



CITY COUNCIL AGENDA

OCTOBER 19, 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 9)**

Fresh Lifelines for Youth (FLY) Youth Representatives

- **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 Penelope Pries, known affectionately as Yiayia Penny, was a longtime San Jose resident and beloved member of the Greek-American community. (Constant)

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 recognizing the month of October 2010 as “Underground Railroad Awareness Month” in the City of San José. (Kalra)
- 1.2 Presentation of a commendation to Sister Miriam Daniel Fahey for her tireless dedication, leadership and invaluable service to improving the quality of life for the residents of the Santee Community in Council District 7. (Nguyen)
- 1.3 Presentation of a proclamation declaring the Week of October 17 – 23, 2010 as “National Save for Retirement Week” in the City of San José. (Constant)
(Rules Committee referral 10/6/10)
- 1.4 Presentation of a proclamation declaring the Week of October 17 – 23, 2010 as “National Protect Your Identity Week” in the City of San José. (Constant)
(Rules Committee referral 10/6/10)
- 1.5 Presentation of a commendation to Darren Shaw, 2010 California Association of Community Managers (CACM) Vision Award winner, for his exemplary service to the residents of the Villages. (Herrera)
(Rules Committee referral 10/6/10)

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 June 8, 2010.](#)
- (b) [Special Minutes of June 14, 2010.](#)
- (c) [Regular Minutes of June 15, 2010.](#)
- (d) [Special Minutes of June 17, 2010.](#)
- (e) [Regular Minutes of June 22, 2010.](#)
- (f) [Joint San José Financing Authority Minutes of June 22, 2010.](#)
- (g) [Regular Minutes of June 29, 2010.](#)

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 28822](#) – Prezoning certain real property situated at the north side of Penitencia Creek Road, approximately 300 feet west of Noble Avenue, from County of Santa Clara to A Agricultural Zoning District. C10-012 [Presentation](#)

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (b) [ORD. NO. 28823](#) – Rezoning certain real property situated at the west side of Noble Avenue, approximately 100 feet north of Penitencia Creek Road, from County of Santa Clara to R-1-8 Single Family Residence Zoning District. C10-012 [Presentation](#)
- (c) [ORD. NO. 28824](#) – Rezoning certain real property generally bounded by Patt Avenue, McKee Road, North White road, and a line 150 feet westerly of Francis Drive from County of Santa Clara to R-1-8 Single Family Residence Zoning District. C10-013 [Presentation](#)
- (d) [ORD. NO. 28825](#) – Rezoning certain real property generally bounded by Gay, North Capitol and Alum Rock Avenues, and a line approximately 950 feet southwesterly of North White Road from County of Santa Clara to R-1-8 Single Family Residence Zoning District. C10-014 [Presentation](#)
- (e) [ORD. NO. 28826](#) – Rezoning certain real property generally bounded by Florence Avenue, South White Road, Story Road, Lower Silver Creek, and South Capitol Avenue from County of Santa Clara to R-1-8 Single Family Residence Zoning District. C10-015 [Presentation](#)
- (f) [ORD. NO. 28827](#) – Rezoning certain real property located at the southwest side of South White Road, approximately 130 feet south of Westboro Drive, from County of Santa Clara to CN Commercial Neighborhood Zoning District. C10-015 [Presentation](#)
- (g) [ORD. NO. 28828](#) – Amending Title 20 of the San José Municipal Code to amend Chapter 20.50 to add a new Part 4 clarifying setback regulations for the Industrial Districts, to amend Sections 20.100.110 and 20.100.1210 of Chapter 20.100 to allow Utility Providers to sign Development Permit Applications for utility work occurring entirely within public services easements or public utility easements, to amend Section 20.200.700 of Chapter 20.200 to clarify the definition of front lot line and making other related, technical and nonsubstantive conforming amendments to said Title 20.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of September 22, 2010.](#) (Mayor)
- (b) [Community and Economic Development Committee Report of September 27, 2010.](#) (Pyle)
- (c) [Rules and Open Government Committee Report of September 29, 2010.](#) (Mayor)
- (d) [Transportation and Environment Committee Report of October 4, 2010.](#) (Liccardo)

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 [Settlement Agreements with Michael Colvin, Mary Beth Majors, and USAA.](#)

Recommendation: Approve settlement and authorize the City Attorney to execute Settlement Agreements with Michael Colvin and Mary Beth Majors, and their attorneys in the amount of \$70,000, and to USAA in the amount of \$18,361.01. CEQA: Not a Project, File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)

[Contract 1](#) [Contract 2](#)

2.7 [Naming Rights Agreement between SJAM and Citrix Systems and Amended Advertising Plan for HP Pavilion.](#)

Recommendation:

- (a) Approval of the Second Addendum to the Amended and Restated San Jose Arena Management [Agreement](#) between the City and San Jose Arena Management LLC, consenting to the Naming Rights Agreement between SJAM and Citrix Systems for the naming of the suites at the HP Pavilion, and providing for the sharing of revenues, in the amount of \$75,000 per year to the City, in FY 2010-11 through FY 2012-13, with a two year option to extend at Citrix Systems' discretion.
- (b) Approval of an amended Advertising Plan for the HP Pavilion to:
 - (1) Add the Citrix Suites branding to the penthouse and concourse suites, walls, information desks, directional signs and suite line signage; and
 - (2) Add two brand name/trade name signs above the remodeled north entrance concession stand.

CEQA: Not a Project, File No. PP10-066 (e), Services that involve no physical changes to the environment. (City Manager's Office)

2.8 [Amendment of Solid Waste Fees.](#)

Recommendation: Adopt the following resolutions to:

- (a) Amend the 2010-2011 Schedule of Fees and Charges ([Resolution](#) No. 72737, as amended) to clarify the City's existing Landfill AB939 Fee; and
- (b) Amend the Franchise Fee [Resolution](#) No. 74907 to establish a franchise fee for franchises issued based on geographic collection districts.

CEQA: Statutorily Exempt, File No. PP10-067 (a), CEQA Guidelines Section 15273, Rates Tolls, Fares, and Charges. (Environmental Services/City Manager's Office)

2. CONSENT CALENDAR

2.9 [Agreement with Kone, Inc. for Elevator Maintenance.](#)

Recommendation: Adopt a resolution authorizing the Director of Finance to:

- (a) Execute the second amendment to the Elevator Maintenance [Agreement](#) with Kone, Inc. to reduce the amount of annual compensation by 30% for elevator maintenance services for the City Hall and Employee Garage elevators.
- (b) Exercise a total of eight additional one-year options to renew the Agreement for a total of thirteen option years with a maximum term through May 21, 2021, subject to the appropriation of funds.

CEQA: Not a Project; File No. PP10-066(a), Agreements and Contracts for Maintenance Services. (Finance)

2.10 [Award of Contract for the McCarthy House Demolition Project.](#) [Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the Director of Environmental Services to award the contract for the McCarthy House Demolition Project to the lowest responsive and responsible bidder in an amount not to exceed \$126,200, and approve a construction contingency with a maximum value of \$46,680.
- (b) To decide any timely bid protest(s), to make the City's final determination as to lowest responsive and responsible bidder, or to reject all bids and re-bid the project.

CEQA: Exempt, File No. PP09-154. (Public Works/Environmental Services)

2.11 [Award of Contract for the Handrail Phase 3 Project at the San José/Santa Clara Water Pollution Control Plant.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation:

- (a) Award the construction contract for the Handrail Phase 3 Project at the San José/Santa Clara Water Pollution Control Plant to the low bidder, Bugler Construction, Inc., in the amount of \$289,000.
- (b) Approve a 15% contingency in the amount of \$43,350.

CEQA: Exempt, File No. PP10-126. (Public Works/Environmental Services)

2.12 [Award of Contract for the Waste Heat Recovery Silencer EG-1 Replacement Project at the Water Pollution Control Plant.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation:

- (a) Award the construction contract for the Waste Heat Recovery Silencer EG-1 Replacement Project at the San José/Santa Clara Water Pollution Control Plant to the low bidder, Environmental Systems Inc., in the amount of \$252,000
- (b) Approve a 10% contingency in the amount of \$25,200.

CEQA: Exempt, File No. PP10-153. (Public Works/Environmental Services)

2. CONSENT CALENDAR

2.13 [1stACT Small Wonders Workplan, Year 4 Improving Downtown.](#)

Recommendation: As referred by the Community and Economic Development Committee on September 27, 2010, approve a Year 4 Workplan for the City and Redevelopment Agency to advance the “Small Wonders” component of the Downtown Vision promoted by 1stACT. (Economic Development)
[Community and Economic Development Committee referral 9/27/10 – Item D(4)]

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

Recommendation: As recommended by the Rules and Open Government Committee on October 13, 2010:

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

(City Clerk)

* [Rules Committee referral 10/13/10 – Item H(5)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 [2009-2010 Annual Report.](#) [Presentation](#)

Recommendation:

- (a) Accept the 2009-2010 City Manager’s Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2009-2010 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions).

CEQA: Not a Project, File No. PP10-067 (b), Appropriation Ordinance. (City Manager’s Office)

3.3 [Actions Related to Airport Operations Staff Consolidation.](#)

Recommendation:

- (a) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund (Fund 523):
 - (1) Decrease Personal Services by \$225,000
 - (2) Decrease Non-Personal/Equipment by \$25,000
 - (3) Increase the Operating Contingency by \$250,000

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Actions Related to Airport Operations Staff Consolidation. (Cont'd.)

Recommendation:

- (b) Authorization for the addition of three (3.0) FTE Senior Airport Operations Specialist positions to support a new Airport Operations Center.
- (c) Authorization for the elimination of nine (9.0) FTE Communications Services Operator positions.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Airport/City Manager's Office)

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

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

Recommendation:

- (a) Accept the staff response to the Civil Grand Jury Report: "Should the City Council Continue to Subsidize Team San José's Increasing Losses?"
- (b) Direct staff to forward results of City's caused audits of Team San José to the Santa Clara County Civil Grand Jury when they are completed.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (Economic Development)
(Deferred from 8/24/10 – Item 3.2, 9/14/10 – Item 3.2, and 10/5/10 – Item 3.2)

3.5 Ordinances Clarifying and Correcting the Definitions of "Compensation" and "Final Compensation" for the Police and Fire Department Retirement Plan.

Recommendation:

- (a) [Approve an ordinance amending Section 3.36.020.3 of Chapter 3.36 of Title 3 of the San José Municipal Code to clarify the definition of compensation to be used for the calculation of Police and Fire Department Retirement Plan pension contributions and benefits. Ordinance](#)
- (b) [Approve an ordinance amending Section 3.36.020.5 of Chapter 3.36 of Title 3 of the San José Municipal Code to correct the definition of final compensation to be used for the calculation of Police and Fire Department Retirement Plan pension benefits. Ordinance](#)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy (new or revised) (City Attorney's Office)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Revisions to the Public Entertainment Ordinance.

* **Recommendation:**

- (a) Approve an ordinance amending Chapter 6.60 of the San José Municipal Code to amend the definition of public entertainment to limit the application of the ordinance to venues with occupancy greater than 100, limit the discretion of the Chief of Police in approving applications for permits and licenses and in setting conditions on permits and licenses, more clearly outline the application process for permits and licenses, specify time lines by when an application for a permit or license must be acted upon, adjust requirements for security, extend the term of permits, create a renewal process for permits and licenses, provide for managers to move between public entertainment venues without being required to re-apply for a new license, and clarify various provisions to ensure consistency throughout the Code.
- (b) Adopt a resolution to amend the 2010-2011 Schedule of Fees and Charges (Resolution No. 72737, as amended), to:
 - (1) Change the Public Entertainment Business Permit Fee from \$1,145 per 2 years to \$1,321 per 4 years;
 - (2) Add a Public Entertainment Business Permit Renewal Fee and establish the fee at \$744 per 4 years;
 - (3) Change the Public Entertainment Ownership License Fee from \$1,145 per 2 years to \$674 per 4 years;
 - (4) Add a Public Entertainment Ownership License Renewal Fee and establish the fee at \$374 per 4 years;
 - (5) Change the Public Entertainment Management License Fee from \$1,145 per 2 years to \$674 per 2 years;
 - (6) Add a Public Entertainment Management License Renewal Fee and establish the fee at \$374 per 2 years;
 - (7) Add a Public Entertainment Management License Change of Venue Fee for Managers only and establish the fee at \$162 per venue change.
 - (8) Add a Public Entertainment Identification Card Fee and establish the fee at \$48 per 2 years.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making.
(Economic Development/City Manager's Office)

* **RECOMMEND DEFERRAL TO 10/26/10 PER CITY ATTORNEY'S OFFICE**

4.2 Action Related to Issuance of Bonds by the California Enterprise Development Authority.

Supplemental – Memo from the City Manager

Recommendation: Adopt a [resolution](#) approving Associate Membership in the California Enterprise Development Authority and the execution and delivery of an Associate Membership Agreement relating to Associate Membership in the California Enterprise Development Authority.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Action Related to Issuance of Bonds by the California Enterprise Development Authority. (Cont'd.)

* **Recommendation:**

- (b) Adopt a resolution approving Recovery Zone facility bond financing not to exceed \$30,000,000 to be issued by the California Enterprise Development Authority to benefit SunPower Corporation and/or a related entity.

CEQA: Not a Project, PP10-068a, General Policy Making. (Economic Development)
[Approving Associate Membership Resolution](#) [Associate Membership Agreement](#)

4.3 [Envision 2040 Task Force Status Report.](#) [Supplemental – Memo from the Director of Planning, Building and Code Enforcement Presentation](#)

Recommendation:

- (a) Accept the work of the Envision Task Force, the community and other stakeholders to date in the development of the Draft Envision San Jose 2040 General Plan (Draft Plan) document and Land Use/Transportation Diagram.
- (b) Accept the process for the review and consideration of:
- (1) Pending General Plan amendments that would become part of the Envision Preferred Scenario;
 - (2) Pending General Plan amendments that would be considered by Council either in December 2010 or June 2011; and
 - (3) Additional General Plan Amendment applications filed by November 15, 2010 to be considered by the Council in June 2011.

CEQA: Not a Project, File No. PP10-069(a), Assessments of Work Done. The proposed action will allow staff and the consultants to proceed with the analysis of potential environmental impacts of the proposed General Plan Update as required by CEQA. (Planning, Building and Code Enforcement)

4.4 [Rezoning real property located on the northwest side of Saratoga Avenue.](#) [Presentation](#)

Recommendation: Conduct a public hearing and consider an [ordinance](#) rezoning the real property located on the northwest side of Saratoga Avenue, 900 feet northeasterly of Graves Avenue (1471 Saratoga Avenue), from the A(PD) Planned Development Zoning District to the CO(PD) Planned Development Zoning District to allow medical office uses in an existing office building on a 2.36 gross acre site (Jack F. and Wilburta E. Taylor Trustee, Owner). CEQA: Mitigated Negative Declaration prepared for previously approved Planned Development Zoning (File No. PDC85-019).
[PDC10-011](#) – District 1

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Agreement with Ampco System Parking, Inc. for Airport Parking Facilities Management.](#)

Recommendation: Adopt a resolution authorizing the Director of Finance to execute the fourth amendment to the [agreement](#) with Ampco System Parking, Inc. for Airport Parking Facilities Management to extend the term of the agreement for an additional twelve months ending on October 31, 2011; provide for total compensation not to exceed \$4,530,000 for the new extension term, and increase compensation for the current extension term (ending on October 31, 2010) by an amount not to exceed \$470,000 for reimbursement of unanticipated staffing costs due to delays in implementation of the Airport's new Parking Access and Revenue Control System. CEQA: Not a Project, File No. PP10-066(e), Amendment to agreement for facility management. (Finance)

6.2 **Master Cooperative Agreement with the California High Speed Rail Authority for the High Speed Train Project.**

Recommendation:

- (a) Approve a Master Cooperative Agreement with the California High Speed Rail Authority addressing a collaborative process for the development and design approval for the High Speed Train project and including the architectural design of an aerial trackway in the Downtown San Jose area.
(Deferred from 10/5/10 – Item 6.1)
- (b) Adopt the following Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
 - (1) Increase the appropriation to the Department of Transportation for the High Speed Rail project in the amount of \$100,000.
 - (2) Decrease the Ending Fund Balance by \$100,000.

CEQA: Not a Project, File No. PP10-066(e), agreement involving no physical change to the environment. The recommended actions are advisory to the CHSRA. The CHSRA is in the process of preparing an EIR for the High-Speed Train project. (Transportation)

* **RECOMMEND DEFERRAL TO 11/16/10 PER ADMINISTRATION**

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Actions Related to Fuel Cell System Power Production.](#) [Supplemental – Letter from the Treatment Plant Advisory Committee Presentation](#)

Recommendation: Accept the report on the Request for Proposals for a Power Purchase and Site Lease [Agreement](#) for Fuel Cell System Power Production and adopt a resolution authorizing the Director of Finance to execute a Power Purchase Agreement, Site Lease and other necessary documents, with UTS Bio-Energy SJ-1, LLC (UTS) (Encinitas, CA) to purchase fuel cell energy at the San José/Santa Clara Water Pollution Control Plant for a 20 year term. CEQA: Exempt, File No. PP10-112. (Environmental Services/Finance)
(Deferred from 10/5/10 – Item 7.1)

8. PUBLIC SAFETY SERVICES

- 8.1 [2009 IPA Year End Report.](#) (Large file – may take longer to download)

[Presentation](#)

Recommendation: Accept the 2009 Independent Police Auditor’s Year End Report. (Independent Police Auditor)

- 8.2 [San José Police Department Internal Affairs Unit 2009 Department-Initiated Investigations Report.](#)

[Presentation](#)

Recommendation: Accept the San José Police Department’s Internal Affairs Unit report on Department-Initiated Investigations (DII) for CY 2009. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Police)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10062	1345 Foxworthy Avenue	9	Hawkstone Foxworthy LLC	5 Lots / 5 Units	SFDR

- 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

* This meeting will be adjourned in memory of Penelope Pries, known affectionately as Yiayia Penny, was a longtime San Jose resident and beloved member of the Greek-American community. (Constant)

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.