



CITY COUNCIL AGENDA

JANUARY 13, 2009

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
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 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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
3:30 p.m. - Hear Open Forum (no earlier than 3:30 p.m.)

- **Invocation (District 1)**
Fr. John Asimacopoulos from St. Nicholas Greek Orthodox Church

- **Pledge of Allegiance**

- **Orders of the Day**

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

**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 Gene Simpson and Gordon Silva, two San José police officers killed in the line of duty 20 years ago just outside the new City Hall location. (Constant)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- * **REDEVELOPMENT AGENCY BOARD AGENDA TO BE HEARD IMMEDIATELY FOLLOWING SECTION 1: CEREMONIAL ITEMS.**

- * **SEE NEW ITEM 1.3: “OATHS OF OFFICE . . .”**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Renaissance Academy for being selected as a 2008 Golden Bell Award recipient. (Campos)
- 1.2 Presentation of a proclamation declaring the week of January 19th through January 25th as “American Association of University Women’s Week” in the City of San José honoring their 100th Anniversary. (Mayor)
 - * (Rules Committee referral 01/07/09)
- 1.3 Oaths of Office for newly elected Councilmembers. (City Clerk)
 - * (Orders of the Day)

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.**
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28472 – Amending Sections 13.28.010, 13.28.240, 13.28.250 and 13.28.260 of Chapter 13.28 of Title 13 of the San José Municipal Code and adding a new Section 13.28.245 to enable the City to invoice a property owner for emergency tree services performed on behalf of the adjacent property owner.
- (b) ORD. NO. 28473 – Amending Title 14 of the San José Municipal Code to add a new Chapter 14.32 in order to adopt a Traffic Impact Fee on new office, commercial, and residential development within the Evergreen-East Hills Development Policy Area.
- (c) ORD. NO. 28475 – Rezoning certain real property situated on the northeast corner of North 1st Street and East Hedding Street (900 N. 1st Street) to A(PD) Planned Development Zoning District. PDC08-040
- (d) ORD. NO. 28476 – Rezoning certain real property situated at the south side of East San Antonio Street, approximately 950 feet east of South 24th Street (1338 East San Antonio Street) to A(PD) Planned Development Zoning District. PDC08-038

2. CONSENT CALENDAR

2.3 Settlement Agreement with East Side Union High School District.

Recommendation: Adopt a resolution authorizing the City Attorney to execute the Settlement [Agreement](#) and Release that provides for payment to East Side Union High School District of \$251,333.45 for gas and electric utilities for Educational Park Branch Library located on Independence High premises on Educational Park Drive, considered by the City Council during the Closed Session held on December 9, 2008. CEQA: Not a Project. (City Attorney's Office)

2.4 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 September 30, 2008. (City Auditor)

2.5 Settlement Agreements with Bay Area Air Quality Management District.

Supplemental: Memo from the Budget Director

Recommendation:

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute two Settlement Agreements with Bay Area Air Quality Management District (BAAQMD) that provide for the payment to BAAQMD of an amount not to exceed \$7,000 per Agreement for settlement of air quality violations at the Trimble and Nortech Municipal Water System pump stations.
- (b) Adopt the following Appropriation Ordinance amendments in the Water Utility Capital Fund 500:
 - (1) Establish an Appropriation: Nortech & Trimble Pump Station Retrofit Project, in the amount of \$275,000.
 - (2) Decrease the Reserve for System Rehabilitation/Replacement by \$275,000.
- (c) Adopt the following Appropriation Ordinance amendments in the Major Facilities Fund 502:
 - (1) Establish an Appropriation: Nortech & Trimble Pump Station Retrofit Project, in the amount of \$275,000.
 - (2) Decrease the Ending Fund Balance by \$275,000.

CEQA: Exempt, File PP08-276 and PP08-277. Council District 4. (Environmental Services/City Manager's Office)

2.6 Public Hearing for Cost of Sidewalk Repairs.

Recommendation: Adopt a [resolution](#) setting a public hearing for February 10, 2009 at 1:30 p.m. for the approval of the report of the Director of Finance on the cost of sidewalk repairs. CEQA: Not a Project. (Finance)

2. CONSENT CALENDAR

2.7 Total Health and Disease Management agreement with MedExpert International.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Total Health and Disease Management service agreement with MedExpert International for the period of February 1, 2009 through June 30, 2010, for a total amount not to exceed \$378,245, with two one-year extensions subject to the appropriation of funds, and in an amount not to exceed \$272,195 per year. CEQA: Not a Project. (Human Resources)

* **RECOMMEND DROP PER ADMINISTRATION**

2.8 Weed and Seed Grant Authorization.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
- (1) Increase the estimate for Revenue from the Federal Government by \$150,000.
 - (2) Increase the Weed and Seed – East San José appropriation to the Police Department in City-Wide Public Safety in the amount of \$75,674.
 - (3) Increase the Weed and Seed – East San José appropriation to the City Manager’s Office in City-Wide Neighborhood Services in the amount of \$74,326.
- (b) Adopt a [resolution](#) authorizing the City Manager to: apply to the United States Department of Justice for fifth year Weed and Seed Program funding for the East San José neighborhood in an amount not to exceed \$200,000 for the period of January 1, 2010 through December 31, 2010, to accept the grant awarded, and to execute all related documents.

CEQA: Not a Project. Council Districts 5 and 8. SNI: Valley/ 680 Communities and K.O.N.A. (Police/City Manager’s Office)

2.9 Fiscal Actions for Redevelopment Agency Capital 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 \$69,170.
 - (2) Increase the appropriation to the Department of Planning, Building and Code Enforcement for the California Environmental Quality Act (CEQA) Clearance (PSM 365 Amendment #4) in the amount of \$5,000.
 - (3) Establish an appropriation to the Department of Public Works for the South Hall Parking Lot Improvements Project (PSM 554) in the amount of \$14,000.

(Item continued on the next page)

2. CONSENT CALENDAR

2.9 Fiscal Actions for Redevelopment Agency Capital Projects. (Cont'd.)

Recommendation:

- (a) (4) Establish an appropriation to the Department of Transportation for the Japantown Streetscape Improvements Project (PSM 556) in the amount of \$15,170.
- (5) Establish an appropriation to the Department of Public Works for the 4th Street Trees Installation Project (PSM 557) in the amount of \$35,000.
- (b) Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
 - (1) The South Hall Parking Lot Improvements Project as more specifically described in the memorandum from the Redevelopment Agency, dated October 2, 2008, attached hereto, and ([Resolution](#))
 - (2) The 4th Street Trees Installation Project as more specifically described in the memorandum from the Redevelopment Agency, dated October 23, 2008, attached hereto. ([Resolution](#))

CEQA: South Hall Parking Lot Improvements Project: Exempt, File No. PP08-167; Japantown Streetscape Improvements: Exempt, File No. PP07-236 and PP07-171; and 4th Street Trees installation Project: Exempt, File No. PP06-105. (Public Works/Transportation/Planning, Building and Code Enforcement/City Manager's Office)

2.10 [Excused absence for Councilmember Campos.](#)

Recommendation: Request for an excused absence for Councilmember Campos from the Regular Meeting of the Community and Economic Development Committee on December 22, 2008 due to an unanticipated scheduling conflict. (Campos)
(Rules in-Lieu referral 12/17/08)

2.11 [City Manager's Travel to Phoenix, Arizona.](#)

Recommendation: Approve the City's Manager's travel to Phoenix, Arizona on January 22 and 23, 2009 for the 2009 Large Cities Executive Forum. Source of Funds: CMO Budget. (City Manager's Office)

* (Rules Committee referral 01/07/09)

3. STRATEGIC SUPPORT SERVICES

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

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – December 10, 2008

Mayor Reed, Chair

- (a) City Council
 - (1) Review December 16 2008 Final Agenda
 - (a) Add New Items to Final Agenda
 - (1) City Council and Redevelopment Agency Committee Appointments. (Mayor)
 - (2) Appointment of Councilmember-Elect Rose Herrera. (Mayor)
 - (2) Review December 23, 2008 Draft 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) Amended Schedule for Review of Remaining Sunshine Reform Task Force Phase II Recommendations. (City Manager's Office)
 - (2) 2009-2010 City Budget Calendar and Budget Study Session Schedule. (City Manager's Office)
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
 - (1) Approve work2future Board Nomination. (Mayor)
HEARD BY COUNCIL 12/16/08
 - (g) Rules committee Reviews, Recommendations and Approvals
 - (1) Retirement Board Interviews and Application Questionnaire. (City Attorney's Office)
 - (a) Supplemental Memo from Mayor Reed.
 - (b) Supplemental Memo from Councilmember Constant.
 - (2) 2009 Legislative Guiding Principles, Priorities and Advocacy Issues. (City Manager's Office)
HEARD BY COUNCIL 12/16/08
 - (3) Police and Fire Retirees Request for Enhanced Benefit. (City Manager's Office)
 - (4) Monthly Report of Activities for November 2008. (City Auditor)
 - (5) Request by Mayor to add to the January 13, 2009 City Council Agenda a Discussion regarding Retirement Fund Investment Losses. (Mayor)
SEE ITEM 3.6 FOR COUNCIL ACTION TO BE TAKEN
 - (h) Review of additions to Council Committee Agendas
 - (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
 - (a) SRTF Phase II Report and Recommendations

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(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – December 10, 2008 (Cont'd.) Mayor Reed, Chair

- (i) (2) (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.
- (e) Other correspondence.
- (3) Significant Public Records Act Requests
- (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3.3 Report of the Public Safety, Finance and Strategic Support Committee – December 18, 2008

Councilmember Nguyen, Chair

- (a) Action on Items Recommended for Deferral/Drop
- (b) Report on Public Intoxication Advisory Group Effort and Composition. (City Manager's Office/Police)
- (c) Report on Community Policing Centers. (City Manager's Office/Police)
- (d) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
 - (1) Financial Statements
 - (2) Capital Cost Report
 - (3) Cash Flow Projections
- (e) Report on Department Business Technologies. (Information Technology)
- (f) September/October Bi-Monthly Financial Report. (Budget)
- (g) First Quarter Revenue Collection Strategic Plan Report 2008-2009. (Finance)
- * **SEE ITEM 3.7 FOR COUNCIL ACTION TO BE TAKEN**
- (h) External Auditor's Reports: Single Audit Report for the Year Ended June 30, 2008 and Reports to the Public Safety, Finance and Strategic Support Committee, Fiscal Year Ended June 30, 2008. (Finance)
- (i) Oral Petition
- (j) Adjournment

3.4 Retirement Fund Investment Losses.

Recommendation: Accept report on staff's response to questions raised by the Rules and Open Government Committee on December 10, 2008 related to the financial status of the retirement plans. CEQA: Not a Project. (Retirement Services)
[Rules Committee referral 12/10/08 – Item G(5)]

3.5 Annual Summary of Upcoming Labor Negotiations.

Recommendation: Accept staff report on Annual Summary of Upcoming Labor Negotiations. CEQA: Not a Project. (Employee Relations)

3. STRATEGIC SUPPORT SERVICES

3.6 [Follow-up Discussion on the General Fund Structural Deficit Elimination Plan.](#)

[Attachment – Memo from Councilmembers Campos, Pyle, Herrera and Kalra](#)

* **Recommendation:**

- (a) Accept staff's draft Analytical Framework for Service Reductions and Eliminations.
- (b) Accept staff's presentation on the City's Outsourcing Policies.
CEQA: Not a Project. (City Manager's Office)

3.7 [2008-09 Q1 Revenue Collections Strategic Plan Report.](#)

Recommendation:

- (a) Accept the Finance Department's first quarter report of Fiscal Year 2008-2009 Revenue Collection efforts.
- (b) Adopt a [resolution](#) authorizing the Director of Finance to write off uncollectible accounts in an amount totaling \$1,848,382.09.

(Finance)

* [Public Safety, Finance and Strategic Support Committee referral 12/18/08 – Item 3.3(g)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Report of the Community & Economic Development Committee – [December 22, 2008](#) Councilmember Pyle, Chair**

- (a) Review of Committee Workplan
- (b) Evergreen Development Policy Update. (Planning, Building and Code Enforcement)
- (c) Draft SCV Habitat Plan. (Planning, Building and Code Enforcement)
- (d) Fire Prevention Business Plan. (Fire)
- (e) Fire Department Administrative Fine Schedule. (Fire)
- (f) Mexican Heritage Plaza Progress Report (City Manager's Office/General Services/Economic Development)

* **TO BE HEARD BY COUNCIL 1/27/09**

- (g) Performance Measure Reporting. (Economic Development/Housing/Planning, Building and Code Enforcement/Public Works)
- (h) Placement of Memorial Sculpture on City Property. (OCA)
- (i) Report on Measurable Improvements in the Development Permit Process. (Planning, Building and Code Enforcement)
- (j) Update on Citywide Signage Policy and Retail Area Identification Banners. (City Manager's Office)
- (k) Oral Petitions
- (l) Adjournment

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

[Attachment – Memo from Mayor Reed and Councilmember Liccardo](#)

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)

(Deferred from 12/9/09 – Item 4.5)

* **TO BE HEARD NO EARLIER THAN 4:00 P.M. PER DISTRICT 3**

4.3 [Convention Center Expansion Plan of Finance and Cost Benefit Analysis Information.](#)

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

Recommendation:

- (a) Accept status report on a plan of finance and cost benefit analysis for the Proposed Convention Center Expansion; and
- (b) Direct staff to revise the proposed Convention Center Financing District accordingly; and
- (c) [Adopt a resolution taking certain actions with regard to the Convention Center Facilities District No. 2008-1](#), including, repealing prior resolutions 74604, 74605 and 74669, canceling the Public Hearing, and approving the existing boundary map and ratifying its recordation. [Resolution](#)
(Continued from 11/18/08 – Item 3.7)

CEQA: Not a Project. (Economic Development)

5. NEIGHBORHOOD SERVICES

5.1 **Report of the Neighborhood Services and Education Committee – December 11, 2008** **Councilmember Chirco, Chair**

- (a) Library Parcel Tax Oversight Committee 2007-08 Annual Report. (Library)
- (b) Animal Care and Services Semi-Annual Update. (General Services)
- (c) Report on the Tree Removal Permit Ordinance. (Planning, Building and Code Enforcement)
- (d) Youth Commission Update. (Parks, Recreation and Neighborhood Services)
- (e) Report on Recreation E-Commerce System (RECS). (Parks, Recreation and Neighborhood Services)

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – December 11, 2008 Councilmember Chirco, Chair (Cont'd.)

- (f) Review of Quarterly Performance Measure Reporting. (Neighborhood Services CSA)
- (g) Strong Neighborhoods Monthly Update. (City Manager's Office)
 - (1) Status of the Renewing the Action Agenda
 - (2) Neighborhoods Development Center Update
- (h) Schools/City Collaborative Monthly Update. (City Manager's Office)
 - (1) Reports from School Safety, Joint Use, and Teacher Recruitment/Retention Sub-committees.
- (i) Oral Petitions
- (j) Adjournment

5.2 [Contract for the Kirk Senior and Community Center Expansion and Renovation Project.](#)

Recommendation: Report on bids and award of contract for the Kirk Senior and Community Center Expansion and Renovation Project to the low bidder, CRW Industries, Inc., to include the base bid and Add Alternate Nos. 1 and 2, in the amount of \$1,341,429, and approval of a contingency in the amount of \$202,000. CEQA: Exempt, PP08-125. Council District 9. (Public Works/Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

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

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Sewer Revenue Refunding Bonds.

[Supplemental – Memo from the Directors of Finance and Environmental Services](#)
[Supplemental – Memo from the Directors of Finance, ESD and Budget Office](#)
[Supplemental – Memo from the Water Pollution Control Plant](#)

Recommendation:

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Recommendation:

- (a) Adopt the following 2008-2009 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund (512):
 - (1) Increase the appropriation for Transfer to the Clean Water Financing Authority for Series 2005A/B Bond by \$3,700,000;
 - (2) Establish an appropriation for 2005A Bonds Reserve Fund in the amount of \$5,402,000;
 - (3) Establish an appropriation for 2009A Bonds Reserve Fund in the amount of \$1,700,000; and
 - (4) Decrease the Ending Fund Balance by \$10,802,000.
- (b) Adopt a [resolution](#) to:
 - (1) Authorize the Governing Board of the San José-Santa Clara Clean Water Financing Authority (“Authority”) to issue its Sewer Revenue Refunding Bonds, Series 2009A (“2009A Bonds”) in an aggregate principal amount not to exceed \$35,000,000, in connection with the refinancing of certain public capital improvements to the San José-Santa Clara Water Pollution Control Plant, to be sold through negotiated sale, and authorizing the execution of certain financing documents and other actions as necessary in connection with the issuance of the 2009A Bonds; [Agreement Certificate](#) and
 - (2) Authorize the City Manager to negotiate and execute amendments to the Master Agreements with Treatment Plant tributary agencies for the payment of their respective debt service obligations related to the Treatment Plant.

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

8. PUBLIC SAFETY SERVICES

8.1 [Award of contract for the Fire Station No. 2 – Rebuild Project.](#)

[Attachment – Memo from Councilmember Campos](#)

Recommendation:

- (a) Report on bids and award of contract for the Fire Station No. 2 Rebuild Project to the low bidder, Santa Clara Valley Corporation dba Swenson Development and Construction, to include the base bid, the revocable item and Add Alternates No. 1 and No. 3, in the amount of \$5,193,253, and approval of a contingency in the amount of \$625,000.
 - (b) Approve the schedule reset to extend the projected Beneficial Use Date of Fire Station No. 2 to September 1, 2010 from November 2009.
 - (c) Adopt the following 2008-2009 Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):
 - (1) Increase the Contingency Reserve by \$590,000;
 - (2) Decrease the Fire Station No. 2 – Rebuild appropriation by \$590,000.
 - (d) Adopt the following 2008-2009 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax: Fire Protection Services Fund (Fund 392):
 - (1) Increase the Ending Fund Balance by \$124,000;
 - (2) Decrease the Fire Station No. 2 - Rebuild appropriation by \$124,000.
- CEQA: Exempt, PP05-220. (Public Works/Fire/City Manager's Office)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- * See Item 8.1 “Setting a public hearing on March 24, 2009, at 1:30 p.m. to consider a proposed Plan Amendment to increase the limit (Cap) on the amount of tax increment the Agency may receive” 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 Guidelines for Capital Improvement Projects with Annual Operating and Maintenance (O&M) Costs in the General Fund.

Recommendation: Accept staff’s proposal to implement Budget Principle #8 pertaining to Capital Improvement Projects with annual operating and maintenance costs affecting the General Fund. CEQA: Not a Project. (City Manager’s Office)
(Deferred from 12/16/08 – Item 9.1)

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

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10024	South side of Montecito Vista Dr between Goble Way and Montecito Vista Way	7	ROEM-Development Corporation	2 Lots / 242 Units	Multi-Family Attached

- Notice of City Engineer’s Award of Construction Projects

- * In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in November and December 2008:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
SNI BRBK07b: Traffic Signal Installation at Kingman Ave & Leigh Ave <i>(Item continued on the next page)</i>	6	Pacific Electric Company	\$193,018	10/2/08

- **Notice of City Engineer’s Award of Construction Projects (Cont’d.)**

AWARD: (Cont’d.)

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Traffic Signal Modification at Leigh Ave & Stokes St	6	Tennyson Electric, Inc.	\$394,962.50	10/2/08
San José Parking Guidance System	3	Tennyson Electric, Inc.	\$237,650	10/2/08
Norman Y. Mineta San José International Airport General Engineering Contract 08-09 BRAVO	Citywide	O’Grady Paving, Inc.	\$450,000	10/15/08
Third Street Garage Staircase Replacement Project	3	Elan Construction	\$338,800	10/28/08
Tadco Supply Sewer Realignment Project	3	Stoloski & Gonzalez, Inc.	\$109,533	11/3/08
Traffic Light Synchronization Program: Communication Hubs	Citywide	Vellutini Corporation dba Royal Electric Company	\$224,775	11/3/08
Sanitary Structures C and D Access Hatch Cover Plate Repair	4	Anderson Pacific Engineering Construction, Inc.	\$316,042	11/14/08
Emergency Communications Dispatch Center Control Room and Service Center Upgrade Project	Citywide	Kent Construction	\$386,415	11/24/08
Calabazas Community Garden Reconstruction	1	Joseph J Albanese, Inc.	\$151,700	12/2/08

- **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.

- **Adjournment**

* This meeting will be adjourned in memory of Gene Simpson and Gordon Silva, two San José police officers killed in the line of duty 20 years ago just outside the new City Hall location. (Constant)

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.
 - 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.