



CITY COUNCIL AGENDA

AUGUST 24, 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

- **Invocation (District 7)**
Pastor Sean Choi, Korean Baptist Church

- **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 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

- 1.1 Presentation of a proclamation declaring August 26th as “Women’s Equality Day” in the City of San José. (Herrera)
(Rules Committee referral 8/11/10)

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.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of May 4, 2010.](#)
- (b) [Budget Study Session Minutes of May 10-14, 2010.](#)
- (c) [Regular Minutes of May 11, 2010.](#)
- (d) [Joint San José Financing Authority Minutes of May 11, 2010.](#)
- (e) [Regular Minutes of May 18, 2010.](#)
- (f) [Regular Minutes of May 25, 2010.](#)

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28791 – Amending Title 20 of the San José Municipal Code to include amendments to: (1) Section 20.70.010 of Chapter 20.70 to expand the applicability of the Downtown Zoning Districts to the area bounded by Julian Street, the Guadalupe River, Santa Clara Street, and Route 87 and modify the geographic description accordingly; (2) Section 20.30.100 of Chapter 20.30 to amend Table 20-50, Residential Districts Land Use Regulations, to allow with a Conditional Use Permit any use of the residential districts or any use of the CP Commercial Pedestrian District, except vehicle-related uses, for designated City of San José Historic Landmark Structures; (3) Section 20.40.100 of Chapter 20.40 to amend Table 20-90, Commercial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-90 for designated City of San José Historic Landmark Structures; (4) Section 20.50.100 of Chapter 20.50 to amend Table 20-110, Industrial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-110 for designated City of San José Historic Landmark Structure reuse; (5) Section 20.70.100 of Chapter 20.70 to amend Table 20-140, Downtown Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-140 for designated City of San José Historic Landmark Structures; (7) Section 20.90.220 of Chapter 20.90 to allow a reduction in the required parking for a Historic Landmark Structure, and (8) Chapter 20.200, Definitions, to add a definition of a Historic Landmark Structure.

- * (b) ORD. NO. 28786 – Amending Section 2.08.130 of Part 1 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise provisions for removal of retirement board members.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- * (c) [ORD. NO. 28787](#) – Amending Sections 2.08.1210, 2.08.1220, 2.08.1225, 2.08.1235, 2.08.1240, 2.08.1245, and 2.08.1270 of Part 12 of Chapter 2.08 of Title 2 and amending Section 3.36.330 of Part 3 of Chapter 3.36 of Title 3 of the San José Municipal Code to revise the structure of the Board of Administration for the Police and Fire Department Retirement Plan, to adopt minimum qualification criteria for public members of said board, revise provisions for compensation of board members and revise the definition of a board quorum.

- * (d) [ORD. NO. 28788](#) – Amending Section 2.08.1010, 2.08.1020, 2.08.1030, 2.08.1050, 2.08.1065 and 2.08.1070 of Part 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise the structure of the Board of Administration for the Federated City Employees Retirement System, adopt minimum qualification criteria for public members of said board, and revise provisions for compensation of board members.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of August 4, 2010.](#) (Mayor)
- (b) Rules and Open Government Committee Report of July 28, 2010. (Mayor)
* [Deferred 8/17/10 – Item 2.3(a)]
- (c) Rules and Open Government Committee Report of June 9, 2010. (Mayor)
* [Deferred from 8/3/10 – Item 2.3(e), 8/10/10 – Item 2.3(c) and 8/17/10 – Item 2.3(d)]

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Pyle from the Regular Meeting of the Rules and Open Government Committee on August 11, 2010 due to a medical appointment.](#) (Pyle)
(Rules Committee referral 8/11/10)

- (b) [Request for an excused absence for Councilmember Campos from the Regular Meeting of the Transportation and Environmental Committee on August 16, 2010 due to illness.](#) (Campos)
* (Rules Committee referral 8/18/10)

2.5 City Council Travel Reports.

2. CONSENT CALENDAR

2.6 Rebudget of Funds to 2010-2011 to Complete Projects.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Building Structure and Construction Tax Fund:
 - (1) Increase the Beginning Fund Balance by \$230,000;
 - (2) Increase the SJSU to Japantown Pedestrian Corridor appropriation to the Department of Transportation by \$175,000; and
 - (3) Increase the Jackson Street: LRT to Japantown Pedestrian Corridor Project appropriation to the Department of Transportation by \$55,000.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Services for Redevelopment Capital Projects Fund:
 - (1) Increase the Beginning Fund Balance by \$150,000;
 - (2) Increase the 13th Street SNI Couplet Conversion and Pedestrian Improvement – Hensley Historic District SJSU to Japantown Pedestrian Corridor appropriation to the Department of Transportation by \$135,000; and
 - (3) Increase the 13th Street SNI Couplet Conversion and Pedestrian Improvement – Jackson St: LRT to Japantown Pedestrian Corridor Project Embossed Crosswalk at 4th and Jackson appropriation to the Department of Transportation by \$15,000.

CEQA: Not a Project, File No. PP10-067, appropriation ordinance. (City Manager's Office)

2.7 Grant for the DUI Enforcement and Awareness Program.

Recommendation:

- (a) Adopt a [resolution](#) to accept the State of California, Office of Traffic Safety 2010-2011 DUI Enforcement and Awareness Program grant in the amount of \$382,259 and authorize the City Manager to execute the related grant [agreement](#) and to execute additional amendments and related documents without further Council action; and
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund for Fiscal Year 2010-2011:
 - (1) Establish a City-wide appropriation to the Police Department for the 2010-2011 DUI Enforcement and Awareness Program grant in the amount of \$382,259; and
 - (2) Increase the Revenue Estimate from the State of California by \$382,259.

CEQA: Not a Project, File No. PP10-066 (e), DUI Enforcement & Awareness Grant Agreement. (Police/City Manager's Office)

2.8 Green Vision Street Tree Planting Project.

Recommendation:

- (a) Increase the contingency amount for the G85B CDBG Green Vision Street Tree Planting Project by \$60,000 from \$6,000 to \$66,000.

(Item continued on the next page)

2. CONSENT CALENDAR

2.8 Green Vision Street Tree Planting Project. (Cont'd.)

Recommendation:

- (b) Approval of [Contract Change Order](#) No. 1 with Blossom Valley Construction, Inc., for the G85B Green Vision Street Tree Planting Project in the amount of \$66,000 increasing the total contract amount from \$118,568 to \$184,568.
CEQA: Exempt, File No. PP08-168. Council Districts 5, 7 and 8. SNI: East Valley/680. (Transportation)

2.9 [Actions Related to Councilmember Liccardo's Travel to Washington, D.C.](#)

Recommendation:

- (a) Approve Councilmember Liccardo's travel to Washington, D.C. on September 27-29, 2010 to participate in the annual Silicon Valley Leadership Group CEO legislative trip as one of the City's designated representatives. Source of Funds: Valley Transportation Agency.
- (b) Request an excused absence for Councilmember Liccardo from the regular meeting of the Community and Economic Development Committee on September 27, 2010 and the regular City Council meeting on September 28, 2010.

(Liccardo)

(Rules Committee referral 8/11/10)

2.10 [Actions Related to Councilmember Liccardo's Travel to Seattle, WA.](#)

Recommendation:

- (a) Approve Councilmember Liccardo's travel to Seattle, WA on October 27-29, 2010 to participate in the annual San José-Silicon Valley Chamber of Commerce City-to-City trip as one of the City's designated representatives. Source of Funds: Mayor/Council Travel Fund.
- (b) Request an excused absence for Councilmember Liccardo from the regular City Council meeting on October 27, 2010.

(Liccardo)

(Rules Committee referral 8/11/10)

2.11 [Agreements with Pacific Gas and Electric for Innovator Pilots.](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute agreements with Pacific Gas and Electric (PG&E) with terms covering the period August 16, 2010 through December 31, 2012 to:
- (1) Conduct a Community Energy Championship Fund Program and receive funding in an amount not to exceed \$531,035; and
 - (2) Conduct a Municipal Whole House Rehabilitation Pilot Program and receive funding in an amount not to exceed \$370,000.

(Item continued on the next page)

2. CONSENT CALENDAR

2.11 Agreements with Pacific Gas and Electric for Innovator Pilots. (Cont'd.)

Recommendation:

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2010-2011:
- (1) Establish a City-wide appropriation to the Environmental Services Department for Silicon Valley Energy Watch (SVEW) Innovator Pilots in the amount of \$626,860.
 - (2) Increase the Estimate for Revenue from Local Agencies by \$626,860.

CEQA: Community Energy Championship Fund: Not a Project, File No.PP10-066 (e), Agreements and Contracts for services that involve no physical changes to the environment; Municipal Whole House Rehab Pilot: Not a Project, File No.PP10-067, Non-Project Specific Funding Mechanism. (Environmental Services/Housing/City Manager's Office)

* (Deferred from 8/17/10 – Item 2.9)

2.12 Actions Related to Councilmember Constant's Travel to Seattle, WA.

Recommendation:

- (a) [Approve Councilmember Constant's travel to Seattle, WA on October 27-29, 2010](#) to participate in the annual San José-Silicon Valley Chamber of Commerce City-to-City trip as one of the City's designated representatives. Source of Funds: Program Registration: Mayor/Council Travel Fund; Transportation and Miscellaneous Expenses, Including Airfare and Meals: Personal Funds.
- (b) [Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on October 27, 2010](#) due to Authorized City Business: 2010 San José/Silicon Valley Chamber of Commerce City-to-City Trip to Seattle, WA.

(Constant)

* (Rules Committee referral 8/18/10)

2.13 [Actions Related to Councilmember Liccardo's Travel to the Netherlands.](#)

Recommendation:

- (a) Approve travel by Councilmember Liccardo to the Netherlands on August 28 – September 6, 2010 for the Bike Belong/CROW Bicycle Transportation Study Project tour as one of the City's designated representatives. Source of Funds: Bikes Belong Foundation.
- (b) Request an excused absence for Councilmember Liccardo from the regular City Council meeting on August 31, 2010.

(Liccardo)

* [Rules Committee referral 8/18/10 – Item H(3)]

2. CONSENT CALENDAR

2.14 [Sponsored Travel to the Netherlands for Bicycle Transportation Study Tour.](#)

Recommendation:

- (a) Accept invitation from the Bikes Belong Foundation to participate in a transportation study tour of urban bicycling best practices in the Netherlands from August 28 to September 4, 2010.
- (b) Approve travel to the Netherlands for Manuel Pineda, Acting Deputy Director for Transportation Planning and Project Delivery as the City's official staff representative on the study tour.

Source of Funds: The conference sponsor, Bikes Belong Foundation, will pay for travel and accommodations costs.

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

* [Rules Committee referral 8/18/10 – Item H(4)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 [Response to Civil Grand Jury Report: Should the City Council Continue to Subsidize Team San Jose's Increasing Losses?](#)

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

Recommendation: Accept the staff response to the Civil Grand Jury Report entitled "Should the City Council Continue to Subsidize Team San José's Increasing Losses?"

CEQA: Not a Project, File No.PP10-069 (a), Staff Reports / Assessments / Annual Reports / Information Memos. Council District 3. (Economic Development)

* **RECOMMEND DEFERRAL PER MAYOR REED AND COUNCILMEMBER CONSTANT TO 9/14/10**

3.3 Municipal Code Revisions for Procurement, Real Estate Services and Asset Management.

Recommendation:

- (a) [Approve an ordinance amending Chapters 4.04, 4.12 and 4.16 of Title 4 of the San José Municipal Code to adjust contract authority limits for Council appointees based on the Consumer Price Index \(CPI\), and to streamline procurements and the disposition of personal property.](#) CEQA: Not a Project, PP10-068(C) (Municipal Code revisions involving no changes to the physical environment) (City Attorney's Office) [Ordinance](#)
- (b) [Approve an ordinance amending Section 4.04.020 of Chapter 4.04 of Title 4 and Chapter 4.20 of Title 4 of the San José Municipal Code as follows:](#)
 - (1) Amend existing authority granted to the City Manager as follows:
 - (a) Adding Section 4.04.020 (B) (2) to the Municipal Code for the execution of leases where the cumulative total of the rentals do not exceed \$250,000;

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Municipal Code Revisions for Procurement, Real Estate Services and Asset Management. (Cont'd.)

Recommendation:

- (b) (1) (b) Amending Section 4.04.020 (B) (5) pertaining to the execution of agreements for the purchase of real property or grant of easements to increase the amount from \$100,000 to an amount not exceeding \$250,000, and retaining all other limitations;
 - (c) Amending Section 4.04.020 (B) (6) to increase the City Manager's authority to compensate sellers of temporary construction easements to \$250,000 and retaining all other limitations; and
 - (d) Adding Section 4.04.020 (B) (7) to delegate new authority to execute agreements for the sale of fee interests in real property where the sales price does not exceed \$250,000, the parcel does not exceed one-half acre in size, and the property has been declared surplus by the City Council.
- (2) Amend Chapter 4.20 to allow for the sale of surplus real property through competitive processes other than public auction when authorized by Council; to add a new provision for the sale of surplus property by the use of brokers; and to specify the conditions for the sale to adjacent property owners.
- (c) [Adopt a resolution rescinding City Council Policy 7-3 "Disposition of Surplus City Owned Real Properties"](#) property in its entirety. CEQA: Exempt, File No. PP10-068 (b) General Procedure and Policy Making. (General Services) [Resolution](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Eliminate Low Income Exemption from the Park Dedication Ordinance/Park Impact Ordinance.](#)

Recommendation:

- (a) Approve an [ordinance](#) amending Part 5 of Chapter 14.25 of Title 14 and Part 5 of Chapter 19.38 of Title 19 of the San José Municipal Code ("SJMC") to eliminate the low income exemptions from the requirements of Chapters 14.25 and 19.38 of the SJMC; and
- (b) Conduct a public hearing and adopt a [resolution](#) amending Resolution No. 75346 ("Schedule of Parkland Fees") establishing the parkland fees charged for low income units pursuant to Chapters 14.25 and 19.38 of the SJMC at 50% of the applicable parkland fees for each residential unit type and continue to exempt certain low income units from the requirements of Chapters 14.25 and 19.38 that have obtained an approved discretionary permit under Title 20 or a tentative or parcel map on or before October 22, 2010 as further defined in staff's memorandum.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Housing/Parks, Recreation and Neighborhood Services)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Grant Applications for the Development of Urban Corridor Plans.

Recommendation: Support the City’s two applications to the Strategic Growth Council for its Sustainable Communities Planning Grant and Incentives Program with one application seeking funding through an Economical Disadvantaged Community (EDC) Set Aside Sustainable Communities Grant for the [East Santa Clara Street](#) area, for an amount of approximately \$325,000 but in no event to exceed \$1,000,000, and the second application seeking funding through a non-EDC Sustainable Communities Grant for the Bascom Avenue, Vasona Corridor, and [West San Carlos](#) area, for an amount of approximately \$875,000 but in no event to exceed \$1,000,000, by adopting a resolution for each application that:

- (a) Approves and authorizes the Director of Planning, Building and Code Enforcement to file the application for the development of Urban Corridor Master Plan(s) in order to become a sustainable community;
- (b) Certifies that the City of San José understands the assurances and certifications in its application;
- (c) Certifies that the City of San Jose will have sufficient funds to develop the proposed Urban Corridor Master Plans or will secure the resources to do so;
- (d) Certifies that the proposed Urban Corridor Master Plan(s) will comply with any applicable laws and regulations; and
- (e) Authorizes the City Manager, or her designee, to conduct on behalf of City all negotiations, and to execute and submit on behalf of City all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned Master Plan(s) in order to finalize and submit the grant applications and to accept and implement the grant award if awarded.

CEQA: Not a Project, File No. PP10-068(a), Grant Applications. Council Districts 3 and 6. SNI Areas: University Neighborhoods, Thirteenth Street, Five Wounds Brookwood Terrace, Burbank/Del Monte. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 Open Space Authority Agreements for the Three Creeks Trail Project.

Recommendation: Pursue the following actions related to the Santa Clara County Open Space Authority (OSA) relative to the Three Creeks Trail project (Lonus Street to Highway 87 Bikeway):

- (a) Approve a Funding [Agreement](#) for contribution by OSA to the City in the amount of \$2,000,000 for acquisition of real property for possible future development of the project;

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Open Space Authority Agreements for the Three Creeks Trail Project. (Cont'd.)

Recommendation:

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an additional Funding Agreement for contribution by OSA to the City in the amount of \$1,000,000 for acquisition of real property for possible future development of the project; and
- (c) Approve a [Conservation Easement](#) to be recorded against real property acquired by City using funding from OSA pursuant to the two funding agreements above for the project.

CEQA: Exempt, File No. PP02-12-370. Council District 6 and 7. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [High Speed Rail Project Update.](#)

Recommendation: As recommended by the Transportation and Environment Committee on June 7, 2010, accept the progress report on the California High Speed Rail project. (Transportation)

[Transportation and Environment Committee referral 6/7/10 – Item D(4)]
(Deferred from 6/22/10 – Item 6.3)

* **RECOMMEND DEFERRAL TO 9/14/10 PER ADMINISTRATION**

6.2 [Actions Related to the San José International Airport Terminal B Parking Lot Project.](#)

[Supplemental – Memo from the Directors of Public Works and the Airport](#)

* **Recommendation:**

- (a) Adopt a [resolution](#) authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the contract for the “San José International Airport Terminal B Parking Lot” Project, and to either:
 - (1) Award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$3,000,000; or
 - (2) Reject all bids and re-bid the Project.
- (b) Approve a contingency equal to fifteen percent (15%) of the award.

CEQA: Resolution Nos. 67380 and 71451, File No. PP10-138. (Public Works/Airport)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**

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

- **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.