



# CITY COUNCIL AGENDA

**JANUARY 26, 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](http://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, 2<sup>nd</sup> 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](mailto: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**  
9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#) [See RDA Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 1)**

- **Pledge of Allegiance**

- **Orders of the Day**

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

ADJOURNMENT: This meeting will be adjourned in memory of Frank Greene, a Silicon Valley business and community leader and educator. He served tirelessly as a mentor and role model to generations of aspiring youth and entrepreneurs in our valley, encouraging them to pursue their dream. (Campos)

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

**REDEVELOPMENT AGENCY AGENDA TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS.**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

---

- 1.1 Presentation of a commendation to Girl Scouts Service Unit 621 for their enthusiastic participation in the 2009 Great America Litter Pick Up. (Campos/Chu)  
\* **TO BE HEARD IN THE EVENING**
- 1.2 Presentation of a commendation to the San José State Chapter of Gamma Zeta Alpha Fraternity, Incorporated for its continued service to the community over the last 19 years. (Campos)  
**TO BE HEARD IN THE EVENING**
- 1.3 Presentation of a proclamation declaring January 26, 2010 as “Holocaust Remembrance Day” in the City of San José. (Oliverio/Herrera)
- 1.4 Presentation of a commendation to the Center for Employment Training for their economic development efforts in the City of San José. (Pyle)

# 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. 28690 – Disestablish the Willow Glen Business Improvement District pursuant to Section 36550 of the California Parking and Business Improvement Area Law.
- \* (b) ORD. NO. 28689 – Amending Title 5 of the San José Municipal Code to add a new Chapter 5.08 adopting a Citywide Inclusionary Housing Program.

- 2.3 **Mayor and Council Excused Absence Requests.**

- 2.4 [Agreement with Kimley-Horn & Associates for Airfield Design and Consultant Services.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Kimley-Horn and Associates, Inc., for airfield design and consultant services for the widening and strengthening of Taxiway W from Taxiway B to Taxiway C, and for the reconstruction of Taxiway C from Taxiway V to Taxiway W, in an amount not to exceed \$400,000 for the period from February 1, 2010, through December 31, 2011. CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-208. (Airport/Public Works)

## 2. CONSENT CALENDAR

---

### 2.5 Actuarial Services Related to Labor Negotiations.

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute a Second Continuation Agreement with Bartel Associates LLC for consultant actuarial services related to labor negotiations, to modify the scope of services and to continue the term through December 31, 2010, with no increase in total compensation. CEQA: Not a Project. (City Attorney's Office)

### 2.6 City Clerk's Travel to Montecito and Riverside, California.

**Recommendation:**

- (a) Approve travel for City Clerk Lee Price to Montecito, California on February 2-5, 2010 to provide training services at the Master Municipal Clerks Academy. Source of Funds: Continuing Education for Public Officials.
  - (b) Approve travel for City Clerk Lee Price to Riverside, California on March 16-19, 2010 to provide training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks.
- (City Clerk)

### 2.7 Calling for a Municipal Election on June 8 and November 2, 2010.

**Recommendation:** Adopt a [resolution](#) calling for a Regular Municipal Election on June 8, 2010 and a Run-Off Municipal Election on November 2, 2010, if need be, for the purpose of electing a Mayor and Council Members for Districts 1, 3, 5, 7 and 9 and requesting consolidation with the County of Santa Clara. (City Clerk)

### 2.8 Security Guard Services at the Water Pollution Control Plant. Supplemental – Letter from the Water Pollution Control Plant

**Recommendation:** Accept report on Request for Proposal for security guard services at the Water Pollution Control Plant and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an [agreement](#) with First Alarm Security & Patrol, Inc. (Aptos, CA) for security guard services for an initial fourteen month term for the period February 1, 2010 to March 31, 2011, and a maximum compensation not to exceed \$225,139.
- (b) Execute amendments to the agreement to add and delete guard services as required subject to appropriation of funds.
- (c) Exercise two, one-year options to extend the agreement subject to annual appropriation of funds.

CEQA: Not a Project. (Finance)

### 2.9 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 #5 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. CONSENT CALENDAR

---

### 2.10 [Sale of City-Owned Property Located at 9<sup>th</sup> and Keyes.](#)

**Recommendation:** Adopt a [resolution](#):

- (a) Approving an [agreement](#) between the City and Steve Nguyen, the adjoining property owner, for sale of the property identified by APN 477-03-054 and located at 9th and Keyes in the amount of \$20,000; and
- (b) Authorizing the Director of General Services to execute all sales documents and the deed necessary to complete the transaction.

CEQA: Exempt, File No. PP06-037. (General Services)

### 2.11 [Sale of City-Owned Property Located at Daniel Way at Forest.](#)

**Recommendation:** Adopt a [resolution](#):

- (a) Approving an [agreement](#) between the City and John and Angela Wilcock, the adjoining property owner, for sale of the property identified by APN 274-44-002 and located at Daniel Way at Forest in the amount of \$643.23; and
- (b) Authorizing the Director of General Services to execute all sales documents and the deed necessary to complete the transaction.

CEQA: Exempt, File No. PP06-037. (General Services)

### 2.12 [Grant for the Expansion of the Medical Respite Center.](#)

**Recommendation:** Adopt a [resolution](#):

- (a) Authorizing the Housing Department to accept a grant of \$471,240 from the Federal Department of Health and Human Services for the expansion of the Medical Respite Center located at EHC LifeBuilder's Boccardo Reception Center;
- (b) Approving the subgranting of the Federal Department of Health and Human Services funds to EHC LifeBuilders to use for the expansion of its Medical Respite Center; and
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.

CEQA: Exempt. (Housing)

### 2.13 [Change of Designation for Multifamily Housing Revenue Bonds for the Belovida at Newbury Park Project.](#)

**Recommendation:** Adopt a [resolution](#) approving a change in the series designation of the previously-authorized issuance of tax-exempt multifamily housing revenue bonds for the Belovida at Newbury Park Project to "City of San José Multifamily Housing Revenue Bonds (Belovida at Newbury Park Senior Apartments), Series 2010B". CEQA: Mitigated Negative Declaration, File No. PDC07-015. Council District 3. (Housing)

## 2. CONSENT CALENDAR

---

### 2.14 Annual Status Report on Library, Public Safety and Parks and Recreation Bond Programs.

**Recommendation:**

- (a) [Accept the annual status report on the Safe Neighborhood Parks and Recreation Bond Projects for FY 2008-2009.](#)  
[Attachment – Parks and Recreation Bonds Fund Independent Auditor’s Report](#)
- (b) [Accept the annual status report on the Branch Library Bond Projects for FY 2008-2009.](#)  
[Attachment – Branch Library Bonds Fund Independent Auditor’s Report](#)  
[Attachment - Library Parcel Tax Fund Independent Auditor’s Report](#)
- (c) [Accept the annual financial report on the Public Safety Bond Program for FY 2008-2009.](#)

CEQA: Not a Project. (Citizen Oversight Committee for the Library Bond Projects/  
Citizen Oversight Committee for the Public Safety Bond Program/Citizen Oversight  
Committee for the Parks and Recreation Bond Projects)

### 2.15 [Revisions Related to Anonymous Complaints to the San José Elections Commission](#)

**Recommendation:** As directed by the City Council on December 15, 2009, adopt a [resolution](#) amending the regulations and procedures for the San José Elections Commission’s investigations and hearings regarding anonymous complaints, and repealing Resolution No. 75173. (City Attorney/City Clerk)  
(Rules Committee referral 12/2/09)

### 2.16 [District 1 Disability Awareness Day.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on January 13, 2010:

- (a) Approve the District 1 Disability Awareness Day as City Sponsored Special Event; and
- (b) Approve and accept donations of materials and services from various individuals, businesses or community groups to support the event.

(City Clerk)

[Rules Committee referral 1/13/10 – Item H(3)]

### 2.17 [Neighborhoods Commission Appointments.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on January 20, 2010, approve the following appointments to the Neighborhoods Commission:

- (a) James Ramsell to fill a vacancy on the Commission for Council District 9;
- (b) Gerard Roney to serve as 1<sup>st</sup> Alternate on the Commission for Council District 9; and
- (c) Jim Cantore to serve as 2<sup>nd</sup> Alternate on the Commission for Council District 9.

(City Manager’s Office)

[Rules Committee referral 1/20/10 – Item G(1)]

### 3. STRATEGIC SUPPORT SERVICES

---

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

#### 3.2 Report of the Rules and Open Government Committee – [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)
- (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)

*(Item continued on the next page)*

### **3. STRATEGIC SUPPORT SERVICES**

---

#### **3.2 Report of the Rules and Open Government Committee – December 9, 2009 Mayor Reed, Chair (Cont'd.)**

- (j) Open Government Initiatives (Cont'd.)
    - (3) Significant Public Record Act Requests
    - (4) Council Policy Manual Update
  - (k) Open Forum
  - (l) Adjournment
- (Deferred from 1/12/10 – Item 3.3)

#### **3.3 Report of the Rules and Open Government Committee – January 6, 2010 Mayor Reed, Chair**

- (a) City Council (City Clerk)
  - (1) Review January 12, 2010 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 January 19, 2010 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
    - (a) Assembly Bill 222 (Adams), Energy: Biofuels. (Environmental Services)

#### **HEARD BY COUNCIL 1/12/10**

- (2) Federal
- (e) Meeting Schedules
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
  - (1) Silicon Valley Workforce Investment Network (SVWIN) Board Nomination. (Mayor)
  - (2) Deferred Compensation Advisory Committee (DCAC) Appointments. (Human Resources)

#### **HEARD BY COUNCIL 1/12/10**

- (h) Rules Committee Reviews, Recommendations and Approvals
  - (1) Rules for the Conduct of Meetings. (Mayor)
- (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

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.3 Report of the Rules and Open Government Committee – January 6, 2010 Mayor Reed, Chair (Cont'd.)

- (j) Open Government Initiatives (Cont'd.)
  - (2) Sunshine Reform Task Force
    - (a) Non-Governmental Bodies Recommendation Status. (City Manager's Office)
  - (3) Significant Public Record Act Requests
  - (4) Council Policy Manual Update
- (k) Open Forum
- (l) Adjournment

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

#### 3.5 [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)]  
(Deferred from 1/12/10 – Item 3.7)

\* **RECOMMEND DEFERRAL TO 2/2/10 PER ADMINISTRATION**

#### 3.6 [Actions Related to the Board Governance for the Federated City Employees' Retirement System and Police & Fire Department Retirement Board.](#)

[Attachment A – Retirement Board Governance FAQ](#)

[Attachment B – Retirement Board Governance and Stakeholder Outreach Memo](#)

[Attachment B1- Summary of Stakeholder Comments – August 2009](#)

[Attachment B2 – Survey of Retirement Board Structures](#)

[Attachment B3 – Review of Governance Models](#)

[Attachment B4 – Report from City of San Diego](#)

[Attachment C – City Policy Manual on Nepotism](#)

**Recommendation:**

- (a) Approve the following revisions to the governance structure of the City's retirement plans and direct the City Attorney to draft an ordinance with the necessary revisions to the San José Municipal Code:
  - (1) For the Federated City Employees' Retirement System, replace the two City Council Board members and Civil Service Commission Board member with three public members in addition to the one existing public board member.

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.6 Actions Related to the Board Governance for the Federated City Employees' Retirement System and Police & Fire Department Retirement Board. (Cont'd.)

- (2) For the Police and Fire Department Retirement Board, replace the two City Council Board members, the Civil Service Commission Board member and City Administration Board member with four public board members.
  - (3) Establish qualification criteria, term, stipend, appointment process, selection process, and removal process for the public board members for both retirement plans.
- (b) Direct the City Administration to continue to evaluate the other retirement board governance recommendations prepared by the consultant and return to the City Council with recommendations.

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

\* **RECOMMEND DEFERRAL TO 2/9/10 PER RULES AND OPEN GOVERNMENT COMMITTEE**

#### 3.7 [Public Service Easement Vacation at 3550 Snell Avenue.](#)

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) to vacate a public service easement within a private property at 3550 Snell Avenue. CEQA: Not a Project. Council District 7. (Public Works)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

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

#### 4.2 [Actions Related to Public Entertainment Ordinance Presentation](#)

\* **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 entertainment establishments as a use category 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 entertainment establishments as a use category in the Zoning Code, referring said ordinance to the Planning Commission for its report and recommendation, and setting a public hearing on the ordinance.

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.2 Actions Related to Public Entertainment Ordinance. (Cont'd.)

\* **Recommendation:**

- (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.

CEQA: Not a Project.

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

(Deferred from 1/12/10 – Item 4.5)

### 4.3 [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;
  - (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)

(Deferred from 1/12/10 – Item 4.6)

### 4.4 [Report on Nonprofit Strategic Engagement Platform on the City's Partnerships with Community Based Organizations.](#) [Presentation](#)

**Recommendation:** Accept the report on the objectives, current activities and impact of the Nonprofit Strategic Engagement Platform on the City of San Jose's partnerships with Community Based Organizations. CEQA: Not a Project. (Economic Development)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.5 Proposed Amendment to the City's Lease with the Earthquakes LLC for a 2.6 Acre Practice Field.

- \* **Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the City's existing lease with the Earthquakes LLC for a 2.6 acre practice field on the City's Airport West Property authorizing the City to assume responsibility related to potential future hazardous materials on the 2.6 acre property. CEQA: Resolution No. 71716. (Economic Development)

\* **DROP PER ADMINISTRATION**

### 4.6 [Bid to Host the U.S. Olympic Gymnastic Trials.](#)

- \* **Recommendation:**
  - (a) Support the efforts of the Administration to partner with the San José Sports Authority, HP Pavilion at San José and the San José Convention and Visitors Bureau to prepare and submit a bid to host the US Gymnastics Olympic Team Trails in San José in 2010;
  - (b) Direct the City Manager to identify a potential funding plan for \$300,000 by Fiscal Year 2011-2012 as City of San José contribution to support the event if the bid is awarded to San José; and
  - (c) Adopt a [resolution](#), to be included in the bid application to USA Gymnastics, expressing the City's support and commitment to hosting the 2012 Gymnastics Olympic Team Trials in San José.CEQA: Not a Project. (Mayor)

### 4.7 [Approval of Amendments to the CDBG Consolidated Plan Annual Action Plan for Change in Use of 16.1 Acres at the FMC Site.](#) [Supplemental – Memo from the Office of Economic Development](#)

**Recommendation:** Adopt a [resolution](#):

- (a) Amending the 2004-2005 Consolidated Plan Annual Action Plan to authorize the submission of an amended 2004-2005 annual Action Plan to the City's Community Development Block Grant Program for the change of use, pursuant to 24 CFR 570.505, for 16 acres of the 23.23 acre FMC site purchased in 2004 with funding assistance from the Department of Housing and Urban Development (HUD), and the City pledging additional security to cover the outstanding principal balance of the Section 108 loan;
- (b) Amending the 2005 Section 108 Loan Guarantee Agreement to the Department of Housing and Urban Development for changes in use and to substitute security for the remaining principal balance on the Section 108 loan for the purchase of the 23.23 acre Airport West (Formerly FMC Corporation) property; and
- (c) Authorizing the City Manager, or her designee, to negotiate and execute Loan Guarantee documents required by HUD to consent to the substitute propertie(s).

CEQA: EIR Resolution No. 71716. File No: PP08-093. (Economic Development/Housing)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.8 Report on Extensions of Development Permits in North San José.

**Recommendation:** Accept the verbal status report related to Extensions of Development Permits in North San José per Council direction on December 15, 2009. (Planning, Building and Code Enforcement)

**VERBAL REPORT ONLY**

## 5. NEIGHBORHOOD SERVICES

---

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

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Report of the Transportation and Environment Committee – January 11, 2010 \* Councilmember Liccardo, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
- (c) Consent Calendar
- (d) Reports to Committee
  - (1) Verbal Report on Regional Transportation Activities. (Transportation)
- (e) Open Forum
- (f) Adjournment

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

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

**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)]  
(Deferred from 1/12/10 – Item 7.1)

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.2 [California Statewide Communities Development Authority's CaliforniaFIRST Program.](#)

**Recommendation:**

- (a) Conduct a public hearing inviting public testimony regarding the public benefits of the California Statewide Communities Development Authority's CaliforniaFIRST Program.
- (b) Adopt a [resolution](#) authorizing San José to join the CaliforniaFIRST Program, including the authorization to pay set-up fees in the amount of \$25,000 for participation in the CaliforniaFIRST Program.

CEQA: Exempt, File No. PP09-209. (Environmental Services)

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 [Construction Contract for the Fire Station No. 36 Project, located at 1924 Yerba Buena Road, to the Lowest Responsive Bidder, Applegate Johnston, Inc. Attachment – Protest Letters](#)

**Recommendation:** Accept report on bids and award the construction contract for the Fire Station No. 36 Project to the lowest responsive bidder, Applegate Johnston, Inc., to include the base bid and Add Alternate Nos. 2 and 3, in the amount of \$4,008,500, and approve a contingency in the amount of \$601,275. CEQA: Exempt, File Nos. PPO6-009 and PPO9-150. Council District 8. (Public Works/Fire/City Manager's Office)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

- **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.*
- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

---

No General Plan Public Hearings at this time.

## 11. PUBLIC HEARINGS

---

(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) 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 Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar.

### 11.2 Rezoning the real property located at/on the west side of North 6<sup>th</sup> Street.

**Recommendation:** Consider an ordinance rezoning the real property located at/on the west side of North 6<sup>th</sup> Street, approximately 200 feet south of East Taylor Street (675 N 6<sup>th</sup> Street) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 77 affordable housing units on a 0.55 acre site (First Community Housing). CEQA: Use of Japantown Corporation Yard Redevelopment EIR.

PDC08-010 – District 3

**RECOMMEND CONTINUANCE TO 02/23/10 PER ADMINISTRATION**

### 11.3 [Rezoning real property located at/on the southeast corner of Lincoln Avenue and Willow Street.](#)

[Attachment – Staff Report and Maps](#)

**Recommendation:** Consider an [ordinance](#) rezoning the real property located at/on the southeast corner of Lincoln Avenue and Willow Street (1098 Lincoln Avenue) from the CP Commercial Zoning District to the CP(PD) Commercial Zoning District to allow 58,401 square feet of commercial uses (office over retail) with an attached two level parking structure on a 2.08 gross acre site (Paja Investments, Owner). CEQA: Mitigated Negative Declaration.

PDC09-016 – District 6

## 11. PUBLIC HEARINGS

---

### 11.4 [Rezoning real property located on the east side of Monterey Road.](#) [Attachment – Staff Report and Maps](#)

**Recommendation:** Consider an [ordinance](#) rezoning the real property located on the east side of Monterey Road, approximately 700 feet northerly of Tully Road (2112 Monterey Road) to allow for the development of a 100% affordable multi-family residential development of up to 102 attached units on a 2.8 gross acres site (Emergency Housing Consortium, Owner; Charities Housing, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

[PDC09-015](#) – District 7

### 11.5 **General Plan Amendment request to change the Land Use/Transportation Diagram designation.**

\* **Recommendation:** Early consideration of denial of a General Plan Amendment request to change the Land Use/Transportation Diagram designation to add Mixed Industrial Overlay to an existing Heavy Industrial land use designation on a 3.95 gross acre site, located at 2159 South 10th Street (Provident Holdings & Investments LLC, Owner). CEQA: Incomplete.

[GP09-07-02](#) – District 7

**RECOMMEND CONTINUANCE TO 02/23/10 PER ADMINISTRATION**

### 11.6 [Rezoning real property located on the west side of Cadwallader Avenue.](#) [Attachment – Staff Report and Information Part 1](#) [Attachment – Staff Report and Information Part 2](#)

**Recommendation:** Consider an [ordinance](#) rezoning the real property located on the west side of Cadwallader Avenue, approximately 500 feet southerly of Prunetree Lane (4093 Cadwallader Avenue) to allow up to 38 single-family detached residential units on an 18.5 gross acre site (Larios Cheryl Trustee & Et Al, Tedro Living Trust Marion L. Tedro, Tedro Living Trust Robert S. Tedro, Jame E. Bertlett, Margret H. Oxsen, Michael & Laura Pianka, Vinh Tran, Owner; Asc Properties, LLC Tony Arreola, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-2-0).

[PDC09-010](#) – District 8

### 11.7 [Rezoning real property located on the east side of Almaden Expressway.](#) [Attachment – Memo from Councilmember Pyle](#) [Attachment – Staff Report and Maps](#) [Supplemental – Memo from the Director of PBCE](#)

**Recommendation:** Consider an [ordinance](#) rezoning the real property located on the east side of Almaden Expressway, approximately 400 feet north of Redmond Avenue (16430 Almaden Road) from the R-1-1 Residential Zoning District to the A(PD) Planned Development Zoning District to allow for 7 single-family residential units on a 0.85 gross acre site (Woodrum, Ronnie L. and Phyllis R. Trustee, Owner). CEQA: Mitigated Negative Declaration.

[PDC08-051](#) – District 10

- 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 Frank Greene, a Silicon Valley business and community leader and educator. He served tirelessly as a mentor and role model to generations of aspiring youth and entrepreneurs in our valley, encouraging them to pursue their dream. (Campos)

## **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.