



CITY COUNCIL AGENDA

OCTOBER 27, 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 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**
9:00 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 9)**
Dartmouth Middle School Band, Sam Neipp, Director

- **Pledge of Allegiance**
- **Orders of the Day**

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

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the month of October as “Breast Cancer Awareness Month” in the City of San José. (Chirco/Kalra)

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to the Capital Improvement Program Action Team for its leadership role in making the City's Decade of Investment a success. (City Manager's Office)
- 1.3 Presentation of a commendation to Jan Marini Skin Research for small business success. (Economic Development/Kalra)
- 1.4 Presentation of a proclamation declaring the month of October 2009 as "Crime Prevention Month" in the City of San José. (Constant)
* (Rules Committee referral 10/21/09)
- 1.5 Presentation of a proclamation declaring October 24th, 2009 as "World Polio Day" in the City of San José. (Herrera/Pyle)
* (Rules Committee referral 10/21/09)

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 **City Memberships in Airports Council.**

Recommendation:

- (a) [Adopt a resolution:](#)
 - (1) Approving the continued full voting membership of the City of San José in Airports Council International – North America (ACI-NA).
 - (2) Designating the City Manager as the City's authorized representative to the ACI-NA.
 - (3) Authorizing the City Manager to cast votes in support of or opposition to proposed federal legislation to be taken by the ACI-NA on behalf of its members that the Manager determines to be (a) consistent with the City's official position; or (b) consistent with the most recently adopted City Legislative Principles, when applicable.

(Item continued on the next page)

2. CONSENT CALENDAR

2.4 City Memberships in Airports Council (Cont'd.)

Recommendation:

- (A) Adopt a resolution: (Cont'd.)
- (4) In instances when the City has no official position or applicable guiding legislative principle, the Manager is authorized to take an “interim” legislative position provided that: 1) the ACI-NA is informed before the vote is cast that the City’s final legislative position will need to be approved by the City Council; and 2) the Manager report out to Council for review on any legislation where an interim vote is cast.
 - (5) Approving payment of annual membership dues as a condition of ACI-NA membership, subject to Council appropriation of funds. [resolution](#)
- (b) [Adopt a resolution:](#)
- (1) Approving full voting membership of the City of San José in the California Airports Council (CAC).
 - (2) Designating the City Manager as the City’s authorized representative to the CAC.
 - (3) Authorizing the City Manager to cast votes in support of or opposition to proposed federal or state legislation to be taken by the CAC on behalf of its members that the Manager determines to be (a) consistent with the City’s official position; or (b) consistent with the most recently adopted City Legislative Principles, when applicable.
 - (4) In instances when the City has no official position or applicable guiding legislative principle, the Manager is authorized to take an “interim” legislative position provided that: 1) the CAC is informed before the vote is cast that the City’s final legislative position will need to be approved by the City Council; and 2) the Manager report out to Council for review on any legislation where an interim vote is cast.
 - (5) Designating the Assistant Director of Aviation as the City’s alternate representative to ensure the City is always represented at membership meetings and able to cast a vote.
 - (6) Approving payment of annual membership dues and the City’s share of any other assessed costs, as established by the CAC as a condition of membership, subject to Council appropriation of funds. [resolution](#)
- CEQA: Not a Project. (Airport)

2.5 [Construction Agreement with Westrust San José.](#)

Recommendation: Adopt a [resolution](#) amending the previous Council authorization granted to the Director of Public Works to negotiate and execute a Construction Agreement with Westrust San José, LLC for certain public improvements at the northeast corner of Monterey Road and Curtner Avenue to increase the amount of reimbursement to the Developer by \$146,722, from \$979,616 to an amount not to exceed \$1,126,338. CEQA: Resolution No. 72771. The subject roadway improvements were addressed in the Final EIR prepared for the General Electric Facility Planned Development Rezoning, File No. PDC04-029. Council District 7. (Public Works)

2. CONSENT CALENDAR

2.6 [Easement on City-Owned Property to Santa Clara Valley Water District.](#)

Recommendation: Adopt a [resolution](#) approving the transfer of an easement granting ingress and egress rights over City property to the Coyote Creek levee, and authorizing the City Manager to execute all documents necessary to transfer easement rights on City-owned property on Corie Court to the Santa Clara Valley Water District (District).

CEQA: Not a Project. (General Services)

* **RECOMMEND DROP PER ADMINISTRATION**

2.7 **Actions Related to Historic Landmark Initiations.**

Recommendation:

(a) Adopt a [resolution](#) to:

- (1) Initiate proceedings to consider the Frank and Nellie Wolfe House #9, located at 643 S. Sixth Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
- (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: University.

HL09-182 – District 3

(b) Adopt a [resolution](#) to:

- (1) Initiate proceedings to consider the Latta House, located at 445 N. Third Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
- (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: 13th Street.

HL09-183 – District 3

(c) Adopt a [resolution](#) to:

- (1) Initiate proceedings to consider the Field-Gross House, located at 167 S. Fourteenth Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
- (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: University.

HL09-184 – District 3

2. CONSENT CALENDAR

2.7 Actions Related to Historic Landmark Initiations (Cont'd.)

Recommendation:

(d) Adopt a [resolution](#) to:

- (1) Initiate proceedings to consider the Petree House, located at 102 S. Twelfth Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
- (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: University.

HL09-185 – District 3

(e) Adopt a [resolution](#) to:

- (1) Initiate proceedings to consider the Riggs House, located at 577 S. Twelfth Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
- (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: University.

HL09-186 – District 3

(f) Adopt a [resolution](#) to:

- (1) Initiate proceedings to consider the Former Second Presbyterian Manse, located at 655 S. Sixth Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
- (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: University.

HL09-187 – District 3

(Item continued on the next page)

2. CONSENT CALENDAR

2.7 Actions Related to Historic Landmark Initiations (Cont'd.)

Recommendation:

- (g) Adopt a [resolution](#) to:
- (1) Initiate proceedings to consider the Cox House, located at 198 S. Twelfth Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
 - (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
 - (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: University.

HL09-188 – District 3

- (h) Adopt a [resolution](#) to:
- (1) Initiate proceedings to consider the Purdy House, located at 438 N. Second Street, as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
 - (2) Set a public hearing on Tuesday, December 1, 2009 at 1:30 p.m. for Council consideration of City landmark designation of the structures.
 - (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, followed by a report and recommendation back to City Council.

[Attachment – Letter Regarding City Landmark Nomination](#)

CEQA: Not a Project. SNI: 13th Street.

HL09-189 – District 3

(Planning, Building and Code Enforcement)

2.8 [Agreement with Our City Forest.](#)

Recommendation:

- (a) Approval of an Annual Operating Grant [Agreement](#) with Our City Forest for 2009-2010, in an amount not to exceed \$275,000; and
- (b) Approval of a Matching Grant [Agreement](#) with Our City Forest in an amount not to exceed \$120,000 for Our City Forest to apply towards its local match required for the AmeriCorps Grant.

CEQA: Exempt, File No. PP04-313. (Transportation)

2.9 [Councilmember Chu's Travel to San Antonio, Texas.](#)

Recommendation: Approve travel by Councilmember Chu to San Antonio, Texas on November 10-14, 2009 to attend National League of Cities Congress of Cities and Exposition. Source of Funds: Mayor/Council Travel Fund. (Chu)
(Rules Committee referral 10/14/09)

2. CONSENT CALENDAR

2.10 Councilmember Chu's Travel to Anaheim, CA.

Recommendation: Approve travel by Councilmember Chu to Anaheim, CA on November 19-20, 2009 to attend League of Cities Board Meeting. Source of Funds: Mayor/Council Travel Fund. (Chu)
(Rules Committee referral 10/14/09)

2.11 Mobilehome Advisory Commission Appointment.

Supplemental – Memo from the City Clerk

Recommendation: As recommended by the Rules and Open Government Committee on October 14, 2009, approve the appointment of Donna Cox to the Mobilehome Advisory Commission as a Resident representative for an unexpired term ending December 31, 2011. (Chu)

* [Rules Committee referral 10/14/09 – Item G(1)]

2.12 Federal Alternative Fuel Excise Tax Credit Provisions in H.R. 1835 and S. 1408.

Recommendation: As referred by the Rules and Open Government Committee on October 21, 2009, consider a position for the legislative objective of extending the federal alternative fuels excise tax credit in H.R. 1835 and S. 1408. (Airport)

* [Rules Committee referral 10/21/09 – Item D(2)(a)]

2.13 2009 National League of Cities Voting Delegate at the Annual Business Meeting.

Recommendation: As referred by the Rules and Open Government Committee on October 21, 2009, consider the approval of the proposed designation of Councilmember Kansan Chu as the voting delegate at the November 14, 2009 Annual Business Meeting for the National League of Cities (NLC). (City Manager's Office)

* [Rules Committee referral 10/21/09 – Item H(1)]

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 – October 7, 2009 Mayor Reed, Chair

(a) City Council (City Clerk)

(1) Review October 13, 2009 Final Agenda
None – Meeting Canceled.

(2) Review October 20, 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)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – October 7, 2009

Mayor Reed, Chair (Cont'd.)

- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Review of upcoming Study Session Agendas
- (d) Legislative Update
 - (1) State
 - (a) Sacramento Update (verbal report). (City Manager's Office)
 - (2) Federal
- (e) Meeting Schedules
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
- (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of designation of Operation Prom Dress as a City Council sponsored special event and authorization to accept donations of materials and services for the event. (City Clerk)
 - (2) Approve a work plan for studying how and whether communications about City business that employ new technologies and/or non-City owned equipment should be subject to disclosure requirements. (City Manager's Office)
- (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
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
- (k) Open Forum
 - (l) Adjournment

3.3 Report of the Public Safety, Finance & Strategic Support Committee – October 15, 2009

*

Councilmember Nguyen, Chair

- (a) Call to Order and Roll Call
- (b) Review of Work Plan
 - (1) Report on the Modification of Procurement Reforms. (Finance)
 - (2) Comprehensive Annual Financial Report (CAFR). (Finance)
 - (3) Comprehensive Annual Debt Report. (Finance)
 - (4) Report on Heart Safe City. (Fire)
 - (5) Annual 2008-2009 Report on Fire Department Overtime. (Fire)
 - (6) Review of the Executive Home Loan Program. (City Manager's Office)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Public Safety, Finance & Strategic Support Committee – October 15, 2009 * Councilmember Nguyen, Chair (Cont'd.)

- (b) Review of Work Plan (Cont'd.)
 - (7) Review of Relevant 2010 Legislative Guiding Principles. (Intergovernmental Relations)
- REPORTS (1)-(7) DEFERRED BY COMMITTEE TO NOVEMBER 2009**
- (8) Domestic Violence Activity Report. (City Manager's Office/Police)
 - (9) Quarterly Report on Workers' Compensation Program. (Human Resources)
- REPORTS (8)-(9) DEFERRED BY COMMITTEE TO DECEMBER 2009**
- (c) Consent Calendar
 - (1) Redevelopment Agency Monthly Financial Reports.
 - (2) Bi-Monthly Financial Report for July-August 2009.
 - (3) Status Report on Customer Contact Center.\
 - (d) Reports to Committee
 - (1) Update on the Conservation Corps Audit.
 - (2) Evaluation of the Police Department's Revised Citizen Complaint Process for FY 2008/09 and the One-Year Evaluation of the San José Police Department's In-Custody Death Training Review Panel.
[Supplemental – Memo from the Independent Police Auditor](#)
 - (3) Semi-Annual Recommendation Follow-Up Report on all Outstanding Audit Recommendations.
 - (4) Audit of Animal Care of Services.
[Supplemental – Memo from the City Auditor](#)
- * **SEE ITEM 3.8 FOR COUNCIL ACTION TO BE TAKEN**
- (e) Open Forum
 - (f) Adjournment

3.4 [Settlement with Licking Enterprises, Inc. / Purchase of Property at 1157 East Taylor Street.](#)

Recommendation:

- (a) Approve a settlement and authorize the City Attorney to execute a Settlement Agreement and Release to settle the case of Licking v. City of San Jose. Settlement includes \$2,096,000 for purchase of property for the Route 101/Mabury interchange, a leaseback of the property to the sellers for a nominal amount and payment for loss of goodwill to be determined by binding arbitration from the Building and Structure Construction Tax Fund or other legally available funds.
[Contract 1](#) [Contract 2](#) [Contract 3](#)
 - (b) Adopt the following Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund (429):
 - (1) Establish an appropriation to the Department of Transportation for the Route 101/Mabury Acquisition Project in the amount of \$2,096,000; and
 - (2) Decrease the Ending Fund Balance by \$2,096,000.
- CEQA: Resolution No. 74195.1. (City Attorney's Office/City Manager's Office)

3. STRATEGIC SUPPORT SERVICES

3.5 [Annual Summary of Upcoming Labor Negotiations.](#)

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

Recommendation: Accept staff report and public input on Annual Summary of Upcoming Labor Negotiations. CEQA: Not a Project. (City Manager’s Office)

3.6 **Report of the Rules and Open Government Committee – [September 30, 2009](#)** **Mayor Reed, Chair**

- (a) City Council (City Clerk)
 - (1) Review October 6, 2009 Final Agenda
 - (a) Add new items to final agenda
 - (1) Reciprocal Audit Services for the City Auditor’s Office.
(Mayor)
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of Items that Meet Exception Rules (if needed)
 - (2) Review October 13, 2009 Draft Agenda
NONE – MEETING CANCELLED
 - (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
 - (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Attorney’s Response to Letter from Bob Brownstein dated September 9, 2009. (City Attorney’s Office)
 - (2) Proposed Amendments to Chapter 9.58 of the San José Municipal Code, commonly known as the Graffiti Abatement Ordinance. (Nguyen)
 - (3) Performance Management and Reporting in San José: A Proposal for Improvement. (City Auditor)
 - (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
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
 - (k) Open Forum
 - (l) Adjournment
- * (Deferred from 10/20/09 – Item 3.9)

3. STRATEGIC SUPPORT SERVICES

3.7 Report of the Public Safety, Finance & Strategic Support Committee Special Meeting – October 14, 2009, Councilmember Nguyen, Chair

*

- (a) Call to Order and Roll Call
- (b) Opening Comments and Review of Meeting Purpose and Format
- (c) Elicit Feedback from the Community on the Following Questions:
 - (1) What reactions do you have to the City efforts to date?
 - (2) What ideas do you have for addressing policing issues?
 - (3) What do you want to know about police services?
- (d) Open Forum
- (e) Committee Discussion and Closing Comments
- (f) Adjournment

3.8 [Audit of Animal Care and Services.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on October 15, 2009, accept the audit of Animal Care and Services. (City Auditor’s Office)

*

[Public Safety, Finance and Strategic Support Committee referral 10/15/09 – Item D(4)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.2 [Actions related to the Multi-Family Housing at Belovida at Newbury Park.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Belovida at Newbury Park Senior Apartments), Series 2009A” in an aggregate principal amount not to exceed \$26,200,000 (the “Bonds”);
- (b) Approving a loan of Bond proceeds to Belovida at Newbury Park, L.P., a California limited partnership created by CORE Affordable Housing, LLC and EAH, Inc., to finance the construction of the Belovida at Newbury Park Senior Apartments located at 1777 Newbury Park Drive in San José;
- (c) Approving in substantially final form the Bonds, [Trust Indenture](#), [Loan Agreement](#), and [Regulatory Agreement and Declaration of Restrictive Covenants; Attachment – Contract for Subordination Agreement](#)
- (d) Authorizing the City Manager, Director of Finance, Assistant Director of Finance, Treasury Division Manager, Debt Administrator, and Director of Housing, or their designees, to execute and, as appropriate, to negotiate, execute and deliver these Bond documents and other related Bond documents as necessary; and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Actions related to the Multi-Family Housing at Belovida at Newbury Park. (Cont'd.)

Recommendation:

- (e) Approving a change in the project's income restrictions, related to units restricted to extremely low-income and very low-income households, to 48 units restricted to households at or below 30% of Area Median Income ("AMI"), 136 units restricted to households at or below 50% of AMI, and one unrestricted manager's unit.

CEQA: Mitigated Negative Declaration, File No. PDC07-015. Council District 3.
(Housing/Finance)

* **RECOMMEND DEFERRAL TO 11/3/09 PER ADMINISTRATION**

4.3 Coordinated Marketing Effort.

Recommendation: As recommended by the Community and Economic Development Committee on September 28, 2009, accept staff's verbal progress update report on the Mayors' Budget Message directive to review marketing budgets and identify opportunities to improve collaboration and use resources most effectively on the effort to communicate key San José messages through the national /international media.

(Economic Development/Redevelopment Agency/Mayor)

[Community and Economic Development Committee referral 9/28/09 – Item D(4)]

* (Deferred from 10/20/09 – Item 4.3)

5. NEIGHBORHOOD SERVICES

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

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 Master Agreement with URS Corporation.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a second amendment to the URS Corporation Master Agreement for continuing program support services on Airport capital improvement projects, increasing compensation by \$3,500,000, for a total amount not to exceed \$18,500,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-162. (Airport)

6. TRANSPORTATION & AVIATION SERVICES

6.3 [Remove and Replace Asphalt Concrete Pavement Project 2009.](#)

Recommendation: Report on bids and award of a construction contract for the Remove and Replace Asphalt Concrete Pavement 2009 Project to the low bidder, MCK Services, Inc., in the amount of \$2,283,920, and approval of a five percent (5%) contingency in the amount of \$114,200. CEQA: Exempt, File No. PP04-039. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

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

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.