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# CITY COUNCIL AGENDA

**APRIL 13, 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](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**

9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133

[See Separate Agenda](#) [See RDA Agenda](#)

1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 4)**

Avatamsaka Buddhist Lotus Society

- **Pledge of Allegiance**

- **Orders of the Day**

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

\* ADJOURNMENT: This meeting will be adjourned in memory of Arts Commissioner Tim Shannon who unexpectedly passed away at his home on April 6, 2010. Tim was a popular theatre teacher at Fremont High School and a charismatic City of San José Arts Commissioner and served on its Executive Committee. He was a passionate advocate for arts education, a creative thinker, an active contributor to civic life and a warm, considerate person. (Mayor/Liccardo)

**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 commendations to D9 Stars. (Chirco)
- 1.2 Presentation of a proclamation declaring the Week of April 11 – 17, 2010 as “National Public Safety Dispatcher’s Week” in the City of San José. (Mayor)
- 1.3 Presentation of a commendation to the National Association of Latino Arts and Culture for their 20 years of dedication to promoting, advancing, and cultivating the Latino arts field. (Campos)  
(Rules Committee referral 3/30/10)
- 1.4 Presentation of a commendation recognizing Mrs. Ulleseit’s 5<sup>th</sup> grade class from James Franklin Elementary School for their efforts in accomplishing their goal of collectively writing a novel for National Novel Writing Month. (Herrera)  
\* (Rules Committee referral 04/07/10)

# 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.**
- 2.3 **Approval of Council Committee Reports.**

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

- (a) Rules and Open Government Committee Report of March 24, 2010. (Mayor)

- 2.4 **Mayor and Council Excused Absence Requests.**
- 2.5 **City Council Travel Reports.**
- 2.6 **[Foreign Trade Subzone at Lam Research Corporation Facilities.](#)**

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

- (a) Authorizing the City Manager to submit an application to the Foreign Trade-Zones Board for establishing a Foreign Trade Subzone at Lam Research Corporation facilities in Fremont and Livermore; and
- (b) Authorizing the City Manager to negotiate and execute an agreement with Lam Research Corporation for management and operation of the Subzone upon the Foreign Trade-Zones Board’s approval of the application.

CEQA: Not a Project. (Economic Development)

## 2. CONSENT CALENDAR

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### 2.7 The Albino, Erminia and Alba Joyce Martini Memorial Fund.

**Recommendation:**

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund for Public Art in City Hall from the estate of Alba Joyce Martini for 2009-2010:
  - (1) Increase the estimate for Earned Revenue by \$100,000; and
  - (2) Establish an appropriation to the Office of Economic Development for The Albino, Erminia and Alba Joyce Martini Memorial Fund in the amount of \$100,000.
- (b) Appoint the Arts Commission to oversee the use of the funds in compliance with the terms of the will.

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

### 2.8 Code Reinspection Fee.

**Recommendation:** Adopt a [resolution](#) amending the Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish a General Code Reinspection Fee of \$141.75 for services provided by the City's Code Enforcement Division effective immediately. CEQA: Not a Project. (Planning, Building and Code Enforcement)

### 2.9 Fiscal Actions for Redevelopment Agency Capital Projects.

\* **Recommendation:**

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2009-2010:
  - (1) Increase the estimate for Earned Revenue by \$504,800;
  - (2) Establish an appropriation to the Department of Public Works for the Municipal Stadium Transformer Replacement Project (PSM 602) in the amount of \$24,800; and
  - (3) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Nisich Park Project (PSM 604) in the amount of \$480,000.
- (b) Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
  - (1) The Municipal Stadium Transformer Replacement Project as more specifically described in the memorandum from the Redevelopment Agency, dated January 29, 2009, and [Resolution](#)
  - (2) The Nisich Park Project as more specifically described in the memorandum from the Redevelopment Agency, dated February 24, 2010. [Resolution](#)

CEQA: Municipal Stadium Transformer Replacement Project: Exempt, File No. PP09-015; Nisich Park Project : Exempt, File No. PP06-164, dated November 2, 2006. (Parks, Recreation and Neighborhood Services/Public Works/City Manager's Office)

### 3. STRATEGIC SUPPORT SERVICES

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

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 [Special Event Services and Costs.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Liccardo and Pyle Supplemental – memo from the Director of the Office of Economic Development Presentation](#)

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

- (a) Adopt a [resolution](#):
  - (1) Amending the Schedule of Fees and Charges (Resolution No. 72737, as amended):
    - (a) To increase the cap on gated event ticket prices and to reduce the collection of gate fees from 5% to 0% of gate fees for the period of January 1, 2009 to June 30, 2010.
    - (b) To repeal the Special Events Traffic Enforcement Unit Fee.
  - (2) Authorizing the Chief Development Officer to issue refunds to event organizers who paid gate fees retroactive to January 1, 2009.
- (b) Direct the City Manager and City Attorney’s Office to present Council with recommended amendments to San Jose Municipal Code Section 11.12.050 to authorize the City Manager to temporarily or permanently appoint staff to perform traffic control in accordance with the requirements of Subdivisions (e) of the California Vehicle Code Section 21100.

CEQA: Statutorily Exempt.(City Manager’s Office)

[Community and Economic Development Committee referral 3/22/10 – Item D(3)]

\* (Deferred from 04/06/10 – Item 4.3)

### 5. NEIGHBORHOOD SERVICES

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#### 5.1 [Schedule of Parkland Fees.](#) [Presentation](#)

**Recommendation:** Conduct a public hearing and consider the adoption of a [resolution](#) setting forth the new Schedule of Parkland Fees to reflect the 2009 Residential Land Value Study to be effective on June 14, 2010. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

(Continued from 3/16/10 – Item 5.1)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Amendments to the On-Airport Rental Car Operations and Lease Agreements.](#)

**Recommendation:**

- (a) Approve second amendments to the On-Airport Rental Car Operations and Lease Agreements with [Avis Budget Car Rental, LLC](#); [DTG Operations, Inc.](#); [EAN, LLC](#); [Fox Rent A Car, Inc.](#); and [The Hertz Corporation](#) to provide for the City to demolish and remove all tenant improvements constructed by the On-Airport Rental Car Companies after the companies move to the new Consolidated Rental Car Facility, and to provide for the payment by the On-Airport Rental Car Companies of all such demolition costs incurred by the City.
- (b) Adopt a resolution authorizing the Director of Aviation to negotiate and execute any future amendments to the On-Airport Rental Car Operations and Lease Agreements as necessary to allocate maintenance, repair and utility expenses between the City and the On-Airport Rental Car Companies.

CEQA: Resolution Nos. 67380 and 71451, File No. PP 10-060. (Airport)

### 6.2 [Streets Resurfacing and Rehabilitation Project.](#) [Presentation](#)

**Recommendation:**

- (a) Report on bids and award a construction contract for the San José Various Streets Resurfacing and Rehabilitation Project to the low bidder, Top Grade Construction, Inc. in the amount of \$5,167,464.
- (b) Approve a five percent (5%) contingency in the amount of \$258,375.

CEQA: Exempt, File No. PP06-066. (Transportation)

## 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 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 and Development Agreement with Sobrato Interests . . .”, 8.3 “Approval of Purchase and Sale Agreement for acquisition of a portion of 111 West Saint John Street . . .”, 8.4 “Approval of Purchase and Sale Agreement for acquisition of a portion of 210 West Saint James Street”, 8.5 “Approval of Purchase and Sale Agreement for acquisition of a portion of 180 West Saint James Street”, 8.6 “Approval of an amendment to the Inclusionary Housing Policy”, and 8.7 “Approval of actions related to the installation of new fixed seats for the Civic Auditorium” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

- Notice of City Engineer’s Pending Decision on Final Maps
- Notice of City Engineer’s Award of Construction Projects

- **Open Forum**

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

- **Adjournment**

- \* This meeting will be adjourned in memory of Arts Commissioner Tim Shannon who unexpectedly passed away at his home on April 6, 2010. Tim was a popular theatre teacher at Fremont High School and a charismatic City of San José Arts Commissioner and served on its Executive Committee. He was a passionate advocate for arts education, a creative thinker, an active contributor to civic life and a warm, considerate person. (Mayor/Liccardo)

## **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**

**APRIL 13, 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 DISTRICT 6  
MADISON P. NGUYEN DISTRICT 7  
ROSE HERRERA DISTRICT 8  
JUDY CHIRCO DISTRICT 9  
NANCY PYLE 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, 14<sup>th</sup> 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**
- \* 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room W133  
See Separate Agenda  
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 any City Council agendized items relating to the Redevelopment Agency.  
Items 8.1 – 8.7 are to be considered in a joint Redevelopment Agency Board/City Council session.
- \* **Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.**
- **Closed Session Report**

## **1 CEREMONIAL ITEMS**

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## **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 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.

### **2.1 Approval of Minutes.**

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

### **2.2 Approval of Council/Board Committee Reports.**

#### **Recommendations:**

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

## **3 GENERAL**

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## **4 NEIGHBORHOOD IMPROVEMENT STRATEGIES**

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## **5 HOUSING**

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## **6 PUBLIC FACILITIES AND SPACES**

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## **7 PRIVATE DEVELOPMENT**

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### **7.1 Approval of an amendment to the OMA with CIM/Twohy LLC allowing subordination of a HUD Loan Agreement on the Twohy Building.**

**\* Recommendation:** Approval of the first amendment to the [Operations and Maintenance Agreement](#) (OMA) between the Agency and CIM/Twohy LLC, and Subordination and Estoppel Agreement, allowing subordination of the OMA and other Agency documents to a Housing and Urban Development (HUD) Loan Agreement on the Twohy Building located at 210 South First Street. CEQA: Not a project. [SAN ANTONIO PLAZA]

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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*See item 9 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, for any Redevelopment-related actions on that agenda.*

### **CONVENE CITY COUNCIL TO CONSIDER ITEM 8.1 – 8.7 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 3/23/10, Item 8.1) **[DEFERRED TO APRIL 20, 2010]**

### **8.2 Approval of a Purchase and Sale and Development Agreement with Sobrato Interests III for the sale of Properties located in San Antonio Plaza Redevelopment Project Area.**

**Recommendation:**

- (a) [The Redevelopment Agency Board approve a Purchase and Sale and Development Agreement with Sobrato Interests III for the sale of Agency-owned properties located at 285 South Market Street and 8 East San Fernando Street for a sale price in the amount of \\$20,000,000, less related closing costs and,](#)

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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- 8.2 (b) The City Council adopt a resolution approving the sale of certain sites located at 285 South Market Street and 8 East San Fernando Street to Sobrato Interests III, accepting the 33433 Summary Report and Re-Use Valuation, and finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the San Antonio Plaza Project Area, and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and obligations authorized.

CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767; PP05-272. [SAN ANTONIO PLAZA]

**[DEFERRED TO APRIL 20, 2010]**

- 8.3 **Approval of Purchase and Sale Agreement for acquisition of a portion of 111 West Saint John Street for the North San Pedro Housing Project.**

**Recommendation:**

- \* (a) Redevelopment Agency Board approval of a Purchase and Sale Agreement with Community Towers I, LLC, Community Towers II, LLC, Community Towers III, LLC and Community Towers IV, LLC in the amount of \$510,600 plus related closing costs, for the acquisition of a portion of 111 West Saint John Street to allow for development of the North San Pedro Housing Project.
- (b) Adoption of a resolution by the City Council authorizing the City Manager to accept the property and execute any and all related documents.  
CEQA: Resolution No 72170. (Proposition 1C Funding) [JULIAN-STOCKTON]

- 8.4 **Approval of Purchase and Sale Agreement for acquisition of a portion of 210 West Saint James Street for the North San Pedro Housing Project.**

**Recommendation:**

- (a) Redevelopment Agency Board approval of a Purchase and Sale Agreement with Green Valley Corporation in the amount of \$149,600 plus related closing costs, for the acquisition of a portion of 210 West Saint James Street to allow for development of the North San Pedro Housing Project.

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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- 8.4** (b) Adoption of a resolution by the City Council authorizing the City Manager to accept the property and execute any and all related documents.  
CEQA: Resolution No 72170. (Proposition 1C Funding) **[JULIAN-STOCKTON]**
- 8.5 Approval of Purchase and Sale Agreement for acquisition a portion of 180 West Saint James Street for the North San Pedro Housing Project.**

**Recommendation:**

- (a) Redevelopment Agency Board approval of a Purchase and Sale Agreement with St. James Enterprises in the amount of \$611,400 plus related closing costs, for the acquisition of a portion of 180 West Saint James Street to allow for development of the North San Pedro Housing Project.
- (b) Adoption of a resolution by the City Council authorizing the City Manager to accept the property and execute any and all related documents.  
CEQA: Resolution No 72170. (Proposition 1C Funding) **[JULIAN-STOCKTON]**
- 8.6 Approval of an amendment to the Inclusionary Housing Policy.**

**Recommendation:** Redevelopment Agency Board and City Council approval of an amendment to the City/Agency Inclusionary Housing Policy in Redevelopment Project Areas, temporarily suspending inclusionary housing requirements related to newly constructed rental units until the earlier of: January 1, 2013, or the effective date of the City's Inclusionary Housing Ordinance to ensure compliance with case law. CEQA: PP08-258, addendum to the General Plan Update EIR, Resolution No. 65459 **[MERGED]**

- 8.7 Approval of actions related to the installation of new fixed seats for the Civic Auditorium.**

**Recommendation:**

- (a) Adoption of a resolution by the Agency Board approving the proposed increase of \$386,027.70 to the Agency's FY 2009-10 Adopted Capital Budget Miscellaneous Revenue and adjustments to the Agency's FY 2009-10 Adopted Capital Budget by adding \$386,027.70 to the Civic Auditorium Project line item in the Park Center Redevelopment Area, amending the FY 2009-2010 Agency appropriations resolution.

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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- 8.7** (b) Agency Board approval of a contract with Irwin Seating Company in the amount of \$386,027.70, including three alternates, for the Civic Auditorium Fixed Seating Project.  
CEQA: Exempt, File No. PP09-122. **[PARK CENTER]**

### **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.