



CITY COUNCIL AGENDA

AUGUST 25, 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 request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 (TTY) as soon as possible, but at least three 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

- **Invocation (District 7)**

Pastor Jon Talbert

- **Pledge of Allegiance**

- **Orders of the Day**

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

* ADJOURNMENT: This meeting will be adjourned in memory of Daniel Zaccheo, Recreation Leader in the Parks, Recreation and Neighborhood Services Department. (Parks, Recreation and Neighborhood Services)

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 Jensen Landscaping for their exemplary work in promoting San José's Green Vision through landscaping innovation. (Chu/Economic Development)

2. CONSENT CALENDAR

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

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- * (a) [ORD. NO. 28624](#) – Amending Section 2.08.1620 of Part 16 of Chapter 2.08 of Title 2 of the San José Municipal Code to Clarify the Term of Commissioners; (2) Amending Section 2.08.1630 to Clarify the Prohibition Against Holding Public Office While Serving on Elections Commission and to Add a Prohibition Against Being Employed by or Having a Contractual Relationship with a Candidate for City Office While Serving on the Elections Commission; (3) Amending Section 12.04.060 of Chapter 12.04 of Title 12 to Clarify that an Elections Commissioner May Vote to Impose an Order or Penalty for a Violation of Title 12 if He or She Certifies that He or She has Heard or Read the Testimony at the Hearing on the Complaint and Reviewed all the Evidence in the Record; (4) Amending Section 12.04.080 to Add a Requirement that City Officials and Employees Must Maintain the Confidentiality of a Complaint, Investigative File or Information Before the Elections Commission Until the Evaluator Presents the Report and Recommendations to the Commission; (5) Amending Section 12.06.040 of Chapter 12.06 to Expand the Definition of “Committee”; (6) Amending Section 12.06.050 to Clarify the Definition of “Contribution”; (7) Amending Section 12.06.080 to Expand the Definition of “Election”; (8) Amending Section 12.06.130 to Clarify the Definition of “Independent Expenditure”; (9) Amending Section 12.06.170 to Clarify the Definition of “Political Reform Act”; (10) Amending Section 12.06.260 to Clarify Prohibited Contributions by Cardrooms; (11) Amending Sections 12.06.910 and 12.06.920 to Clarify Campaign Disclosure Requirements; (12) Amending Part 10 of Chapter 12.06 to Require Disclosure of Electioneering Communications; and (13) Making Other Technical Changes.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation:

- (b) ORD. NO. 28625 – Rezoning Certain Real Property Situated at the Southwest Corner of North First and Century Center Court from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC09-002 [Presentation](#)
- (c) ORD. NO. 28626 – Rezoning Certain Real Property Situated on the East Side of Morrill Avenue Approximately 200 Feet Northerly of Ione Drive to A(PD) Planned Development Zoning District. PDC09-011 [Presentation](#)
- (d) ORD. NO. 28627 – Rezoning Certain Real Property Situated at the Northwest Corner of East San Fernando Street and South 34th Street to A(PD) Planned Development Zoning District. PDC08-057 [Presentation](#)
- (e) ORD. NO. 28628 – Rezoning Certain Real Property Situated on the Northeasterly Side of San Felipe Road, Approximately 400 Feet Northwest of Silver Creek Road from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC09-007 [Presentation](#)
- (f) ORD. NO. 28629 – Establishing a Temporary Moratorium on the Establishment of New Bail Bonds Establishments Pending the Review and Possible Amendment of Land Use Regulations Applicable to Such Establishments and Setting for the Findings to Support Such Temporary Moratorium.

2.3 Mayor and Council Excused Absence Requests.

2.4 [Sponsored Travel to France for European Union World Investment Conference.](#)

Recommendation: Approve, retroactively, Kim Walesh's sponsored travel to La Baule, France to speak at the European Union World Investment Conference on June 4, 2009, pursuant to San José Municipal Code Section 12.08.030(I). (Economic Development)

2.5 [Urban Runoff Management Plan Annual Report.](#)

[Attachment – Urban Runoff Annual Report](#)

Recommendation: Authorize submittal of the 2008-2009 Urban Runoff Management Plan Annual Report and certification to the San Francisco Bay Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System permit requirements, pursuant to the Federal Clean Water Act. CEQA: Not a Project. (Environmental Services)

2. CONSENT CALENDAR

2.6 [Report on Request for Bids for Purchase and Installation of Diesel Particulate Filter Retrofits for City Vehicles.](#)

Recommendation: Report on bids and award the purchase of 51 diesel particulate filter retrofits on City vehicles to Cummins West, Inc. (San Leandro, CA), the lowest responsive bidder, not to exceed \$720,055.61 of total compensation, including installation and sales tax; and authorize the Director of Finance to:

- (a) Execute the purchase order to purchase and install 51 diesel particulate filter retrofits.
- (b) Purchase and install additional quantities of diesel particulate filter retrofits on an as-required basis at the same unit price for a period of twelve months from the date of the initial purchase order, subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

2.7 [Retirement Investment Officer Classification.](#)

Recommendation: Adopt a [resolution](#) to amend the City of San José Pay Plan, effective August 25, 2009, to create the following classification: Retirement Investment Officer (7504). (Human Resources)

2.8 [Fiscal Action Related to Redevelopment Agency Capital Project.](#)

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2009-2010:

- (a) Increase the Beginning Fund Balance by \$467,121.
- (b) Increase the appropriation to the Department of Public Works for the 24th Street Pedestrian Streetlight Project (PSM 530 Amendment #1) in the amount of \$467,121.

CEQA: Exempt, File No. PP08-156. (Public Works/City Manager's Office)

2.9 [Councilmember Herrera's Travel to San Diego, CA.](#)

Recommendation: Approve travel by Councilmember Herrera to San Diego, CA on September 4, 2009 to attend the International Council of Shopping Centers Western Division Conference. Source of Funds: Redevelopment Agency. (Herrera)

* (Deferred from 8/18/09 – Item 2.11)

2.10 [Lower Silver Creek Trail Reach 7 at Silverstone Place Project Contract.](#)

Recommendation: Award of contract for the Lower Silver Creek Trail Reach 7 at Silverstone Place Project to the low bidder, Perma Green Hydroseeding, Inc., in the amount of \$398,700, and approval of a contingency in the amount of \$39,870. CEQA: Mitigated Negative Declaration, File No. PP07-106. Council District 5. SNI Area: East Valley/Communities. (Public Works)

* (Rules Committee referral 8/19/09)

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 – August 5, 2009 Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review August 11, 2009 Final 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)
 - (2) Review August 18, 2009 Draft Agenda
 - (a) Add new items to Draft Agenda
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of Items that Meet Exception Rules (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Review of upcoming Study Session Agendas
- (d) Legislative Update
 - (1) State
 - (2) Federal
- (e) Meeting Schedules
 - (1) Approval to set a General Plan City Council fall hearing for the evening of December 1, 2009. (Planning, Building and Code Enforcement)
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
- (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Direct Staff to return to Council on an expedited schedule with amendments to Municipal Code 23.04.120.J (Programmable Display Signs) to allow the Director of Planning to approve LED signs in the Downtown where:
 - (a) The sign attaches to a large tenant building, including the non-residential portion of otherwise residential buildings, without current 125,000 square foot “footprint” restriction;
 - (b) The sign has an area substantially larger than the current 18 square-foot restriction.(Liccardo)
- (i) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (a) Approval of the amended TE Workplan for the period of August through December 2009. (City Manager’s Office)
 - (4) Public Safety, Finance and Strategic Support Committee
- (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – August 5, 2009 (Cont'd.) Mayor Reed, Chair

- (j) Open Government Initiatives (Cont'd.)
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
- (k) Open Forum
- (l) Adjournment

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

3.4 [Appointment to the Mobilehome Advisory Commission.](#)

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

Recommendation: As recommended by the Rules and Open Government Committee on August 12, 2009, appoint JoAnne Ingold to the Mobilehome Advisory Commission to an unexpired term ending December 31, 2011. (Chu)

[Rules Committee referral 8/12/09 – Item G(1)]

* (Deferred from 8/18/09 – Item 2.9)

3.5 [Appointment Process for Employee Representatives to the Retirement Boards and the Civil Service Commission.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 19, 2009, direct the Office of the City Clerk:

- (a) To begin the process to conduct employee elections to nominate an employee member for appointment by the City Council to (1) the Board of Administration of the Federated City Employees Retirement System (Federated Retirement Board) and (2) a Police Department employee member of the Police and Fire Department Retirement Plan (Police and Fire Retirement Board) for terms which will expire November 30, 2013; and
- (b) To begin the process for an election among employees to nominate an employee representative for appointment by the City Council to the Civil Service Commission for a term which will expire November 30, 2013.

(City Clerk)

* [Rules Committee referral 8/19/09 – Item H(1)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Rezoning real property located on the west side of San Felipe Road.

Attachment – Staff Report

Supplemental – Memo from the Director of PBCE
Presentation

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of San Felipe Road, approximately 600 feet south of Delta Road (4203 San Felipe Road) to allow up to eight (8) single-family detached residences and one (1) 12,000 square foot office building on a 2.98 gross-acre site (Hawkstone San Felipe LLC, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval and the Planning commission voted 5-0-2 to transmit their comments and concerns without a formal recommendation. PDC09-003 – District 8
(Continued from 8/11/09 – Item 11.3)

4.3 Business Cooperation Program.

Presentation

Recommendation: Approve an ordinance amending Title 4 of the San José Municipal Code to add a new Chapter 4.86 to create a use tax allocation incentive program for the period of five years. CEQA: Not a Project. (Economic Development)

4.4 Sign Code Ordinance Amendment.

Recommendation: Approve the proposed ordinance amending Title 23 of the San José Municipal Code to allow programmable display signs for large ground-floor spaces in the Downtown Sign Zone. CEQA: Exempt, File No. PP09-159. Council District 3. SNI: Market/Almaden, University, and 13th Street. (Planning, Building and Code Enforcement)

4.5 Ordinance extending a temporary moratorium on new Bail Bonds Establishments.

* **Recommendation:** Consideration of an ordinance extending a temporary moratorium on the establishment of new Bail Bonds Establishments for a period of twenty-two (22) months and fifteen (15) days, pending the review and possible amendment of land use regulations applicable to such establishments, and setting forth the findings to support such extension of the temporary moratorium. CEQA: Exempt, File No. PP09-102.
Citywide
(Planning, Building and Code Enforcement)

* *Approval of this item requires 4/5's vote in favor by the City Council.*

* **CONTINUED AND RENOTICED TO 9/1/09 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – [August 13, 2009](#)

* Councilmember Campos, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
 - (1) Report on Neighborhoods Commission. (City Manager’s Office)
 - (2) Status Report on Foreclosures. (Housing)
 - (3) Report on Housing Counseling Services. (Housing)
- (c) Consent Calendar
 - (1) Review of Quarter Performance Measure Reporting. (Neighborhood Services CSA)
- (d) Reports to Committee
 - (1) Animal Care and Services Semi-Annual Report. (General Services)
 - (2) Update on Recreation E-Commerce System (RECS). (Parks, Recreation and Neighborhood Services)
 - (3) Report of Parks Grant and Parks Bond Capital Program. (Parks, Recreation and Neighborhood Services)
 - (4) Report on Key Legislative Items. (City Manager’s Office/ Intergovernmental Relations)
 - (5) Schools/City Collaborative Monthly Verbal Report. (City Manager’s Office)
- (e) Open forum
- (f) Adjournment

6. TRANSPORTATION & AVIATION SERVICES

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

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Clean Tech Demonstration Center Grant.](#)

[Presentation](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager, or designee, to submit an application for federal assistance to (1) the U.S. Department of Commerce’s Economic Development Administration in an amount not to exceed \$4,000,000 to construct a Clean Tech Demonstration Center; and (2) the U.S. Department of Energy for a Community Renewable Energy Deployment Grant in an amount not to exceed \$5,000,000 to install renewable energy technologies. CEQA: Not a Project. Council District 3. (Economic Development/Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 [Proposal for a Power Purchase and Site Lease Agreement.](#)

[Attachment – Memo from Mayor Reed](#)

[Supplemental – Memo from Finance and Environmental Services Department](#)

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

* **Recommendation:**

- (a) Accept staff's report on the Request for Information (RFI) process and issues related to Power Purchase Agreement (PPA) legal and business terms.
- (b) Initiate a competitive Request for Proposal (RFP) process for a power purchase and site lease agreement for Solar Photovoltaic Power Production at the Mabury and Central Service yards.

CEQA: Not a Project. (Finance/Environmental Services)

* (Deferred from 6/23/09 – Item 3.7, 8/4/09 – Item 7.1 and 8/18/09 – Item 7.1)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- 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.
 - Continue RDA Board Meeting
 - Adjournment
- * This meeting will be adjourned in memory of Daniel Zaccheo, Recreation Leader in the Parks, Recreation and Neighborhood Services Department. (Parks, Recreation and Neighborhood Services)

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.

REDEVELOPMENT AGENCY AMENDED AGENDA

AUGUST 25, 2009

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO DISTRICT 6
MADISON P. NGUYEN DISTRICT 7
ROSE HERRERA DISTRICT 8
JUDY CHIRCO DISTRICT 9
NANCY PYLE DISTRICT 10

Welcome to the San Jose Redevelopment Agency's Board meeting. Our Board is composed of the ten City Council Members and the Mayor, who serve as our Boardmembers and Chairperson.

If you wish to address the Redevelopment Agency about an issue that is not on the agenda but that is within the subject matter jurisdiction of the Redevelopment Agency Board., you may speak during the “Open Forum” during the City Council's meeting. The Council/Agency is unable to take action on issues presented during “Open Forum.”

This Agenda contains a Consent Calendar section for routine business items requiring Redevelopment Agency approval, as well as general business items arranged corresponding to the Agency’s Critical Service Areas. The Critical Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the Agency provides to the community and to the City. The four Critical Service Areas are:

- ***Promote and Implement Neighborhood Improvement Strategies*** — Through collaboration, revitalize commercial and residential neighborhoods so they are livable, safe, diverse and economically sustainable.
- ***Enhance the Quality and Supply of the City's Housing Stock*** — Enhance the Quality and Supply of the City's Housing Stock
- ***Initiate and Facilitate Public Facilities and Spaces*** — To guide the creation of a fabric of public facilities and spaces that is useful, stable, inviting, delightful and instills pride in the community to foster the opportunity for other investments
- ***Initiate and Facilitate Private Development*** — Capitalize on market opportunities and facilitate private development in the fastest possible time with the highest quality customer service

Items listed in Section 8 require approval of both the Redevelopment Agency Board and the City Council. **You may provide input on any agenda item by filling out a BLUE Speaker’s Card and submitting it to the City Clerk or Agency’s Clerk during the meeting.** If you wish to speak to the Agency, some tips to help you are noted below:

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- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Chairperson’s discretion however, depending on the number of speakers and length of agenda.

If you have any questions, please direct them to Agency 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. The Redevelopment Agency meets on Tuesdays, following the City Council’s meeting at 1:30 p.m.

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To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-8500 or (408) 294-9337 (TTY) at least three business days before the meeting.

On occasion the Redevelopment Agency 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
- **Open Forum**
To be heard jointly during the City Council's 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 Redevelopment Agency Board.
- **Closed Session Report**
- **Orders of the Day**
Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.
See Item 9 on the City Council Agenda for description of any City Council agenda items relating to the Redevelopment Agency.
- * **Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.**

1 CEREMONIAL ITEMS

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 Agency and will be adopted by one motion. If a member of the Redevelopment Agency Board, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Report of the Rules and Open Government Committee – July 29, 2009.

Chair Reed, Chairperson

- “4. 1 Review August 4, 2009, Final Agenda, Meeting Cancelled.
- 4.2 Review August 11, 2009, Draft Agenda.

2.2 Report of the Rules and Open Government Committee – August 5, 2009.

Chair Reed, Chairperson

- “4. 1 Review August 11, 2009, Final Agenda.
- 4.2 Review August 18, 2009, Draft Agenda.

3 GENERAL

3.1 Presentation of the Quarterly Projects Status Report.

Recommendation: Acceptance of the Redevelopment Agency’s Quarterly Projects Status Report for the Fourth Quarter, FY 2008-09.

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

6.1 Approval of a Master Lease with RSTP Investments, LLC, for business incubators in the downtown.

SUPPLEMENTAL 8-21-09

Recommendations:

- (a) **Approval of a Master Lease** with RSTP Investments, LLC, for 26,075 square feet of office space located at 100 East Santa Clara Street to house the Environmental Business Cluster, U.S. Market Access Center, Software Development Forum, and the San Jose Entrepreneur Center.
- (b) **Adoption of a resolution** approving an adjustment to the FY 2009-10 Adopted Capital Budget adding a new capital project line - Downtown Incubators and funding of \$766,000; and reducing the existing lease obligations for the four Incubator Programs by \$257,486.

CEQA: Exempt, File No. PP09-153. **(MERGED)**

* **(DEFER TO 9/15/09)**

7 PRIVATE DEVELOPMENT

7.1 Approval of actions related to the acquisition of property located at 98 South Almaden Avenue.

Recommendations:

- (a) **Approval of a Purchase and Sale Agreement** with Jan Chargin, as Trustee of the Jan Chargin Living Trust, dated August 31, 2005; and Lynn M. Bohnen, as Trustee of the Lynn M. Bohnen Trust, dated July 26, 2005, as tenants in common, in the amount of \$1,120,000 plus related closing costs, for the acquisition of real property, commonly known and operated as the Caravan Lounge, located at 98 South Almaden Avenue.

- (b) **Approval of a Settlement agreement and lease** with George Rich (dba Caravan Lounge) in the amount of \$187,000.

* CEQA: Resolution No. 72767, Use of Downtown Strategy 2000, FEIR, File No. PP09-164. **[ALMADEN GATEWAY]**

* **(RECOMMENDED TO BE DROPPED)**

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See item 9 on the City Council's Agenda, which will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today, for any Redevelopment-related actions on that agenda.

- 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.

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

- 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.

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 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, unless they are speaking during open forum.
- 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.