



CITY COUNCIL AGENDA

OCTOBER 7, 2008

SYNOPSIS

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 during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. 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.

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, 2nd 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**
8:37 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Campos, Williams. (Excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Campos, Williams. (Excused)

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Campos, Williams. (Excused)
- **Invocation (District 9)**
Cher Wilson, Cambrian Library Teen Idol 2008, sang “Candle on the Water”.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 1.5 deferred to 10/21/08.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring October as “Filipino History Month” in the City of San José. (Chu/Cortese/Liccardo)
Heard in the evening.
Mayor Reed, Vice Mayor Cortese and Council Members Chu and Liccardo recognized October as “Filipino History Month” in the City of San José.
- 1.2 Presentation of a proclamation declaring the week of October 4 – 11, 2008 as “No Drugs Down the Drain Week” in the City of San José. (Constant)
Mayor Reed and Council Member Constant recognized the week of October 4 – 11, 2008 as “No Drugs Down the Drain Week” in the City of San José.
- 1.3 Presentation of a commendation to Jeff Oberdorfer with First Community Housing for their development and construction of a 100% affordable model green community at Gish Apartments. (Liccardo)
Mayor Reed and Council Member Liccardo recognized and commended Jeff Oberdorfer with First Community Housing for their development and construction of a 100% affordable model green community at Gish Apartments.
- 1.4 Presentation of a proclamation declaring the week of October 5 – 11, 2008 as “Fire Prevention Week” in the City of San José. (Mayor)
Mayor Reed recognized the week of October 5 – 11, 2008 as “Fire Prevention Week” in the City of San José.
- 1.5 Presentation of a proclamation declaring October as “Domestic Violence Awareness Month” in the City of San José. (Williams/Constant/City Manager’s Office)
Deferred to 10/21/08.
- 1.6 Presentation of a proclamation declaring the month of October as “International Walk to School Month” in the City of San José. (Constant)
Heard in the evening.
(Rules Committee referral 10/1/08)
Mayor Reed and Council Member Constant recognized October as “International Walk to School Month” in the City of San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 28409 – Rezoning certain real property situated at the southwest terminus of Fortran Court, approximately 1,000 feet southerly of Nortech Parkway (4405 Fortran Drive) to IP-Industrial Park Zoning District. C08-039

Ordinance No. 28409 adopted.

(b) ORD. NO. 28410 – Rezoning certain real property situated at the southwest corner of Berryessa Road and North Fifteenth Street (675 Berryessa Road) to A(PD) Planned Development Zoning District. PDC08-016

Ordinance No. 28410 adopted.

(c) ORD. NO. 28411 – Rezoning certain real property on the southwest corner of West San Carlos Street and Meridian Avenue to A(PD) Planned Development Zoning District. PDC07-096

Ordinance No. 28411 adopted.

2.3 Findings report relating to the Bay 101 Conditional Approval of Stock Transfer.

Recommendation: Accept the finding reports from Kafoury, Armstrong & Company, LLP relating to the Bay 101 Conditional Approval of Stock Transfer, quarter ending June 30, 2008. (City Auditor)

Report accepted.

2.4 Amendment to an Agreement with Management Partners, Inc. for Technical Analysis and Communications Support.

Recommendation: Approve first amendment to an existing continuation agreement with Management Partners, Inc. to expand the scope of services in order to assist staff with the development of the structural deficit elimination plan at an additional cost of \$47,250, to allow for additional deficit elimination plan services in an amount not-to-exceed \$100,000, and to extend the term by six months from January 1, 2009 to June 30, 2009, at a total maximum compensation not-to-exceed \$397,200. CEQA: Not a Project. (City Manager's Office)

Approved.

2. CONSENT CALENDAR

2.5 Inaugural 2009 San José Cycling Classic.

Recommendation:

- (a) Adopt a resolution authorizing the Office of Economic Development to develop, produce and conduct the inaugural 2009 San José Cycling Classic on City streets and various City venues throughout the week of February 14-22, 2009, as a City Event with registration fees of \$50-\$100 per rider.

Resolution No. 74611 adopted.

- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Establish a City-wide Appropriation to the Office of Economic Development for San José Cycling Classic Event in the amount of \$275,000; and

- (2) Increase the estimate for Other Revenue by \$275,000.

CEQA: Exempt, File No. PP05-277. (Economic Development/City Manager's Office)

Ordinance No. 28416 adopted.

Resolution No. 74612 adopted.

2.6 Agreement with UeBERSEE for artwork at the Norman Y. Mineta San José International Airport.

Recommendation: Adopt a resolution authorizing the City Manger to negotiate and execute an agreement with UeBERSEE, to fabricate and install an artwork for the Norman Y. Mineta San José International Airport North Concourse Concession Area in an amount not to exceed \$700,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-227. (Economic Development)

Resolution No. 74613 adopted.

2.7 Agreement for the Automated Fingerprint Identification System.

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

- (a) Execute a Maintenance and Support Agreement for support services from Motorola Inc, for the Automated Fingerprint Identification System in an amount not-to-exceed \$380,528 for the period of October 1, 2008 through September 30, 2009.

- (b) Execute subsequent maintenance agreements subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 74614 adopted.

2. CONSENT CALENDAR

2.8 Grant Application to the Valley Transportation Authority for the Lower Guadalupe River Trail Project.

Recommendation: Adopt a resolution authorizing the City Manager, or designee, to:

- (a) Submit a grant application to Valley Transportation Authority in the amount not-to-exceed \$1,377,000 for Congestion Mitigation and Air Quality Improvement (CMAQ) program grant funding for the Lower Guadalupe River (Gold Street to Highway 880) Trail Project.
- (b) Accept any grant funds and to negotiate and execute any and all documents relating to the grant funding agreement with State of California.

CEQA: Mitigated Negative Declaration, File No. PP04-323. Council Districts 3 and 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 74615 adopted.

2.9 Historic Landmark Initiation for the Hobson House.

Recommendation: Adopt a resolution:

- (a) Initiating proceedings to consider the single-family house located at 333 N. Fifteenth Street as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Referring the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- (c) Setting a public hearing on Tuesday, December 2, 2008 at 1:30 p.m. for Council consideration of City Landmark designation of the structure noted above.

CEQA: Not a Project. Council District 3. (Planning, Building and Code Enforcement)

Resolution No. 74616 adopted.

Disqualified: Liccardo

2.10 Agreements with Our City Forest.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the following grant agreements with Our City Forest:

- (a) An Annual Operating Grant Agreement for FY 2008-2009 in an amount not-to-exceed \$159,000;
- (b) A Matching Grant Agreement in an amount not-to-exceed \$120,000 for Our City Forest to apply towards its local match required for the AmeriCorps Grant.

CEQA: Exempt, File No. PP04-313. (Transportation)

Resolution No. 74617 adopted.

2. CONSENT CALENDAR

2.11 Budget Actions for the Seven Trees Boulevard Sidewalk Project.

Recommendation: Adopt the following Appropriation Ordinance amendments in the General Fund:

- (a) Establish an appropriation to the Department of Transportation for the Seven Trees Boulevard Sidewalk Project in the amount of \$970,000.
 - (b) Decrease the Neighborhood Capital Improvements Fund Reserve by \$970,000.
- CEQA: Exempt, File No. PP08-137. Council District 7. SNI: Seven Trees.
(Transportation/City Manager's Office)

Ordinance No. 28417 adopted.

2.12 Redevelopment Agency Budget Actions on Public Improvement Projects.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
 - (1) Increase the estimate for Earned Revenue by \$98,000.
 - (2) Establish an appropriation to the Department of Transportation for the Spartan Keyes Sidewalk Improvement Project (PSM 547) in the amount of \$98,000.

Ordinance No. 28418 adopted.

Resolution No. 74618 adopted.

- (b) Adopt a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Spartan Keyes Sidewalk Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated July 11, 2008.

CEQA: Exempt, File No. PP06-105. Council Districts 3 and 7. SNI: Spartan/Keyes.
(Transportation/Public Works)

Project name corrected, as noted above.

Resolution No. 74619 adopted.

2.13 Excused absence for Councilmember Nguyen.

Recommendation: Request for an excused absence for Councilmember Nguyen from the Closed Session of the City Council meeting on September 23, 2008 due to Illness: Doctor's Appointment. (Nguyen) (Rules Committee referral 9/24/08)

Absence excused.

2. CONSENT CALENDAR

2.14 City Auditor's Travel to Seattle, Washington

Recommendation: Approve travel by City Auditor Sharon Erickson to Seattle, Washington on October 27-28, 2008 to attend the Association of Government Accountant's Fourth Annual Nation Performance Management Conference. Source of Funds: City's Auditor's Non Personal Appropriation and Professional Development Funds. (City Auditor) (Rules Committee referral 10/1/08)

Travel approved.

3. STRATEGIC SUPPORT SERVICES

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

No Report.

3.2 Report of the Rules and Open Government Committee – September 24, 2008

Mayor Reed, Chair

Deferred to 10/21/08 per City Clerk.

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

Councilmember Nguyen, Chair

No Report.

3.4 City Positions on the November 4, 2008 California General Election Ballot.

Recommendation: As recommended by the Rules and Open Government Committee on September 24, 2008, approve the recommended City positions for Propositions 1A, 3, 5, 6, 7, 10 and 12 on the November 4, 2008 California General Election Ballot:

(a) Adopt a position of support for Proposition 1A – Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Replaces Proposition 1).

Position of support adopted.

(b) Adopt a position of support for Proposition 3 – Children's Hospital Bond Act.

Position of support adopted.

(c) Adopt a position to oppose Proposition 5 – Nonviolent Offender Rehabilitation Act of 2008.

Position of opposition adopted.

(d) Adopt a position to oppose Proposition 6 – Safe Neighborhoods Act.

Position of opposition adopted.

Noes: Oliverio

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 City Positions on the November 4, 2008 California General Election Ballot (Cont'd)

- (e) Adopt a position to oppose Proposition 7 – The Solar and Clean Energy Act of 2008.

Position of opposition adopted.

- (f) Adopt a position to oppose Proposition 10 – The California Renewable Energy and Clean Alternative Fuel Act.

Position of opposition adopted.

- (g) Adopt a position of support for Proposition 12 – Veterans Bond Act of 2008.
(City Manager's Office)

Position of support adopted.

(Rules Committee referral 9/24/08)

3.5 Expenditure Approval for Faith Leaders Appreciation Breakfast.

Recommendation: As referred by the Rules and Open Government Committee of October 1, 2008, consider approval of an expenditure in the amount not to exceed \$4,500 from the Mayor's Office budget to hold a Faith Leaders Appreciation Breakfast on October 16, 2008. (City Clerk)

[Rules Committee referral 10/1/08 – Item G(4)]

Approved.

3.6 San José East Evergreen Rotary Club Grant.

Recommendation: As referred by the Rules and Open Government Committee of October 1, 2008, approve a \$5,000 grant agreement from Council District 8 funds to the San José Evergreen Rotary Club, a nonprofit organization. (City Clerk)

[Rules Committee referral 10/1/08 – Item G(5)]

Approved, with notation from Vice Mayor Cortese that HP grant funds may be included as source of funding, in addition to the Council District 8 budget and the District's Constituent Outreach funds. Funds to be drawn from any combination of available funds from the three funding sources.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – September 22, 2008 Councilmember Pyle, Chair

Report accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Memorandum of Understanding with Tesla Motors and Review of Economic and Fiscal Impact.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Memorandum of Understanding between the City of San José and Tesla Motors regarding their intent to bring an electric automobile manufacturing facility to San José including the use of 89 acres of buffer land at the Water Pollution Control Plant located at Zanker Road and Highway 237.

Resolution No. 74620 adopted.

- (b) Accept the following report, Estimate of Economic and Fiscal Impacts to be generated by Tesla Motors by Keyser Marston Associates, Inc., on the Economic and Fiscal Impact of a proposed automobile manufacturing and assembly facility located in San José.

CEQA: Not a Project. Council District 4. (Economic Development)

Report accepted.

4.3 1st Act Small Wonders Year 2 Workplan.

Recommendation: Approval of a Year 2 Workplan for the Redevelopment Agency and City Departments to advance the "small wonders" component of the Downtown Vision promoted by 1st ACT. (Economic Development/Redevelopment Agency)
[Community & Economic Development Committee referral 9/22/09 – Item (b)]

Approved.

4.4 Historic Landmark Nomination and Mills Act Historical Property Contract for the L. D. Bohnett House.

Recommendation:

- (a) Public hearing and adoption of a resolution designating the L. D. Bohnett House located at the easterly side of Plaza Drive, approximately 160 feet southerly of Palm Haven Avenue (940 Plaza Drive) as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature. (City Landmark No. HL08-171)

Public hearing heard.

Resolution No. 74621 adopted.

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Historic Landmark Nomination and Mills Act Historical Property Contract for the L. D. Bohnett House.

- (b) Public hearing on the Historical Property Contract (California Mills Act No. MA08-003) between the City of San José and the owners of L. D. Bohnett House (City Landmark No. HL08-171) on a 0.25 acre site, located at the easterly side of Plaza Drive, approximately 160 feet southerly of Palm Haven Avenue (940 Plaza Drive), (Joan E. Bohnett, Property Owner) and adoption of a resolution approving the contract. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

CEQA: Exempt. Council District 6. (Planning, Building and Code Enforcement)

Public hearing heard.

Resolution No. 74622 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair

No Report.

5.2 Hold Public Hearing Process for a Consolidated Annual Action Plan.

Recommendation: Hold a Consolidated Action Plan public hearing process to be concluded on October 21, 2008 regarding:

- (a) The proposed assumption by Center for Training and Careers of a \$550,000 Community Development Block Grant (CDBG) 15-year conditional loan previously awarded to St. Vincent de Paul as fiscal agent to Kelly Park Community Resource Center; and
- (b) Changes to the Fiscal Year 2008-09 Consolidated Plan to include a CDBG award not-to-exceed \$600,000 to CTC for the acquisition of the multi-service facility located at 749 Story Road.

CEQA: Not a Project. Council District 7. (Housing)

No action required.

5.3 Transfer of Cat or Dog Licenses.

Recommendation: Approve an ordinance amending Section 7.20.520 of Chapter 7.20 of Title 7 of the San José Municipal Code to allow residents who obtained a cat or dog license from another jurisdiction and are annexed into the City to transfer the remainder of the license period. CEQA: Not a Project. (General Services)

Ordinance No. 28419 passed for publication.

6. TRANSPORTATION & AVIATION SERVICES

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

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to the “Cities Keep It Clean” Program.

Recommendation:

- (a) Adopt a “Cities Keep It Clean Resolution” expressing the City’s commitment to work cooperatively with Save the Bay and other program participants in the *Cities Keep It Clean* Program and to strive to implement a majority of the *Cities Keep It Clean* Program Actions to improve water quality in our creeks, rivers, and the San Francisco Bay.

Resolution No. 74623 adopted.

- (b) Direct staff to continue developing strategies to protect the Bay from trash by:
- (1) Requiring local retail stores to dramatically decrease the use of plastic grocery bags, requiring or encouraging reusable bags through ban or fee programs.
 - (2) Requiring local food establishments to dramatically reduce the use of non-biodegradable/non-compostable take out food containers through ban or fee programs.
 - (3) Establishing green waste/composting programs to facilitate proper disposal of bio-plastic alternatives to Styrofoam and plastic bags.
 - (4) Establishing a fee based fund for clean up of litter hot spots.

Approved.

- (c) Reduce Pharmaceutical contamination from the Bay by establishing permanent medicine disposal sites that are easy and convenient for individuals to use to reduce flushing medications into local waterways.

CEQA: Not a Project. (Environmental Services)

(Deferred from 9/23/08 – Item 7.1)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Private Sector Green Building Policy.

Recommendation:

- (a) Adopt a resolution approving a new Council Policy entitled “Private Sector Green Building Policy” for new construction.

Resolution No. 74624 adopted.

- (b) Direct staff to draft an ordinance establishing mandatory green building Standards for private sector development for Council adoption.

CEQA: Exempt. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

[Transportation and Environment Committee 9/8/08 – Item (h)]

(Deferred from 9/23/08 – Item 7.3)

Council Policy #6-32 approved, as amended (delete recommended performance levels in 2012).

7.3 Bay Area Climate Change Compact.

Recommendation: Authorize the Mayor to sign the Bay Area Climate Compact with the Cities of San Francisco and Oakland, the Silicon Valley Leadership Group and Regional Non-Government Organizations, which contains action area goals and aggregate targets for regional reduction of greenhouse gas emissions, as part of San José’s carbon reduction plan. (Mayor)

(Rules Committee referral 9/24/08)

Authorized.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**

- (1) **Adolph Burton expressed concerns over the closing of the Iola Williams’s Senior Center. He was referred to Deputy City Manager Ed Shikada.**
- (2) **Mark Trout expressed religious viewpoints.**

The City Council adjourned the afternoon session at 4:02 p.m. and reconvened for the evening Council Session at 7:01 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located at 1480 Saratoga Avenue from R-1-5 Residence Zoning District to CO Commercial Office Zoning district to allow office uses on a 0.23 gross acre site (Keyhan Koushyar, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C08-041 – District 1
Ordinance No. 28420 passed for publication.
- (b) Consideration of an ordinance rezoning the real property located on the west side of Piedmont Road approximately 220 feet north of Suncrest Avenue (1199 Piedmont Road) from R-1-8 Residential District to A(PD) Planned Development Zoning District to demolish the existing single-family residence and to construct three new single-family detached residences on a 0.37 gross acre site (Linh Van Nguyen). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PDC07-021 – District 4
Ordinance No. 28421 passed for publication.
- (c) Consideration of a street renaming to change Sabal Drive west of Berryessa Road to Sabal Court in order to clarify property locations for post office and emergency services. Council District 4. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. ST08-003 – District 4
Resolution No. 74625 adopted.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning real property located on the east side of Entrada Cedros.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Entrada Cedros approximately 200 feet south of Giuffrida Avenue (5550 Entrada Cedros) from the R-1-2 Residential Zoning District to the A(PD) Planned Development Zoning District to allow eight single-family attached residences on a 0.52 gross acre site (Henning James C and Mark K Trustee, Maxwell Rachel D Trustee & Et Al, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC07-012 – District 10

Ordinance No. 28243 passed for publication.

- **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>
9955	East side of Taft Drive, 200 feet north of Blossom Valley Drive	9	Masoumi Brothers LLC	5 Lots / 5 Units	Single Family Detached	Approve

- **Open Forum**

None.

- **Adjournment**

The Council of the City of San José was adjourned at 7:22 p.m.

8. JOINT REDEVELOPMENT AGENCY/COUNCIL

8.1 City Council and Agency Board approval of a Cooperation Agreement related to real property located at 292 Stockton Avenue and 610 W. Julian Street.

Recommendations:

(a) City Council and Redevelopment Agency Board approval of a Cooperation Agreement between the City and the Redevelopment Agency to convey the property located at 292 Stockton Avenue and 610 West Julian Street from the City to the Agency for a purchase price of \$1,585,000.

Approved.

(b) Adoption of a resolution by the Redevelopment Agency Board approving an adjustment to the FY 2008-09 Adopted Capital Budget adding \$1,000,000 to the Demolition/Acquisition of Westinghouse Warehouse Building project line in the Julian-Stockton Redevelopment Area, and amending the FY 2008-09 Agency appropriations resolution.

CEQA: San Jose Downtown Strategy 2000, Resolution No 72767 and addenda thereto, File No. PP07-277. [JULIAN/STOCKTON]

Redevelopment Agency Resolution No. 5860 adopted.

8.2 Approval of an agreement with Empire California Investment LLC, for improvements to the property located at 499 N. 11th Street.

Recommendation: City Council and Redevelopment Agency Board approval of an agreement with Empire California Investment LLC,, in the amount of \$400,000, for improvements to the property located at 499 North 11th Street for the creation of a Smart Start Center providing 80 childcare spaces to be operated under Smart Start San Jose standards. CEQA: Exempt, File No. CP08-024. [SNI – 13th STREET]

Approved.

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.