



CITY COUNCIL AGENDA

SEPTEMBER 22, 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 8)**
Mount Pleasant High School Marching Band

- **Pledge of Allegiance**

- **Orders of the Day**

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

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

* ADJOURNMENT: This meeting will be adjourned in memory of retired San José Police Officer, Richard “Rocky” Bridges. (Constant)

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

* **SEE NEW ITEM 1.4 “Presentation of a Proclamation recognizing September 21, 2009 as ‘World Alzheimer’s Day’ in the City of San José”**

* **ITEMS 4.3 AND 4.4 TO BE HEARD LAST.**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of proclamation declaring September 21-27, 2009 as “Pollution Prevention Week” and presentation of a commendation to the City’s Trails Program Manager and Parks Development Group for their work which promotes pollution prevention. (Environmental Services)
- 1.2 Presentation of proclamation declaring San José’s commitment to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010. (Mayor)
- 1.3 Presentation of an artwork titled “Peaces of a Dream” by San José local artist Debbie Marie Arambula to the City of San José. (Constant)
* (Rules Committee referral 9/16/09)
- 1.4 Presentation of a proclamation recognizing September 21, 2009 as “World Alzheimer’s Day” in the City of San José. (Herrera)
* (Orders of the Day)

2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**
- 2.3 **Mayor and Council Excused Absence Requests.**
- 2.4 **[Agreement with Cirque du Soleil.](#)**

[Presentation](#)

Recommendation:

- (a) Approve a lease agreement with Cirque du Soleil for the purpose of leasing portions of the City’s “E” Parking Lot (Taylor/San Pedro/Mission) to Cirque du Soleil from December 14, 2009 to April 2, 2010 to allow Cirque du Soleil to present to the public its touring show, for rental consideration to the City of \$95,000.
- (b) Direct staff to facilitate the permitting process required to authorize use of the “E” Parking Lot for Cirque du Soleil’s touring show, which will include community outreach and City employee and public parking plans, and that the City hold a public hearing to consider amendment of the current Conditional Use Permit for this site.

(Item continued on the next page)

2. CONSENT CALENDAR

2.4 Agreement with Cirque du Soleil. (Cont'd.)

Recommendation:

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Establish a City-Wide appropriation to the Office of Economic Development for Cirque du Soleil in the amount of \$175,000; and
- (2) Increase the estimate for Other Revenue by \$175,000.

CEQA: Exempt, File No. CPA05-015.02. Council District 3. (Economic Development)

* **RECOMMEND DEFERRAL TO 9/29/09 PER ADMINISTRATION**

2.5 Purchase of Office Furniture for the Airport.

Recommendation: Award the purchase of office furniture to Western Contract Interiors (San José, CA) for a total amount not to exceed \$384,150.01, including: delivery, assembly, installation and all applicable sales taxes, based upon a previously awarded bid that contained additional quantity pricing; and authorize the Director of Finance to:

- (a) Execute purchase orders as required to meet the Airport's timeline for staff relocation to the North Concourse.
- (b) Approve a contingency in the amount of \$38,415 for any unforeseen changes or requirements.

CEQA: Not a Project. (Finance)

2.6 Award of Open Purchase Orders for Supplies, Materials, Equipment and Services.

Recommendation: Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2009-2010 #2 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)

2.7 Agreement with Advance Design Consultants for Auxiliary Chilled Water System Project.

Recommendation: Approve a continuation [agreement](#) with Advance Design Consultants, Inc. for consultant services for the Auxiliary Chilled Water System Project for the City Hall Network Operations Center extending the term from April 1, 2009 to October 30, 2009, and increasing the amount of compensation by \$15,000, for a total agreement amount not to exceed \$149,000. CEQA: Not a Project. (Public Works/General Services)

2.8 Arena/Diridon Area Parking Meter District.

Recommendation: Approve an [ordinance](#) amending Chapter 11.40 of Title 11 of the San José Municipal Code to establish an Arena/Diridon Area Parking Meter District and to make certain other additions and amendments as described herein. CEQA: Resolution No. 72767, Use of Downtown Strategy 2000 FEIR, File No. PP09-167. Council District 3. (Transportation)

2. CONSENT CALENDAR

2.9 [Accept Gift of Artwork.](#)

Recommendation: Pursuant to Municipal Code Section 12.08.040(c), accept and receive gift of artwork titled “Peaces of a Dream” by San José local artist Debbie Marie Arambula. (Constant)

* (Rules Committee referral 9/16/09)

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 – [September 2, 2009](#) Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review September 8, 2009 Final Agenda
None – Meeting Cancelled
 - (2) Review September 15, 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
 - (a) Federal Relations Update – August Recess 2009. (City Manager’s Office)
- (e) Meeting Schedules
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
 - (1) Verbal Update of current Fall Recruitment Cycle. (City Clerk)
- (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approve of District 8 Senior Fair and Day in the Park as a City sponsored special event, to expend City funds and authorization to accept donations of materials and services for the event. (City Clerk)
- (i) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Approve the addition of a discussion of policy alternatives related to the exemption of park impact fees (PDO/PIO) for affordable housing developments on the October agenda for the Community and Economic Development Committee. (Housing)
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – September 2, 2009 Mayor Reed, Chair (Cont'd.)

- (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (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 Response to Grand Jury Report regarding IAFF Local 230.

- [Attachment A – 2008-2009 Civil Grand Jury Report](#)
- [Attachment B – Letter from the Office of the City Manager](#)
- [Attachment C – City Proposal #35 City Paid Union Release Time](#)
- [Attachment D – City Proposal #21 Sick Leave Pay Out](#)
- [Attachment E - 2008 Negotiation Ground Rules Presentation](#)

Recommendation: Accept the response to the Santa Clara County Civil Grand Jury Report titled “City of San José Hosed by IAFF Local 230 Executives.” CEQA: Not a Project. (City Manager’s Office)

3.5 Executive Home Loan Program.

- * **Recommendation:** As referred by the Rules and Open Government Committee on September 9, 2009, require City Council approval of any expenditure of funds currently allocated to the Executive Home Loan Program. (Constant)
[Rules Committee referral 9/9/09 – Item A(2)(a)]

3.6 Report of the Rules and Open Government Committee – August 19, 2009 Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review August 25, 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 September 1, 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
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee

**3.6 Report of the Rules and Open Government Committee – August 19, 2009 (Cont'd.)
Mayor Reed, Chair**

- (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approve and forward to the City Council the appointment process for Employee Representatives to the Retirement Boards and Civil Service Commission. (City Clerk)
 - (2) Recommend the Rules and Open Government Committee enact the following: (1) Direct the City Manager to work with veterans' organizations that service within the City of San José with the goal of erecting a Vietnam War Memorial in San José; and (2) Direct staff to return to the rules and Open Government Committee at an appropriate time with a status report. (Herrera/Campos)
- (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
 - (4) Public Safety, Finance and Strategic Support Committee
- (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Approve and forward to City Council the Administration's recommendations regarding Law Enforcement Information, Statistical Reports Prepared by the San José Police and Fire Departments; and refer to the Public Safety, Finance and Strategic Support Committee future decisions on Police and Fire Statistical Reporting. (City Manager's Office)
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
- (k) Open Forum
- (l) Adjournment

* (Deferred from 9/15/09 – Item 3.2)

**3.7 Report of the Rules and Open Government Committee – [August 26, 2009](#)
Mayor Reed, Chair**

- (a) City Council (City Clerk)
 - (1) Review September 1, 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 September 8, 2009 Draft Agenda
 - None – Meeting Cancelled
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Review of upcoming Study Session Agendas
 - (1) Greenprint 2009 Update.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.7 Report of the Rules and Open Government Committee – August 26, 2009 (Cont'd.)

Mayor Reed, Chair

- (d) Legislative Update
 - (1) State
 - (2) Federal
 - (e) Meeting Schedules
 - (1) Accept the proposed Public Safety, Finance and Strategic Support Committee's preliminary framework for holding two biannual community outreach sessions on public safety, on October 14, 2009 and April 14, 2010 including an outreach plan and a process to allow for public input in agenda development. (City Manager's Office)
 - (f) The Public Record
 - (g) Appointments to Boards, Commissions and Committee
 - (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Council and Agency Board accept disclosure of property interest by Eva Terrazas, Senior Community Relations Officer, and direct that the disclosure be entered into the public minutes of the Agency Board meeting. (Redevelopment Agency)
 - (2) Approve the designation of the District 6 Safety Fair and Movie Event 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)
 - (3) Approve of the District 2 Community Fest 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)
 - (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
 - (4) Public Safety, Finance and Strategic Support Committee
 - (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Approve and forward to City Council the Administration's recommendations regarding Law Enforcement Information, Statistical Reports Prepared by the San José Police and Fire Departments; and refer to the Public Safety, Finance and Strategic Support Committee future decisions on Police and Fire Statistical Reporting. (City Manager's Office)
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
 - (k) Open Forum
 - (l) Adjournment
- * (Deferred from 9/15/09 – Item 3.3)

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.2 [Grant Application for “Pathways Out of Poverty.”](#)
[Presentation](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager, or designee, to submit an application on behalf of the Green Careers Initiative consortium for the U.S. Department of Labor’s “Pathways Out of Poverty” grant in an amount not to exceed \$2,500,000. CEQA: Not a Project. Council Districts 3, 4, 5, 6, 7 and 8. SNI: West Evergreen, Mayfair, East Valley/680, Five Wounds/Brookwood Terrace, 13th Street, University, Burbank/ Del Monte, Spartan/Keyes, Washington. (Economic Development)

4.3 [Prezoning real property located on the east side of Sunol Street.](#)
[Supplemental – Memo from the Director of PBCE](#)

* **Recommendation:**

(a) Consideration of and vote on a Majority Protest to Prezoning PDC08-034 filed pursuant to Part 5 of Chapter 20.120 of the City’s Zoning Code to protest a rezoning to A(PD) Planned Development Zoning District that would allow up to 117 multi-family residential studio units above a podium garage and up to 2,000 square feet of commercial on a 1.32 gross acre site.
A vote of at least 8 Councilmembers is required by San José Municipal Code Section 20.120.420.A to override the majority protest and allow the City Council to consider Item 4.3(b)

(b) Consideration of an [ordinance](#) rezoning the real property located on the east side of Sunol Street, approximately 120 feet north of W. San Carlos Street from Unincorporated Santa Clara County to A(PD) Planned Development Zoning District to allow up to 117 multi-family residential studio units above a podium garage, and up to 2,000 square feet of commercial on a 1.32 gross acre site (James R Marcus Owner/Core Affordable Housing Applicant). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. (The propose rezoning would not go into effect until annexation occurs of the existing unincorporated County Island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0). [Presentation](#)

[PDC08-034](#) – District 6

* (Deferred from 9/15/09 – Item 11.4)

* **ITEMS 4.3 AND 4.4 TO BE HEARD LAST**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 [Prezoning real property located between McEvoy Street and Meridian Avenue, and south of Park Avenue.](#)

[Ordinance 1](#) [Ordinance 2](#) [Ordinance 3](#)

- * **Recommendation:** Consideration of an ordinance prezoning the real property located between McEvoy Street and Meridian Avenue, and south of Park Avenue from unincorporated Santa Clara County to R-1-8 Single-Family Residence, R-M Multiple Residence, CP Commercial Pedestrian, CIC Combined Industrial Commercial, and Light Industrial, on an approximately 56 gross acre area (County Island) consisting of approximately 282 parcels (Multiple Owners). SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. (The proposed rezoning would not go into effect until annexation occurs of the existing unincorporated County Island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

C08-023 – District 6 [Presentation](#)

- * (Deferred from 9/15/09 – Item 11.3)

- * **ITEMS 4.3 AND 4.4 TO BE HEARD LAST**

5. NEIGHBORHOOD SERVICES

5.1 **Report of the Neighborhood Services and Education Committee – [September 10, 2009](#)**

- * **Councilmember Campos, Chair**

- (a) Call to Order and Roll Call
- (b) Review of Workplan
 - (1) Report on PDO/PIO in Lieu Fee Agreement. (Parks, Recreation and Neighborhood Services)
 - (2) Discussion on Evaluation of Surplus City Properties for Charter Schools. (Mayor)
- (c) Consent Calendar
- (d) Reports to Committee
 - (1) Status Report on Foreclosures. (Housing)
 - (2) Report on Housing Counseling Services. (Housing)
 - (3) Report on Neighborhoods Commission. (City Manager’s Office/Strong Neighborhoods Initiative)
 - (4) Schools/City Collaborative Monthly 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.*

6.2 [Agreement with Chevron for Actions at the Airport Fuel Facility.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to negotiate and execute an Agreement with Chevron U.S.A. Inc. for coordinated corrective actions at the existing Norman Y. Mineta San José International Airport Jet Fuel Facility commingled plume site at a cost to the City not to exceed \$1,800,000 and authorizing the Director of Aviation to approve additional expenditures in excess of \$1,800,000, subject to appropriation of funds by Council. CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-145. (Airport)

- (Deferred from 9/15/09 – Item 6.2)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Recycle Plus Pilot Programs.](#)

[Presentation](#)

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Integrated Waste Management Fund (Fund 423) necessary to implement Recycle Plus pilot programs:

- (a) Increase the Beginning Fund Balance by \$1,706,000; and
 - (b) Increase the Yard Trimmings / Street Sweeping appropriation by \$1,706,000.
- CEQA: Mitigated Negative Declaration and addenda thereto, File No PP09-165.
(Environmental Services/City Manager’s Office)

7.2 [Reduction of Single-Use Carryout Bags.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Campos, Licardo and Chu](#)

[Attachment – Staff Report](#)

[Attachment – Memo from Councilmembers Chirco, Liccardo, Chu and Campos](#)

[Attachment – Letter from Lynx Metals and Resources Incorporated](#)

[Attachment – Letter to Councilmember Pyle](#)

[Attachment – CED Presentation](#)

[Presentation](#)

Recommendation: As referred by the Community and Economic Development Committee on August 24, 2009:

- (a) Direct staff to return to Council with an ordinance to prohibit the use of single-use carryout plastic and paper bags.
- (b) The ordinance shall:
 - (1) Apply to all retailers but exclude restaurants;
 - (2) Exempt non-profit and social service organizations;
 - (3) Exempt the use of “green” paper bags, containing at least 50% recycled content and direct staff to work with retail industry and return to Council with a recommendation on whether a .10 or .25 cent fee for retailers to cover additional costs of “green” paper is appropriate;
 - (4) Be effective no earlier than December 31, 2010, to allow for sufficient consumer education and “ramp-up” time;

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Reduction of Single-Use Carryout Bags. (Cont'd.)

Recommendation:

- (b) (5) If the California legislature passes legislation relating to a fee or ban on single-use bags before the date of December 31, 2010, this item should return to Council to determine whether to maintain, alter, or eliminate the municipal ordinance;
- (6) Exempt bulk or off the shelf purchases of plastic or paper bags.
- (c) Direct staff to continue to support legislation that would implement a state-wide program that would significantly reduce use of single-use carryout bags.
- (d) Direct staff to continue its aggressive outreach campaign to promote the use of reusable bags in collaboration with similar regional initiatives prior to the implementation of the ordinance.

(Chirco/Liccardo/Chu/Campos)

[Community and Economic Development Committee referral 8/24/09 – Item D(3)]

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 [Purchase of Insurance Policies.](#)

[Supplemental Memo from the Director of Human Resources](#)

- * **Recommendation:** Adopt a [resolution](#) authorizing the Director of Human Resources to select and purchase certain City and Redevelopment Agency insurance policies (property and liability for the City; property only for the Redevelopment Agency) for the period October 1, 2009 to October 1, 2010 at a cost not to exceed \$2,000,000 with the following insurance carriers:

- (a) Property Insurance including Boiler and Machinery coverage: Factory Mutual Insurance Company, or Chartis
- (b) Airport Owners and Operators Liability coverage: ACE Property & Casualty Insurance Company and Lloyds of London, or Chartis
- (c) Secondary Employment Law Enforcement Professional Liability coverage: Indian Harbor Insurance Company, or Philadelphia Insurance Company
- (d) Automobile Liability (Airport/WPCP only) and Airport Shuttle Bus coverage: St. Paul Travelers
- (e) Police Aircraft Hull and Liability coverage: Westchester Fire Insurance Company, or Chartis

CEQA: Not a Project. (Human Resources)

- 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**
* This meeting will be adjourned in memory of retired San José Police Officer, Richard “Rocky” Bridges. (Constant)

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

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

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

REDEVELOPMENT AGENCY AGENDA

SEPTEMBER 22, 2009

- **See item 9.1 on the City Council's Agenda, related to the purchase of “City and Redevelopment Agency insurance policies,” which will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today.**
- **There will be no Agency meeting separate from the Closed Session or joint session with the City Council on September 22, 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
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10