



CITY COUNCIL AGENDA

MAY 19, 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. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanJoseca.gov for the final document.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) [See RDA Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 5)**
 - * Pastor Ben Daniel, Foothill Presbyterian 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 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

- 1.1 Presentation of a commendation to recipients of the City of San José's *Champions of Arts Education Awards*. (Economic Development)
TO BE HEARD IN THE EVENING
- 1.2 Presentation of a proclamation declaring the week of May 17-23, 2009 as "Public Works Week" in the City of San José. (Public Works)
- 1.3 Presentation of a proclamation declaring the month of May 2009 as "Motorcycle Awareness Month" in the City of San José. (Constant)
(Deferred from 05/05/09 – Item 1.2)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a proclamation declaring the month of May 2009 as "National Foster Care Month" in the City of San José. (Chirco)
- 1.5 Presentation of a commendation to the St. Maria Goretti Church Life Teen Youth Group. (Nguyen)
- 1.6 Presentation of a commendation to Wesley Mukoyama, retiring Executive Director of Yu-Ai-Kai, for his years of dedicated service to the residents of Japantown and the entire City of San José. (Liccardo)
- 1.7 Presentation of a proclamation declaring the week of May 17-23, 2009 as "Hepatitis B Awareness Week" in the City of San José. (Mayor)
TO BE HEARD IN THE EVENING
- 1.8 Presentation of commendations to the winners of the Santa Clara County Association of REALTORS American Dream Essay Contest. (Mayor)
TO BE HEARD IN THE EVENING

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. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 28536](#) – Amending Chapter 15.14 of Title 15 of the San José Municipal Code to limit the discharge of dental amalgam into the sanitary sewer system and to require the installation of dental amalgam separators in certain dental offices. [Supplemental – Letter from Water Pollution Control Plant](#)
- (b) [ORD. NO. 28537](#) – Amending Chapter 15.14 of Title 15 of the San José Municipal Code to revise provisions related to the discharge of grease into the sanitary sewer system, to establish requirements for food service establishments related to installation or upgrade of grease control devices and to establish maintenance and record keeping requirements for grease control devices. [Supplemental – Letter from Water Pollution Control Plant](#)
- * (c) [ORD. NO. 28540](#) – Adopting the proposed Seventh Amendment to the Redevelopment Plan for the Strong Neighborhoods Initiative Redevelopment Project Area to authorize the collection of tax increment from the “Diridon Area”; and making certain findings.

2.3 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Vice Mayor Chirco from the Closed Session](#) and Regular Meeting of the City Council on May 5, 2009 due to illness. (Chirco)
(Rules Committee referral 5/6/09)
- (b) [Request for an excused absence for Vice Mayor Chirco from the Regular Meeting](#) of the Rules and Open Government Committee on May 6, 2009 due to illness. (Chirco)
(Rules Committee referral 5/6/09)
- (c) [Request for an excused absence for Councilmember Constant from the Regular Meeting and Evening Session](#) of the City Council on May 12, 2009 due to a medical appointment. (Constant)
(Rules Committee referral 5/6/09)
- (d) [Request for an excused absence for Vice Mayor Chirco from the Closed Session](#) and Regular Meeting of the City Council on May 12, 2009 due to illness. (Chirco)
* (Rules Committee referral 5/13/09)

2. CONSENT CALENDAR

2.4 [Lease with Southwest Airlines.](#)

Recommendation: Approve a First Amendment to the Provisioning Facility Ground [Lease](#) with Southwest Airlines Co. to allow Southwest to indefinitely delay commencement of construction of tenant improvements, subject to termination by the Director of Aviation upon thirty (30) days written notice at any time prior to issuance of a notice to proceed with construction to Southwest. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-074. (Airport)

* **RECOMMEND DEFERRAL TO 6/2/09 PER ADMINISTRATION**

2.5 [Agreement for Dispatch Services with Taxi San José.](#)

Recommendation: Approve the Second Amendment to the On-Demand Ground Transportation Management Concession [Agreement](#) with Taxi San José to reduce the compensation due to Taxi San José, for the period of May 1, 2009 through September 30, 2009, by \$29,423.40, and to amend the Staffing and Supervision Plan required by the Agreement. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-096. (Airport)

2.6 [Agreement for Consultant Services for Environmental Services Department Projects.](#)

[Supplemental – Letter from the Water Pollution Control Plant](#)

Recommendation: Approve the first amendment to the [agreement](#) with David J. Powers & Associates for environmental consultant services for various Environmental Services Department projects to increase the total compensation by \$250,000, from \$250,000 to an amount not to exceed \$500,000. CEQA: Not a Project. (Environmental Services)

2.7 [Award of Open Purchase Orders for Supplies.](#)

Recommendation: Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #6 and authorize the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

2.8 [2009 Assistance to Firefighters Grant for the Purchase of Self-Contained Breathing Apparatus.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager and Fire Chief to apply for grant funds through Federal Emergency Management Agency's 2009 Assistance to Firefighters Grant Program for the purchase of Self-Contained Breathing Apparatus, training and other equipment for the firefighters. CEQA: Not a Project. (Fire)

2. CONSENT CALENDAR

2.9 [Lease Renewal with James V. Simoni for a Police Department Unit.](#)

- * **Recommendation:** Approve a five-year [lease](#) with James V. Simoni for the use of approximately 8,500 square feet of office space at an initial rate of \$13,000 per month for the first year of the lease increasing to \$13,750 per month in the final year of the lease. CEQA: Not a Project. (Public Works)

2.10 [Agreement for Fire Station No. 19 Relocation Project.](#)

Recommendation: Approve the first amendment to the [agreement](#) for consultant services with Don Dommer Associates, Inc., for the Fire Station No. 19 Relocation Project extending the term of the agreement from June 30, 2009 to March 31, 2010, and increasing the amount of \$35,000, for a total agreement amount not to exceed \$360,000. CEQA: Exempt, File No. PP06-116 (Fire Station No. 19). Council District 4. (Public Works)

2.11 [Report on Bids and Award of Contract for the Public Facilities Energy and Green Building Improvement Project.](#)

Recommendation: Report on bids and award of contract for the Public Facilities Energy and Green Building Improvement project to the lowest responsive bidder, Peterson Dean, Inc., in the amount of \$150,521 and approval of contingency in the amount of \$15,000. CEQA: Exempt, File No. PP09-010. (Public Works)

2.12 [Agreement for Storm GIS Data Improvement Project.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with MRF Geosystems Corporation of Calgary, Alberta, Canada from the date of execution through June 30, 2011, in an amount not to exceed \$300,000 for basic services for all eight (8) phases of the Storm GIS Data Improvement Project and \$100,000 for additional services during the term of the agreement, for a total agreement amount not to exceed \$400,000. CEQA: Not a Project. (Public Works)

- * **RECOMMEND DEFERRAL TO 6/2/09 PER ADMINISTRATION**

2.13 [Metropolitan Transportation Commission Grant.](#)

Recommendation: Adopt a [resolution](#) approving the request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2009-2010 Transportation Development Act, Article 3 State grant funding in the amount of \$982,087 and authorizing the City Manager, or designee, to negotiate and execute any grant documents to effectuate the grant. CEQA: Exempt, File No. PP08-186 and PP09-100. (Transportation)

3. STRATEGIC SUPPORT SERVICES

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

3.2 Report of the Rules and Open Government Committee – April 15, 2009 Mayor Reed, Chair

*** DROP, APPROVED BY COUNCIL 5/12/09**

3.3 Report of the Rules and Open Government Committee – April 29, 2009 Mayor Reed, Chair

- (1) Call to Order
- (2) Review of Agenda
- (3) City Council (City Clerk)
 - (a) Review May 5, 2009 Final Agenda
 - (1) Add new items to Final Agenda
 - (a) Independent Police Auditor Recruitment and Selection Process
 - (1) Independent Police Auditor Compensation Package/Employment Agreement. (Mayor)
 - (2) Supplemental memorandum from Mayor Reed
 - (3) Memorandum from Council Members Campos, Chu, Herrera, Kalra and Pyle
 - (2) Assign “Time Certain” to Agenda items if needed
 - (3) Review of items that meet Exception Rule if needed
 - (b) Review May 12, 2009 Draft Agenda
 - (1) Add new items to Draft Agenda
 - (2) Assign “Time Certain” to Agenda items if needed
 - (3) Review of items that meet Exception Rule if needed
 - (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (5) Review of upcoming Study Session Agendas
 - (6) Legislative Update
 - (a) State
 - (1) AB821 (Brownley), the Clean and Healthy Schools Act. (Environmental Services)
 - (2) AB283 (Chesbro), California Product Stewardship Act of 2009. (Environmental Services)
 - (3) SB346 (Kehoe), Hazardous Materials: Motor Vehicle Brake Friction Materials. (Environmental Services)
 - (b) Federal
 - (7) Meeting Schedules
 - (8) The Public Record
 - (9) Appointments to Boards, Commissions and Committee
 - (a) Approve reappointment of Paiman Komeilizadeh to the Disability Advisory Commission. (Pyle)
 - (b) Approve reappointment of David M. Flaughner and James K. Kim to the Parks and Recreation Commission. (Pyle)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – April 29, 2009 (Cont'd.) Mayor Reed, Chair

- (10) Rules Committee Reviews, Recommendations and Approvals
 - (a) Report on Community Based Organization Partnerships. (Economic Development)
 - (b) Proposed Lobbyist Ordinance Amendments. (Campos/Chu)
- (11) Review of Additions to Council Committee Agendas
 - (a) Community and Economic Development Committee
 - (b) Neighborhood Services and Education Committee
- (11) (c) Transportation and Environment Committee
- (d) Public Safety, Finance and Strategic Support Committee
- (12) Open Government Initiatives
 - (a) Reed Reforms
 - (b) Sunshine Reform Task Force Recommendations
 - (c) Significant Public Record Act Requests
Letter of appeal from Martha O'Connell and A.E. Liz Warren,
Homeowners Organized to Maintain Equity (HOME)
 - (d) Council Policy Manual Update
- (13) Open Forum
- (14) Adjournment

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

3.5 [AB 1192 \(Strickland\) Cities: Powers.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 13, 2009, adopt an oppose position to AB 1192 (Strickland) Cities: Powers. (Finance)

* [Rules Committee referral 5/13/09 – Item 6.1(a)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.2 Update Convention Center Expansion Plan of Finance.

Recommendation: Accept the status report on an update of the plan of finance for the Proposed Convention Center Expansion and direction to staff to proceed accordingly. CEQA: Resolution No. 72767 and addenda thereto, File No. PP08-022. (Economic Development)

* **DROP PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to the Belovida at Newbury Park Project.

Supplemental – Memo from the Director of Housing

* **Recommendation:** Adopt a resolution to:

- (a) Approve the reclassification of permanent and construction funds to provide of up to \$450,000 of the previously-approved predevelopment construction/ permanent funding commitment of \$500,000 to CORE Affordable Housing, LLC, or its designated affiliate, for the 185-unit Belovida at Newbury Park (“Belovida”) project located northeasterly of the intersection on King Road and Dobbin Drive, to be made available to extremely low-income, very low-income, and low-income households;
- (b) Approve an increase in the construction/permanent funding of up to \$2,566,607, bringing the total City construction/permanent funding up to \$23,614,937;
- (c) Approve the forgiveness of up to \$560,000 in accrued interest on the City’s predevelopment and acquisition loans;
- (d) Allow the project to exceed the City Council policy limiting combined Loan-to-Value ratios to 100%; and
- (e) Approve a City conditional loan commitment in the amount of up to \$3,123,330, the amount of the State’s Infill Infrastructure Grant funds, to be drawn upon only in the event that these funds committed by the State of California are not provided when needed.

CEQA: Resolution No. 74196. Council District 3. (Housing)

4.4 Funding Commitment for the Brookwood Terrace Family Apartments.

Recommendation: Adopt a resolution:

- (a) Approving a construction/permanent loan commitment of up to \$10,893,000 for Brookwood Terrace Family Apartments, L.P., a California limited partnership, in which ROEM Development Corporation is the general partner and developer, for development of the 84-unit Brookwood Terrace Family Apartments, an affordable multifamily rental project to be located at 1350 E. San Antonio Street and made available to extremely low-income and very low-income households.
- (b) Approving a funding commitment of up to \$500,000 for a predevelopment loan to this Project, to be repaid from the construction/permanent loan.

CEQA: Mitigated Negative Declaration, and addenda thereto, File No. PP09-087.

Council District 3. SNI: Five Wounds/Brookwood Terrace. (Housing)

4.5 Funding Commitment for the Orvieto Terrace Family Apartments.

Recommendation: Adopt a resolution:

- (a) Approving a construction/permanent loan commitment of up to \$11,228,000 for the Orvieto Family Apartments, L.P., a California limited partnership, in which ROEM Development Corporation is the general partner and developer, for development of the 92-unit Orvieto Family Apartments, an affordable multifamily rental project to be located at the Southeast corner of Montecito Vista Way and Montecito Vista Drive, off of Monterey Highway South of Umbarger Road, and made available to extremely low-income and very low-income households.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Funding Commitment for the Orvieto Terrace Family Apartments. (Cont'd.)

Recommendation: Adopt a resolution:

(b) Finding that expenditure of 20% Low and Moderate Income Housing Funds on the subject site is a benefit to the City's Redevelopment Project Areas.

CEQA: Resolution No. 72877 and addenda thereto, File No. PP09-086. Council District 7. (Housing)

4.6 [Moratorium on New Bail Bonds Establishments.](#) [Presentation](#)

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

[Attachment – Memo from Councilmember Liccardo](#)

Recommendation: Adopt a [resolution](#) to initiate proceedings for an interim ordinance to establish a temporary moratorium on the establishment of new bail bond businesses, set a public hearing on the interim ordinance for the first evening City Council meeting in August, and refer the interim ordinance to the Planning Commission for its recommendation. CEQA: Not a Project. (Planning, Building and Code Enforcement)

* **TO BE HEARD IN THE EVENING**

4.7 [Report on Bids and Award of Contract for the Happy Hollow Park and Zoo Pedestrian Bridge Rebid Project.](#)

Recommendation: Report on bids and award of contract for the Happy Hollow Park and Zoo Pedestrian Bridge Rebid Project to the low bidder, Anderson Pacific Engineering Construction, Inc. in the amount of \$3,305,000 for the base bid and Add Alternate No. 1 for a total contract award of \$3,355,000, and approval of a contingency in the amount of \$503,250. CEQA: Mitigated Negative Declaration, and addenda thereto, File No. PP09-023. (Public Works/Parks, Recreation and Neighborhood Services)

4.8 [Public Hearing on Historic Landmark Nomination for the Tommie Smith House.](#)

[Attachment – Staff Report](#)

Recommendation: Conduct a public hearing and adopt a [resolution](#) designating the Tommie Smith House located on the west side of North 11th Street, approximately 300 feet north of East Santa Clara Street (55 North 11th Street) on a 0.19 acre site as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest of value of a historic nature (Brian C. Boguess, Property Owner). CEQA. Not a Project. SNI: 13th Street.

HL09-181 – Council District 3 [Presentation](#)

4.9 [Public Hearing and actions related to the Stevens Creek Signage Area.](#)

[Attachment – Memo from Councilmembers Constant, Liccardo, Chu and Herrera](#)

[Attachment – Signage Regulations](#)

Recommendation: Conduct a public hearing and approve an [ordinance](#) amending Title 23 of the San José Municipal Code to create the Stevens Creeks Boulevard Signage Area, establish regulations therefore, and make related clarifying changes. CEQA: Resolution No. 65459, File No. PP08-273. (Planning, Building and Code Enforcement).

* (Deferred from 4/7/09 – Item 4.4 and 5/12/09 – Item 4.5)

[Presentation](#)

5. NEIGHBORHOOD SERVICES

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

5.2 [Strong Neighborhoods Initiative Hoffman/Via Monte Improvement Plan Amendment.](#)

[Attachment – Memo from the RDA and Office of the City Manager](#)

Recommendation:

- (a) Accept the Strong Neighborhoods Initiative (SNI) Hoffman/Via Monte Neighborhood Improvement Plan Amendment as the renewed community vision for the future of the Hoffman/Via Monte SNI Planning Area; and
- (b) Encourage Hoffman/Via Monte area residents, property owners and community members to continue to dedicate their time, energy and resources towards the Plan and this Amendment while continuing with their community-building activities.

CEQA: Resolution No. 71045. Director of Planning, Building and Code Enforcement recommends approval. Council District 10. SNI: Hoffman/Via Monte. (City Manager's Office/Redevelopment Agency)

(Deferred from 5/5/09 – Item 5.2)

* **RECOMMEND DEFERRAL TO 6/2/09 IN THE AFTERNOON PER ADMINISTRATION**

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – [May 4, 2009](#) Councilmember Liccardo, Chair

- (1) Call to Order and Roll Call
- (2) Review of Work Plan
 - (a) Stormwater Program Implementation. (Environmental Services)
 - (b) Plant Master Plan Status Report. (Environmental Services)
 - (c) City Bicycle Master Plan Report. (Transportation)
 - (d) Climate Action Plan. (Environmental Services)
 - (e) Ordinance for Single Use Carryout Bags. (Environmental Services)
 - (f) Strategic Energy Plan Report. (Environmental Services)
- (3) Reports to Committee
 - (a) Consent Calendar
 - (b) Red Light Running Camera Systems Follow Up Report. (Police/Transportation)
 - (c) Water Conservation Ordinance, Update on Drought Conditions and Approval to Establish a Water Budget Program. (Environmental Services)
SEE ITEM 7.1 FOR COUNCIL ACTION TO BE TAKEN
- (4) Open Forum
- (5) Adjournment

6. TRANSPORTATION & AVIATION SERVICES

6.2 [Airport Exhibits Policy.](#)

Recommendation: Adopt a [resolution](#) establishing a new City Council Policy, entitled “Airport Exhibits Policy.” CEQA: Resolution Nos. 67380 and 71451, File No. PP09-098. (Airport)

* **DROP PER ADMINISTRATION**

6.3 [Report on RFP For Airport Baggage Handling and Conveyor System Services.](#)

Recommendation:

- (a) Report on Request for Proposal for the operation, maintenance and repair services of the Airport Baggage Handling Conveyor Systems in Terminals A and B; and
- (b) Adopt a resolution authorizing the Director of Finance to:
 - (1) Execute an [agreement](#) with Vanderlande Industries (Marietta, GA), for the operation, maintenance and repair of the Airport Baggage Handling Systems in Terminals A and B including all required spare and replacement parts, for an initial three year term with total compensation not to exceed \$5,168,360 subject to the annual appropriation of funds;
 - (2) Execute change orders not-to-exceed a contingency amount of \$387,627 to cover any unanticipated changes to the scope of services; and
 - (3) Execute two additional one-year options to extend the agreement after the initial term subject to the annual appropriation of funds.

CEQA: Not a Project. (Finance)

6.4 [Award of Bid for the Taxiway W Extension Phase 1 Project.](#)

Recommendation:

- (a) Adopt a [resolution](#) authorizing the Director of Public Works to determine the lowest responsive and responsible bidder, to award the Norman Y. Mineta San José International Airport Taxiway W Extension Phase 1 Project to the lowest responsive bidder, in an amount not to exceed \$14,204,000, or to reject all bids and re-bid the Project; and
- (b) Approve a contingency equal to ten percent of the award amount.

CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-095. (Public Works/Airport)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Water Conservation Ordinance, Update on Drought Conditions and Approval to Establish a Water Budget Program.](#)

Recommendation: As referred by the Transportation and Environment Committee on May 4, 2009, approve the City of San José Drought Response report and consider the following actions:

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Water Conservation Ordinance, Update on Drought Conditions and Approval to Establish a Water Budget Program. (Cont'd.)

Recommendation:

- (a) Adopt a [resolution](#) declaring a water shortage of 15% for the City of San José;
 - (b) Direct the City Attorney's Office to draft an ordinance amending Chapter 15.10 of the San José Municipal Code to strengthen the City's water waste prevention and water shortage measures;
 - (c) Adopt a [resolution](#) establishing a water budget program for Municipal Water System customers located in the System's Edenvale, Evergreen and Coyote service areas; and
 - (d) Direct staff to increase water conservation outreach and education.
- (Environmental Services) [Presentation](#)
(Transportation & Environment Referral 5/4/09 – Item 3.3)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- * *See Items 8.1 "Approval of actions related to the San José McEnery Convention Center Expansion" and 8.2 "Approval of the Diridon Station Area Good Neighbor Committee" 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 [City-Agency Short-Term Loan Agreement Due to Bond Market.](#)

Recommendation:

- (a) City Council and Redevelopment Agency Board approval of a loan [agreement](#) to the Redevelopment Agency from various City funds in an amount of \$12 million with a term of up to 72 hours, for the purpose of paying Agency obligations such as capital, operating and other expenses in the Adopted 2008-09 Agency Budget.
- (b) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Sanitary Sewer Connection Fee Fund (540):
 - (1) Increase the Loan to the Redevelopment Agency appropriation in the amount of \$550,000; and
 - (2) Increase the estimate for Loan Repayments from the Redevelopment Agency in the amount of \$550,000.

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 City-Agency Short-Term Loan Agreement Due to Bond Market. (Cont'd.)

Recommendation:

- (c) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5 (382):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$1,360,000; and
 - (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$1,360,000.
- (d) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7 (385):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$1,100,000; and
 - (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$1,100,000.
- (e) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund (390):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$750,000; and
 - (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$750,000.
- (f) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes (391):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$4,510,000; and
 - (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$4,510,000.
- (g) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund (375):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$3,730,000; and
 - (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$3,730,000.
- (h) Approval of an amendment to the FY 2008-2009 Merged Area Cooperation [Agreement](#) between the City of San José and the Redevelopment Agency of the City of San José to specify a repayment schedule for outstanding City Parkland Fees owed to the City by the Agency.
(Redevelopment Agency/City Manager's Office)

- **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

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(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.

[Attachment – Memo from Mayor Reed](#)

[Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#)

Recommendation:

- (a) [Consideration of an ordinance amending Title 20 of the San José Municipal Code](#), the Zoning Ordinance, to amend Section 20.100.500 of Chapter 20.100 Part 4 to allow the Director of Planning to reactivate certain expired development permits and to extend certain development permits for a discrete period of time and make other related clarifying changes. CEQA: Exempt, File No. PP09-070. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
Citywide [Ordinance](#)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 [Rezoning real property located on the east side of S. White Road.](#)

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

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the east side of S. White Road approximately 250 feet south of Cunningham Lake Court from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow up to 19 single-family detached residences or up to 14 single-family detached residences adjacent to a possible future new fire station on a 3.21 gross acres site (Bishop of Church of Jesus Christ, Owner) (Note: This site is one of several locations being considered for a possible new fire station. Any potential new fire station will undergo a separate environmental review). CEQA: Mitigated Negative Declaration. The Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends approval with minor modifications to development standards as recommended by staff and to consider the creation of through vehicular and pedestrian access connection from the new street of the proposed project to Flintcrest Drive (7-0-0).

[PDC09-008](#) – District 8 [Presentation](#)
(Continued from 5/5/09 – Item 11.2 and 5/12/09 – Item 4.7)

11.3 [Prezoning real property located on the west side of Lincoln Avenue.](#)

[Attachment – Staff Report](#)

Recommendation: Consideration of an [ordinance](#) prezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street on the south to Pacific Avenue on the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of up to 47 single-family attached residential units and 6 live/work lofts on a 1.16 gross acre site. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

[PDC07-017](#) – District 6 [Presentation](#)

11.4 [Ordinance amending Title 20 of the San José Municipal Code to provide for the appropriate relocation of existing Cardrooms.](#)

Recommendation: Consideration of an [ordinance](#) of the City of San José amending Title 20 of the San José Municipal Code, the Zoning Code, to amend Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50 and Section 20.90.060 of Chapter 20.90, and to add a new part 13.5 to Chapter 20.80 and a new Section 20.200.995 to Chapter 20.200, to provide for the appropriate relocation of existing Cardrooms. CEQA: Exempt, File No. PP09-041. Planning Commission recommends approval (5-0-2, Commissioners Jensen and Cahan absent).

Citywide

- **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 notification that the City Engineer has received the following Final Maps and is review them for final approval:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10035	Southwest Corner of Willow Glen Way and Creek Drive	6	Masoumi-Brothers, LLC	5 Lots / 5 Units	Single Family Detached

- **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.