



# CITY COUNCIL AGENDA

**APRIL 14, 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, VICE MAYOR  
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](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. 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](mailto: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
  - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.) [See Separate Agenda](#)

- **Invocation (District 4)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Wolfe Engineering for their leadership and manufacturing solutions within the solar and cryogenics industries. (Economic Development/Chu)

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to the American Legion Auxiliary in recognition of the Auxiliary's 90 years of services to the community. (Mayor)
- 1.3 Presentation of a proclamation declaring the week of April 12 – 18, 2009 as “National Public Safety Dispatchers Week” in the City of San José. (Mayor)
- 1.4 Presentation of a proclamation declaring the month of April 2009 as “National Volunteer Month” in the City of San José. (Chirco)  
(Rules Committee referral 4/1/09)
- 1.5 Presentation of a commendation to AT&T Foundation for their generous donation to the San José Public Library Foundation “Branching Out: From Dream to Reality” Campaign. (Oliverio)  
(Rules Committee referral 4/1/09)

# 2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**
- 2.3 **Legal Services Agreement relating to labor relations and negotiations.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute a fourth amendment to the January 18, 2005 agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations and negotiations, modifying the scope of services to provide additional legal services and advice in connection with a successor Memorandum of Agreement with the International Association of Firefighters, Local 230, increasing compensation by \$225,000 for a total amount not to exceed \$950,000, and extending the term through June 30, 2010.
- (b) Adopt the following 2008-2009 Appropriation Ordinance amendments in the General Fund:
  - (1) Decrease the Contingency Reserve by \$225,000; and
  - (2) Increase the City Manager's Non-Personal/Equipment by \$225,000.

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

- \* **RECOMMEND DEFERRAL TO 4/21/09 PER CITY ATTORNEY'S OFFICE**

## 2. CONSENT CALENDAR

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### 2.4 Emergency Services Grant.

**Recommendation:** Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Establish a city-wide appropriation to the Office of Emergency Services for the 2008 Emergency Management Performance Grant in the amount of \$92,142.
- (b) Increase the estimate for Revenue from the Federal Government by a total of \$92,142.

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

### 2.5 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 \$104,600.
  - (2) Establish the appropriation to the Department of Public Works for the Charcot/Orchard Median Island Pavement project (PSM 568) in the amount of \$29,600.
  - (3) Establish the appropriation to the Department of Public Works for the Parque de Los Pobladores Improvements project (PSM 574) in the amount of \$75,000.
- (b) Adopt a [resolution](#) making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Charcot/Orchard Median Island Pavement Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 3, 2009.

CEQA: Charcot/Orchard Median Island Pavement project: Exempt, File No. PP09-042; Parque de Los Pobladores Improvements project: Not a Project. Council Districts 3 and 4. SNI: Rincon. (Public Works/City Manager's Office)

### 2.6 Excused absence for Councilmember Campos.

- \* **Recommendation:** Request for an excused absence for Councilmember Campos from the Closed Session, Afternoon Session and Evening Session of the City Council on May 19, 2009 due Authorized City Business: Washington D.C. Meetings with President's Administration Adolfo Carrion, Director of Urban Policy to President Obama. (Campos) (Rules Committee referral 4/1/09)

### 2.7 Excused absence for Councilmember Constant.

**Recommendation:** Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on March 25, 2009 due to a Family Emergency. (Constant) (Rules Committee referral 4/1/09)

## 2. CONSENT CALENDAR

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### 2.8 [Excused absence for Mayor Reed.](#)

**Recommendation:** Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on April 1, 2009 due to Authorized City Business: Travel to Sacramento, California as part of Sacramento Advocacy Legislative Visits. (Mayor)  
(Rules Committee referral 4/1/09)

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Report of the Rules and Open Government Committee – [March 18, 2009](#) Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
  - (1) Review March 24, 2009 Final Agenda
    - (a) Add New Items to Final Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
  - (2) Review March 31, 2009 Draft Agenda  
NONE – MEETING CANCELLED
- (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (5) Review of Upcoming Study Session Agenda(s)
- (6) Legislative Update
  - (1) State
  - (2) Federal
- (7) Meeting Schedules
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
- (10) Rules Committee Reviews, Recommendations and Approvals
  - (1) Proposed Change to SJMC Title 20 (the Zoning Code) to modify the hearing process for certain rezoning and code amendment proposals. (Planning Commission)
  - (2) Release of Inclusionary Housing Ordinance. (Housing)
  - (3) Request to Represent the City of San José. (Pyle)
  - (4) Expenditure Approval for the Blue and Gold Wounded in Service Award Banquet. (Constant)
- (11) Review of Additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – March 18, 2009 (Cont'd.)

Mayor Reed, Chair

- (12) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force (SRTF)
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair – *No Report.*

#### 3.4 Updated City of San José Budget Projections.

[Attachment – Memo from Councilmembers Nguyen and Kalra](#)

[Attachment – General Fund Budget Update Presentation](#)

**Recommendation:** As referred by the Rules and Open Government Committee on April 8, 2009 discuss the updated City of San José Budget Projections for the two years ahead and their impact on budget options going forward. (Mayor)

\* (Rules Committee referral 4/8/09)

[Presentation](#)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report.*

#### 4.2 [Downtown Street Vendor Ordinance.](#)

**Recommendation:**

- (a) Approve an [ordinance](#):
  - (1) Repealing Chapter 6.30 of Title 6 of the San José Municipal Code, the Flower Vendor Ordinance;
  - (2) Amending Chapter 6.54 of Title 6 of the San José Municipal Code, the Peddler Permit Ordinance, to: include regulation of flower street vendors; extend the hours during which approved location peddlers can peddle; authorize the City Manager to make and promulgate time, place and manner regulations reasonably necessary to promote economic growth and create a more vibrant Downtown; and update definitions in the Chapter 6.54 to ensure consistency of terms within Title 6 of the San José Municipal Code.

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 Downtown Street Vendor Ordinance. (Cont'd.)

**Recommendation:**

- (b) Approve an [ordinance](#) amending Chapter 6.55 of Title 6 of the San José Municipal Code, the Downtown Special Events Ordinance, to: reduce the area within which approved location peddler permits may be suspended during a designated Downtown Special Event by limiting the suspension area to the Special Event Boundary; authorize approved location peddlers within the Special Event Boundary to peddle at alternative, temporary approved locations outside the Boundary for the duration of the Downtown Special Event; and clarify the exceptions to the requirement for Event Organizers to provide approved location peddlers an equal opportunity to participate in the Downtown Special Event.
- (c) Direct staff to repeal all fees related to the Flower Vendor Ordinance and the Flower Vendor Permits from the City's Schedule of Fees and Charges, effective June 1, 2009.

CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767. Council District 3. (Economic Development)

\* **RECOMMEND DEFERRAL TO 4/21/09 PER ADMINISTRATION**

### 4.3 [Community Care License for a Residential Care Facility.](#)

[Attachment - Memo from Councilmember Herrera](#)

**Recommendation:** Direct the Administration to prepare a letter to the California Department of Social Services to issue a waiver for and approve the issuance of a community care license for a residential care facility for six (6) or fewer children (group home) at 3083 Remington Way. CEQA: Exempt, CCL 08-001. (Planning, Building and Code Enforcement)

### 4.4 [Public Hearing on Tully Road Underground Utility District.](#)

**Recommendation:** Conduct a public hearing and approve an [ordinance](#) to establish a Rule 20A Underground Utility District along Tully Road, between Kenoga Drive and 720 feet west of Senter Road, and along Senter Road, between Parrott Street and 170 feet south of Tully Road. CEQA: Addendum to a Mitigated Negative Declaration, File No. PP08-160. Council District 7. (Public Works)

### 4.5 [Public Hearing on Vacation of a 20-Foot Street Alley.](#)

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

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) to vacate a 20-foot street alley, located between Eastgate Avenue and Beverly Boulevard with reservation of a public services easement over the vacated area. CEQA: Exempt, File No. H07-049. Council District 5. (Public Works)

[Presentation](#)

## 5. NEIGHBORHOOD SERVICES

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

## 6. TRANSPORTATION & AVIATION SERVICES

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

6.2 **[Airport Ground Transportation Program and Fee Adjustments.](#)**

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

**Recommendation:** As recommended by the Transportation and Environment Committee on March 2, 2009:

- (a) Adopt a [resolution](#):
- (1) Revising Ground Transportation administrative fees and charges for trips to and from the Airport to be effective on June 1, 2009;
  - (2) Revising Dwell fee charges to authorize the Director of Aviation to set the Dwell fee based on industry indicators and to require biennial review of the Dwell fee once it is established;
  - (3) Re-adopting all other Airport Rates and Charges; and
  - (4) Repealing Resolution No. 74655.
- (b) Direct the City Attorney’s Office to draft an ordinance to grant the Director of Aviation the authority to stop accepting applications for door-to-door shuttles for providing On-Demand service at the Airport and to establish and implement controls on the access, staging and quantity of door-to-door shuttle vehicles serving the Airport, including alternate day or reduced day access options.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-009. (Airport)

[Transportation and Environment Committee referral 3/2/09 – Item 6.1(3)(6)]

(Deferred from 3/17/09 – Item 6.3 and 3/24/09 – Item 6.2)

[Presentation](#)

6.3 **[Airport Food and Beverage Concession Agreement.](#)**

**Recommendation:**

- (a) Approve a Fifth Amendment to the Airport Food and Beverage Concession [Agreement](#) entered into on January 29, 1999 with Host International, Inc. (“Host”) to:
- (1) Extend the term from June 30, 2009 to June 30, 2011, unless terminated earlier by the City with thirty (30) day notice; and
  - (2) Remove the Minimum Annual Guarantee requirement.
- (b) Approve a First Amendment to the Airport Food and Beverage Concession [Agreement](#) entered into on April 22, 2004 with Host to:
- (1) Extend the term from June 30, 2009 to June 30, 2011, unless terminated earlier by the City with thirty (30) day notice; and
  - (2) Remove the Minimum Annual Guarantee requirement.

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.3 Airport Food and Beverage Concession Agreement. (Cont'd.)

**Recommendation:**

(c) Approve a Second Amendment to the [Lease](#) of Airport Premises entered into on June 29, 1999, with Host to extend the term from June 30, 2009 to June 30, 2011, unless terminated earlier with thirty (30) day notice by either party.

CEQA: Resolution Nos. 67380 and 71451, PP09-033. (Airport)

\* **RECOMMEND DEFERRAL TO 5/5/09 PER ADMINISTRATION**

### 6.4 [Airport Tenant Improvements Construction Contract.](#)

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for the construction of the Airport and Airlines Tenant Improvement Project at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP09-045. (Airport/Public Works)

\* **RECOMMEND DEFERRAL TO 4/21/09 PER ADMINISTRATION**

### 6.5 [Route 101/Tully Improvements.](#)

[Attachment – Memo from Councilmember Herrera](#)

**Recommendation:** Approve an [agreement](#) with the Santa Clara Valley Transportation Authority for the design of Route 101 freeway mainline and interchange improvements in the Tully Road area for a City-funded amount not to exceed \$4,000,000. CEQA: Mitigated Negative Declaration, File No. OA05-010. Council Districts 5, 7 and 8. SNI: K.O.N.A., Tully/Senter, West Evergreen. (Transportation)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Status Report on the Cooperative Efforts Between the City and the Santa Clara Valley Water District.](#)

**Recommendation:** Accept the 2008 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District relating to:

- (a) Flood Protection:
  - (1) Flood Preparedness.
  - (2) Floodwater Management.
  - (3) Dam Safety.
- (b) Water Supply:
  - (1) Water Supply Outlook.
  - (2) Conservation.
  - (3) Water Recycling.
- (c) Watershed Protection and Stewardship:
  - (1) Trash reduction.
  - (2) Habitat Conservation Plan.
  - (3) Trails.

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Status Report on the Cooperative Efforts Between the City and the Santa Clara Valley Water District. (Cont'd.)

**Recommendation:**

(d) Policy/Planning Initiatives:

- (1) Approved Regulatory priorities.
- (2) Protection and augmentation of the water supply.
- (3) District Comprehensive Plan.

CEQA: Not a Project. (City Manager's Office/Santa Clara Valley Water District)

## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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

- 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 June and July 2007:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Oakmead Storm Pump Station Engine Replacement, Phase I	4	Anderson Pacific Engineering Construction, Inc.	\$607,500	1/6/09
Norman Y. Mineta San José International Airport: Terminal Modifications III Electrical/Data	Citywide	Dynalectric Company	\$925,000	1/9/09
Norman Y. Mineta San José International Airport: Terminal Modifications III General Building	Citywide	ASE Consulting Engineering dba Silicon Valley Builders	\$925,000	1/9/09
PAL Stadium Improvements – Accessibility	5	G&G Builders, Inc.	\$347,840	1/15/09

- 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>
Auxiliary Chilled Water System at Network Operations Center at San José City Hall	Citywide	Environmental Systems, Inc.	\$914,560	1/29/09
Cypress Senior Center Renovations	1	Tucker Construction, Inc.	\$499,000	1/31/09
Terminal 'A' Signage and Wayfinding Package #1	Citywide	Fluoresco Lighting-Sign Maintenance Corporation	\$743,149,04	2/3/09
Norman Y. Mineta San José International Airport Compressed Natural Gas Fueling Station Upgrade (Rebid)	Citywide	Pinnacle CNG Company	\$595,000	2/3/09
SNI WIN02c: Traffic Signal Modification at Williams Road and Winchester Boulevard	1 & 6	San José Signal Electric Construction, Inc.	\$330,000	2/24/09
Office of Cultural Affairs Tenant Improvements	Citywide	Innovation Construction	\$270,000	3/13/09

REJECTION

<u>Project Name</u>	<u>Council District</u>	<u>Engineer's Estimate</u>
24 <sup>th</sup> Street Streetscape Improvement Project	3	n/a

- Notice of City Engineer's Award of Real Estate Projects

DEED ACCEPTANCE:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>City Receives</u>	<u>Award Date</u>
Grant Deed for Park Dedication, Grand Paradiso Park – McKay/Lunda Park	4	Acacia Credit Fund 9-A LLC	0	2/18/09
Grant Deed	2	Hitachi Global Storage Technologies, Inc.	0	2/19/09
Deed Acceptance for Purchase of Real Property Interests	3	Joe E. & Jane C. Levitt Family Trust	0	3/3/09

- Notice of City Engineer’s Award of Real Estate Projects (Cont’d.)

RIGHT OF ENTRY:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>City Receives</u>	<u>Award Date</u>
Dead Tree Removal 131 Fleming Avenue	5	Humberto Valverde	0	3/10/09
Southeast Library – conduct PH II Investigation 5111 San Felipe Road	8	Roman Catholic Bishop of San José	0	3/10/09
Right of Entry to Graystone of Almaden Neighborhood Association	10	Scott Sherwood	0	3/16/09

- Notice of Contracts Executed by Council Appointees

In accordance with Municipal Code Section 4.04.080, titled “Quarterly Reports”, the following is a list of contracts executed by Council Appointees or designees during the first quarter of Fiscal Year 2007-2008 (October 1, 2008 – December 31, 2008). The list includes contracts or amendments to contract for services with a value between \$100,000 and \$250,000 and contracts or amendments to contracts for equipment, supplies, and material with a value between \$100,000 and \$1 million.

City Attorney’s Contract Activity

The City Attorney’s Office has no contract activity to report.

City Auditor’s Contract Activity

The City Auditor’s Office has no contract activity to report.

City Clerk’s Contract Activity

The City Clerk’s Office has no contract activity to report.

- Notice of Contracts Executed by Council Appointees (Cont'd.)

City Manager's Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Department</u>	<u>Amount</u>
Bearing Point Incorporated	Develop functional specifications for the county-wide Silicon Valley Radio Communications Systems (SVRCS).	Police	\$154,748
Colab Studio LLC	Fabricate & Install an Artwork at Edenvale Community Center.	Office of Economic Development	\$138,500
Hf&H Consultants, LLC	Redesign the commercial solid waste process.	Environmental Services	\$250,000
Imerge Consulting	Business Requirement Analysis for Enterprise Content Management System (ECMS).	Information Technology	\$237,880
Renee Sloan Holtzman Sakai LLP and Exstare Federal Services Group, LLC	Development of two Disadvantaged Business Enterprise Programs for Airport Concessions.	Airport	\$238,460
Shawn Spano, Ph.D.	Leadership, Communication and Civic Engagement Services for a term July 1, 2008-June 30, 2010	Human Resources	\$245,000
Quantum Energy Services & Tech Inc	Implementation of wastewater process optimization improvements.	Environmental Services	\$249,480

Director of Finance Contract Activity – Services

<u>Contractor</u>	<u>Description of Contract</u>	<u>Department</u>	<u>Amount</u>
Alfred Conhagen, Inc.	Inspect, Repair, Maintain and Overhaul of Various Pumps. Amendment to add \$35,000.	Environmental Services	\$130,000
Koffler Electrical Inc.	Test, Troubleshoot, and Repair Electrical Motors, Generators and other Mechanical Equipment.	Environmental Services	\$250,000

- Notice of Contracts Executed by Council Appointees (Cont'd.)

Director of Finance Contract Activity – Services (Cont'd.)

<u>Contractor</u>	<u>Description of Contract</u>	<u>Department</u>	<u>Amount</u>
North American Digester	Cleaning of Digesters. Amendment to add \$65,000.	Environmental Services	\$155,700
Nunez Painting, Inc.	Sandblasting and Painting Services.	Environmental Services	\$200,000
PSC Industrial Outsourcing Inc.	Unclog Sewage Lines and Clean Tanks.	Environmental Services	\$140,000
Duran Hogan Construction Inc.	Concrete Repair, Removal and Replacement.	General Services	\$200,000
Johnson Controls Inc.	HVAC System Technical Support, Maintenance and Repair Parts.	General Services	\$245,000
Security Alert Systems of California	Monitor, Maintain and Repair Alarm Systems.	General Services	\$249,000
Security Alert Systems of California	Monitor, Maintain and Repair Alarm Systems. Amendment to add \$49,000 for Purchase Order issued in Fiscal Year 2007/08.	General Services	\$249,000
Tucker Construction	Minor Building Repair Services.	General Services	\$245,000
Softech & Associates Inc.	Filenet Software Upgrade, Installation and Maintenance and Support Services.	Information Technology	\$113,800
Terix Computer Company, Inc.	SUN Hardware/Software Maintenance and Support Renewal.	Information Technology	\$103,541
Aris Aircraft Services	Helicopter Maintenance and Repair Services.	Police	\$158,000
Alviso Rock	Asphalt Trucking Services. Amendment to add \$85,000.	Transportation	\$145,000
Arbortek Tree Service	Structural Tree Pruning and Managed Care Services. Amendment to add \$150,000	Transportation	\$240,000
California Roofing Co Inc.	Repair, Maintenance and Replacement of Roofs.	Transportation	\$200,000
Coast Landscape	Landscaping Maintenance Services. Amendment to add \$40,000.	Transportation	\$125,800
Duran Hogan Construction Inc.	Emergency Repair Services for Signs, Railings and Fencing. Amendment to add \$70,000.	Transportation	\$140,000
Pacific Electric Co.	Conduit Repair/Replacement.	Transportation	\$200,000

- Notice of Contracts Executed by Council Appointees  
(Cont'd.)

Director of Finance Contract Activity – Equipment, Materials, and Supplies

<u>Contractor</u>	<u>Description of Contract</u>	<u>Department</u>	<u>Amount</u>
Levin Professional Services	Audio-Video Equipment.	City Manager's Office	\$127,968
U.S. Peroxide LLC	Hydrogen Peroxide for Odor Control. Amendment to add \$108,000.	Environmental Services	\$418,000
Western Contract Interiors	Office Task Chairs. Amendment to add \$50,000.	Finance	\$110,000
Gary Douppnik Mfg, Inc.	Modular Buildings.	Fire	\$131,004
Altec Industries Inc.	New Cab and Chassis with Maintenance Body and Overhead Manlift.	General Services	\$103,189
Hoblit Motors	Law Enforcement Sedan (Crown Victoria).	General Services	\$296,104
Toyota Sunnyvale	Toyota Prius Hybrid Passenger Vehicles.	General Services	\$465,033
Alpha Data Corporation	Self-Check Units.	Library	\$208,917
Baker & Taylor Entertainment	Adult and Children's DVDs.	Library	\$180,000
Midwest Tape	Adult and Children's DVDs.	Library	\$420,000
All State Police Equipment Co.	Remington Model 870 Shotguns and 6 Shot Ammunition Carrier.	Police	\$216,027
R&R Refrigeration	Walk-In Evidence Storage Freezer.	Police	\$180,538
Summit Uniform	Body Armor, Protective Vests. Amendment to add \$56,250.	Police	\$112,944
Bay Area Designz, Inc.	Screen Printed Shirts and Other Sports Wear.	PRNS	\$120,000
Granite Rock Co.	Asphalt Concrete. Amendment to add \$26,000.	Transportation	\$250,000
McCain Traffic Supply Inc.	Traffic Signal Equipment and Wiring Cabinets.	Transportation	\$120,000
Realm Communications Group	Fiber Optic Cables. Amendment to add \$170,000.	Transportation	\$325,000
Santa Clara VTA Agency	ECO Passes for City Employees.	Transportation	\$152,820
Western Pacific Signal, LLC	Ethernet Network Switches.	Transportation	\$932,000
Western Systems Inc.	Traffic Signal Controllers.	Transportation	\$656,240

- **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**

## **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.