



CITY COUNCIL AGENDA

DECEMBER 8, 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 (Mayor)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

THE SAN JOSÉ FINANCING AUTHORITY WILL MEET IN A JOINT SESSION FOLLOWING THE AFTERNOON COUNCIL SESSION

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of commendations from the City of San José and Allied Waste Services of Santa Clara County, and checks for \$1,000.00 to Horace Mann School and HP Pavilion for being leaders in recycling and sustainability. (Liccardo)
(Rules in Lieu referral 11/24/09)

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.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of October 6, 2009.](#)
- (b) [Regular Minutes of October 20, 2009.](#)
- (c) [Regular Minutes of October 27, 2009.](#)

2.2 Final adoption of ordinances.

2.3 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Constant from the Evening Meeting of the City Council on November 17, 2009 due to illness.](#) (Constant)
(Rules in Lieu referral 11/24/09)

2.4 [Amendment to Master Agreement with HF&H Consultants.](#)

Recommendation: Approve a second amendment to the [agreement](#) with HF&H Consultants for environmental consultant services for various Environmental Service Department projects by increasing the total compensation by \$300,000 from \$500,000, to an amount not to exceed \$800,000. CEQA: Not a Project. (Environmental Services)

2.5 [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 #3 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)

2.6 [Sale of City-Owned Property to Senter Road Service Station.](#)

Recommendation: Adopt a [resolution](#):

- (a) Declaring the vacant 0.067 acres of City-owned property on the north west corner of Capitol Expressway and Senter Road surplus to the needs of the City;
- (b) Approving an [agreement](#) between the City and Senter Road Service Station LP for sale of the property in the amount of \$102,148; and
- (c) Authorizing the Director of General Services to execute all sales documents and the deed necessary to complete the transaction.

CEQA: Exempt, File No. PP09-181. (General Services)

2. CONSENT CALENDAR

2.7 [Agreement with URL Integration for Project Management Services.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with URL Integration, Inc. to provide Project Management services in the development of the Automated Field Reporting/Record Management System for the City's Police Department for the period from the date of execution by the City through May 18, 2012 in an amount not to exceed \$374,808.46 and authorize any future amendments and all related documents without further Council action other than appropriation of funds. CEQA: Not a Project. (Police)

2.8 [FY 2009 Child Sexual Predator Program Grant.](#)

Recommendation:

- (a) Adopt a [resolution](#) accepting the 2009 Child Sexual Predator Program Grant in the amount of \$447,773 and authorize the City Manager to execute the Grant [Agreement](#), any future amendments, and all related documents without further Council action other than appropriation of funds;
- (b) Adopt the following appropriation ordinance and funding sources resolution amendments in the General Fund in fiscal year 2009-2010 for the first year costs:
 - (1) Establish a City-wide appropriation to the Police Department for the 2009 Child Sexual Predator Program Grant in the amount of \$265,286; and
 - (2) Increase the Earned Revenue Estimate from the Federal Government by \$265,286.

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

2.9 [Mayor Reed's Travel to New York, NY.](#)

Recommendation: Approve travel retroactively by Mayor Reed to New York, NY on October 1-2, 2009 to attend the IBM Smarter Cities Forum as a Panelist. Source of Funds: Mayor's Office. (Mayor)
(Rules in Lieu referral 11/24/09)

2.10 Mayor and Council Special Event Requests.

Recommendation:

- (a)
 - (1) [Approve the District 4 "Breakfast with Santa" as a City Council sponsored Special Event; and](#)
 - (2) Approve and accept donations from various individual, businesses or community groups to support the event.
- (b) [Approve the District 6 Movie Event, "Flow", as a City Council sponsored Special Event.](#)

(City Clerk)

(Rules in Lieu referral 11/24/09)

2. CONSENT CALENDAR

2.11 [HR 3745 \(Baldwin\) Community Access Preservation Act 2009.](#)

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2009, adopt a support position for HR 3745 (Baldwin) Community Access Preservation Act 2009, which would have several positive effects for the City and the community. (City Manager's Office)
[Rules Committee referral 12/2/09 – Item D(1)(a)]

2.12 [2010-2011 City Budget Calendar and Budget Study Session Schedule.](#)

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2009, adopt the proposed 2010-2011 City Budget Calendar and the detailed schedule for City Council Budget Study Sessions on the City's 2010-2011 Operating Budget and the 2010-2011 Capital Budget and 2011-2015 City Capital Improvement Program. (City Manager's Office)

* [Rules Committee referral 12/2/09 – Item E(1)]

2.13 [Commission Appointments and Reappointments.](#)

Recommendation: As recommended by the Rules and Open Government Committee on November 18, 2009 and on December 2, 2009:

- (a) Reappoint James Smith and Miguel Olivo to the Small Business Development Commission to terms ending December 31, 2012. (Nguyen)
- (b) Appoint Ramiro Torres to the Historic Landmarks Commission to an unexpired term ending June 30, 2011. (Chirco)
- (c) Appoint Erica Schaefer to the Early Care and Education Commission for an unexpired term ending June 30, 2010, and Keith Morales and Kathleen McDavid to fill two unexpired terms ending June 30, 2012. (Chirco)
- (d) Appoint Francisco Rodriguez to the Disability Advisory Commission for an unexpired term ending June 30, 2012. (Pyle)
- (e) Reappoint Raj Baines to the Human Rights Commission for a three-year term ending December 31, 2012 and appoint Megan Young, Jaime Contreras and Margaret Akdeniz to fill three three-year terms ending December 31, 2012. (Chu)
- (f) Reappoint James Bojorquez and Darrold "Dan" Wagner to the Advisory Commission on Rents. (Herrera)
- (g) Appoint Joyce Rabourn, Judith Marie Heyter, Nancy Williamson, Milton Cadena, and Chaitanya Vaidya to the Senior Citizens Commission. (Constant)

* [Rules Committee referral 11/18/09 – Items G(1) – G(5) and 12/2/09 – Items G(1) – G(2)]

2. CONSENT CALENDAR

2.14 [Review of Relevant 2010 Legislative Guiding Principles.](#)

Recommendation: As recommended by the Community and Economic Development Committee on November 30, 2009, review and discuss the Draft 2010 Relevant Legislative Guiding Principles with focus on community and economic development. (City Manager's Office)

Community and Economic Development Committee referral 11/30/09 – Item D(10)

* **ITEM 3.9 RENUMBERED TO ITEM 2.14**

3. STRATEGIC SUPPORT SERVICES

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

3.2 Reports of the Rules and Open Government Committee Mayor Reed, Chair

- (a) Reports of the Rules and Open Government Committee – [November 18, 2009](#)
 - (a) City Council (City Clerk)
 - (1) Review November 24, 2009 Final Agenda
NONE – MEETING CANCELLED
 - (2) Review December 1, 2009 Draft Agenda
 - (a) Add new items to draft agenda
 - (1) Add SJ2020 Resolution to the December 1, 2009 Agenda for adoption. (Mayor)
 - (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
 - (1) Review Special City Council Meeting Agenda for December 3, 2009.
 - (d) Legislative Update
 - (1) State
 - (2) Federal
 - (e) Meeting Schedules
 - (1) Approve additional Study Sessions for the full City Council to discuss and engage with stakeholders, ideas for addressing the City's structural deficit and new revenue ideas. (Mayor)
 - (f) The Public Record

3. STRATEGIC SUPPORT SERVICES

3.2 Reports of the Rules and Open Government Committee (Cont'd.)

Mayor Reed, Chair

- (a) Reports of the Rules and Open Government Committee – November 18, 2009 (Cont'd.)
 - (g) Appointments to Boards, Commissions and Committee
 - (1) Approve re-appointment of James Smith and Miguel Olivo to the Small Business Development Commission to terms ending December 31, 2012. (Nguyen)
 - (2) Approve appointment of Ramiro Torres on the Historic Landmarks Commission to an unexpired term ending June 30, 2011. (Chirco)
 - (3) Approve appointment on the Early Care and Education Commission for Erica Schaefer to fill an unexpired term ending June 30, 2010, Keith Morales and Kathleen McDavid to fill two unexpired terms ending June 30, 2012. (Chirco)
 - (4) Approve appointment on the Disability Advisory Commission for Francisco Rodriguez to fill an unexpired term ending June 30, 2012. (Pyle)
 - (5) Approve re-appointment on the Human Rights Commission for Raj Baines for three-year term ending December 31, 2012 and approve appointments for Megan Young, Jaime Contreras and Margaret Akdeniz to fill three three-year terms ending December 31, 2012.
 - (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Adopt Ordinance allowing cultivation/medical use of Cannabis in San José (Verbal Report). (City Manager's Office)
 - (2) Accept the Administration's request to defer the discussion of consideration of an amendment to Sections 4.04.020A.3 (b) (c) and (e) of the San José Municipal Code regarding contract authority to the October 28, 2009 Rules and Open Government Committee. (Finance)
 - (3) Approve addition to the Parks and Recreation Commission Workplan a review of the Los Alamitos Creek Trail community meeting held on October 28, 2009. (Pyle)
 - (4) Approve Guidelines for Council Invocations. (Mayor)
 - (5) Accept the City Auditor's Report on the "Review of American Recovery and Reinvestment Act First Quarterly Reports." (City Auditor)
 - (6) Approve the Auditor's Office Monthly Report of Activities for October 2009. (City Auditor)
 - (7) Place on the December 8, 2009 City Council Agenda the proposal to authorize the Chief of Police to halt the issuance of driver permits where identified economic indicators demonstrate a substantial decline in demand for taxicab services and direct the City Attorney to prepare the accompanying ordinance. (Mayor/Liccardo)

SEE ITEM 6.2 FOR COUNCIL ACTION TO BE TAKEN

3. STRATEGIC SUPPORT SERVICES

3.2 Reports of the Rules and Open Government Committee (Cont'd.)

Mayor Reed, Chair

- (a) Reports of the Rules and Open Government Committee – November 18, 2009 (Cont'd.)
 - (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
 - (a) Approve additions to the PSFSS Workplan on December 17, 2009 entitled FY2008-09 Audit of the Hayes Mansion. (Finance)
 - (b) Approve addition to the PSFSS Workplan on December 17, 2009 entitled FY2008-09 Audit of the San José Convention and Cultural Facilities. (Finance)
 - (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Record Act Requests
 - (a) Clarification requested by the Administration for certain police records (photos) to be posted on the City's website regarding officer involved shooting on May 10, 2009. (City Manager's Office/Police)
 - (4) Council Policy Manual Update
 - (k) Open Forum
 - (l) Adjournment
- (b) Report of the Rules and Open Government Committee – [October 28, 2009](#)
 - (a) City Council (City Clerk)
 - (1) Review November 3, 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 November 10, 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
 - (1) Review November 5, 2009 Special City Council Meeting Agenda.
 - (2) Review November 9, 2009 Redevelopment Agency/City Council Joint Budget Study Session Agenda.

3. STRATEGIC SUPPORT SERVICES

3.2 Reports of the Rules and Open Government Committee (Cont'd.)

Mayor Reed, Chair

(b) Reports of the Rules and Open Government Committee – October 28, 2009 (Cont'd.)

(d) Legislative Update

(1) State

(a) Oppose Senate Bill No. 88 (DeSaulnier) regarding Local Government Bankruptcy.

HEARD BY COUNCIL ON 11/3/09

(2) Federal

(e) Meeting Schedules

(1) Approval to cancel Regular Meetings in November and December and schedule Rules-in-Lieu Meetings. (City Clerk)

(2) Request to set Study Session on Sign Code Update on November 13, 2009 in the City Hall Council Chambers from 9:00 a.m. – 12:00 p.m. (City Manager's Office)

(f) The Public Record

(g) Appointments to Boards, Commissions and Committee

(h) Rules Committee Reviews, Recommendations and Approvals

(1) Accept the Administration's request to defer the discussion of consideration of an amendment to sections 4.04.020A.3 (b) (c) and (e) of the San Jose Municipal Code regarding contract authority to the October 28, 2009 Rules and Open Government Committee meeting. (Finance)

(2) Discuss methods to amend parkland agreements with developers that are in default or have upcoming payments of in-lieu fees even though their projects will not start construction for a long time; and direct staff to do a workload assessment for developing recommendations for City Council consideration. (Mayor)

SEE ITEM 5.3 FOR COUNCIL ACTION TO BE TAKEN

(i) Review of Additions to Council Committee Agendas

(1) Community and Economic Development Committee

(a) Request to add the Citywide Monuments Policy to the CED Committee agenda for December 14, 2009. (Economic Development)

(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

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(Deferred from 11/17/09 – Item 3.2 and 12/1/09 – Item 3.2)

3. STRATEGIC SUPPORT SERVICES

3.2 Reports of the Rules and Open Government Committee (Cont'd.)

Mayor Reed, Chair

- (c) Report of the Rules and Open Government Committee – [November 4, 2009](#)
 - (a) City Council (City Clerk)
 - (1) Review November 10, 2009 Final Agenda
 - (a) Add new items to final agenda
 - (1) Recommendation to name a new park. (City Clerk)
 - (2) Recommendation to rename a Senior Center. (City Clerk)
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of Items that Meet Exception Rules (if needed)
 - (2) Review November 17, 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
 - (1) Review November 5, 2009 Special City Council Meeting Agenda.
 - (2) Review November 9, 2009 Redevelopment Agency/City Council Joint Budget Study Session Agenda.
 - (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) Adopt Ordinance allow cultivation/medical use of cannabis in San José. (Oliverio)
 - (i) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Return to CED Committee in November, or at the earliest opportunity thereafter to identify strategies and policy changes to reduce the burdens of city fees on nonprofits, neighborhood organizations, and other sponsors of event. (Liccardo/Pyle)
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee

3. STRATEGIC SUPPORT SERVICES

3.2 Reports of the Rules and Open Government Committee (Cont'd.)

Mayor Reed, Chair

(c) Reports of the Rules and Open Government Committee – November 4, 2009 (Cont'd.)

(j) Open Government Initiatives

(1) Reed Reforms

(2) Sunshine Reform Task Force

(3) Significant Public Record Act Requests

(a) Consideration of Release of 911 Tapes and Police Report of fatal shooting on May 10, 2009.

(1) Approve the request for release of the 911 tapes sought by the Mercury News. (Mayor)

(2) Correspondence from Bert Robinson requesting the committee to consider the release of the police report. (Mercury News)

(3) Email correspondence from City to Mr. Raj Jaydev, et al. regarding Public Records Request for 911 Tapes, Police Records, and other Records. (City Manager's Office)

(3) (b) Consideration of Release of Police Records of arrest made on September 3, 2009. (Mayor)

(4) Council Policy Manual Update

(k) Open Forum

(l) Adjournment

* (Deferred from 12/1/09 – Item 3.3)

(d) Report of the Special Rules and Open Government Committee – [November 9, 2009](#)

(a) City Council (City Clerk)

(1) Review November 17, 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)

(b) Review of Additions to Council Committee Agendas

(1) Community and Economic Development (CED) Committee – Verbal Confirmation of date for the December 2009 meeting. (City Manager's Office)

(2) Public Safety, Finance and Strategic Support Committee – Referral to the November 19, 2009 a review of all initiatives underway dealing with the use of force by the San José Police Department. (Mayor/Nguyen)

(c) Open Forum

(d) Adjournment

* (Deferred from 12/1/09 – Item 3.4)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Public Safety, Finance and Strategic Support Committee – November 19, 2009, Councilmember Nguyen, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
 - (1) Update on the Conservation Corps Audit. (City Auditor)
 - (2) Report on the Modification of Procurement Reforms. (Finance)
 - (3) Report on Heart Safe City. (Fire)
 - (4) Report on Police Department Retiree/Rehiree. (Police)
 - (5) Report on Citywide Advertising Program. (Economic Development/Redevelopment Agency/City Manager's Office)
 - (6) Independent Auditor's Report on Single Audit and Management Letter on Internal Controls. (Finance)
 - (7) Independent Auditor's Report on Internal Controls and Recommendations Related to the city's Financial Management. (Finance)
 - (8) Pension Obligation Bond Financing Overview. (Finance)
 - (9) Annual 2008-2009 Report on Fire Department Overtime. (Fire)
 - (10) An Audit of Pensionable Hours. (City Auditor)
- (c) Consent Calendar
 - (1) Redevelopment Agency Monthly Financial Report. (Redevelopment Agency)
 - (2) Review of Relevant 2010 Legislative Guiding Principles. (City Manager's Office – Intergovernmental Relations)
 - (3) Report on Citywide Information Security. (Information Technology)
 - (4) First Quarter Report on 2008-2009 Performance Measurements for July – September, 2009. (City Manager's Office)
 - (5) First Quarter Debt Report. (Finance)
- (d) Reports to Committee
 - (1) Peer Review of the City Auditor's Office and Introduction of the Audit Team. (City Auditor)
 - (2) Verbal Quarterly Status Report on Consortium for Police Leadership in Equity (CPL). (Police)
 - (3) Meeting Follow-up on Police Reports. (City Manager's Office/Police)
 - (4) Review of all Initiatives Underway Dealing with the Use of Force by SJP. (City Manager's Office)
 - SEE ITEM 3.7 FOR COUNCIL ACTION TO BE TAKEN**
 - (5) (a) Comprehensive Annual Financial Report. (Finance)
SEE ITEM 3.10 FOR COUNCIL ACTION TO BE TAKEN
 - (b) Comprehensive Annual Debt Report. (Finance)
 - (c) Report on Comprehensive Annual Finance Report. (Redevelopment Agency)
 - (6) (a) First Quarter Investment Report. (Finance)
 - (b) Annual Review and Update of the City's Investment Policy. (Finance)**SEE ITEM 3.8 FOR COUNCIL ACTION TO BE TAKEN**
 - (7) First Quarter Revenue Collection Strategic Plan Report. (Finance)
- (e) Open Forum
- (f) Adjournment

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3. STRATEGIC SUPPORT SERVICES

3.4 [Mayor's 2009 Biennial Review of Ethics Ordinances.](#)

[Attachment – Memo from Mayor Reed](#)

Recommendation: Accept the Mayor's Biennial Review of the Ethics Ordinances and provide direction to staff as outlined in the Mayor's Memo. (Mayor)

(Rules Committee referral 11/4/09)

(Deferred from 11/17/09 – Item 3.8)

* **RECOMMEND DEFERRAL TO 12/15/09 PER ADMINISTRATION**

3.5 [Settlement of Property Damage Claims of 414, 420, 426, 432, 438, 444 and 450 Terrace Drive.](#)

Recommendation: Approve proposed settlement and authorize the City Attorney to execute Settlement [Agreements](#) and any other documents necessary to effect settlements with homeowners of 414, 420, 426, 432, 438, 444 and 450 Terrace Drive relative to soil conditions present on their properties. CEQA: Exempt. Acting as the Lead Agency, the State Department of Toxic Substances Control (DTSC) on July 27, 2006 found the removal of soil in the rear yards of residences located at Terrace Drive to be categorically exempt under the provisions of Section 15330 of the CEQA Guidelines, as amended. Section 15330 covers minor actions to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or hazardous substances. The City may, as a responsible agency, rely upon the DTSC's prior CEQA determination to inform the City actions currently proposed related to soil conditions in the Terrace Drive rear yards. (City Attorney's Office)

3.6 [Team San José Performance Measures.](#)

[Presentation](#)

Recommendation:

(a) Accept Team San José "Client Satisfaction" performance measures for 2009-2010.

(b) Accept City Manager's verbal report regarding Team San José's labor agreement.

CEQA: Not a Project. (Economic Development)

3.7 [Review of Initiatives Underway Dealing with the Use of Force by the San José Police Department.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 19, 2009:

(a) Accept the report outlining current efforts underway to review the San José Police Department's use of force;

(b) Accept the Mayor's recommendation that the City Manager convene a working group including the Independent Police Auditor and the City Auditor to review the San José Police Department's use of force in 2009 and report back to the City Council through the Public Safety, Finance and Strategic Support Committee within 90 days; and

3. STRATEGIC SUPPORT SERVICES

3.7 Review of Initiatives Underway Dealing with the Use of Force by the San José Police Department (Cont'd.)

- (c) Direct the City Manager to meet with the San José Police Officers Association regarding the formation of the working group. Refer for City Council consideration the inclusion of a member of the public on the working group in view of confidentiality issues.

(City Manager's Office/Police)

[Public Safety, Finance and Strategic Support Committee referral 11/19/09 – Items D(4)]

3.8 [First Quarter Investment Report and Annual Review and Update of the City's Investment Policy.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 19, 2009:

- (a) Accept the FY 2009-10 First Quarter Investment Report; and
- (b) Adopt a [resolution](#) approving revisions to the City's Investment Policy to update job titles of the City's Investment Officials and to include foreclosure mitigation as one of several criteria used when evaluation an institution's short term investment instruments.

[Supplemental – Memo from the Department of Finance](#)

(Finance)

[Public Safety, Finance and Strategic Support Committee referral 11/19/09 – Items D(6)(a) and D(6)(b)]

3.9 [Review of Relevant 2010 Legislative Guiding Principles.](#)

Recommendation: As recommended by the Community and Economic Development Committee on November 30, 2009, review and discuss the Draft 2010 Relevant Legislative Guiding Principles with focus on community and economic development.

(City Manager's Office)

Community and Economic Development Committee referral 11/30/09 – Item D(10)

* **ITEM 3.9 RENUMBERED TO ITEM 2.14**

3.10 [Acceptance of the Comprehensive Annual Financial Report.](#)

* **Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on November 19, 2009, acceptance of the Comprehensive Annual Financial Report. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 11/19/09 – Item D(5)(a)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Historic Landmark Nomination and Mills Act Historical Property Contracts.

Recommendation: As recommended by the Historic Landmarks Commission, consider the following Historic Landmark Nominations and Mills Act Historical Property Contracts:

(a) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Purdy House](#) located at 438 N. Second Street (City Landmark No. HL08-189 and California Mills Act No. MA09-010). SNI: 13th Street. Council District 3.

- (1) Conduct a public hearing and adopt a [resolution](#) designating the Purdy House, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Purdy House (William and Jordan Saenz Baker, Property Owners) and adopt a [resolution](#) approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the 438 N. Second Street as Historic Landmark No. 189 and approving associated Historical Property Contract File No. MA09-010 with the condition that “installing new fencing” not be included as an item in the Preservation Plan. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)
[Continued from 12/1/09 – Item 4.5(a)]

(b) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Latta House](#) located at 445 N. Third Street (City Landmark No. HL08-183 and California Mills Act No. MA09-002). SNI: 13th Street. Council District 3..

- (1) Conduct a public hearing and adopt a [resolution](#) designating the Latta House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Latta House (Courtney and Jonathan Carr, Property Owners) and adopt a [resolution](#) approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Latta House as Historic Landmark No. 183 and approving associated Historical Property Contract File No. MA09-002. CEQA: Exempt. (Planning, Building and Code Enforcement)
[Continued from 12/1/09 – Item 4.5(b)] [Presentation](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Historic Landmark Nomination and Mills Act Historical Property Contracts. (Cont'd.)

Recommendation:

(c) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Frank and Nellie Wolfe House #9](#) located at 643 S. Sixth Street (City Landmark No. HL09-182 and California Mills Act No. MA09-001). SNI: University. Council District 3.

- (1) Conduct a public hearing and adopt a [resolution](#) designating the Frank and Nellie Wolfe House #9 as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Frank and Nellie Wolfe House #9 (Jason Rowan and Batsirai Mutasa, Property Owners) and adopt a [resolution](#) approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Frank and Nellie Wolfe House #9 as Historic Landmark No. 182 and approving associated Historical Property Contract File No. MA09-001. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)
[Continued from 12/1/09 – Item 4.5(c)]

(d) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Former Second Presbyterian Manse](#) located at 655 S. Sixth Street (City Landmark No. HL09-187 and California Mills Act No. MA09-008). SNI: University. Council District 3.

- (1) Conduct a public hearing and adopt a [resolution](#) designating the Former Second Presbyterian Manse, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Former Second Presbyterian Manse (David Dudek, Property Owner) and adopt a [resolution](#) approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Former Second Presbyterian Manse as Historic Landmark No. 187 and approving associated Historical Property Contract File No. MA09-008 with the condition that the Preservation Plan only include improvements to the main house. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation 1](#) [Presentation 2](#)
[Continued from 12/1/09 – Item 4.5(d)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Historic Landmark Nomination and Mills Act Historical Property Contracts. (Cont'd.)

Recommendation:

- (e) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Petree House](#) located at 102 S. Twelfth Street (City Landmark No. HL09-185 and California Mills Act No. MA09-005). SNI: University. Council District 3.
- (1) Conduct a public hearing and adopt a [resolution](#) designating the Petree House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
 - (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Petree House (Seamus and Jennifer Turner, Property Owners) and adopt a [resolution](#) approving the contract. The Historic Landmarks Commission (HLC) recommends (4-0-1-1; Cohen absent, Colombe abstaining) that the City Council adopt resolutions designating the Petree House as a Historic Landmark No. 185 and approving associated Historical Property Contract File No. MA09-005. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)
[Continued from 12/1/09 – Item 4.5(e)]
- (f) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Cox House](#) located at 198 S. Twelfth Street (City Landmark No. HL09-188 and California Mills Act No. MA09-009). SNI: University. Council District 3.
- (1) Conduct a public hearing and adopt a [resolution](#) designating the Cox House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
 - (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Cox House (Gary Rucker and Michael Howerton, Property Owners) and adopt a [resolution](#) approving the contract. The Historic Landmarks Commission (HLC) recommend approving the contract. The Historic Landmarks Commission (HLC) recommends (4-0-1-1; Cohen absent, Colombe abstaining) that the City Council adopt resolutions designating the Cox House as a Historic Landmark No. 188 and approving associated Historical Property Contract File No. MA09-009. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)
[Continued from 12/1/09 – Item 4.5(f)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Historic Landmark Nomination and Mills Act Historical Property Contracts. (Cont'd.)

Recommendation:

- (g) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Riggs House](#) located at 577 S. Twelfth Street (City Landmark No. HL09-186 and California Mills Act No. MA09-006). SNI: University. Council District 3.
- (1) Conduct a public hearing and adopt a [resolution](#) designating the Riggs House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
 - (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Riggs House (Suzanne Rice and Neil McCarthy, Property Owners) and adopt a [resolution](#) approving the contract. The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Riggs House as a Historic Landmark No. 186 and approving associated Historical Property Contract File No. MA09-006. CEQA: Exempt. (Planning, Building and Code Enforcement) [Continued from 12/1/09 – Item 4.5(g)] [Presentation](#)
- (h) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Field-Gross House](#) located at 167 S. Fourteenth Street (City Landmark No. HL09-184 and California Mills Act No. MA09-003). SNI: University. Council District 3.
- (1) Conduct a public hearing and adopt a [resolution](#) designating the Field-Gross House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
 - (2) Conduct a public hearing on the Historical Property [Contract](#) between the City of San José and the owners of the Field-Gross House (Bernadette Drechsler, Property Owner) and adopt a [resolution](#) approving the contract. The Historic Landmarks Commission (HLC) recommends (4-0-1-1; Cohen absent, Colombe abstaining) that the City Council adopt resolutions designating the Field-Gross House as a Historic Landmark No. 184 and approving associated Historical Property Contract File No. MA09-003. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#) [Continued from 12/1/09 – Item 4.5(h)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 [Mills Act Historical Property Contract for the Stern/Fischer Residence.](#)

[Presentation 1](#) [Presentation 2](#)

Recommendation: Conduct a public hearing on the Historical Property [Contract](#) (California Mills Act No. MA09-004) between the City of San José and the owners of the Stern/Fischer Residence, located at 132 Pierce Avenue, (City Landmark No. HL01-123) (James F. Cox, Property Owner) and adopt a [resolution](#) approving the contract. The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt a resolution approving Historical Property Contract File No. MA09-004. SNI: University. CEQA: Exempt. Council District 3. (Planning, Building and Code Enforcement)

[Continued from 12/1/09 – Item 4.6(b)]

4.4 [Brookwood Terrace Family Apartments.](#)

[Presentation](#)

Recommendation: Adopt a [resolution](#) supplementing the authority previously granted to issue not to exceed \$13,600,000 of City of San José Multifamily Housing Revenue Bonds (Brookwood Terrace Family Apartments), Series 2009B (the "Bonds") to allow such issuance in two series, with (i) the Series B-1 Bonds (the "Series B-1 Bonds") issued a fixed rate bonds directly placed with the U.S. Treasury Department (the "Treasury") and (ii) the Series B-2 Bonds (the "Series B-2 Bonds") issued either as publicly offered variable rate demand bonds credit enhanced by a letter of credit from JP Morgan Chase (the "Bank") or as variable rate bonds directly placed with the Bank; and authorizing the Assistant Director Finance to negotiate and approve changes to the Bond Documents previously approved by the City Council and to negotiate and approve other documents necessary to enable the issuance of the Bonds in two series. CEQA: Mitigated Negative Declaration, File No. PDC08-038. Council District 3. SNI: Five Wounds/Brookwood Terrace. (City Attorney's Office)

4.5 [Designating San José as a Recovery Zone under the American Recovery and Reinvestment Act.](#)

Recommendation: Adopt a [resolution](#):

- (a) Finding and determining that significant poverty, unemployment, rate of home foreclosures and general distress exist throughout the City of San José as a consequence of the recent housing market collapse, the impact of the national recession and the fiscal crisis experienced by the State of California and local communities.
- (b) Designating the entire geographic region of the City of San José as an Economic Recovery Zone in order to make the City eligible to issue Recovery Zone Economic Development Bonds (RZEDB) and Recovery Zone Facility Bonds (RZFB).
- (c) Authorizing the City Manager or her designee to take such other actions, including negotiating and executing agreements, as may be necessary to ensure that the City of San José is designated a Recovery Zone in the event the California Debt Limit Allocation Committee (CDLAC) reallocates RZFB and RZEDB funding activity.

CEQA: Not a Project. (Economic Development)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 [Proposed Earthquakes Practice Field.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Ground Lease between the City and the Earthquakes LLC for the development of a 2.6 acre soccer practice field as an interim use on the 74.8 acre City-owned Airport West Property located at 1125 Coleman Avenue. CEQA: Resolution No. 71716. Council District 3. (Economic Development)

4.7 [Report on RFP for Multi-Family Loan Portfolio Management System.](#)

Recommendation:

- (a) Accept report on Request for Proposal for the purchase of a Multi-Family Loan Portfolio Management System and adoption of a resolution authorizing the Director of Finance to:
 - (1) Execute an [agreement](#) with MK Partners, Inc. (Encino, CA) for the implementation of the Multi-Family Loan Portfolio Management System in an amount not to exceed \$246,700 including all professional and technical support services required to implement the system as well as hosting services that will be provided by Salesforce.com Inc. (San Francisco, CA) under a separate subscription agreement.
 - (2) Execute change orders not to exceed a contingency amount of \$40,000 to cover any unanticipated changes in the system design and implementation.
 - (3) Execute ten one-year options to renew the agreements for continued technical support and hosting services subject to annual appropriation of funding.
- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Fund (Fund 443) for 2009-2010:
 - (1) Decrease the Ending Fund Balance by \$286,700; and
 - (2) Increase the Housing Department's Non-Personal/Equipment Appropriation in the amount of \$286,700.

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

(Deferred from 11/3/09 – Item 2.5, et al, and 12/1/09 – Item 4.4)

* **RECOMMEND DEFERRAL TO 12/15/09 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

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

5.2 [Greenprint Update.](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Supplemental – Memo from the Director of Parks, Recreation and Neighborhood Services](#)

* **Recommendation:** As referred by the Neighborhood Services and Education Committee on November 12, 2009:

- (a) Adopt the Final Greenprint 2009 Update with the changes indicated in the Final Errata Sheet;

5. NEIGHBORHOOD SERVICES

5.2 Greenprint Update. (Cont'd.)

Recommendation:

- (b) Authorize the City Manager to make any grammatical changes, minor edits, corrections and other changes which do not impact the major policies and substance of the document during the final editing and production process; and
- (c) Adopt a [resolution](#) repealing City Council Policy 1-6 “Park and Recreation Priority for Expenditure of Funds Collected from the Construction Tax and Property Conveyance Tax” and City Council Policy 6-8 “City Improvement of School Sites for Public Recreation.”

CEQA: EIR Resolution No. 65459 and addendum thereto, File No. PP08-284. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 11/12/09 – Item D(4)]

(Deferred from 12/1/09 – Item 5.2)

5.3 [Deferment of Parkland In-Lieu Fees.](#)

Recommendation: As referred by the Rules and Open Government Committee on October 28, 2009, consider adoption of a [resolution](#) amending the Schedule of Parkland In-Lieu Fees and Credits (Resolution No. 73587) charged pursuant to the Park Impact and Parkland Dedication Ordinance (Chapters 14.25 and 19.38 of the San José Municipal Code) to retroactively defer payment of parkland in-lieu fees and interest and penalty until the earlier of January 15, 2011, or the date of issuance of the first building permit for residential projects with approved parcel or final maps and for which building permits have not been issued. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
[Rules Committee referral 10/28/09 – Item H(2)]

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 [Ordinance ceasing processing of new applications for taxicab driver permits.](#) [Attachment – Memo from Mayor Reed and Councilmember Liccardo](#) [Attachment – Memo from Councilmember Kalra](#) [Supplemental – Memo from Police Department and Department of Transportation Presentation](#)

Recommendation: Approve an [ordinance](#) amending Chapter 6.64 of the San José Municipal Code to authorize the Chief of Police to cease the processing of any new applications for taxicab driver permits when certain economic indicators demonstrate a decline in the demand for taxicab services, with such authorization sunseting within three (3) years of taking effect unless extended by the City Council; clarify the authorization of the Chief of Police to allow the transfer of permitted taxicab drivers between licensed taxicab companies; and, clarify provisions of Chapter 6.64 to ensure consistency throughout the Code.

[Transportation and Environment Committee referral – 11/2/09 – Item D(6) and Rules Committee referral 11/18/09 – Item H(7)]

* **TO BE HEARD NO EARLIER THAN 4:00 P.M.**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 "Approval of the Mayor's Redevelopment Budget Message," 8.2 "Approval of the Agency's FY 2009-10 Revised Capital and Operating Budgets and the 2010-2015 CIP," and 8.3 "Cooperation Agreements for the loan of Agency employees to the City" on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

- Notice of City Engineer's Pending Decision on Final Maps

- Notice of City Engineer's Award of Construction Projects

In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in August, September, October and November 2009:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Penitencia Creek Park Reach 6 Interim Improvements	4	Wattis Construction, Inc.	\$116,310	8/13/09
Public Works General Engineering Contract 2009-2011	Citywide	Fermin Sierra Construction, Inc.	\$1,000,000	8/25/09
South De Anza Boulevard Sanitary Sewer Improvement	1	Stoloski & Gonzalez Inc.	\$182,681	8/28/09
24 th Street Streetscape Improvements Project (Re-Bid)	3	San José Signal Electric, Inc.	\$282,750	9/1/09
Fire Station #36 Median Island and Bicycle Trail Head Improvements	8	Suarez & Munoz Construction, Inc.	\$108,915	9/2/09

- **Notice of City Engineer’s Award of Construction Projects (Cont’d.)**
AWARD:

Project Name	Council District	Contractor	Contract Award Amount	Award Date
Albany-Kiely Storm Drain Improvement Phase V-VI	1	Rodan Builders, Inc.	\$855,053.80	9/8/09
Environmental Services Building Tenant Improvements	Citywide	Zolman Construction & Development Inc.	\$170,000	9/11/09
Aborn Park Play Lots	8	Maxicrete, Inc.	\$381,000	9/21/09
SNI ST01: Seven Trees Boulevard Sidewalk Improvement Project	7	Ameca General Engineering	\$247,214	10/1/09
NYM SJIA Electrical Trades Contract 09-10	Citywide	BBJ Electric, Inc.	\$150,000	10/21/09
Sanitary Sewer Condition Assessment – CCTV Inspection 2009-2010	Citywide	National Plant Services, Inc.	\$447,000	11/16/09

- **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**

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, DECEMBER 8, 2009

CHAMBERS

1. Call to Order

2. [Actions Related to the Authority's \\$116 Million Commercial Paper Program.](#)

*** Recommendation:**

- (a) Adopt a [resolution](#) of the City Council to:
 - (1) Approve and authorize the execution of an amendment to the Letter of Credit and Reimbursement [Agreement](#) related to the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program in order to allow for a three-year extension of the existing credit facility, from January 26, 2010 to January 27, 2013, and authorize other related actions.
 - (b) Adopt a [resolution](#) of the City of San José Financing Authority Board to:
 - (2) Approve and authorize the execution of an amendment to the Letter of Credit and Reimbursement Agreement and other related actions in connection with the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program in order to allow for a three-year extension of the existing credit facility, from January 26, 2010 to January 27, 2013.

CEQA: Not a Project. (Finance)

3. Adjourn the San José Financing Authority.

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

DECEMBER 8, 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

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:

- **Submit a speaker’s card before the meeting and before the item is heard.** This will ensure that your name is called for the items you wish to address, and ensure the meeting runs smoothly for all participants.
- When the Board reaches your item on the agenda, the Chairperson will open the public hearing and call your name. Please address the Agency from the speaker’s 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 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.

Agendas and staff reports for Redevelopment Agency Board agenda items may be viewed on the Internet at <http://www.sjredevelopment.org/agendas.htm>. Board Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda that are not exempt from disclosure pursuant to the California Public Records Act and that are distributed to a majority of the legislative body will be available for public inspection at the Redevelopment Agency at San Jose City Hall, 200 E. Santa Clara St, 14th Floor, San Jose, CA 95113-1903 at the same time that the public records are distributed or made available to the Redevelopment Agency Board.

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**
9:00 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**
See Item 9 on the City Council Agenda for description of any City Council agenda items relating to the Redevelopment Agency.

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 CONSENT CALENDAR

2.1 Report of the Public Safety, Finance and Strategic Support Committee – October 15, 2009. Boardmember Nguyen, Chairperson
C.1-3 Redevelopment Agency Monthly Financial Reports for August 2009.

2.2 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for:

- (a) Regular meeting of October 27, 2009.
- (b) Regular meeting of November 10, 2009.

2.3 Report of the Rules and Open Government Committee – October 14, 2009. Chair Reed, Chairperson

- “B.1 Review October 20, 2009, Final Agenda: Meeting Cancelled.
- B.2 Review October 27, 2009, Draft Agenda.

2.4 Report of the Rules and Open Government Committee – October 21, 2009. Chair Reed, Chairperson

- “B.1 Review October 27, 2009, Final Agenda.
- B.2 Review November 3, 2009, Draft Agenda.

2.5 Report of the Rules and Open Government Committee – October 28, 2009. Chair Reed, Chairperson

- “B.1 Review November 3, 2009, Final Agenda: Meeting Cancelled.
- B.2 Review November 10, 2009, Draft Agenda.
- C.2 Review November 9, 2009, Redevelopment Agency/City Council Joint Budget Study Session Agenda.

2.6 Report of the Rules and Open Government Committee – November 4, 2009. Chair Reed, Chairperson

- “B.1 Review November 10, 2009, Final Agenda.
- B.2 Review November 17, 2009, Draft Agenda: Meeting Cancelled.

2.7 Report of the Rules and Open Government Committee – November 18, 2009. Chair Reed, Chairperson

- “B.1 Review November 24, 2009, Final Agenda: Meeting Cancelled.
- B.2 Review December 1, 2009, Draft Agenda: Meeting Cancelled.

3 GENERAL

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

7 PRIVATE DEVELOPMENT

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.

CONVENE CITY COUNCIL TO CONSIDER ITEMS 8.1 – 8.3 IN A JOINT SESSION

8.1 City Council/Redevelopment Agency Board approval of the Mayor's Redevelopment Budget Message.

Recommendation: City Council and Redevelopment Agency Board consideration and approval of the Mayor's Redevelopment Agency Budget Message. (Mayor)

* [Recommend deferral to December 15, 2009]

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.2 Approval of the Agency's FY 2009-10 Revised Capital and Operating Budgets and the FY 2010-2015 CIP.

Recommendations: Redevelopment Agency Board approval of:

- (a) The Redevelopment Agency's [Revised FY 2009-2010 Revenue, Capital and Operating Budgets](#) (large 10MB file)
- (b) The Redevelopment Agency's [Capital Improvement Program \(CIP\) for FY 2010-15](#). (large 10MB file)

* [Recommend deferral to December 15, 2009]

8.3 Approval of amendments to Cooperation Agreements for the loan of Agency employees to the City.

Recommendation: City Council and Redevelopment Agency Board approval of:

- (a) The [third amendment to the Cooperation Agreement](#) between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Senior Policy Advisor, Economic Development and Land Use by one year; and,
- (b) The [third amendment to the Cooperation Agreement](#) between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Schedule Coordinator by one year.

CEQA: Not a project.

ADJOURN CITY COUNCIL PORTION OF THE 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.

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.