



CITY COUNCIL AGENDA

DECEMBER 9, 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 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, Staff Reports and some associated documents 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. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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 Board Meeting, Items 8.1, 8.2 and 7.1 *to be heard first in the afternoon*
- 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
[See Separate Agenda](#) (no earlier than 3:30 p.m.)

- **Invocation (Mayor)**
- **Pledge of Allegiance**
- **Orders of the Day**

- * **ITEMS 8.1, 8.2 AND 7.1 ON THE REDEVELOPMENT AGENCY AGENDA TO BE HEARD FIRST IN THE AFTERNOON**

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

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

- * ADJOURNMENT: This meeting will be adjourned in memory of Judy Fuller, a beloved City employee of over 17 years. (Williams)

- * **ITEM 2.6 RENUMBERED TO ITEM 5.3**

- Orders of the Day (Cont'd.)

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 Joni Edmonds, Realtime Captioner, for her excellent service to the residents, staff and Council of the City of San José whereby providing greater access to information, openness in government and citizen participation in the democratic process. (City Manager's Office/City Clerk)
- 1.2 Presentation of commendation to the Zero Emissions Vehicle Team from San José State University (SJSU) College of Engineering for the design and fabrication of an environmentally sustainable vehicle for urban transportation. (Public Works)

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 23, 2008
- (b) Regular Minutes of September 30, 2008
- (c) Regular Minutes of September 9, 2008
- * [Deferred from 12/2/08 – Item 2.1(a)]
- (d) Special Meeting Minutes of the Joint City Council/County/Redevelopment Agency Board Meeting of September 15, 2008
- * [Deferred from 12/2/08 – Item 2.1(b)]
- (e) Regular Minutes of September 16, 2008
- * [Deferred from 12/2/08 – Item 2.1(c)]

2.2 Final adoption of ordinances.

2.3 [Certification of the Results of the Municipal Election held on November 4, 2008.](#)

Recommendation: Adopt a [resolution](#) declaring the results of the November 4, 2008 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)

2. CONSENT CALENDAR

2.4 [Naming a new park.](#)

Recommendation: As recommended by the Parks and Recreation Commission, name three park sites located on the Hitachi Transit Village site as “RAMAC Park” (10.6-acre community park), “Raleigh Linear Green” (5.37-acre linear park site) and “Charlotte Commons” (one-acre neighborhood park site). (City Clerk)

2.5 [2007 Metropolitan Medical Response System and Community Emergency Response Training Grants.](#)

Recommendation:

- (a) Adopt the following appropriation ordinance and funding sources resolution amendments in the General Fund:
 - (1) Establish a city-wide appropriation to the Office of Emergency Services (OES) for the 2007 Metropolitan Medical Response System (MMRS) grant in the amount of \$258,145;
 - (2) Establish a city-wide appropriation to the Office of Emergency Services (OES) for the 2007 Community Emergency Response Training (CERT) grant in the amount of 52,922; and,
 - (3) Increase the estimate for Revenue from the Federal Government by \$311,067.
- (b) Adopt a [resolution](#) authorizing the City Manager to accept the grants and to execute an [agreement](#) with the County of Santa Clara to accept program funds from the County for the 2007 MMRS and CERT grants in the amounts identified above.

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

2.6 [Fiscal Sponsorship Agreement and Funding for Initiatives Related to Destination: Home.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) A Fiscal Sponsorship Agreement between the City of San José, the County of Santa Clara, and the United Way Silicon Valley (United Way) which designates the United Way as the fiscal sponsor of Destination: Home and sets forth the parameters of this relationship;
- (b) A grant agreement for up to \$200,000 to the United Way to pay for the initial 18 months of salary and related benefits for an Executive Director of Destination: Home;
- (c) A grant agreement for up to \$152,520 to the Emergency Housing Consortium (EHC) - Lifebuilders for staffing, client assistance, and furniture for the One-Stop Homeless Prevention and Service Center to be located at the Boccardo Reception Center, located at 2011 Little Orchard Street, San José; and
- (d) A grant of up to \$291,000 to InnVision the Way Home for staffing and operating costs for the One-Stop Homeless Prevention and Service Center to be located at the Georgia Travis Center, located at 297 Commercial Street, San José.

CEQA: Not a Project. (Housing)

* **RENUMBERED TO ITEM 5.3**

2. CONSENT CALENDAR

2.7 [Funding Commitment to a Predevelopment Loan for the Belovida at Newbury Park Project.](#)

Recommendation: Adopt a [resolution](#) reclassifying \$500,000 of the project's existing funding commitment to a predevelopment loan, to CORE Affordable Housing, LLC, or its designated affiliate, for the 180-unit Belovida at Newbury Park project located northeasterly of the intersection on King Road and Dobbin Drive, to be made available to extremely low-income, very low-income and low-income households. CEQA: Resolution No. 74196, File No. PDC07-015. Council District 3. (Housing)

2.8 [Funding Commitment to a Predevelopment Loan for the Cornerstone at Japantown Project.](#)

Recommendation: Adopt a [resolution](#) reclassifying \$200,000 of the project's existing funding commitment to a predevelopment loan to Cornerstone at Japantown, L.P., or its designated affiliate, to finance predevelopment costs for the 53-unit Cornerstone at Japantown townhomes located at 851 and 899 North 10th Street, to be made available to extremely low-, very low- and low-income households. CEQA: Mitigated Negative Declaration (PDC07-025). Council District 3. SNI: 13th Street. (Housing)

2.9 [CalHome Grant.](#)

Recommendation:

- (a) Adopt a [resolution](#):
 - (1) Authorizing the Director of Housing to accept a \$1,500,000 CalHome Program grant from the California Department of Housing and Community Development. This grant will fund the rehabilitation of homes owned by low-income residents within existing SNI areas (\$1,000,000) and fund Welcome Home, a second mortgage program for low-income, first-time homebuyers (\$500,000).
 - (2) Authorizing the Director of Housing to execute all documents necessary to implement the two programs.
- (b) Adopt the following amendments to the FY 2008-2009 Appropriation Ordinance and Funding Sources Resolution in the Multi-Source Housing Fund (Fund 448):
 - (1) Increase the CalHome (Rehabilitation) Program appropriation by \$1,000,000.
 - (2) Increase the CalHome (Homebuyer) Program appropriation by \$500,000.
 - (3) Increase the estimate for Grant Revenue in the amount of \$1,500,000.CEQA: Not a Project. (Housing/City Manager's Office)

2. CONSENT CALENDAR

2.10 [Grant Application to the Institute of Museum and Library Services.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to execute any grant-related documents that may be necessary to:

- (a) Assist San José State University School of Library and Information Sciences with a grant application to the Institute of Museum and Library Services in an amount not to exceed \$350,000 for a study of the impact of digital booktalks on teen reading;
- (b) In the event the grant is awarded, authorize the City Manager to enter into a Memorandum of Understanding with San José State University for implementation of the study, with City's portion of grant proceeds not to exceed \$150,000.

CEQA: Not a Project. (Library)

2.11 [Park Trust Fund Annual Report.](#)

Recommendation: Accept the report on the status of the reconciliation of the Park Trust Fund for Fiscal Year 2006-2007, ending June 30, 2007 and Fiscal Year 2007-2008, ending June 30, 2008. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

2.12 [Turnkey Agreement with Summerhill Homes to construct recreation and landscape improvements on the Dairy Hill Detention Basin.](#)

[Attachment – Statement of Conflict of Interest Form for Councilmember Nguyen](#)

Recommendation:

- (a) Approve a Turnkey Agreement with Summerhill Homes, LLC to construct recreation and landscape improvements on the Dairy Hill Detention Basin site and to reimburse Summerhill Homes, LLC from the Subdivision Park Trust Fund (Communications Hill Reserve) in an amount not to exceed \$896,283 for recreation and landscape improvements associated with Tentative Map No. PT03-007.

[Contract](#)

- (b) Adopt 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 \$896,283 for Dairy Hill Detention Basin; and
- (2) Decrease the Reserve: Communications Hill by \$896,283.

CEQA: Addendum to Negative Declaration for PDC02-042. Council District 7. (Parks, Recreation and Neighborhood Services/City Manager's Office)

2.13 [2008-2009 Sobriety Checkpoint Mini-Grant Program.](#)

Recommendation:

- (a) Adopt a [resolution](#) authorizing the City Manager to accept the 2008-2009 Sobriety Checkpoint Mini-Grant in an amount not to exceed \$107,247, and authorize the City Manager to execute the Grant [Agreement](#) and all related documents.

(Item continued on the next page)

2. CONSENT CALENDAR

2.13 2008-2009 Sobriety Checkpoint Mini-Grant Program. (Cont'd.)

Recommendation:

(b) Adopt the following amendments to the annual Appropriation Ordinance and the Funding Sources Resolution in the General Fund as follows:

- (1) Establish a City-Wide appropriation to the Police Department for the 2008-2009 Sobriety Checkpoint Mini-Grant in the amount of \$107,247;
- (2) Increase the estimate for Earned Revenue Estimate from the State of California by \$107,247.

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

2.14 Bascom Library and Community Center Project.

Recommendation: Approve an [agreement](#) with the San José Water Company for installation of water facilities to serve the new Bascom Library and Community Center project, in the amount of \$135,682. CEQA: Exempt, PP07-081. Council District 6. SNI Area: Burbank/Del Monte. (Public Works)

2.15 Excused absence for Councilmember Constant.

Recommendation: Request for an excused absence for Councilmember Constant from the Closed Session and City Council Meeting on December 16, 2008 due to authorized city business: Federated City Employees' Retirement Services Educational Training in San Francisco, CA. (Constant)

(Rules in-Lieu referral 11/25/08)

* **DROP**

2.16 Juvenile Accountability Block Grant and the Local Young Offender Planning Grant.

Recommendation: Adopt a [resolution](#) authorizing the City Manager to:

- (a) Submit applications to the Federal Department of Labor for the Local Young Offender Planning Grant and to the California Department of Corrections for the Juvenile Accountability Block Grant up to a total amount of \$700,000 (up to \$400,000 for JABG and \$300,000 for the LYOPG) to support the efforts of the Mayor's Gang Prevention Task Force; and
- (b) Execute a grant agreement accepting the grant and any collateral documents; and
- (c) Execute amendments to the grant agreements to extend or modify the grant period or to accept additional grant funds up to twice the original amount under this grant.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

* (Rules Committee referral 12/3/08)

2. CONSENT CALENDAR

2.17 Appointments to Boards, Commissions and Committees.

Recommendation: As recommended by the Rules and Open Government Committee of December 3, 2008, consider the following appointments and re-appointments:

- (a) Appoint Vincent Edward Cantore and Gloria Jabaut to the Housing and Community Development Commission. (Nguyen)
- (b) Re-appoint Paula Merola (Resident Representative) and appoint Michael Graves (Landlord Representative) to the Mobile Home Advisory Commission. (Nguyen)
- (c) Appoint Mary Egongdu Uzoh to the Small Business Development Commission. (Nguyen)
- (d) Appoint Daniel Ray Newell, Paiman Komeilizadeh, and Christine Wright to the Disability Advisory Commission. (Pyle)
- (e) Appoint Larry Cope to serve on the work2future Board of Directors. (Mayor)

* [Rules Committee referral 12/2/08 – Items F(1) – (5)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Report of the Rules and Open Government Committee – November 12, 2008 Mayor Reed, Chair

- (a) City Council
 - (1) Review November 18, 2008 Final Agenda
 - (2) Review November 25, 2008 Draft Agenda
None – Meeting Cancelled
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Sacramento Update (Verbal Report). (City Manager's Office)
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Approve re-appointment of Joyce Puopolo, Helen Wang and Minh Duong to the Small Business Development Advisory Commission. (Nguyen)
- (g) Rules committee Reviews, Recommendations and Approvals
 - (1) Approve the Auditor's Monthly Report of Activities for October 2008. (City Auditor)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – November 12, 2008 (Cont'd.) Mayor Reed, Chair

- (g) Rules committee Reviews, Recommendations and Approvals (Cont'd.)
 - (2) Accept resignation of Phaedra Ellis-Lampkins and approve appointment of Mary Creasman as her replacement to the Envision San José 2040 Task Force. (Liccardo)
HEARD BY COUNCIL 11/18/08
 - (3) Place on the November 18, 2008 City Council agenda a verbal report and discussion on lessons related to City and Agency officials participation in the Chicago City-to-City Trip Report Out. (Mayor)
HEARD BY COUNCIL 11/18/08
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff's Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (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 – November 19, 2008 Mayor Reed, Chair

- (a) City Council
 - (1) Review November 25, 2008 Final Agenda
None – Meeting Cancelled
 - (2) Review December 2, 2008 Draft Agenda
 - (3) Review Study Sessions
 - (a) Approve December 5, 2008 Study Session Agenda.
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Sacramento Update (Verbal Report). (City Manager's Office)
 - (2) Federal
- (d) Meeting Schedules
 - (1) Approval to set a Special City Council Meeting on January 20, 2009 to interview applicants to City Commissions. (City Clerk)
 - (2) Approval of Revised Council Study Session Schedule for Jan-June 2009. (City Manager's Office)
 - (3) Approval to set a Green Vision Study Session on February 6, 2009. (City Manager's Office)
- (e) The Public Record
(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – November 19, 2008 (Cont'd.) Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committees
 - (1) Recommend appointment of Kaushik Joglekar to the Early Care and Education Commission. (Chirco)
 - (2) Recommend re-appointments of Kulwant Singh and David Parker and approve appointments of Andrae Macapinlac, Matthew Salcido and Donald Young to the Human Rights Commission. (Chu)
 - (3) Recommend re-appointment of Bobby Yount to the remainder of a vacant, unexpired term on the Arts Commission. (Williams)
 - (4) Recommend appointment of Robert Bailey, Hassan Kahn and Dan Wagner to the Advisory Commission on Rents. (Campos)
 - (5) Recommend appointment of Patrick Hall and Bob Gill to the Senior Citizens Commission. (Constant)

HEARD BY COUNCIL 12/2/08

- (g) Rules committee Reviews, Recommendations and Approvals
 - (1) Accept status report on the Streetlight Shutoff Program. (Transportation/Police)
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff's Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (d) Correspondence from the Task Force.
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3.4 Report of the Public Safety, Finance and Strategic Support Committee – November 20, 2008, Councilmember Nguyen, Chair

- (a) Action on Items Recommended for Deferral/Drop:
 - (1) Report on Challenges and Choice Program. (Police)
- (b) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
 - (1) Financial Statements
 - (2) Capital Cost Report
 - (3) Cash Flow Projections
- (c) Citywide Information Security. (Information Technology)
- (d) Community-Based Organization Audit and Administration's Response. (City Auditor)

SEE ITEM 3.5 FOR COUNCIL ACTION TO BE TAKEN

- (e) First Quarter Debt Report. (Finance)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Report of the Public Safety, Finance and Strategic Support Committee – November 20, 2008, Councilmember Nguyen, Chair (Cont'd.)

- (f) First Quarter Investment Report. (Finance)
- (g) Public Safety Quarterly Reports. (Police/Fire)
- (h) First Quarter Report on 2008-2009 Performance Measurements for July-September 2008. (City Manager's Office)
 - (1) Strategic Support
 - (2) Public Safety
- (i) Oral Petitions
- (j) Adjournment

3.5 Community-Based Organization Audit and Administration's Response.

Recommendation: Approve the Community-Based Organization Audit and Administration's Response. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 11/20/08 – Item 3.4(d)]

3.6 Revisions to the City of San José Conflict of Interest Code.

[Supplemental – Memo from the City Clerk and City Attorney](#)

[Supplemental – Memo from the City Clerk](#)

Recommendation: Adopt a [resolution](#) amending the City's Conflict of Interest Code as it relates to the List of Designated City Filers. (City Clerk/City Attorney's Office)

3.7 Agreement with Patton Boggs LLP for Federal Legislative Representation Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Patton Boggs LLP, for legislative representation services in Washington, D.C. for the period of January 1, 2009 through June 30, 2009, and authorizing the City Manager to execute annual options to renew the agreement for up to four successive one year terms subject to appropriation of funds, commencing July 1, 2009, through June 30, 2013, for a total amount not to exceed \$633,000 for the initial term and any optional renewals. The contract amounts for this term are as follows: FY 2008-09: January 1, 2009 - June 30, 2009 for \$69,000; FY 2009-10: July 1, 2009 - June 30, 2010 for \$138,000; FY 2010-11: July 1, 2010 - June 30, 2011 for \$ 138,000; FY 2011-12: July 1, 2011 - June 30, 2012 for \$144,000; FY 2012-13: July 1, 2012 - June 30, 2013 for \$144,000. CEQA: Not a Project. (City Manager's Office)

3.8 Annual Development In-Lieu Fee Report.

[Attachment – In-Lieu Fees](#)

Recommendation: Accept the 2007 – 2008 Annual Report regarding in-lieu fees collected by the City from developers in-lieu of construction of public improvements.

CEQA: Not a Project. (Public Works)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – [November 24, 2008](#) Councilmember Pyle, Chair

- (a) Review of Committee Workplan
- (b) Discussion and Recommendation of Proposed Citywide Inclusionary Housing Ordinance. (Housing)
SEE ITEM 5.2 FOR COUNCIL ACTION TO BE TAKEN
- (c) Oral Petitions
- (d) Adjournment

4.2 [Ford & Monterey Affordable Housing Development.](#)

Recommendation: Adopt a [resolution](#):

- (a) Approving the selection of Eden Housing Inc., or its designated affiliate, as the developer of the Ford & Monterey affordable housing development.
- (b) Authorizing the Director of Housing to negotiate and execute an Exclusive Negotiations Agreement and to negotiate and execute an Option Agreement for the purchase of the Ford & Monterey affordable housing project.

CEQA: Exempt. Council District 2. (Housing)

4.3 [Funding Commitment for the 90 Archer Street Apartments Project Located at 90 Archer Street.](#)

Recommendation: Adopt a [resolution](#) approving a funding commitment of up to \$4,580,000 of 20% Housing Funds to Charities Housing Development Corporation, or its designated affiliate, for a land acquisition/construction/permanent loan for the development of the 42-unit 90 Archer Street Apartments project that is located at 90 Archer Street, to be made available to extremely low-income and very low-income households. CEQA: Resolution No. 72768 and Addendum thereto, File No. PDC06-085. Council District 3. (Housing)

4.4 [Cisco Alviso Development Agreement #2 for the area generally bounded by Highway 237, N. First Street, Grand Boulevard and Disk Drive.](#)

[Attachment – Memo from the Planning Commission](#)

Recommendation: Consideration of an [ordinance](#) approving a second Development Agreement Amendment to the Cisco Alviso Development [Agreement](#) with Cisco Technology, Inc. for certain real property located in an area generally bounded by Highway 237, N. First Street, Grand Boulevard, and Disk Drive to amend Ordinance No. 26136, adopted on June 20, 2000, and amended by Ordinance No. 28339 in June 2008, to allow the acceptance of employee growth of Cisco Technology, Inc. within City to fulfill a certain occupancy requirement set forth in Subsequent Condition 1.(C)(1) in the original Development Agreement, as amended, and to authorize the City Clerk to execute the Second Amendment to Development Agreement (Cisco Technologies, Owner/Applicant). CEQA: EIR Resolution No. 69636. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).

(Planning, Building and Code Enforcement)

[DA08-003](#) – District 4

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 [Appeal of the San José Medical Center FEIR certification.](#)

Recommendation: Adopt a [resolution](#) to certify:

- (a) The City Council has read and considered the Final EIR;
- (b) The Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- (c) The Final EIR reflects the independent judgment and analysis of the City of San José; and
- (d) The Director of Planning, Building and Code Enforcement shall transmit copies of the Final EIR to the Applicant and to any other decision-making body of the City of San José for the project.

CEQA: Resolution to be adopted. Council District 3. SNI: 13th Street NAC. (Planning, Building and Code Enforcement)

* **RECOMMEND DEFERRAL TO 1/13/09 PER DISTRICT 3**

4.6 [Report on Agreement for Envision San José 2040 Environmental Consultant Services.](#)

Recommendation: Approve a consultant [agreement](#) with David J. Powers and Associates, Inc. for environmental consultant services for the Envision San José 2040 General Plan Update for a term through June 30, 2011 in an amount not-to-exceed \$1,683,201, including authorization for the Director of Planning, Building and Code Enforcement to execute amendments to the agreement to:

- (a) Add and delete environmental consultant services as required within the \$1,683,201 maximum compensation;
- (b) Authorize the expenditure of up to \$115,000 for additional global climate change analysis as required within the \$1,683,201 maximum compensation; and
- (c) Extend the term of the agreement for one 6 month period.

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

4.7 [Rezoning real property located on the westerly corner between Charcot Avenue and Junction Avenue.](#)

[Attachment – PDC 521 Charcot Avenue](#)

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

Recommendation: Consideration of [an ordinance](#) rezoning the real property located on the westerly corner between Charcot Avenue and Junction Avenue from LI(PD) Planned Development Zoning District to LI(PD) Planned Development Zoning District to allow 118,5000 square feet of light industrial uses on a 6.67 gross acre site (521 Charcot Avenue) (Club Auto Sport-Silicon Valley, LLC, Owner). CEQA: North San José EIR Resolution No. 72768 and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

[PDC08-030](#) – District 4

* (Continued from 11/18/08 – Item 11.6 and 12/2/08 – Item 11.3)

5. NEIGHBORHOOD SERVICES

5.1 **Report of the Neighborhood Services and Education Committee – [November 25, 2008](#)** **Councilmember Chirco, Chair**

- (a) Discussion and Recommendation of Proposed Citywide Inclusionary Housing Ordinance. (Housing)

SEE ITEM 5.2 FOR COUNCIL ACTION TO BE TAKEN

- (b) Oral Petitions
- (c) Adjournment

5.2 **[Policy Direction to Staff for Drafting Proposed Citywide Inclusionary Housing Ordinance.](#)**

[Attachment – Memo from the Mayor](#)

[Attachment – Memo from the Vice Mayor and Councilmembers Chu and Pyle](#)

[Supplemental – Memo from the City Manager and City Attorney](#)

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

Recommendation:

- (a) Review the staff memo to Council, including staff recommendations of parameters for drafting a City-wide inclusionary housing ordinance, alternatives that are not recommended by staff, the recommendations of various City committees and commissions, and discussion of any proposed ordinance.
- (b) Direct staff to prepare a draft City-wide inclusionary housing ordinance consistent with the staff recommendation and any other direction from Council, and to return to Council with the draft ordinance.

CEQA: Resolution No. 65459 and Addendum thereto, PP08-258. (Housing)

[Community and Economic Development Committee referral 11/24/08 – Item (b)]

[Neighborhood Services and Education Committee referral 11/25/08 – Item (a)]

* **TO BE HEARD NO EARLIER THAN 4:00 P.M.**

5.3 **[Fiscal Sponsorship Agreement and Funding for Initiatives Related to Destination: Home.](#)**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) A Fiscal Sponsorship Agreement between the City of San José, the County of Santa Clara, and the United Way Silicon Valley (United Way) which designates the United Way as the fiscal sponsor of Destination: Home and sets forth the parameters of this relationship;
- (b) A grant agreement for up to \$200,000 to the United Way to pay for the initial 18 months of salary and related benefits for an Executive Director of Destination: Home;
- (c) A grant agreement for up to \$152,520 to the Emergency Housing Consortium (EHC) - Lifebuilders for staffing, client assistance, and furniture for the One-Stop Homeless Prevention and Service Center to be located at the Boccardo Reception Center, located at 2011 Little Orchard Street, San José; and
- (d) A grant of up to \$291,000 to InnVision the Way Home for staffing and operating costs for the One-Stop Homeless Prevention and Service Center to be located at the Georgia Travis Center, located at 297 Commercial Street, San José.

CEQA: Not a Project. (Housing)

* **RENUMBERED FROM ITEM 2.6**

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 [Agreement with URS Corporation for design and construction of Baggage Handling and Security Screening Systems.](#)

Recommendation: Approve the second amendment to the [agreement](#) with URS Corporation for professional services for design and construction administration of the Baggage Handling and Security Screening Systems at the Norman Y. Mineta San José International Airport, to extend the term of the agreement from December 31, 2008 to December 31, 2010, with no change to the total compensation amount of \$2,704,118. CEQA: Resolution Nos. 67380 and 71451, PP08-0252. (Airport/Public Works)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

* *See Items 8.1 “Public Hearing and City Council and Redevelopment Agency Board approval of the Mayor’s Redevelopment Budget Message”, 8.2 “Approval of the Agency’s FY 2008-09 Amended Capital Budget and 2009-2013 CIP”, and 8.3 “Acceptance of the San José McEnery Convention Center expansion schematic design” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

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

9.1 [North San Jose Area Development Policy.](#)

Recommendation: Council discussion on a development policy that allows projects to move forward on an “as ready” basis for North San José Area. (Planning, Building and Code Enforcement).

* **RECOMMEND DEFERRAL TO 12/16/08 PER ADMINISTRATION**

- 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.)**
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.
- **Continue RDA Board Meeting (immediately following Open Forum)**
- **Adjournment**
* This meeting will be adjourned in memory of Judy Fuller, a beloved City employee of over 17 years. (Williams)

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda.
 - 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.