



# CITY COUNCIL AGENDA

**APRIL 21, 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](#)    [See RDA 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.)

7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 4)**

\* Joy of Dancing

- **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 9.1 AND 9.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

**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 Rockwell Collins for their leadership and manufacturing solutions in providing vision systems to the defense and aerospace industries. (Economic Development)
- 1.2 Presentation of Energy Saving Rebate Check from the PG&E “California Wastewater Process Optimization Program” for achieving significant energy savings in Municipal Wastewater Facilities throughout the PG&E service territory. (Environmental Services)
- 1.3 Presentation of an Award to the City from the Northern California Solar Energy Association for ranking first in total solar projects installed within large cities. (Environmental Services)
- 1.4 Presentation of commendations to Outstanding Childcare Contributors Lew Osborn from Moreland School District Pre-School, Lynne Santo Yamaichi, Director and Brian Handa, teacher from the Buddhist Church Lotus Pre-School, and Michelle Wright Conn from Cisco: Families@First Center; and recipients of the George Howard Memorial Award for Volunteerism in Child Care Jennifer Sweeney, Program Manager and Wasmin Malik, Director of the Silicon Valley Education Foundation. (Chirco/Constant)  
**TO BE HEARD IN THE EVENING**
- 1.5 Presentation of a commendation to the Almaden Customer Service Realty Autism Golf Tournament for their extensive work helping children with Autism and their families. (Pyle)
- 1.6 Presentation of a commendation to San José State’s Kappa Delta Sorority, Gamma Iota Chapter, for their highly successful charity event Shamrock Showcase. (Mayor/Liccardo)  
**TO BE HEARD IN THE EVENING**  
(Rules Committee referral 4/8/09)
- 1.7 Presentation of a proclamation declaring the week of April 26 – May 2, 2009 as “National Crime Victims’ Rights Week” in the City of San José.  
\* (Rules Committee referral 4/15/09)

# 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. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28524 – Rezoning certain real property situated at the northeast corner of Coleman Avenue and Taylor Street (702 Coleman Avenue) to LI-Light Industrial Zoning District. C09-001 [Presentation](#)

### 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 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 appropriation by \$225,000.

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

\* (Deferred from 4/14/09 – Item 2.3)

### 2.4 [Revision to the Airline Fee-Waiver Incentive Program.](#)

**Recommendation:** Adopt a [resolution](#) revising the airline fee-waiver incentive program to support the development of new air service at Mineta San José International Airport by providing two-year incentives for new international routes to/from Canada and Mexico and repealing Resolution No. 74388 that established the current incentive program.

CEQA: Resolution Nos. 67380 and 71451, File No. PP08-059. (Airport)

### 2.5 [Ordinance relating to regulation of video service providers.](#)

**Recommendation:** Approve an [ordinance](#) amending Title 15 of the San José Municipal Code by adding Chapter 15.34 to implement certain provisions of the Digital Infrastructure and Video Competition Act of 2006, relating to the regulation of video service providers. CEQA: Not a Project. (City Attorney's Office)

### 2.6 [Renaming a Pool.](#)

**Recommendation:** As recommended by the Parks and Recreation Commission on April 1, 2009, rename a pool located at 421 N. First Street as “Rotary Ryland Pool” (currently named Ryland Pool). (City Clerk)

## 2. CONSENT CALENDAR

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### 2.7 [Agreement for Public Artwork at the Airport.](#)

[Attachment – Picture of Artwork](#)

[Attachment – Video of Artwork \(1 minute and 35 seconds in length\)](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Bjorn Schulke to fabricate and install artwork for the Norman Y. Mineta San José International Airport North Concourse Concession Area in an amount not to exceed \$300,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-051. (Economic Development) [Presentation](#)

### 2.8 [Contract for construction at the Water Pollution Control Plant.](#)

**Recommendation:**

- (a) [Report on bids and award of a one-year construction contract for New Construction of Various Equipment](#), to the low bidder, Anderson Pacific Engineering Construction, Inc., in an amount not to exceed \$450,930, with an option to extend the contract for two additional one year terms in an amount not to exceed \$500,000 per option term, for a total contract amount of up to \$1,450,930, subject to appropriation of funds; and
- (b) [Adopt a resolution authorizing the Director of Environmental Services to exercise the option to extend the term of the contract for two additional one year terms](#), subject to appropriation of funds.

CEQA: Exempt, File No. PP08-202. (Environmental Services)

### 2.9 [Homebuyer Loan Education and Counseling Services Grant.](#)

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Housing to negotiate and execute a grant agreement with the Neighborhood Housing Services of Silicon Valley (NHSSV) in the amount of \$250,000 for operational support of NHSSV's loan education and counseling services associated with the City's Homeownership Program; and
- (b) Adopt the following amendments to the 2008-2009 Appropriation Ordinance in the Low- and Moderate-Income Housing Fund (Fund 443):
  - (1) Increase the Housing Department's Non-Personal/Equipment appropriation by \$250,000; and
  - (2) Decrease the Loans Grants and Site Acquisition appropriation by \$250,000.

CEQA: Not a Project. (Housing)

### 2.10 [Establish a Rule 20A Underground Utility District along Coleman Avenue and set a public hearing.](#)

**Recommendation:** Adopt a [resolution](#) to consider the establishment of a Rule 20A Underground Utility District along Coleman Avenue between West Hedding Street and Spring Street, North Market Street between West Julian Street and West St. James Street, and Devine Street between North San Pedro Street and North First Street, and setting a Public Hearing on June 2, 2009 at 1:30 p.m. CEQA: Mitigated Negative Declaration, File No. PP08-257. Council District 3. (Public Works)

## 2. CONSENT CALENDAR

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### 2.11 Excused absence for Vice Mayor Chirco.

**Recommendation:** Request for an excused absence for Vice Mayor Chirco from the Closed Session and the Regular Council Meeting on April 7, 2009 due to illness. (Chirco) (Rules Committee referral 4/8/09)

### 2.12 Councilmember Chu's Travel to Los Angeles, CA and Sacramento, CA.

**Recommendation:** Approve requests by Councilmember Chu to travel to:

- (a) Los Angeles, CA on April 2, 2009 to attend the League of California Cities Housing, Community and Economic Development Committee meeting. Source of Funds: Mayor/Council Travel Fund.
- (b) Sacramento, CA on April 15-17, 2009 to attend the League of California Cities' Legislative Action Days on April 15, 2009 and Board Meeting on April 16 – 17, 2009 as the designated representative of the City of San José. Source of Funds: Mayor/Council Travel Fund.

(Chu)

\* [Rules Committee referral 4/15/09 – Item 3(1)(a)]

## 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 25, 2009 Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
  - (1) Review March 31, 2009 Final Agenda  
NONE – MEETING CANCELLED
  - (2) Review April 7, 2009 Draft Agenda
    - (a) Add New Items to Final Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
    - (c) Review of Items that Meet Exception Rules (if needed)
- (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
    - (a) Washington, D.C. Update (Verbal Report). (City Manager's Office)
- (7) Meeting Schedules
- (8) The Public Record

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – March 25, 2009 (Cont'd.)

##### Mayor Reed, Chair

- (9) Appointments to Boards, Commissions and Committees
  - (1) Project Diversity Screening Committee (PDSC). (Mayor/Nguyen/Pyle)  
**HEARD BY COUNCIL 4/7/09 – ITEM 2.18**
- (10) Rules Committee Reviews, Recommendations and Approvals
  - (1) Bail Bonds Workload Assessment. (Planning, Building and Code Enforcement)
  - (2) Regulation of Bail Bond Establishments. (Liccardo)
  - (3) Consortium for Police Leadership in Equity (CPL). (Mayor/Campos/Liccardo)
  - (4) Approval of the Designation of Operation Prom Dress as a City Council Sponsored Special Event and Authorization to Accept Donations of Materials and Services for the Event. (City Clerk)  
**HEARD BY COUNCIL 4/7/09 – ITEM 2.21**
- (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
- (12) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force (SRTF) Technology Recommendations
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

\* **RECOMMEND DEFERRAL TO 4/28/09 PER CITY CLERK**

#### 3.3 Report of the Rules and Open Government Committee – April 1, 2009

##### Mayor Reed, Chair

- (1) Call to Order and Roll Call
- (2) Review of Agenda
- (3) City Council. (City Clerk)
  - (1) Review April 7, 2009 Final Agenda
    - (a) Add New Items to Final Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
  - (2) Review April 14, 2009 Draft Agenda
    - (a) Add New Items to Final Agenda
    - (b) Assign “Time Certain” to Agenda Items (if needed)
    - (c) Review of Items that Meet Exception Rules (if needed)
- (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

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Rules and Open Government Committee – April 1, 2009 (Cont'd.)

Mayor Reed, Chair

- (7) Meeting Schedules
  - (1) Set General Plan Hearing for Spring 2009. (Planning, Building and Code Enforcement)
  - (2) Study Session on Foreclosure Mitigation. (Housing)
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committees
- (10) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approval of the Designation of Disaster and Emergency Preparedness Conference as a City Council Sponsored Special Event, to expend City funds and Authorization to Accept Donations of Materials and Services for the Event. (City Clerk)  
**HEARD BY COUNCIL 4/7/09 – ITEM 2.22**
- (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
- (12) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force (SRTF) Technology Recommendations
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

\* **RECOMMEND DEFERRAL TO 4/28/09 PER CITY CLERK**

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

#### 3.5 [Retiree Healthcare Funding.](#) [Presentation](#)

**Recommendation:** Adopt a [resolution](#):

- (a) Approving the terms of agreements with the bargaining units listed below and authorizing the City Manager to execute the agreements effective June 28, 2009:
  - (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI).
  - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43).
  - (3) Association of Maintenance Supervisory Personnel (AMSP).
  - (4) City Association of Management Personnel (CAMP).
  - (5) International Brotherhood of Electrical Workers, Local No. 332 (IBEW).
  - (6) Municipal Employees' Federation, AFSCME Local 101 (MEF).
  - (7) Confidential Employees' Organization, AFSCME Local 101 (CEO).

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Retiree Healthcare Funding. (Cont'd.)

**Recommendation:**

- (b) Implementing retiree healthcare funding for Executive Management and Professional Employees (Unit 99) and employees in the Unclassified Non-Management employee unit (Unit 82) who are in the Federated City Employees' Retirement System, effective June 28, 2009.

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

#### 3.6 [AB 560 \(Skinner\) – Net Energy Metering.](#)

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

**Recommendation:** As referred by the Rules and Open Government Committee on April 15, 2009, consider a position of support for AB 560 (Skinner) – Net Energy Metering. (Mayor)

\* [Rules Committee referral 4/15/09 – Item 3(1)(a)]

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

#### 4.2 [Tree Removal Permit Process and Fee Analysis for Cost Recovery Model.](#)

[Attachment – Memo from Councilmember Constant](#)

**Recommendation:** Direct the City Manager to develop and bring back to City Council for consideration:

- (a) Amendments to Title 13 of the Municipal Code to streamline the Tree Removal Process for trees located on single-family and duplex private properties;
- (b) Amendments to the City Council Policy 6-30: Public Outreach, relating to Tree Removal Permit; and
- (c) A fee to recover the Administration's costs associated with administering that streamlined tree removal process.

CEQA: Not a Project. (Planning, Building and Code Enforcement) [Presentation](#)  
(Deferred from 3/17/09 – Item 4.2, 3/24/09 – Item 4.2, and 4/7/09 – Item 4.3)

**TO BE HEARD IN THE EVENING**

#### 4.3 [Envision San José 2040 General Plan Update Status Report.](#)

**Recommendation:** Accept the Envision San José 2040 General Plan Update status report and provide direction to staff to proceed with environmental, fiscal and economic analysis of the four proposed growth study scenarios as recommended by staff. CEQA: Not a Project. (Planning, Building and Code Enforcement) [Presentation](#)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 [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.
- (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) [Presentation](#)

\* (Deferred from 4/14/09 – Item 4.2)

\* **RECOMMEND DEFERRAL TO 4/28/09 PER ADMINISTRATION**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 **Report of the Neighborhood Services and Education Committee – [April 9, 2009](#)** **Councilmember Campos, Chair**

- (1) Call to Order and Roll Call
- (2) Review of Agenda
  - (1) Review of Quarterly Performance Measure Reporting. (Neighborhood Services CSA)
  - (2) Report on Citywide Sports. (Parks, Recreation and Neighborhood Services)
  - (3) Report on Draft Volunteer Policy. (Parks, Recreation and Neighborhood Services)
  - (4) Report on Neighborhoods of Distinction Program. (Planning, Building and Code Enforcement)
  - (5) Report on Neighborhoods Commission. (Strong Neighborhoods Initiative)
  - (6) Update on Community Action and Pride (CAP) Grant Program. (Strong Neighborhoods Initiative)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – April 9, 2009 Councilmember Campos, Chair (Cont'd.)

- (3) Reports to Committee
  - (1) Consent Calendar
    - (a) Review of Quarterly Performance Measure Reporting.  
(Neighborhood Services CSA)
  - (2) Report on Housing Element. (Housing/Planning, Building and Code Enforcement)
  - (3) Report on Aquatics. (Parks, Recreation and Neighborhood Services)
  - (4) Report on Homework Center Program Update (to include After School Program Update). (Parks, Recreation and Neighborhood Services)  
**SEE ITEM 5.3 FOR COUNCIL ACTION TO BE TAKEN**
  - (5) Review of the Proposed Changes to PRNS Fees and Charges. (Parks, Recreation and Neighborhood Services)  
**SEE ITEM 5.4 FOR COUNCIL ACTION TO BE TAKEN**
  - (6) Report on Key Legislative Items. (CMO Intergovernmental Relations)
  - (7) Schools/City Collaborative Monthly Update. (City Manager's Office)  
**SEE ITEM 5.5 FOR COUNCIL ACTION TO BE TAKEN**
- (4) Open Forum
- (5) Adjournment

### 5.2 Library Internet Access and Computer Use Policy.

[Attachment – Memo from Vice Mayor Chirco and Councilmembers Kalra and Liccardo Supplemental – Memo from Mayor Reed and Councilmember Constant Supplemental – Memo from Councilmember Constant Attachment – Memo from Councilmember Constant Attachment – Memo from the Director of the Library](#)

- \* **Recommendation:** Consideration of a proposal to change the current Library Internet Access and Computer Use Policy. (Constant)  
**TO BE HEARD IN THE EVENING**  
(Rules Committee referral 4/8/09)

### 5.3 [Level 1 Homework Center Program Allocations.](#)

[Attachment – Staff Report](#)

**Recommendation:** As referred by the Neighborhood Services and Education Committee on April 9, 2009, consider approval of the following changes to the Level 1 Homework Center Program Allocations Process:

- (a) Allocate the school-based portion of funds to districts serving grades K-8, as a block grant based on the % of district enrollment to total City enrollment, with:
  - (1) A minimum of \$10,000 per site, and a requirement that each School District submit a program; and
  - (2) A spending plan with clear, quantifiable outcomes, performance measures, leveraging of funds and a central point of contact for the District grant to ensure accountability.
- (b) Recommend that the funding amounts provided to the Library system, the PRNS system, and to the competitive community-based organizations (CBOs) process remain at the same level of allocation from FY 08-09.

## 5. NEIGHBORHOOD SERVICES

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### 5.3 Level 1 Homework Center Program Allocations. (Cont'd.)

**Recommendation:**

(c) Expand the eligible use of funds to include weekend and/or summer programming provided the core service remains a safe place for homework center support.

(Parks, Recreation and Neighborhood Services)

\* [Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(4)]

\* **RECOMMEND DEFERRAL TO 4/28/09 PER ADMINISTRATION**

### 5.4 [PRNS Pricing and Revenue Policy.](#)

[Attachment – Staff Report](#)

**Recommendation:** As referred by the Neighborhood Services and Education Committee on April 9, 2009:

(a) Review and discuss the proposed Pricing and revenue Policy;

(b) Direct City Staff to refer the program cost recovery goals and Pricing and Revenue Policy for final approval in the operating budget process;

(c) Direct City Staff to return to City Council annually for approval of the cost recovery goals as part of the Fees and Charges portion of the annual operating budget process; and

(d) Authorize the City Manager or its designee to establish fees and charges in a manner consistent with the Pricing Policy and within the approved cost recovery goals.

(Parks, Recreation and Neighborhood Services) [Presentation](#)

\* [Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(5)]

### 5.5 [Proposed Revision to Council Policy 0-30 “Schools and City Collaborative”.](#)

[Attachment – Staff Report](#)

\* **Recommendation:** As referred by the Neighborhood Services and Education Committee on April 9, 2009, adopt a resolution to revise Council Policy 0-30 “Schools and City Collaborative” to reflect recent changes to the structure of the Collaborative. (Parks, Recreation and Neighborhood Services)

\* [Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(7)]

[Resolution](#)

\* **RECOMMEND DEFERRAL TO 4/28/09 PER ADMINISTRATION**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee – [April 6, 2009](#) Councilmember Liccardo, Chair

(1) Call to Order and Roll Call

(2) Review of Agenda

(1) Revised Transportation & Environment Committee Workplan.

(2) Recycled Water Agreement with Santa Clara Valley Water District.  
(Environmental Services)

(3) Ordinance for Single Use Carryout Bags. (Environmental Services)

(4) Water Conservation Ordinance. (Environmental Services)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee – April 6, 2009 Councilmember Liccardo, Chair (Cont'd.)

- (2) Review of Agenda (Cont'd.)
  - (5) Connection Fee Study for Recycled Water, Wastewater Treatment, Sanitary Sewer and Storm Drainage. (Public Works)
- (3) Reports to Committee
  - (1) Consent Calendar
    - (a) Report on Key Legislative Items. (CMO Intergovernmental Relations)
  - (2) Terminal Area Improvement Program (TAIP) Quarterly Report. (Airport)
  - (3) City Bicycle Master Plan Status Report. (Transportation)
  - (4) Evaluation of the Feasibility of Shutting Off Additional Streetlights. (Transportation)
  - (5) Update to the Standard Specifications and Details for Public Works Construction. (Public Works)
- (4) Open Forum
- (5) Adjournment

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

#### [Supplemental – Memo from the Directors of Public Works and Aviation](#)

**Recommendation:** Report on bids and award of contract for the Airport and Airlines Tenant Improvement Project at the Norman Y. Mineta San José International Airport to the low bidder, San José Construction Co., Inc. in the amount of \$4,930,000, and approval of a contingency in the amount of \$739,500. CEQA: Resolution Nos. 67380 and 71451, PP09-045. (Airport/Public Works)

\* (Deferred from 4/14/09 – Item 6.4)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Consortium for Police Leadership in Equity \(CPLE\).](#)

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

#### [Attachment – Staff Report](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 8, 2009:

- (a) Accept the introductory scope and preliminary timeline for Consortium for Police Leadership and Equity (CPLE) to present to the City Council its organization and methodology for doing research related to racial and gender equity in policing.
- (b) Accept the preliminary quarterly status report schedule to the Public Safety, Finance & Strategic Support Committee.

(City Manager) [Presentation](#)

(Rules Committee referral 4/8/09 – Item 10.2)

## 8. PUBLIC SAFETY SERVICES

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### 8.2 [Downtown Entertainment Zone Demographic Study.](#)

[Attachment – Memo from Councilmember Liccardo](#)  
[Supplemental – Memo from the Office of the City Manager](#)  
[Attachment – Memo from the Office of the City Manager](#)

**Recommendation:** As referred by the Public Safety, Finance and Strategic Support Committee on March 23, 2009:

- (a) Accept the City Manager’s response to the City Council’s referral on how and whether the City can accurately survey the demographics characteristics of people in the Downtown Entertainment Zone.
- (b) City Council consideration on how it would like to proceed with respect to conducting a Demographic Study in the Entertainment Zone.

(City Manager)

[Public Safety, Finance & Strategic Support Committee referral 3/23/09 – Item 3.2]

(Deferred from 4/7/09 – Item 3.7)

### 8.3 **Downtown Entertainment Zone Status Report.**

[Attachment – Memo from Mayor Reed and Councilmembers Liccardo, Kalra and Herrera](#)

**Recommendation:** Accept the status report related to the Downtown Entertainment Zone Policing Cost-Sharing Model per Council direction on February 24, 2009. CEQA: Not a Project. Council District 3. (Economic Development)

(Referred from 2/24/09 – Item 3.5)

**RECOMMEND DEFERRAL TO 4/28/09 PER ADMINISTRATION**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Item 8.1 “Approval of an amendment to the lease with San José Credit Union for property located at 88 South Fourth Street” 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 ITEMS 9.1 AND 9.2 IN A JOINT SESSION**

### 9.1 [Actions related to Amendment of Redevelopment Plans in the Merged Project Area.](#)

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

\* **Recommendation:**

- (a) Adopt a City Council [resolution](#) approving responses to written objections to the adoption of the proposed Amendment to the Redevelopment Plans in the Merged Project Area to increase the tax increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 billion on the amount of bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements.

*(Item continued on the next page)*

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.1 Actions related to Amendment of Redevelopment Plans in the Merged Project Area. (Cont'd.)

\* **Recommendation:**

(b) Final adoption of Ordinance No. 28525, an Ordinance of the City of San José amending the Redevelopment Plans in the Merged Project Area increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 million on the amount of bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements in each Redevelopment Plan so that all Redevelopment Plans have consistent language relating to public improvements, and making certain findings.

(Redevelopment Agency)

(Rules Committee referral 4/8/09)

### 9.2 Final Adoption of Ordinance No. 28525.

**Recommendation:** Final adoption of Ordinance No. 28525, an Ordinance of the City of San José amending the Redevelopment Plans in the Merged Project Area to increase the tax increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 million on the amount of bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements in each Redevelopment Plan so that all Redevelopment Plans have consistent language relating to public improvements, and making certain findings.

\* **RENUMBERED TO ITEM 9.1(b)**

- **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**
- **Council will recess until 7:00 p.m.**

## **10. GENERAL PLAN PUBLIC HEARINGS**

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No General Plan Public Hearing at this time.

## **11. PUBLIC HEARINGS ON CONSENT CALENDAR**

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) 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 Public Hearings Consent Calendar (Item 11.1) and considered separately.

### **11.1 Public Hearings on Consent Calendar.**

**Recommendation:**

- (a) [Consideration of an ordinance rezoning the real property located on the northwest corner of Stockton Avenue and West Julian Street \(715 W. Julian Street\) from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.15 gross acre site \(Speno, Anthony A. Trustee & Et Al, Owner\). CEQA: Mitigated Negative Declaration.](#)  
[C09-005 – District 6 ordinance Presentation](#)

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

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## 11.2 [Rezoning real property located on the east side of South 10<sup>th</sup> Street.](#)

[Attachment – Staff Report](#)

[Attachment – Memo from Councilmember Liccardo](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at/on the east side of S. 10th Street approximately 90 feet north of Margaret Street (684 S 10th Street) from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow three single-family detached residences on a 0.2 gross acre site (Rodriguez, Maritza, Owner). SNI: University. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval with recommendation for staff to work with applicant at the Planned Development permit stage to improve the site layout (4-2-1; Cahan & Jensen Opposed; Platten Absent).

[PDC07-094](#) – District 3 [Presentation](#)

(Continued from 3/17/09 – Item 11.3 and 4/7/09 – Item 11.3)

- Notice of City Engineer’s Pending Decision on Final Maps
- Notice of City Engineer’s Award of Construction Projects
- Open Forum  
*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.