



# CITY COUNCIL AGENDA

**FEBRUARY 23, 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 2)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

- \* **ITEMS 9.1, 9.2, 9.3, AND THE FINANCING AUTHORITY TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION TO BE HEARD IN THAT ORDER FOLLOWED BY REDEVELOPMENT AGENCY BOARD AGENDA ITEM 8.1.**

ADJOURNMENT: This meeting will be adjourned in the memory of Juanita Serrato-Lopez who passed away on January 26, and Diana Pena Lopez who passed away on January 30, both residents of San José. They are survived by loving husband and son, Robert Lopez, a City of San José Housing Department employee. (City Manager's Office)

- **Orders of the Day (Cont'd.)**

ADJOURNMENT (Cont'd.):

This meeting will be adjourned in memory of Frank Schiavo, longtime resident of Council District 7, a retired environmental studies lecturer from San José State University, and president of the Citizens Against Airport Pollution (CAAP). Frank Schiavo was the recipient of numerous awards and honors for his environmental advocacy. His efforts has helped co-author various legislation and policy regarding environmental issues, including the City of San José's Compost Ordinance. He is survived by his stepmother and sister. (Nguyen)

**TO BE HEARD IN THE EVENING**

**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**

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**1.1** Presentation of a commendation to Stormgears for their contributions to improve Evergreen's transportation system and accomplishments at the Northern California Lego Robotics. (Herrera)

**1.2** Presentation of a commendation to the Alameda Business Association for their continued efforts and dedication in revitalizing The Alameda Business District. (Oliverio)  
**TO BE HEARD IN THE EVENING**

**1.3** Presentation of commendations to Harker and Lynbrook High School students for being selected as semi-finalists and finalists in the 2010 Intel Science Talent Search. (Constant)  
**TO BE HEARD IN THE EVENING**

\* (Rules Committee referral 2/17/10)

**1.4** Presentation of a commendation to the NAACP for being the nation's most significant civil rights organization that continues to advocate for civil rights issues of all people of color. (Kalra/Nguyen)

\* (Rules Committee referral 2/17/10)

## 2. CONSENT CALENDAR

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**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. 28719 – Amending Ordinance No. 15879 as amended by Ordinance No. 21676 and Ordinance No. 26913 which granted a Franchise for the transmission and distribution of gas within the City of San José to Pacific Gas and Electric Company to add a Franchise Fee Surcharge of 0.3% resulting in a total Franchise Fee remitted to the City of 2.3% of gross receipts and to provide for the waiver of certain negotiation and arbitration rights under the franchise.
- (b) ORD. NO. 28720 – Amending Ordinance No. 15880 as amended by Ordinance No. 21677 and Ordinance No. 26914 which granted a Franchise for the transmission and distribution of electricity within the City of San José to Pacific Gas and Electric Company to add a Franchise Fee Surcharge of 0.3% resulting in a total Franchise Fee remitted to the City of 2.3% of gross receipts and to provide for the waiver of certain negotiation and arbitration rights under the franchise.
- (c) ORD. NO. 28721 – Rezoning certain real property situated on the west side of Cadwallader Avenue, approximately 500 feet south of Prunetree Lane, from R-1-5 Single-Family Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District. PDC09-010 [Presentation](#)

### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports:

- (a) [Rules and Open Government Committee Report of January 13, 2010.](#) (Mayor) [Deferred from 2/2/10 – Item 2.3(a) and 2/9/10 – Item 2.3(b)]
- (b) [Rules and Open Government Committee Report of January 27, 2010.](#)
- (c) [Transportation and Environment Committee Report of February 1, 2010.](#)  
**SEE ITEMS 6.1 AND 6.2 FOR COUNCIL ACTION TO BE TAKEN**  
[Presentation](#)
- (d) Rules and Open Government Committee Report of February 3, 2010.
- (e) Neighborhood Services and Education Committee Report of February 11, 2010.

## 2. CONSENT CALENDAR

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### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) [Request for excused absences for Councilmember Constant from the Closed Session, Regular and Evening Session of the City Council on March 16, 2010 and the Regular Meeting of the Rules and Open Government Committee on March 17, 2010 due to Authorized City Business: 2010 National League of Cities Congressional City Conference in Washington, D.C. \(Constant\)](#)  
(Rules Committee referral 2/10/10)
- (b) [Request for excused absences for Councilmember Constant from the Regular Meetings of the Rules and Open Government Committee on February 3, April 21, June 2, August 4, October 20, and December 15, 2010 due to Authorized City Business: Santa Clara County LAFCO Meetings at the Santa Clara County Office. \(Constant\)](#)  
(Rules Committee referral 2/10/10)

### 2.5 [Amendment to Advertising and Marketing Services Agreement at the Airport.](#)

**Recommendation:** Approve a first amendment to the Master [Agreement](#) for Consultant Services between the City of San José and Barnestorming Advertising and Marketing Communications to:

- (a) Add marketing services to be paid in full using marketing funds collected by the City from the food and beverage and retail concessions at the Airport pursuant to the terms of the Airport food and beverage and retail concession agreements; and
- (b) Increase the compensation by an amount not to exceed \$45,000 of concessionaire-paid marketing funds for the initial term of the Agreement, for a total amount not to exceed \$415,000; and
- (c) Increase the compensation by an amount not to exceed \$45,000 of concessionaire-paid marketing funds for the first one-year Option Period of the Agreement, for a total amount not to exceed \$230,000, and a total maximum contract amount not to exceed \$830,000.

CEQA: Resolutions No. 67380 and 71451, File No. PP09-216. (Airport)

### 2.6 [Actions Related to the Weed and Seed Program.](#)

**Recommendation:** Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (a) Increase the estimate for Revenue from the Federal Government by \$142,000.
- (b) Increase the Weed and Seed – East San José appropriation to the Police Department in City-Wide Public Safety in the amount of \$71,000.
- (c) Increase the Weed and Seed – East San José appropriation to the City Manager’s Office in City-Wide Neighborhood Services in the amount of \$71,000.

CEQA: Not a Project. Council Districts 5 and 8. SNI: Valley/680 Communities and K.O.N.A. (City Manager’s Office/Police Department)

## 2. CONSENT CALENDAR

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### 2.7 [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 #6 and authorize the Director of Finance to execute the purchase orders. CEQA: See attachment for CEQA determinations. (Finance)

### 2.8 [Amendment to Agreement for the Lease and Maintenance of Airport Shuttle Buses.](#)

**Recommendation:** Adopt a resolution authorizing the Director of Finance to execute the second amendment to the [agreement](#) between the City of San José and Penske Truck Leasing Co., L.P. to extend the agreement term for an additional five months through July 31, 2010 for the lease and maintenance of airport shuttle buses. CEQA: Resolutions No. 67380 and 71451, File No. PP09-214. (Finance)

### 2.9 [Federal Emergency Management Agency Grant for Mobile Home Seismic Retrofitting.](#)

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

- (a) Authorizing the Housing Department to accept a Federal Emergency Management Agency grant of \$150,000 from the California Emergency Management Agency to assist with the creation of a mobilehome seismic grant Phase One inventory list.
- (b) Authorizing the Director of Housing to negotiate and execute all documents necessary for the acceptance and completion of the grant.
- (c) Making findings that the use of Low- and Moderate-Income Housing Funds to provide matching grant funds for seismic inventories and rehabilitation outside a redevelopment project area benefits the Agency's redevelopment project areas.

CEQA: Not a Project. Council Districts 2, 7, and 10. SNI: Edenvale/Great Oaks. (Housing)

### 2.10 [Unity Care Properties Relocation Plan.](#)

**Recommendation:** Adopt a [resolution](#) approving the Relocation Impact Statement and Last Resort Housing Plan for Unity Care's properties at 109 and 115 Roundtable Drive. CEQA: Exempt, File No. PP06-199. Council District 2. SNI: Edenvale/Great Oaks. (Housing)

### 2.11 [Grant Application for the Penitencia Creek Reach 1 \(Dorel Drive to Nobel Drive\) Trail Project.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager, or designee, to:

- (a) Submit a grant application in the amount not to exceed \$300,000 to the Santa Clara Valley Water District (Water District) under the 2010 Trail and Open Space Grant program for the Penitencia Creek Reach 1 (Dorel Drive to Noble Drive) Trail project ("Project"); and
- (b) Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding from the District to the City for the Project.

CEQA: Mitigated Negative Declaration, File No. PP06-111. Council District 4. (Parks, Recreation and Neighborhood Services)

## 2. CONSENT CALENDAR

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### 2.12 [Grant Application for a Feasibility Study of Edenvale Trail.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager, or designee, to:

- (a) Submit a grant application in an amount not to exceed \$250,000 to the State of California under the Community Based Transportation Planning grant program for the feasibility study of Edenvale Trail (“Project”); and
- (b) Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding from State of California for the Project.

CEQA: Not a Project. Council District 2. SNI: Edenvale/Great Oaks. (Parks, Recreation, and Neighborhood Services)

### 2.13 [Update to City Council Policy 8-14: Post-Construction Hydromodification Management.](#)

**Recommendation:** Adopt a [resolution](#) approving Revised City Council Policy 8-14: Post-Construction Hydromodification Management to bring the Policy into conformance with the new Hydromodification Management requirements of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (Permit Number CAS612008), which was adopted on October 14, 2009 by:

- (a) Reducing the size of projects that are required to design, build, and maintain project-related hydromodification management controls (HMCs) for projects that create and/or replace one acre or more of impervious surface in subwatersheds and catchment areas that are identified in the RWQCB’s Hydromodification Management (HM) Applicability Map for Santa Clara County;
- (b) Reducing the area of the City that is subject to such requirements in accordance with the RWQCB’s HM Applicability Map for Santa Clara County;
- (c) Clarifying the types of projects that are exempt from HM requirements;
- (d) Adopting detailed descriptions of acceptable HMCs;
- (e) Delineating additional performance criteria for demonstrating that post-project stormwater runoff does not exceed estimated pre-project runoff rates and durations; and
- (f) Including additional criteria beyond cost for determining when HMCs are impractical.

CEQA: Exempt. (Planning, Building and Code Enforcement)

### 2.14 [Architectural Consultant Services for the Calabazas Branch Library Project.](#)

**Recommendation:** Approve the first amendment to the [agreement](#) for with Krong Design, Inc., extending the term of the agreement from February 28, 2011 to December 31, 2011, and increasing the amount of compensation by \$85,000, for a total amount not to exceed \$943,000. CEQA: Mitigated Negative Declaration, File No. PP08-023. Council District 1. (Public Works)

## 2. CONSENT CALENDAR

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### 2.15 Cost Sharing Agreements for Grant-Funded Silicon Valley ITS – Enhancement Project.

**Recommendation:**

- (a) Approve a Cost Sharing Agreement with the City of Santa Clara for the construction of the grant-funded Silicon Valley ITS – Enhancement Project and other improvements, to clarify roles and responsibilities of each party, and to allow Santa Clara to reimburse the City up to a maximum amount of \$460,000 for the cost of the construction.
- (b) Approve a Cost Sharing Agreement with the City of Campbell for the construction of the grant-funded Silicon Valley ITS – Enhancement Project and other improvements, to clarify roles and responsibilities of each party, and to allow Campbell to reimburse the City up to a maximum amount of \$40,209 for the cost of the construction.

CEQA: Exempt, File No. PP03-06-214. Council Districts 1, 4, 6, and 9.  
(Transportation)

### 2.16 District 1 Annual Greek Flag Raising Event.

**Recommendation:** As recommended by the Rules and Open Government Committee on February 3, 2010:

- (a) Approve the designation of the District 1 Annual Greek Flag Raising Event as a City Council Sponsored Special Event; and
- (b) Approve and accept in-kind donations of materials and services to support the event.

CEQA: Not a Project. (City Clerk)  
[Rules Committee referral 2/3/10 – Item H(1)]

### 2.17 Councilmember Constant’s Travel to Washington, D.C.

**Recommendation:** Approve travel by Councilmember Constant to Washington, D.C. on March 13-17, 2010 to attend the National League of Cities’ Annual Congressional City Conference. Source of Funds: Mayor & Council Travel Fund. (Constant)  
(Rules Committee referral 2/10/10)

### 2.18 Silicon Valley Workforce Investment Network Board Appointment.

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010, approve the appointment of Glen Ledet, Customer Service/Contract Compliance/ Public Outreach Manager for California Waste Solutions, San José to serve as a private sector representative on the Silicon Valley Workforce Investment Network Board of Directors. CEQA: Not a Project. (Mayor)  
[Rules Committee referral 2/3/10 – Item G(1)]

## 2. CONSENT CALENDAR

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### 2.19 [Project Diversity Screening Committee Appointments.](#)

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010:

- (a) Re-appoint Alphonse Arretz, Francine Davis, Alex Fraser and Victor Nakamoto for a second term to the Project Diversity Screening Committee;
- (b) Appoint Suneel Kelkar and Gail Sueki to fill the vacant Mayoral appointment positions on the Project Diversity Screening Committee.

CEQA: Not a Project. (Mayor)

[Rules Committee referral 2/3/10 – Item G(2)(a)]

### 2.20 [District 4 North San José Business Appreciation Luncheon.](#)

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010:

- (a) Approve the designation of the District 4 North San José Business Appreciation Luncheon as a City Council and Redevelopment Agency Sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 2/10/10 – Item H(2)]

### 2.21 [District 9 City Council Sponsored Special Events.](#)

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010:

- (a) Approve the designation of Council District 9 Celebrate Cambrian, Carolyn Norris Park Dedication, and the Cambrian Leadership Breakfast as a City Council Sponsored Special Events; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 2/10/10 – Item H(3)]

### 2.22 [Local Taxpayer, Public Safety and Transportation Act of 2010.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on February 17, 2010, adopt a [resolution](#) in support of the proposed measure known as the Local Taxpayer, Public Safety and Transportation Act of 2010 targeted for the November 2010 Statewide General Election. (City Manager's Office)

\* [Rules Committee referral 2/17/10 – Item D(1)]

## 2. CONSENT CALENDAR

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

**Recommendation:** As recommended by the Rules and Open Government Committee on February 17, 2010:

- (a) Appoint Patty Brooks to the Project Diversity Screening Committee. (Constant)
- (b) Reappoint Johnny Constantine Khamis to the Small Business Development Commission. (Nguyen)

\* [Rules Committee referral 2/17/10 – Items G(1)(b) and G(2)]

### 2.24 [District 5 Opening Reception for Bittersweet Harvest: The Bracero Program 1942-1964.](#)

[Supplemental – Memo from the Office of the City Clerk](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on February 17, 2010:

- (a) Approve the designation of the District 5 Opening Reception for Bittersweet Harvest: The Bracero Program 1942-1964 as a City Council sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

\* [Rules Committee referral 2/17/10 – Item H(2)]

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 [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, et al., and 2/9/10 – Item 3.6)

\* **RECOMMEND DEFERRAL TO 3/9/10 PER ADMINISTRATION**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Sign Code 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](#)

**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)

(Continued from 1/12/10 – Item 4.3 and 2/2/10 – Item 4.1)

**RECOMMEND CONTINUANCE TO 3/2/10 PER ADMINISTRATION**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 [Park Trust Fund Annual Report for FY 2008-09.](#)

**Recommendation:** Accept this report on the status of the Park Trust Fund for fiscal year 2008-2009, ending June 30, 2009. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

### 5.2 [Award of Contract for the Calabazas Branch Library Project.](#)

**Recommendation:** Report on bids and award of contract for the Calabazas Branch Library Project to the lowest responsive bidder, Zolman Construction and Development, Inc., to include the base bid and Add Alternate Nos. 1 through 4 in the amount of \$4,860,000, and approval of a contingency in the amount of \$730,000. CEQA: Mitigated Negative Declaration, File No. PP08-023. Council District 1. (Public Works/Library)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Relinquishment of State Routes.](#)

**Recommendation:** As recommended by the Transportation and Environment Committee on February 1, 2010, adopt a [resolution](#) in support of the City's pursuit of the relinquishment of State Route 82 and State Route 130 located within the City of San José to ensure policy support to initiate the State legislative and agreement negotiation processes with Caltrans that advance the relinquishment of State Routes 82 and 130. (Transportation)

[Transportation and Environment Committee referral 2/1/10 – Item D(3)]

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.2 [Agreement for the Santa Clara/Alum Bus Rapid Transit Project.](#)

**Recommendation:** As recommended by the Transportation and Environment Committee on February 1, 2010, approve an [agreement](#) with the Santa Clara Valley Transportation Authority to establish a vision statement and project description for the Santa Clara/Alum Rock Bus Rapid Transit Project. (Transportation)  
[Transportation and Environment Committee referral 2/1/10 – Item D(4)]

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Item 8.1 “Approval of the Agency’s FY 2009-10 Revised Capital and Operating Budgets and the FY 2010-2015 CIP” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

- \* **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1, 9.2, 9.3, AND THE FINANCING AUTHORITY IN A JOINT SESSION TO BE HEARD IN THAT ORDER FOLLOWED BY REDEVELOPMENT AGENCY BOARD AGENDA ITEM 8.1**

### 9.1 [Actions related to the Convention Center Expansion and Renovation.](#) [Attachment – Memo from the Mayor and Councilmembers Constant, Nguyen, Herrera and Kalra](#) [Attachment – Memo from Councilmember Liccardo](#) [Presentation](#)

- \* **Recommendation:** Accept report on the feasibility of initiating the expansion and renovation of the Convention Center in FY 2009-10 and direct staff:
  - (a) To present to the Team San José/CVB Board of Directors a plan to utilize additional non-general fund revenue sources to finance the proposed Convention Center Expansion; and
  - (b) To proceed with a Request for Proposal design-build solicitation after non-general fund revenue sources to support financing the project have been identified.CEQA: Resolution No. 72767. (City Manager’s Office/Redevelopment Agency)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.2 [Agreement on Fourth and San Fernando Parking Garage Debt Service Payments Presentation](#)

**Recommendation:** Contingent upon Redevelopment Agency Board approval of the 2009-2010 Agency Budget to be heard on February 23, 2010, the following actions are recommended:

- (a) Adopt resolutions by the City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director to negotiate and execute a Second Amendment to the Loan Agreement from the City to the Redevelopment Agency from the General Purpose Parking Fund to:
  - (1) Extend the repayment term of the existing \$6.8 million loan amount; and
  - (2) Provide for an additional loan from the City to the Redevelopment Agency from the Parking Capital Development Fund, in an amount not to exceed \$6.8 million, for the purpose of reimbursing the Agency for its payment of debt service in FY 2009-2010, FY 2010-2011 and FY 2011-12 for the Fourth and San Fernando Parking Garage, subject to appropriation of funds.
- (b) City Council adoption of the following 2009-2010 Appropriation Ordinance amendments in the Parking Capital Development Fund:
  - (1) Establish a Loan to the Redevelopment Agency – Fourth and San Fernando Parking Garage appropriation in the amount of \$1,700,000; and
  - (2) Decrease the Department of Transportation Parking Capital Development project in the amount of \$1,700,000.

CEQA: Not a Project. Council District 3. (City Manager's Office/Redevelopment Agency)

### 9.3 **Staff Response to Council Referral of February 8, 2010 regarding Economic Development Incentives.**

**Recommendation:** Accept Staff's response to the Council Referral from the February 8, 2010 Study Session regarding Economic Development Incentives. (City Manager's Office)

#### \* **VERBAL REPORT**

- **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**

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

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearings at this time.

## 11. PUBLIC HEARINGS

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(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.

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

[Attachment – Staff Report](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Presentation](#)

**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: [Resolution](#) to be adopted.

[PDC08-010](#) – District 3

(Deferred from 1/26/10 – Item 11.2)

### 11.3 [General Plan Amendment request to change the Land Use/Transportation Diagram designation.](#)

[Presentation](#)

**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. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-1-1).

[GP09-07-02](#) – District 7

(Deferred from 1/26/10 – Item 11.5)

\* **TO BE HEARD LAST**

## 11. PUBLIC HEARINGS

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11.4 [ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience.](#)

[Attachment – Memo from Councilmember Campos](#)

[Presentation 1](#)

[Presentation 2](#)

[Presentation 3](#)

**Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience to allow off-sale of alcoholic beverages at an existing convenience store on a 1.01 gross acre site, with no new construction, in the CG General Commercial Zoning District, located at 2247 Alum Rock Avenue (Bill L. and Shirley A. Dalton Trustee & Et Al, Owner). CEQA: Exempt. CP09-019 & ABC09-001 – District 5

11.5 [Rezoning real property located on the north side of Auzerais Avenue between Bird Avenue and Royal Avenue.](#)

[Attachment – Staff Report](#)

[Presentation](#)

**Recommendation:** Consider an [ordinance](#) rezoning the real property located on the north side of Auzerais Avenue between Bird Avenue and Royal Avenue from LI Light Industrial to A(PD) Planned Development Zoning District to demolish an existing gas station building and construct a new gas station mini-mart/car wash on a 0.6 gross acre site (395 Bird Avenue) (Vintners Distributors, Inc. (Sunny Goyal), Owner/Developer). SNI: Burbank/Del Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PDC09-023 – District 6

11.6 [ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience.](#)

[Presentation 1](#)

[Presentation 2](#)

**Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience to allow off-sale of alcoholic beverages on a 3.7 gross acre site, in the CP Pedestrian Commercial Zoning District, located at 1711 Branham Lane (Jason Kim, Owner). CEQA: Exempt. CP09-047 & ABC09-002 – District 9

- **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 the memory of Juanita Serrato-Lopez who passed away on January 26, and Diana Pena Lopez who passed away on January 30, both residents of San Jose. They are survived by loving husband and son, Robert Lopez, a City of San Jose Housing Department employee. (City Manager's Office)

This meeting will be adjourned in memory of Frank Schiavo, longtime resident of Council District 7, a retired environmental studies lecturer from San José State University, and president of the Citizens Against Airport Pollution (CAAP). Frank Schiavo was the recipient of numerous awards and honors for his environmental advocacy. His efforts has helped co-author various legislation and policy regarding environmental issues, including the City of San José's Compost Ordinance. He is survived by his stepmother and sister. (Nguyen)

**TO BE HEARD IN THE EVENING**

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

**1:30 P.M.**

**TUESDAY, FEBRUARY 23, 2010**

**CHAMBERS**

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**1. Call to Order**

**2. [Supplemental Education Revenue Augmentation Fund Financing Plan.](#)  
[Supplemental – Memo from the City Manager](#)  
[Presentation](#)**

**Recommendation:** Adopt resolutions by the City Council, San José Financing Authority, and Redevelopment Agency Board authorizing the City Manager, the Authority Executive Director, and the Agency Executive Director to negotiate and execute a Loan Agreement to provide funds to the Agency in the total amount of \$75,000,000, from various funding sources, for the purpose of making the FY 2009-10 and 2010-11 payments to the State for the Supplemental Education Revenue Augmentation Fund, pursuant to the terms and conditions outlined in the memorandum. (City Manager's Office/Redevelopment Agency)

**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.