



CITY COUNCIL AGENDA

MARCH 16, 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

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

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**

9:30 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 3)**

- **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 AND 9.2 TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

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

* **ADJOURNMENT:** This meeting will be adjourned in memory of J. Lindsey Wolf, a former City employee who was San Jose's first citywide public information officer under Mayor Tom McEnery, and who over 22 years guided numerous critical communications efforts both citywide and on behalf of the City's numerous environmental programs. (City Manager's Office)

* **SEE NEW ITEM 1.1 "Presentation of a commendation recognizing April Bowen, Heidi Golab, Pam Foley, and DeAnna Pursai as District 9 Stars."**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing April Bowen, Heidi Golab, Pam Foley, and DeAnna Pursai as District 9 Stars. (Chirco)
TO BE HEARD IN THE EVENING
* (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.**
2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of February 24, 2010.](#) (Mayor)
(b) [Transportation and Environment Committee Report of March 1, 2010.](#) (Liccardo)
(c) [Community and Economic Development Committee Report of February 22, 2010.](#) (Pyle)

* [Deferred from 3/9/10 – Item 2.3(b)]

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

- 2.5 **City Council Travel Reports.**

- 2.6 **[Agreement with HDR, Inc. for Consultant Services for the Spreckles Sanitary Sewer Force Main Supplement and Pump Station Rehabilitation Project.](#)**

Recommendation: Approve an [agreement](#) with HDR, Inc. for consultant services for the Spreckles Sanitary Sewer Force Main Supplement and Pump Station Rehabilitation Project from the date of execution to June 30, 2013, in a total amount not to exceed \$897,463. CEQA: Exempt, File No. PP09-104. Council District 4. (Public Works)

- 2.7 **[Conditional Vacation of a Portion of McLellan Avenue, Grant Street, and Edwards Avenue.](#)**
[Supplemental – Memo from the Director of Public Works](#)

* **Recommendation:** Adopt a [resolution](#) of intention to conditionally vacate a portion of McLellan Avenue, Grant Street, and Edwards Avenue and setting a public hearing on [April 6, 2010 at 1:30 p.m.](#) CEQA: Resolution No. 75043. Council District 3. (Public Works/ General Services)

2. CONSENT CALENDAR

2.8 City Council Appointment Adjustments.

Recommendation: As recommended by the Rules and Open Government on March 10, 2010, approve the following short-term assignments:

- (a) Remove Councilmember Chu from the Mobilehome Advisory Commission and add him to the Small Business Development Commission.
- (b) Remove Councilmember Nguyen from the Small Business Development Commission and add her to the Mobilehome Advisory Commission.

(Mayor)

* [Rules Committee referral 3/10/10 – Item G(1)]

2.9 Project Diversity Screening Committee Appointment.

Recommendation: As recommended by the Rules and Open Government on March 10, 2010, appoint Nathaniel Montgomery to the Project Diversity Screening Committee.

(Oliverio)

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

2.10 Great American Litter Pickup Event.

Recommendation: As recommended by the Rules and Open Government on March 10, 2010:

- (a) Approve the Great American Litter Pickup Event as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

(City Clerk)

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

3. STRATEGIC SUPPORT SERVICES

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

3.2 Status Report on the Citywide Capital Improvement Program.

Recommendation: Accept the FY 2009-2010 Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project. (Public Works)

* **RECOMMEND DEFERRAL TO 3/23/10 PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

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, et al and 3/2/10 – Item 4.1)

RECOMMEND DEFERRAL TO 3/23/10 PER DISTRICT 1

4.2 [Various Actions Related to the 2010 San José Cycling Classic.](#)

Recommendation:

- (a) Adopt a [resolution](#) authorizing the Office of Economic Development to develop, produce, and conduct the Amgen Tour of California and 2010 San José Cycling Classic on City streets and at various City venues throughout the week of May 15-22, 2010, as a City Event with registration fees of \$25-\$200 per rider and a vendor booth fee up to \$500 per booth.
- (b) Adopt the following Appropriation Ordinance and Funding Source Resolution Amendments in the General Fund for San José Cycling Events:
 - (1) Establish a City-wide Appropriation to the Office of Economic Development for San José Cycling Events in the amount of \$137,000; and
 - (2) Increase the estimate for Other Revenue by \$137,000.

CEQA: Exempt, File No. PP10-043. (Economic Development/City Manager's Office)

4.3 [Google Fiber for Communities Request for Information.](#)

[Presentation](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager, or designee, to submit a response to the Google Fiber for Communities Request for Information in accordance with guidelines discussed in the memorandum to Council. CEQA:

Statorily Exempt, CEQA Guidelines Section 15262. (Economic Development)

* (Rules Committee referral 3/10/10)

5. NEIGHBORHOOD SERVICES

5.1 [Schedule of Parkland Fees.](#)

Recommendation: Conduct a public hearing and adopt a [resolution](#) setting forth the new Schedule of Parkland Fees to reflect the 2008 Residential Land Value Study, with the exception of fees for North San José and Downtown to remain the same, to be effective on May 15, 2010. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

* **RECOMMEND CONTINUANCE TO 4/13/10 PER ADMINISTRATION**

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1 AND 9.2 IN A JOINT SESSION

9.1 [FY 2010-2011 Mayor's March Budget Message.](#)

Recommendation: Review and discuss the FY 2010-2011 Mayor's March Budget Message. (Mayor)

* **TO BE HEARD FIRST IN THE EVENING**

9.2 [Staff Response to Council Referral of February 8, 2010 regarding Economic Development Incentives.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Liccardo, Herrera and Pyle Presentation](#)

Recommendation:

- (a) Accept the staff report regarding Business Attraction/Retention and Development Initiatives.
- (b) Discussion and direction to the City Manager regarding the suspension of business taxes for certain small businesses.
- (c) Discussion and direction to the City Manager regarding staff recommendation for a Downtown parking incentive to allow free or discounted parking; and
- (d) Direct the City Manager to include a discussion of an appropriate City investment strategy in development incentives in the context of the overall City budget, including alternative amounts to be invested, potential return on investment and priority areas for investment, in the Community and Economic Development City Service Area presentation during the City Budget Study Sessions in May.

CEQA: Not a Project. (Economic Development)

(Deferred from 2/23/10 – Item 9.3 and 3/9/10 – Item 9.1)

● **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 Hearing at this time.

11. PUBLIC HEARINGS

* (To be heard by the City Council no earlier 8:00 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 at this time.

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

[Supplemental – Memo from the City Attorney](#)

[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

(Continued from 2/23/10 – Item 11.5)

11.3 [Rezoning real property located on the west side of Coleman Avenue.](#)

[Attachment – Memo from Mayor Reed and Councilmember Liccardo](#)

[Supplemental - Memo from the Director of Planning, Building and Code Enforcement](#)

[Attachment – Staff Report](#)

[Attachment – General Development Plan](#)

* **Recommendation:** Consider an [ordinance](#) rezoning the real property located on the west side of Coleman Avenue, north of Newhall Drive (former FMC site) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an 18,000-seat professional sports stadium as a permitted use on an approximately 94.8 gross-acre site in addition to previously approved uses on the site (City of San José, Owner). CEQA: EIR [Resolution](#) to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

[PDC09-004](#) – District 3

- **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 J. Lindsey Wolf, a former City employee who was San Jose's first citywide public information officer under Mayor Tom McEnery, and who over 22 years guided numerous critical communications efforts both citywide and on behalf of the City's numerous environmental programs.

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.