)

[Attachment – Letter from John Plane Construction](#)

\* **Recommendation:**

(a) Conduct a hearing to determine whether the low bid submitted by Zolman Construction & Development, Inc. for the Bascom Library and Community Center Project should be rejected on the ground that Zolman was not qualified to submit a bid.

(b) Award the construction contract for the project to the low bidder, John Plane Construction, Inc., to include the base bid and add alternative Nos. 1 and 3, in the amount of \$17,974,000 and approve a contingency in the amount of \$1,797,000.

CEQA: Exempt, File No. PP07-081. Council District 6. SNI: Burbank/Del Monte.

(Parks, Recreation and Neighborhood Services/Library/Public Works)

(Deferred from 6/10/08 – Item 5.3 and et. al. 6/24/08 – Item 5.4)

## 6. TRANSPORTATION & AVIATION SERVICES

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

6.2 **[Presentation by the City of San José Director of Aviation Regarding the Current Status of the Airline Industry.](#)**

**Recommendation:** Acceptance of a presentation by the City of San José Director of Aviation regarding the current status of the airline industry. CEQA: Not a Project. (Airport)

6.3 **[Actions Related to Taxicab Rates, Fares and Tariffs Resolutions.](#)**  
[Supplemental Memo from the Directors of DOT and the SJ Airport](#)  
[Attachment – Memo from Councilmembers Constant, Campos and Pyle](#)  
[Attachment – Memo from the Directors of DOT and the San José Airport](#)

\* **Recommendation:**

(a) Adopt a resolution:

(1) Increasing the Taxicab Rates, Fares and Tariffs for the operations of taxicabs in the City of San José outside the Airport contained in Resolution No. 73886 as follows:

(a) Flag drop rate to \$3.50 for the first 1/10<sup>th</sup> of a mile.

(b) Per mile rate to \$3.00 (\$0.30 per 1/10<sup>th</sup> mile after the first 1/10<sup>th</sup> mile).

(c) Wait time rate to \$30 per hour (\$0.50 per minute).

# 6. TRANSPORTATION & AVIATION SERVICES

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## 6.3 Actions Related to Taxicab Rates, Fares and Tariffs Resolutions. (Cont'd.)

**Recommendation:**

- (a) Adopt a resolution (Cont'd.)
  - (1) Increasing the Taxicab Rates, Fares and Tariffs for the operations of taxicabs in the City of San José outside the Airport contained in Resolution No. 73886 as follows:
    - (d) Implement a fuel surcharge in \$0.50 increments up to a maximum of \$2.00 that corresponds to the average price of gasoline reaching \$4.50, \$5.00, \$5.50 and \$6.00 in San José.
    - (e) Implement a \$1.50 Airport trip fee for trips to Mineta San José International Airport.
  - (2) Readopting all the other Rates, Fares and Tariffs in Resolution No. 73886 not revised above.
  - (3) Repealing Resolution No. 73886.
- (b) Adopt a resolution:
  - (1) Increasing the Taxicab Rates, Fares and Tariffs for the operation of taxicabs in the City of San José at the Airport contained in Resolution No. 73885 as follows:
    - (a) Flag drop rate to \$3.50 for the first 1/10<sup>th</sup> of a mile.
    - (b) Per mile rate to \$3.00 (\$0.30 per 1/10<sup>th</sup> mile after the first 1/10<sup>th</sup> mile).
    - (c) Wait time rate to \$30 per hour (\$0.50 per minute).
    - (d) Implement a fuel surcharge in \$0.50 increments up to a maximum of \$2.00 that corresponds to the average price of gasoline reaching \$4.50, \$5.00, \$5.50 and \$6.00 in San José.
    - (e) Implement a \$1.50 Airport trip fee for trips to Mineta San José International Airport.
    - (f) Make appropriate changes to the definitions of Taxicab Trip and Trip.
  - (2) Readopting all the other Rates, Fares and Tariffs in Resolution No. 73885 not revised above.
  - (3) Repealing Resolution No. 73885.

CEQA: Not a Project. (Transportation/Airport)

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

# 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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\* See Items 8.1 “Actions related to a Memorandum of Agreement with Santa Clara Unified School District for future acquisition of land and construction of school/park facilities” 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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9917	W/S of San Felipe Rd, 300’ S of Yerba Buena Rd	8	Blossom Valley Investors, Inc.	32 Lots/ 25 units	SFD	Approve

\* 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>
9999	NW corner of Curtner Ave and Monterey Rd	7	WPV San José LLC	6 lots/6 units	Retail
10009	E/S of Almaden Rd, 400’ S of McKean Rd	10	Almaden Project LLC	6 lots/6 units	SFD
10010	SE corner of Zanker Rd and River Oaks Parkway	4	Irvine Apartment Communities	6 lots/1900 units	MFA/Retail

### ● Notice of City Engineer’s Award of Construction Projects

### ● Open Forum

### ● Continue RDA Board Meeting

### ● Adjournment

This meeting will be adjourned in memory of David Powers, founder of David J. Powers & Associates, Inc., who passed away July 13, 2008, for his legacy and contributions to environmental review and public policy over the past 35 years. (Mayor)

## **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.