



CITY COUNCIL AGENDA

MARCH 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

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. - Final Public Hearing on Mayor's March Budget Message

- **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, 9.2, 9.3 AND 9.4 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.

* **SEE NEW ITEM 1.6 "Presentation of a proclamation declaring the Month of March 2010 as "Red Cross Month" in the City of San José"**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring of the Month of March 2010 as “Women Veterans’ Month” in the City of San José. (Herrera)
- 1.2 Presentation of a commendation to the San José Elks for their service in keeping our city, streets, and highways clean with the Adopt-A-Highway Program. (Nguyen)
TO BE HEARD IN THE EVENING
- 1.3 Presentation of a proclamation declaring the Week of March 21 – 27, 2010 as “National Surveyors Week” in the City of San José. (Constant)
* (Rules Committee referral 3/17/10)
- 1.4 Presentation of a proclamation to the Iranian-American Public Employees recognizing the Iranian New Year in the City of San José. (Pyle)
* (Rules Committee referral 3/17/10)
- 1.5 Presentation of a proclamation to the Assyrian Church of the East Tea Time Committee recognizing the Assyrian New Year in the City of San José. (Pyle)
* (Rules Committee referral 3/17/10)
- 1.6 Presentation of a proclamation declaring the Month of March 2010 as “Red Cross Month” in the City of San José. (Mayor)
* (Orders of the Day)

2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**
- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of March 3, 2010.](#) (Mayor)
- (b) Rules and Open Government Committee Report of March 10, 2010. (Mayor)
- (c) [Neighborhood Services and Education Committee Report of March 11, 2010.](#)
(Campos)

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for excused absences for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on March 3, 2010 due to Authorized City Business: Travel to Washington, D.C. to meet with Federal legislative officials to advocate on the behalf of the City of San José. \(Mayor\)](#)
(Rules Committee referral 3/10/10)
- (b) [Request for excused absences for Councilmember Pyle from the Regular Meeting of the Rules and Open Government Committee on March 10, 2010 due to illness. \(Pyle\)](#)
(Rules Committee referral 3/10/10)

2.5 City Council Travel Reports.

2.6 [Amendment to Hitachi Park Maintenance Agreement.](#)

Recommendation: Approve the Second Amendment to the Park Maintenance [Agreement](#) between the City and Hitachi Global Storage Technologies, Inc. to extend the term of the maintenance agreement from March 31, 2010 to June 30, 2011 for the RAMAC, Raleigh Linear Green, and Charlotte Commons parks. CEQA: EIR Resolution No. 72772. Council District 2. (Parks, Recreation and Neighborhood Services)
(Deferred from 3/9/10 – Item 2.8)

2.7 [Increase Compensation for the Repair of the Concrete Deck in the Convention Center Parking Garage.](#)

Recommendation: Increase the amount of maximum compensation to the Purchase Order between the City and Watertight Restoration, Inc., by \$47,000 from \$494,500 to \$541,500, to repair previously unidentified cracks in the concrete deck in the San José Convention Center Parking Garage. CEQA: Exempt, File No. PP08-292. Council District 3. (Finance)

2.8 [Agreement for Investment Advisory Services.](#)

Recommendation: Adopt a resolution authorizing the Director of Finance to negotiate and execute an agreement with Main Street Capital Advisors to serve as the City's Investment Advisor for the term of April 1, 2010 to June 30, 2012, in an amount not to exceed \$172,600, with two one-year options for extension through June 30, 2014, not to exceed \$48,700 per option year, subject to annual appropriation of funds. CEQA: Not a Project. (Finance)

2. CONSENT CALENDAR

2.9 Purchase of Additional Seating for the Airport.

Recommendation:

- (a) Increase the existing contingency amount by \$206,000 from \$183,330 to \$389,330, to purchase additional seating from Zoefitg International for the Norman Y. Mineta San José International Airport; and
- (b) Authorize the Director of Finance to execute purchase orders for any additional furniture that may be required for the completion of the new Airport, subject to the appropriation of funds.

CEQA: Resolution Nos. 67380 and 71451, File No. PP10-017. (Finance/Airport)

2.10 Grant Application for the Development of two Urban Corridor Plans.

Recommendation: Support the City's application to Caltrans for its Community-Based Transportation Planning and Environmental Justice Grants and adopt the following two resolutions:

- (a) Authorize the Director of Planning, Building and Code Enforcement to file an application on behalf of the City to compete for the Caltrans Community-Based Transportation Planning Grant in an amount not to exceed \$300,000 to develop an urban corridor plan for South Bascom Avenue and Southwest Expressway, and authorize the City Manager to negotiate and execute all contracts and related documents required for the acceptance of the grant by the City, and as may be required by Caltrans for the completion of the grant funded projects. [Resolution](#)
- (b) Authorize the Director of Planning, Building and Code Enforcement to file an application on behalf of the City to compete for the Caltrans Environmental Justice Grant in an amount not to exceed \$300,000 to develop an urban corridor plan for East Santa Clara Street, and authorize the City Manager to negotiate and execute all contracts and related documents required for the acceptance of the grant by the City of San José, and as may be required by Caltrans for the completion of the grant funded projects. [Resolution](#)

CEQA: Not a Project. Council Districts 3 and 6. SNI: University, Thirteenth Street and Five Wounds/Brookwood Terrace. (Planning, Building and Code Enforcement)

2.11 Contract Change Order for the San José Environmental Innovation Center Phase 1 Project.

Recommendation:

- (a) Adopt a resolution authorizing the director of Public Works to execute [Contract](#) Change Order Number 2 for a credit of \$245,000 with CalState Construction, Inc., for the San José Environmental Innovation Center Phase 1 Project.
- (b) Approve an increase in the contingency for the San José Environmental Innovation Center Phase 1 Project in the amount of \$245,000 from \$225,657 for a total contingency of \$470,657.

CEQA: EIR, File No. PP06-100 and Resolution No.73929 certified by the San José Planning Commission on June 11, 2007, and approved by Council on June 26, 2007, respectively and addenda thereto, File No. PP09-112. (Public Works)

2. CONSENT CALENDAR

2.12 Actions Related to the Willow Glen Community Benefit District.

Recommendation:

- (a) Approve an [agreement](#) with the Willow Glen Business Association from the date of execution to December 31, 2024 to provide services for the Willow Glen Community Benefit District as specified in the agreement and as outlined in the Willow Glen Community Benefit District Management Plan and Engineer's Report.
- (b) Adopt the following 2009-2010 Appropriation Ordinance and Funding Sources Resolution amendments in the Business Improvement Districts Fund:
 - (1) Establish a Willow Glen Community Benefit District appropriation to the Department of Public Works in the amount of \$196,737;
 - (2) Establish an estimate for Earned Revenue – Willow Glen Assessment (CBD) in the amount of \$196,737;
 - (3) Establish an Administration Services appropriation to the Department of Public Works in the amount of \$5,000; and
 - (4) Establish a Transfer from the General Fund in the amount of \$5,000.
- (c) Adopt the following 2009-2010 Appropriation Ordinance amendments in the General Fund:
 - (1) Decrease the Non-Personal/Equipment appropriation in the Environmental Services Department by \$5,000; and
 - (2) Establish a Transfer to the Business Improvement Districts Fund in the amount of \$5,000.

CEQA: Exempt, File No. PP08-097. Council District 6. (Public Works/City Manager's Office)

2.13 Actions Related to Fire Station No. 19, located at 3292 Sierra Road.

Recommendation:

- (a) Approve an increase in the construction contingency for the Fire Station No. 19 construction contract with Applegate Johnston Construction Company, Inc., by \$100,000 from \$172,775 for a total contingency amount of \$272,775.
- (b) Approve the Second Contract Amendment for Don Dommer Associates, Inc., for the Fire Station No. 19 Project, and increasing the amount of compensation by \$52,000 from \$360,000 to \$412,000 and extending the term of the [agreement](#) from March 31, 2010 to December 31, 2010.
- (c) Adopt the following Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (Fund 475) for 2009-2010.
 - (1) Increase the Fire Station 19 – Relocation (Piedmont) appropriation by \$150,000; and
 - (2) Decrease the Fire Station 36 Silver Creek/Yerba Buena appropriation by \$150,000.

CEQA: Exempt, File No. PP06-116 (Fire Station No. 19) and Exempt, File No. PP08-232 (Fire Station No. 19) for monopole. Council District 4. (Public Works/Fire/City Manager's Office)

2. CONSENT CALENDAR

2.14 [Mayor Reed's Travel to Washington, D.C.](#)

Recommendation: Approve travel by Mayor Reed to Washington, D.C. on March 3-6, 2010 to meet with Federal legislative officials and departments to advocate for legislation beneficial to the City of San José. Source of Funds: Mayor's Office Budget. (Mayor) (Rules Committee referral 3/10/10)

2.15 [Healthy Neighborhoods Leadership Committee Appointments.](#)

Recommendation: As recommended by the Rules and Open Government Committee on March 17, 2010, approve the appointments of Carmen Johnson and Melanie Espino to serve as Committee Members on the Healthy Neighborhoods Leadership Committee. (City Manager's Office)

* [Rules Committee referral 3/17/10 – Item G(1)]

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.](#) [Attachment – CIP Annual Status Report](#)

Recommendation: Accept the FY 2009-2010 Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project. (Public Works) (To be Deferred from 3/16/10 – Item 3.2)

* **RECOMMEND DEFERRAL TO 4/6/10 PER MAYOR**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Annual Progress Report on the Implementation of the San José 2020 General Plan Housing Element.](#)

Recommendation: Accept the Annual Progress Report on the Implementation of the San José 2020 General Plan Housing Element covering the period from January 2009 through December 2009. CEQA: Not a Project. (Planning, Building and Code Enforcement/Housing)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Conditional Use Permits for Drinking Establishments that Operate after Midnight and have Occupancy Greater than 250 Persons within the Downtown Core Downtown Primary Commercial Zoning District.](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Planning Staff Report](#)

[Presentation](#)

- * **Recommendation:** Consider an [ordinance](#) amending provisions of Chapters 20.70 and 20.100 of Title 20 of the San José Municipal Code to establish the City Council as the Decision Making Body for Conditional Use Permits for Drinking Establishments that operate after midnight and have an occupancy greater than 250 persons within the Downtown Core Downtown Primary Commercial Zoning District. CEQA: EIR Resolution No. 72767, File No. PP10-049. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)
Citywide

4.3 [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](#)

[Presentation](#)

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 to be Deferred from 3/9/10 – Item 4.1)

- * **TO BE HEARD LAST**

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Blossom Hill Pedestrian Overcrossing Agreements.](#)

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

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) A Cooperative Agreement between the City of San José and Santa Clara Valley Transportation Authority (VTA), to define VTA’s responsibility for the delivery of the Blossom Hill Pedestrian Overcrossing Bridge and City’s associated operation and maintenance responsibility.
- (b) A New Pedestrian Crossing Developer Agreement between the City, VTA, and Union Pacific Railroad (UPRR), for the maintenance and use of the pedestrian overcrossing by the City over UPRR’s rail corridor.
- (c) An agreement between the City and VTA for the transfer of ownership and maintenance of the pedestrian overcrossing from VTA to the City upon completion of the Blossom Hill Pedestrian Overcrossing project.
- (d) An agreement between the City and State of California for the maintenance of the Blossom Hill Pedestrian Overcrossing that crosses State property.

CEQA: Exempt. Council District 2. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 “Approval of a Cooperation Agreement authorizing conveyance of property at 406 N. Autumn Street”, 8.2 “Approval of a Purchase and Sale Agreement for 445 Old West Julian Street to allow for development of the Autumn Street Extension Project”, and 8.3 “Acceptance of the Winchester Enhancement Strategy Report” 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 9.4 IN A JOINT SESSION

9.1 [Monument Policy.](#)

[Supplemental Memo from Chief Development Officer Paul Krutko Presentation](#)

Recommendation: As recommended by the Community and Economic Development Committee on February 22, 2010:

- (a) Adopt a City Council [resolution](#) approving a Council Policy to establish criteria and guidelines for the consideration and installation of monuments on City

property. The policy will give guidance for installation of monuments on parks, plazas and certain other types of City property.

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Monument Policy. (Cont'd)

Recommendation:

- b) Adopt a Redevelopment Agency Board [resolution](#) requiring the Agency to conform to the City's Monument Policy, as adopted and modified from time to time.

(City Manager's Office/Redevelopment Agency)

[Community and Economic Development Committee referral 2/22/10 – Item D(5)]

(Deferred from 3/9/10 – Item 9.2)

9.2 [Actions related to the Sale of 2112 Monterey Road from EHC to Charities Housing Development.](#)

Recommendation:

- (a) Adopt a City Council [resolution](#):
- (1) Approving the Replacement Housing Plan for the Markham Terrace Apartments, located at 2112 Monterey Road; and,
 - (2) Authorizing the transfer of the CDBG obligations set forth in the \$220,000 CDBG loan from the Markham Terrace Apartments to the Boccardo Regional Reception Center, located at 2011 Little Orchard Street.
 - (3) Authorizing the Director of Housing to: (i) accept and execute an Assignment Agreement from the Redevelopment Agency of the Public Use Rights contained in the Owner Participation Agreement between the Redevelopment Agency and EHC Lifebuilders for 2112 Monterey Road, and (ii) negotiate and execute the documents required to transfer the Public Use Rights from 2112 Monterey Road to 2011 Little Orchard Street.
- (b) Agency Board approval of an Assignment [Agreement](#) with the City to assign the Public Use Rights contained in the Owner Participation Agreement between the Redevelopment Agency and EHC Lifebuilders for 2112 Monterey Road.

CEQA: Mitigated Negative Declaration, File Nos. GP08-07-04 and PDC09-015.

Council District 7. (City Manager's Office/Redevelopment Agency)

9.3 [Redevelopment Agency Housing Set-Aside Tax Allocation Bonds. Supplemental – Memo from the City Manager and the Director of the RDA](#)

*** Recommendation:**

- (a) City Council hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing in connection with the 2010A Bonds relating to certain affordable housing projects identified in Exhibit A.
- (b) Adopt a [resolution](#) of the Redevelopment Agency Board:
- (1) Authorizing the issuance of the following series of Redevelopment Agency of the City of San José Merged Area Redevelopment Project housing set-aside tax allocation bonds:

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.3 Redevelopment Agency Housing Set-Aside Tax Allocation Bonds. (Cont'd.)

Recommendation:

- (a) Housing Set-Aside Tax-Exempt Refunding Tax Allocation Bonds, Series 2010A in an expected amount not to exceed \$57,000,000 (the “2010A Bonds”);
 - (b) Housing Set-Aside Taxable Tax Allocation Bonds, Series 2010B in an expected amount not to exceed \$12,000,000 (the “2010B Bonds”); and
 - (c) Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C in an expected amount not to exceed \$93,000,000 (the “2010C” Bonds and collectively with the 2010A Bonds and 2010B Bonds, the “Bonds”); and
- (b) (2) Approving in substantially final form the Bonds, [Eighth Supplemental Fiscal Agent Agreement](#), [Subordinate Fiscal Agreement](#), Continuing Covenant Agreement, a [Bond Purchase Agreement](#) relating to the 2010A and 2010B Bonds, one or more [Continuing Disclosure Agreements](#), [preliminary Official Statement](#) relating to the 2010A and 2010B Bonds; authorizing the Agency’s Executive Director and Chief Financial Officer to execute and, as appropriate, negotiate these documents and other related documents as necessary after consultation with Bond Counsel, Agency General Counsel, and the financial advisor for the Bonds;
- (3) Authorizing the Agency’s Executive Director and Chief Financial Officer, and their designees, to take all necessary actions in connection with the issuance of the Bonds; and
- (4) Authorizing the Agency General Counsel to negotiate and execute an agreement with Hawkins, Delafield & Wood LLC, for a total amount not to exceed \$270,000 for Bond Counsel and Disclosure Counsel fees.

* **RECOMMEND DEFERRAL TO 3/30/10 PER ADMINISTRATION**

- (c) Adopt a [resolution](#) of the City Council:
- (1) Approving the issuance of the Bonds by the Redevelopment Agency; approving the execution and delivery of one or more tax regulatory agreements; and making a finding pursuant to Redevelopment Law that the Merged Area will benefit from the projects located outside of the Merged Area that are financed or refinanced by the Bonds;
 - (3) Authorizing the City Manager and her designees to take all necessary actions in connection with issuance of the Bonds; and
 - (4) Certifying that a TEFRA hearing was held in accordance with applicable federal regulations.

* **RECOMMEND DEFERRAL TO 3/30/10 PER ADMINISTRATION**

(City Manager’s Office/ Redevelopment Agency)

9.4 [Public Hearing and approval of the FY 2010-2011 Mayor’s March Budget Message. Attachment – Memo from Councilmember Chu](#)

[Attachment – Memo from Councilmember Kalra](#)

Recommendation: Conduct a Public Hearing and approve the FY 2010-2011 Mayor's March Budget Message. (Mayor)

TO BE HEARD IN THE EVENING

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.

- **Continue RDA Board Meeting**

- **Adjournment**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

REDEVELOPMENT AGENCY AMENDED AGENDA

MARCH 23, 2010

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San Jose Redevelopment Agency's Board meeting. Our Board is composed of the ten City Council Members and the Mayor, who serve as our Boardmembers and Chairperson.

If you wish to address the Redevelopment Agency about an issue that is not on the agenda but that is within the subject matter jurisdiction of the Redevelopment Agency Board., you may speak during the “Open Forum” during the City Council's meeting. The Council/Agency is unable to take action on issues presented during “Open Forum.”

This Agenda contains a Consent Calendar section for routine business items requiring Redevelopment Agency approval, as well as general business items arranged corresponding to the Agency’s Critical Service Areas. The Critical Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the Agency provides to the community and to the City. The four Critical Service Areas are:

- ***Promote and Implement Neighborhood Improvement Strategies*** — Through collaboration, revitalize commercial and residential neighborhoods so they are livable, safe, diverse and economically sustainable.
- ***Enhance the Quality and Supply of the City's Housing Stock*** — Enhance the Quality and Supply of the City's Housing Stock
- ***Initiate and Facilitate Public Facilities and Spaces*** — To guide the creation of a fabric of public facilities and spaces that is useful, stable, inviting, delightful and instills pride in the community to foster the opportunity for other investments
- ***Initiate and Facilitate Private Development*** — Capitalize on market opportunities and facilitate private development in the fastest possible time with the highest quality customer service

Items listed in Section 8 require approval of both the Redevelopment Agency Board and the City Council. **You may provide input on any agenda item by filling out a BLUE Speaker’s Card and submitting it to the City Clerk or Agency’s Clerk during the meeting.** If you wish to speak to the Agency, some tips to help you are noted below:

- **Submit a speaker’s card before the meeting and before the item is heard.** This will ensure that your name is called for the items you wish to address, and ensure the meeting runs smoothly for all participants.
- When the Board reaches your item on the agenda, the Chairperson will open the public hearing and call your name. Please address the Agency from the speaker’s podium, which is located to the left of the City Clerk’s table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Chairperson’s discretion however, depending on the number of speakers and length of agenda.

If you have any questions, please direct them to Agency staff seated at the tables just below the dais. Thank you for taking the time to attend today’s meeting. We look forward to seeing you at future meetings. The Redevelopment Agency meets on Tuesdays, following the City Council’s meeting at 1:30 p.m.

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

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

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-8500 or (408) 294-9337 (TTY) at least three business days before the meeting.

On occasion the Redevelopment Agency may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room W133
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Open Forum**
To be heard jointly during the City Council's Open Forum. Members of the Public are invited to speak on any item that does not appear on today's agenda and that is within the subject matter jurisdiction of the Redevelopment Agency Board.
- **Orders of the Day**
See Item 9 on the City Council Agenda for description of City Council agenda items relating to the Redevelopment Agency.
Items 8.1 – 8.3 are to be considered in a joint Redevelopment Agency Board/City Council session.
- **Closed Session Report**

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

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

2 CONSENT CALENDAR

2.1 Approval of Minutes.

- (a) Approval of Redevelopment Agency Minutes for the Regular meeting of February 23, 2010.

2.2 Approval of Council/Board Committee Reports.

Recommendations:

- (a) Report of the Public Safety, Finance and Strategic Support Committee – February 18, 2009. (Nguyen)
- (b) Report of the Rules and Open Government Committee – February 3, 2010. (Mayor)
- (c) Report of the Rules and Open Government Committee – February 10, 2010. (Mayor)
- (d) Report of the Rules and Open Government Committee – February 17, 2010. (Mayor)
- (e) Report of the Rules and Open Government Committee – February 24, 2010. (Mayor)
- (f) Report of the Rules and Open Government Committee – March 3, 2010. (Mayor)

3 GENERAL

3.1 Presentation of the Quarterly Projects Status Report.

Recommendation: Acceptance of the Redevelopment Agency's Quarterly Projects Status Report for the Second Quarter, FY 2009-10. CEQA: Not a project. [MERGED]

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

7 PRIVATE DEVELOPMENT

7.1 Approval of an amendment to the CBL agreement for the Quilt Museum located at 520 South First Street.

Recommendation: Adoption of a resolution authorizing the Executive Director to negotiate and execute the first amendment to the Commercial Building Loan (CBL) agreement with 520 South First St, LLC (property owner) and all other necessary ancillary documents to allow subordination of the Agency's interest to new, larger, private financing replacing the existing financing secured by the property located at 520 South First Street, the San Jose Museum of Quilts and Textiles. CEQA: Not a project. [MONTEREY CORRIDOR]

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See items 9.1, "Monument Policy," 9.2 "Sale of 2112 Monterey Road to Charities Housing Development," 9.3 "Sale of Housing Set-Aside Tax Allocation Bonds," and 9.4 "FY 2010-2011 Mayor's March Budget Message" (to be heard in the evening) on the City Council's Agenda, which will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today.

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

8.1 Approval of a Cooperation Agreement authorizing conveyance of property at 406 N. Autumn Street.

Recommendation: City Council and Redevelopment Agency Board approval of a Cooperation Agreement authorizing the conveyance of the property located at 406 N. Autumn Street from the City to the Agency. CEQA: Autumn Extension/Coleman Widening EIR, Resolution No. 74870. [JULIAN/STOCKTON]

* (DEFERRED TO APRIL 13, 2010)

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.2 Approval of a Purchase and Sale Agreement for 445 Old West Julian Street to allow for development of the Autumn Street Extension Project.

SUPPLEMENTAL MEMO

Recommendations:

- (a) Redevelopment Agency Board approval of a Purchase and Sale Agreement with Huntly L. Gordon and Donna L. Gordon, of the Huntly L. Gordon and Donna L. Gordon Revocable trust, dated October 8, 2008, and Carole J. Gober in the amount of \$1,011,000 plus related closing costs, for the acquisition of 445 Old West Julian Street to allow for development of the Autumn Street Extension Project.

- * (b) Adoption of a resolution by the City Council authorizing the City Manager to accept those properties acquired by the Redevelopment Agency for the Autumn Street Extension Project and to execute any and all documents related to such transfers.

CEQA: Autumn Extension/Coleman Widening EIR, Resolution No. 74870.
[JULIAN/STOCKTON]

8.3 Acceptance of the Winchester Enhancement Strategy Report.

Recommendation: Acceptance of the Winchester Enhancement Strategy Report, which provides ideas for future development and improvements for Winchester Boulevard. CEQA: Not a project. [SNI: WINCHESTER] (Deferred 2/23/10, Item 4.1)

ADJOURN CITY COUNCIL PORTION OF THE MEETING

- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.