



CITY COUNCIL AGENDA

JANUARY 12, 2010

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 1)**
* Fr. John Asimacopoulos from St. Nicholas Greek Orthodox Church

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

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

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

* **THE JOINT CITY COUNCIL/SAN JOSÉ FINANCING AUTHORITY AGENDA
WILL BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR**

* ADJOURNMENT: This meeting will be adjourned in memory of Rita Megrath, who served the City for over 23 years, first supporting the Office of Mayor Tom McEnery and then directly supporting four City Managers as Executive Assistant. She was unparalleled in her work ethic and her commitment to professionalism.

- Orders of the Day (Cont'd.)

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

* **SEE NEW ITEM 1.4 “Presentation of a proclamation recognizing the bicentennial of Mexican Independence.”**

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of commendations recognizing City Departments achieving highest levels of giving in various categories during the Combined Giving Campaign. (Environmental Services)

1.2 Presentation of a proclamation declaring the Month of January 2010 as “National Blood Donor Month” in the City of San José. (Mayor)

1.3 Presentation of a proclamation declaring the Month of January 2010 as “Poverty Awareness Month” in the City of San José. (Pyle/Kalra/Liccardo)

* (Rules in Lieu referral 12/22/09)

1.4 Presentation of a proclamation recognizing the bicentennial of Mexican Independence. (Mayor)

* (Orders of the Day)

2. CONSENT CALENDAR

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

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 28686 – Amending Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow for an additional extension of development permit terms or a reactivation of certain expired development permits for a temporary period of time in the North San José Development Policy Area.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (b) ORD. NO. 28687 – Granting a Commercial Solid Waste and Recyclables Franchise to Lam Hauling.

2.3 Mayor and Council Excused Absence Requests.

2.4 City Manager's Travel to Dallas, Texas.

Recommendation: Approve travel for City Manager Debra Figone to Dallas, Texas on January 28-30, 2010 to attend the Large Cities Executive Forum. Source of Funds: City Manager's Non Personal Appropriation. (City Manager's Office)

2.5 Anti-Human Trafficking Task Force Recovery Act Grant.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Sign the application of the Cal-EMA Anti-Human Trafficking Task Force Recovery Act Grant Program;
 - (2) Accept the grant if it is awarded and authorize any future amendments and all related documents without further Council action other than appropriation of funds; and
 - (3) Negotiate and execute any documents necessary to effectuate the grant, in an amount not to exceed a total of \$375,000 for the City of San José.
- (b) Direct staff to return to Council during the Mid-year Budget process to appropriate funds for this grant in an amount not to exceed \$375,000 if it is awarded.

CEQA: Not a Project. (Police)

2.6 Councilmember Campos' Travel to Los Angeles, CA.

Recommendation: Approve travel by Councilmember Campos to Los Angeles, CA on January 8-10, 2010 to attend the League of California Cities Latino Caucus Retreat. Source of Funds: Travel Costs (lodging and incidentals) paid by Mayor/Council Travel Fund, Airfare to be paid by Non-City funds. (Campos)

* (Rules in Lieu referral 12/22/09)

2.7 Grant for Alternative and Renewable Fuel and Vehicle Technology Program. Supplemental – Letter from the Water Pollution Control Plant

Recommendation: Adopt a resolution authorizing the City Manager to submit a grant proposal to the California Energy Commission, Alternative and Renewable Fuel and Vehicle Technology Program, for up to \$10,000,000 for the development of a biomethane transportation fuel production facility on Water Pollution Control Plant lands, subject to the concurrence of the Treatment Plant Advisory Committee. CEQA: Not a Project. (Environmental Services)

* (Rules Committee referral 1/6/10)

2. CONSENT CALENDAR

2.8 [AB 222 \(Adams\), Energy: Biofuels.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 6, 2010, adopt a support position for AB 222 (Adams), Energy: Biofuels. (Environmental Services)

* [Rules Committee referral 1/6/10 – Item D(1)(a)]

2.9 [Appointments to Boards, Commissions and Committees.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 6, 2010:

- (a) Approve the appointment of Erin Wright, District Hiring Manager for Safeway, San José to serve as a private sector representative on the Silicon Valley Workforce Investment Network Board of Directors. (Mayor)
- (b) Approve the appointments of Carol Garcia to the Deferred Compensation Advisory Committee as the representative nominated by the American Federation of State, County and Municipal Employees, AFSCME Local 101 (the Municipal employees Federation (MEF) and the Confidential Employees Organization (CEO)) and Donna Busse as the representative nominated by that group of employees designated as “Management Employees” under City Council Resolution No. 39367 (Association of Engineers and Architects (AEA), Association of Maintenance Supervisory Personnel (AMSP), City Association of Management Personnel (CAMP), Association of Legal Professionals (ALP), and Executive Management, Unit 99), for four-year terms ending March 1, 2014. (Human Resources)

* [Rules Committee referral 1/6/10 – Items G(1) and G(2)]

2.10 [Rules for the Conduct of Meetings.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 6, 2010, adopt a [resolution](#) amending the Rules for the Conduct of Meetings. (City Clerk)

* [Rules Committee referral 1/6/10 – Item H(1)]

The Joint City Council/San José Financing Authority Agenda will be heard immediately following the Consent Calendar

3. STRATEGIC SUPPORT SERVICES

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

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – [December 2, 2009](#)

Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review December 8, 2009 Final 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)
 - (2) Review December 15, 2009 Draft Agenda
 - (a) Add new items to draft agenda
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of Items that Meet Exception Rules (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Review of upcoming Study Session Agendas
- (d) Legislative Update
 - (1) State
 - (a) Support House Resolution 3745 (Baldwin) Community Access Preservation Act 2009 with a one-week turnaround for Mayor and City Council consideration. (City Manager’s Office)
HEARD BY COUNCIL 12/8/09
 - (2) Federal
- (e) Meeting Schedules
 - (1) Adopt proposed 2010-2011 City Budget Calendar and Budget Study Session Schedule and provide a one-week turnaround for City Council consideration. (City Manager’s Office)
 - (2) Approve the City Council Meeting Schedule for the period January to July 2010. (City Manager’s Office)
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
 - (1) Approve re-appointment of James Bojorquez and Darrold “Dan” Wagner to fill two terms each ending December 31, 2012 on the Advisory Commission on Rents. (Herrera)
 - (2) Approve appointment of Milton Cadena and Chaitanya Vaidya to fill two unexpired terms each ending June 30, 2011 and appointment of Joyce Rabourn, Judith Maria Heyter and Nancy Williamson to fill three terms each ending June 30, 2012 and the Senior Citizens Commission. (Constant)
- (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Accept staff’s analysis and recommendation to maintain the existing Council Manager contract approval authority given the analysis presented in this report for the nine quarters from Q4 FY 2009-07 to Q4 2008-09. (Finance)
 - (2) Response to the International Children Assistance Network (ICAN). (Parks, Recreation and Neighborhood Services0

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – December 2, 2009 Mayor Reed, Chair (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
 - (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
 - (1) Adjournment
- (Deferred from 12/15/09 – Item 3.2)

3.3 Report of the Rules and Open Government Committee – December 9, 2009 Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review December 15, 2009 Final 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)
 - (2) Review December 22, 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 Manager’s Contract Approval Authority. (City Manager’s Office)
 - (2) Rules for the Conduct of Meetings. (Mayor)
 - (3) New Technologies. (City Manager’s Office)
 - (4) 2010 Legislative Guiding Principles, Priorities and Advocacy Issues.
(City Manager’s Office)
- HEARD BY COUNCIL 12/15/09**
- (5) Monthly Report of Activities for November 2009. (City Auditor)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – December 9, 2009 Mayor Reed, Chair (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
- (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Adopt the revised language on *Statistical Report Prepared by the Independent Police Auditor* as recommended by the Acting Independent Police Auditor and the City Manager. (City Manager's Office/Independent Police Auditor)
 - (b) Direct the City Attorney to prepare an ordinance codifying the Open Government Reforms after the City Council approves all of the recommendation from the Sunshine Reform Task Force, as amended by the Rules and Open Government Committee. (City Manager's Office)
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
- (k) Open Forum
- (l) Adjournment

* **RECOMMEND DEFERRAL TO 1/26/10 PER CITY CLERK**

3.4 Report of the Public Safety, Finance and Strategic Support Committee – December 17, 2009, Councilmember Nguyen, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
 - (1) Status Report on Fire Department's Strategic Plan. (Fire)
 - (2) Report on the Police Department's Crime Prevention Service Delivery Model. (Police)
 - (3) Independent Auditor's Report on Single Audit and Management Letter on Internal Controls. (Finance)
 - (4) Independent Auditor's Report on Internal Controls and Recommendations Related to the City's Financial Management. (Finance)
 - (5) Domestic Violence Activity Report. (City Manager's Office/Police)
 - (6) Update on the Conservation Corps Audit. (City Auditor)
 - (7) Report on City Manager's Downtown Advisory Committee. (City Manager's Office)
- (c) Consent Calendar
 - (1) Redevelopment Agency Monthly Financial Report. (Redevelopment Agency)
 - (2) Bi-Monthly Financial Reports for September/October. (City Manager's Office – Budget)
 - (3) Status Report on Citywide Technology Investments. (Information Technology)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Report of the Public Safety, Finance and Strategic Support Committee – December 17, 2009, Councilmember Nguyen, Chair (Cont'd.)

- (d) Reports to Committee
 - (1) FY 2008-09 Audit of the Hayes Mansion. (Finance)
 - (2) FY 2008-09 Audit of the San José Convention Center and Cultural Facilities. (Finance)
 - (3) FY 2009-10 First Quarter Revenue Collection Strategic Plan Report. (Finance)
* **SEE ITEM 3.7 FOR COUNCIL ACTION TO BE TAKEN**
 - (4) Audit of Pensionable Earnings and Time Reporting. (City Auditor)
* **SEE ITEM 3.8 FOR COUNCIL ACTION TO BE TAKEN**
 - (5) External Quality Control Review of the City Auditor's Office, San José, California. (City Auditor)
 - (6) Review of the Executive Home Loan Program. (City Manager's Office)
 - (7) Quarterly Report on Worker's Compensation. (Human Resources)
- (e) Open Forum
- (f) Adjournment

3.5 [Actions Related to the San José Conservation Corps.](#)

Recommendation:

- (a) [Approve a settlement with the San José Conservation Corps and authorize the City Attorney to execute a Settlement Agreement and Mutual Release relating to the City Auditor's audit report dated May, 2009 regarding certain agreements with the San José Conservation Corps, in exchange for \\$160,000 in additional services, as considered by the City Council in Closed Session on December 15, 2009.](#)
- (b) [Accept the report on the status of the City's Master Agreement with the San José Conservation Corps.](#)

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

3.6 **Team San José Status Report.**

[Presentation](#)

Recommendation: Accept the verbal status report related to Team San José per Council direction on December 8, 2009. (Economic Development)

VERBAL REPORT ONLY

3.7 [FY 2009-10 First Quarter Revenue Collection Strategic Plan Report.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on December 17, 2009:

- (a) Accept the FY 2009-10 First Quarter Revenue Collection Strategic Plan Report; and
- (b) Adopt a resolution authorizing the Director of Finance to write off 126 uncollectible accounts in an amount totaling \$1,702,757.42.

(Finance)

* [Public Safety, Finance and Strategic Support Committee referral 12/17/09 – Item D(3)]

* RECOMMEND DEFERRAL TO 1/26/10 PER ADMINISTRATION

3. STRATEGIC SUPPORT SERVICES

3.8 [Audit of Pensionable Earnings and Time Reporting.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on December 17, 2009, accept the Audit of Pensionable Earnings and Time Reporting and the recommendations of the City Attorney's Office related to implementation of the audit recommendations. (City Auditor)

* [Public Safety, Finance and Strategic Support Committee referral 12/17/09 – Item D(4)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – [December 14, 2009](#) Councilmember Pyle, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
- (c) Consent Calendar
 - (1) Major League Ballpark Development.
 - (2) Review of the City's Policy Exempting Affordable Housing from Payment of Parkland Dedication/Park Impact Fees.
 - (3) Citywide Monuments Policy.
- (d) Reports to Committee
 - (1) Chief Development Officer's Monthly Verbal Report. (City Manager's Office)
 - (2) Small Business Incubators Status Report. (Redevelopment Agency)
 - (3) Update of the Economic Strategy. (Economic Development)
 - (4) Citywide Monuments Policy.
 - (5) Special Event Fees. (Economic Development)
- (e) Open Forum
- (f) Adjournment

4.2 [Inclusionary Housing Ordinance.](#) [Attachment – Memo from Councilmember Pyle](#) [Presentation](#)

Recommendation: Approve an [ordinance](#) amending Title 5 of the San José Municipal Code to add a new Chapter 5.08 adopting a Citywide Inclusionary Housing Program.

CEQA: Exempt. (Housing)

(Deferred from 11/17/09 – Item 4.2 and 12/1/09 – Item 4.2)

4 COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Sign Ordinance Update.

[Attachment 1 – Freeway Signs](#)

[Attachment 2 – Electronic Digital Signs](#)

[Attachment 3 – Large Banner Signs/Supergraphics](#)

[Attachment 4 – Billboards on Private Property & Off-Site Advertising on City Property](#)

[Attachment 5 – Public Correspondence](#)

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

[Presentation 1 – Freeway Signs for Large Shopping Centers](#)

[Presentation 2 – Electronic/Digital Signs](#)

[Presentation 3 – Super Graphic Signs in the Downtown](#)

[Presentation 4 – Billboard Analysis in Two SJ Census Tracts](#)

[Presentation 5 – Roof Signs](#)

[Presentation 6 – Sign Blight](#)

[Presentation 7 – Comparison of Existing and Allowed Signage for Downtown Businesses](#)

Recommendation: Accept the report and direct staff to prepare an ordinance to revise Title 23 of the San José Municipal Code (the Sign Ordinance) consistent with the proposed draft signage strategy and conduct additional related community outreach.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Deferred from 11/17/09 – Item 4.8 and 12/1/09 – Item 4.3)

*

TO BE HEARD LAST

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Catalyst Program.

Attachment – Memo from Councilmember Rose Herrera

Recommendation: As recommended by the Community and Economic Development Committee on November 30, 2009, accept the progress report of the investment activities of the Economic Development Catalyst Fund. (Economic Development)
[Community and Economic Development Committee referral 11/30/09 – Item D(9)]
(Deferred from 12/15/09 – Item 4.6)

4.5 **Actions Related to Public Entertainment Ordinance.**

* **Recommendation:**

- (a) Adopt an urgency ordinance amending Chapter 6.60 of Title 6 of the San José Municipal Code to amend the definition of Public Entertainment to limit the application of the ordinance to venues with occupancy greater than 100, limit the discretion of the Chief of Police in approving applications for permits and licenses, limit the discretion of the Chief of Police in setting conditions on permits and licenses, specify time lines by when an application for a permit or license must be acted upon, clarify various provisions to ensure consistency throughout the Code, and setting forth the facts constituting such urgency.
- (b) Adopt an urgency ordinance amending Chapters 20.40, 20.70 and 20.200 of Title 20 of the San José Municipal Code to eliminate the regulation of entertainment establishments in the Zoning Code and setting forth the facts constituting the urgency.
- (c) Adopt a resolution initiating amendments to Chapter 20.40, 20.70 and 20.200 of Title 20 of the San José Municipal Code to eliminate the regulation of entertainment establishments in the Zoning Code, referring said ordinance to the Planning Commission for its report and recommendation, and setting a public hearing on the ordinance.
- (d) Direct the City Manager and City Attorney to continue their work to seek further input of stakeholders on the structure of the entertainment permit system and other alternatives which would serve the goals of providing a safe environment for patrons and residents while promoting a vibrant nightlife environment for the City.

(City Attorney's Office/City Manager's Office)

* **RECOMMEND DEFERRAL TO 1/26/10 PER CITY ATTORNEY'S OFFICE**

4.6 Actions Related to the Banner Policy.

Attachment – Memo from Councilmember Liccardo

Recommendation:

- (a) Adopt a resolution approving a City Council policy for wayfinding banners in the public right-of-way.
- (b) Adopt a resolution amending Resolution No. 72737 to:
 - (1) Establish a Wayfinding Banner Application charge of \$535, plus \$89 per hour after 6 hours in Economic Development/Cultural Affairs for costs associated with the application review and coordination of wayfinding banners in the public right-of-way;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Actions Related to the Banner Policy. (Cont'd.)

Recommendation:

- (b) (2) Establish a Double Banner Installation charge of \$66 in the Department of Transportation Miscellaneous Charges for costs associated with the installation of one dual set of wayfinding banners on a single street pole with existing banner hardware; and
- (3) Establish a New Double Banner Installation charge of \$86 plus cost of materials in the Department of Transportation Miscellaneous Charges for costs associated with the installation of one dual set of wayfinding banners on a single street pole without existing banner hardware.

CEQA: Exempt, File No. PP09-075. (City Manager's Office)

4.7 Actions Related to Disestablishing the Willow Glen BID.

Recommendation: Conduct a Public Hearing and approve an [ordinance](#) to disestablish the Willow Glen Business Improvement District pursuant to the Parking and Business Improvement Area Law and eliminate the levy of assessments. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development).

4.8 Historic Landmark Nomination for the Ken Ying Low Restaurant.

Recommendation: As recommended by the Historic Landmarks Commission, conduct a public hearing and adopt a [resolution](#) designating the Ken Ying Low Restaurant (City Landmark No. HL09-180), located on a 0.09 acre site on the west side of North Sixth Street, approximately 140 feet north of Jackson Street (625 North Sixth Street), as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature (Natalia T. Davidenko, Trustee, Owner). CEQA: Not a Project. The Historic Landmarks Commission (HLC) recommends (5-0-1; Peak absent) that the City Council adopt a resolution designating the Ken Ying Low Restaurant Site/Structure at 625 N. Sixth Street as Historic Landmark No. 180. (Planning, Building and Code Enforcement)

4.9 Actions Related to the 2009-2010 Weed Abatement Report.

Recommendation: Conduct a Public Hearing and adopt a [resolution](#):

- (a) Overruling any and all objections to the 2009-2010 Hazardous Vegetation Commencement Report ("Report"); and
- (b) Directing the Santa Clara County Department of Agriculture and Resource Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP06-196. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – [December 10, 2009](#) Councilmember Campos, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
 - (1) Discussion on Evaluation of Surplus City Properties for Charter Schools. (Parks, Recreation and Neighborhood Services)
 - (2) Animal Care and Services Semi-Annual Report. (General Services)
 - (3) Library Parcel Tax Oversight Committee Annual Report for Fiscal Year 2008-09. (Library)
 - (4) Update on Recreation E-Commerce System (RECS). (Parks, Recreation and Neighborhood Services)
 - (5) Report on PDO/PIO in Lieu Fee Agreement. (Parks, Recreation and Neighborhood Services)
- (c) Consent Calendar
- (d) Reports to Committee
 - (1) Anti-Graffiti/Anti-Litter Campaign Updates. (Parks, Recreation and Neighborhood Services)
SEE ITEM 5.2 FOR COUNCIL ACTION TO BE TAKEN
 - (2) Youth Commission Update. (Parks, Recreation and Neighborhood Services)
 - (3) Report on Neighborhoods Commission. (City Manager's Office)
HEARD BY COUNCIL 12/15/09
 - (4) Schools/City Collaborative Monthly Verbal Report. (City Manager's Office)
- (e) Open Forum
- (f) Adjournment

5.2 [Anti-Graffiti/Anti-Litter Campaign Updates.](#) [Supplemental – Memo from the Director of PRNS](#)

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 10, 2009, accept the status report of the City's Anti-Graffiti and Litter Program. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 12/10/09 – Item D(1)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – [December 7, 2009](#) Councilmember Liccardo, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
 - (1) Stormwater Permit Implementation. (Environmental Services)
 - (2) Regional Transportation Activities Report. (Transportation)

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – December 7, 2009 Councilmember Liccardo, Chair (Cont'd.)

- (c) Consent Calendar
 - (1) Terminal Area Improvement Program (TAIP) Quarterly Report. (Airport)
- (d) Reports to Committee
 - (1) Climate Action Plan. (Environmental Services)
 - (2) Plant Master Plan Progress Report. (Environmental Services)
SEE ITEM 7.1 FOR COUNCIL ACTION TO BE TAKEN
 - (3) Construction and Demolition Diversion Deposit Redesign.
(Environmental Services)
 - (4) Verbal Report on Energy Efficiency and Renewable Energy Activities.
(Environmental Services)
- (e) Open Forum
- (f) Adjournment

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Plant Master Plan Progress Report.](#) [Supplemental – Letter from the Water Control Plant](#)

Recommendation: As recommended by the Transportation and Environment Committee on December 7, 2009, accept the staff report highlighting activities since March 2009 on the Master Plan for the San José/Santa Clara Water Pollution Control Plant. (Environmental Services)

[Transportation and Environment Committee referral 12/7/09 – Item D(2)]

* **RECOMMEND DEFERRAL TO 1/26/10 PER RULES COMMITTEE**

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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

9.1 [Deferred Payment of Parkland In-Lieu Fees for Highrise Multi-Family Residential Projects Located in the Downtown Core Area](#)

[Attachment – Memo from Councilmember Liccardo](#)

Recommendation: Take the following actions related to the deferment of parkland in-lieu fees for high-rise multi-family residential projects located in the Downtown Core Area:

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Deferred Payment of Parkland In-Lieu Fees for Highrise Multi-Family Residential Projects Located in the Downtown Core Area. (Cont'd.)

Attachment – Memo from Councilmember Liccardo

Recommendation:

- (a) Adopt a [resolution](#) by City Council to amend Council Resolution No. 73587 authorizing the City Manager to negotiate and execute an amendment to agreements with developers of high-rise multi-family residential projects located in the Downtown Core Area who previously executed a deferment agreement with City pursuant to Resolution No. 74382 to provide up to an additional thirteen (13) months for payment of parkland in-lieu fees and accrued interest owed to City.
- (b) Subject to City Council approval of Recommendation (a) above, adoption of resolutions by City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director the authority to negotiate and execute an amendment to the Cooperation Agreement between the City and Redevelopment Agency executed on January 27, 2009 for the City to reimburse the Agency the total amount of \$3,297,000 previously provided by the Agency to City for Watson Park.
- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Parks Trust Fund:
 - (1) Establish a Transfer to the Redevelopment Agency for Watson Park Repayment in the amount of \$2,750,000; and
 - (2) Decrease the Martin Park Expansion appropriation to the Parks, Recreation, and Neighborhood Services Department by \$2,750,000.
- (d) Adopt the following Appropriation Ordinance amendments in the General Fund:
 - (1) Establish a Transfer to the Redevelopment Agency for Watson Park Repayment in the amount of \$547,000; and
 - (2) Decrease the Watson Site Clean-up and Restoration appropriation to the Public Works Department by \$547,000.

CEQA: Mitigated Negative Declaration, File No. PP07-130. Council District 3. (City Manager's Office/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.

- **Adjournment**

- * This meeting will be adjourned in memory of Rita Megrath, who served the City for over 23 years, first supporting the office of Mayor Tom McEnery and then directly supporting four City Managers as Executive Assistant. She was unparalleled in her work ethic and her commitment to professionalism.

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

1:30 P.M.

TUESDAY, JANUARY 12, 2010

CHAMBERS

* *The Joint City Council/San José Financing Authority agenda will be heard immediately following the Consent Calendar.*

1. Call to Order

2. [Actions related to the RFP for Solar Photovoltaic Power Production.](#)

Recommendation:

(a) It is recommended that the City Council take the following action:

(1) Accept the report on Request for Proposal for a Power Purchase and Site Lease [Agreement](#) for Solar Photovoltaic Power Production and adopt a resolution authorizing the Assistant Director of Finance to execute a Power Purchase Agreement with SunEdison Origination1 LLC to purchase solar energy at the Central Service Yard for a 20 year term subject to the consent of Wells Fargo Bank, National Association as trustee of the City of San José Financing Authority Lease Revenue Bonds, Series 2003A (Central Service Yard Refunding Project) and the City of San José Financing Authority.

(b) It is recommended City of San José Financing Authority Board take the following action:

(1) Adopt a [resolution](#) authorizing the Executive Director or the Executive Director's authorized designee to consent to the license of the Central Service Yard site and to execute a letter acknowledging the SunEdison's ownership and financing interests in the solar photovoltaic system to be installed at the Central Service Yard subject to the consent of Wells Fargo Bank, National Association as trustee for the City of San José Financing Authority Lease Revenue Bonds, Series 2003A (Central Service Yard Refunding Project) and the City.

CEQA: Mitigated Negative Declaration, File No. PP09-031. (Environmental Services, Finance, General Services)

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.