



CITY COUNCIL AGENDA

MAY 3, 2011

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
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 Tuesday at 7 p.m. as needed, 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**

9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
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 5)**

* Jon Zamora

- **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 Richard Rios who passed last Monday after battling with cancer. Rios, the retired deputy director of the San Jose Redevelopment Agency, had taught at De Anza College and served as a mentor to several influential community leaders including former Mayor Ron Gonzales. Richard Rios' presence within the community will be greatly missed. (Campos)

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

THE FINANCING AUTHORITY OF THE CITY OF SAN JOSE WILL MEET FOLLOWING THE REGULAR CITY COUNCIL MEETING

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Baseball Buddies Foundation for their dedication with providing children with proper baseball gear. (Chu)
* **RECOMMEND DEFERRAL TO 5/10/11 PER DISTRICT 4**
- 1.2 Presentation of a proclamation celebrating the month of May 2011 as “Asian Pacific American Heritage Month” in the City of San José. (Chu)
- 1.3 Presentation of proclamation declaring May 2-6, 2011 as “Teacher Appreciation Week” in the City of San José. (Constant)
- 1.4 Presentation of a proclamation declaring Sunday, May 8, 2011 as “Paint Your Town Purple Day” in the City of San José. (Pyle)
- 1.5 Presentation of a proclamation declaring the Month of May 2011 as “Safe Teen Driving Month” in the City of San José. (Kalra)
* (Rules Committee referral 04/27/11)

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 may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of February 1, 2011.](#)
- (b) [Joint City/San José Financing Authority Minutes of February 1, 2011.](#)
- (c) [Regular Minutes of February 8, 2011.](#)
- (d) [Regular Minutes of February 15, 2011.](#)
- (e) [Minutes of the Disaster Policy Seminar of February 22, 2011.](#)

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28907 – Amending Section 25.04.570 of Chapter 25.04 of Title 25 of the San José Municipal Code to include engine run-up reports in the Annual Airport Noise Report.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of April 13, 2011. (Mayor)
- (b) Public Safety, Finance and Strategic Support Committee Report of April 21, 2011. (Constant)
- (c) [Rules and Open Government Committee Report of March 30, 2011.](#) (Mayor)
* [Deferred from 4/19/11 – Item 2.3(a) and 4/26/11 – Item 2.3(d)]
- (d) Rules and Open Government Committee Report of March 23, 2011. (Mayor)
* [Deferred from 4/12/11 – Item 2.3(a), 4/19/11 – Item 2.3(c) and 4/26/11 – Item 2.3(e)]
- (e) Rules and Open Government Committee Report of March 16, 2011. (Mayor)
* [Deferred from 4/5/11 – Item 2.3(a), et al, and 4/26/11 – Item 2.3(f)]
- (f) Rules and Open Government Committee Report of March 9, 2011. (Mayor)
* [Deferred from 3/29/11 – Item 2.3(a), et al, and 4/26/11 – Item 2.3(g)]

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Agreement with Robert Gary Schmelzer for the Lease of Real Property Located at 108 Paseo de San Antonio.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute an [agreement](#) with Robert Gary Schmelzer for the lease of real property located at 108 Paseo de San Antonio for purposes of operating a retail store, for total rental revenue to City as follows: Year 1 \$17,856; Year 2 \$18,972; Year 3 \$20,646; Year 4 \$22,381.38; Year 5 \$23,019.34; Year 6 \$23,676.44 for total compensation to City of \$126,551.16. Council District 3. CEQA: Exempt, File No. PP10-066(f), lease of existing space for same use. (Economic Development)
(Deferred from 3/29/11 – Item 2.7)

2.8 [Agreement with Pelican Communications for Pay-Telephone Services at the Airport.](#)

Recommendation: Approve a second amendment to the [agreement](#) with Pelican Communications, Inc., to mutually agree to an additional five-year term retroactively commencing on May 13, 2010, in the annual, ongoing amount of \$12,480, with additional one time charges of \$250 for each new pay-telephone installed to provide for installation and maintenance of pay-telephones at the Airport at no cost to the City, and installation, removal and maintenance of pay-telephones on other City-owned properties. CEQA: Exempt, File No. PP05-053. (Economic Development)

2. CONSENT CALENDAR

2.9 [Sale of City-Owned Property at 1807 Sarasota Way.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing an alternative competitive process for the sale of the property;
- (b) Approving an [agreement](#) between the City and Z&C Investment LLC, for sale of the property in the amount of \$235,000; and
- (c) Authorizing the Director of Economic Development or designee to execute all sales documents and the deed necessary to complete the transaction, and ratifying any disclosures or certifications made by the Director or designee regarding the property as required by law.

CEQA: Exempt, File No. PP10-016. Council District 7. SNI: K.O.N.A. (Economic Development)

2.10 [Agreement with the San Jose Water Company for Water Usage Data.](#)

Recommendation: Approve the Confidentiality and Nondisclosure [Agreement](#) between San Jose Water Company and the City of San Jose to allow the City to obtain water usage data from San Jose Water Company for the purpose of calculating Sewer Service and Use Charges for non-residential users. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

2.11 [Initiate Proceeding for Annexation/Reorganization of Downer No. 11.](#)

- * **Recommendation:** Adopt a [resolution](#) initiating proceedings and setting [May 24, 2011 at 1:30 p.m.](#) for a public hearing on the reorganization of territory designated as Downer No. 11 which involves the annexation to the City of San José of approximately 8.6 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: The environmental impacts of this project were addressed by an Initial Study (IS) and Mitigated Negative Declaration (MND) that were prepared by the Director of Planning, Building, and Code Enforcement for both the approved General Plan Amendment (File No. GP10-01-01) and the Planned Development Rezoning/Rezoning (File No. PDC10-007). The documents were circulated for public review between October 14, 2010 and November 3, 2010, and the City Council approved the IS/MND on December 7, 2010. Council District 10. (Planning, Building and Code Enforcement)

2.12 [Agreement Extension for the Transportation Incident Management Center Project.](#)

Recommendation: Approval of the first amendment to extend the term of the original [agreement](#) from June 30, 2011 to June 30, 2013 with IBI Group for architectural design and construction administration services for the Transportation Incident Management Center Project. CEQA: Not a Project, File No. PP10-066(d) Consultant Services. Council District 3. (Public Works)

- * **RECOMMEND DEFERRAL TO 5/10/11 PER ADMINISTRATION**

2. CONSENT CALENDAR

2.13 State Highway Route 101 Freeway Agreement.

Recommendation: Approve the State Highway Route 101 Freeway [Agreement](#), from Route 280/680 to Yerba Buena Road, between the City of San José and the State of California. CEQA: Mitigated Negative Declaration, File No. OA05-010. Council Districts 5, 7 and 8. SNI: K.O.N.A.; Tully/Senter; West Evergreen. (Transportation)

2.14 Amendment to the Bylaws of the Caltrain Centralized Equipment Maintenance & Operations Facility.

Recommendation: Approve an amendment to the bylaws of the Caltrain Centralized Equipment Maintenance & Operations Facility Monitoring Committee reducing the minimum number of meetings from quarterly to annually and the reporting from quarterly to periodic. CEQA: Not a Project, File No. PP10-068, general procedure and policy making. (Transportation)

2.15 Sponsored Travel to the Global Summit on LED Lighting, Shanghai, China.

Recommendation:

- (a) Accept invitation from The Climate Group and the China Solid State Lighting Alliance to participate in a global summit on LED lighting, including streetlighting, in Shanghai, China from May 9 to May 13, 2011.
 - (b) Approve travel to China for Amy Olay, Senior Engineer in the Department of Transportation as the City's official staff representative at the summit meeting.
- Source of Funds: The Climate Group. CEQA: Not a Project, File No. PP10-069, Administrative Activities. (Transportation)

2.16 Actions Related to Civil Service Classifications.

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

- (a) Amend the City of San Jose Pay Plan effective May 3, 2011 to create the following classifications:
 - (1) Radio Communications Manager (8523)
- (b) Amend the City of San Jose Pay Plan effective May 3, 2011 to delete job classifications no longer in use:
 - (1) Assistant City Attorney SII (2197)
 - (2) Chief Deputy City Attorney (SII) (2137)
 - (3) Communications Services Operator (1176)
 - (4) Communications Services Operator PT (1177)
 - (5) Emergency Preparedness Director U (2341)
 - (6) Horticulturalist (3424)
 - (7) Parks Development Officer (3450)
 - (8) Public Communications Manager (1675)
 - (9) Redevelopment Program Manager (4232)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources) (Deferred from 4/26/11 – Item 2.8)

2. CONSENT CALENDAR

2.17 Actions Related to Councilmember Constant's Travel to Waco, TX.

Recommendation:

- (a) [Approve travel by Councilmember Constant to Waco, TX on May 24-29, 2011](#) to represent the City of San José as a member and Vice-Chair of the National League of Cities' (NLC) Public Safety and Crime Prevention (PSCP) Steering Committee. Source of Funds: Mayor & Council Travel Fund & Office Budget. (Constant)
- (b) [Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on May 25, 2011 and the Family/Domestic Violence Advisory Board Meeting on May 25, 2011](#) due to Authorized City Business: National League of Cities' (NLC) Public Safety and Crime Prevention (PSCP) Steering Committee. (Constant)

* (Rules Committee referral 04/27/11)

2.18 [Setting Public Meetings for Proposed Increase to Downtown BID Assessments for Fiscal Year 2011-2012.](#)

Recommendation: Adopt a resolution:

- (a) Setting June 7, 2011 at 1:30 p.m. as the date and time for the public meeting to consider adoption of a resolution of intention to levy increased assessments in the Downtown Business Improvement District for Fiscal Year 2011-2012;
- (b) Setting June 21, 2011 at 1:30 p.m. as the date and time for the public hearing on the levy of increased assessments for FY 2011-2012; and
- (c) Directing the City Clerk to publish the required notice of the public meeting and public hearing.

CEQA: Exempt, File No. PP03-05-165. Council District 3. SNI: St. James Square; University; Delmas; Burbank/DelMonte. (Economic Development)

* (Rules Committee referral 04/27/11)

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

[Presentation](#)

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 [Settlement with Licking Enterprises, Inc./Purchase of Property at 1157 East Taylor Street.](#)

Recommendation:

- (a) Approve a settlement and authorize the City Attorney to execute a [Settlement Agreement](#) and Release to settle the case of [Licking v. City of San Jose](#). The settlement includes \$2,104,000 for purchase of property for the Route 101/Mabury interchange and attorney fees, payment of \$1,000,000 for loss of business goodwill at the time that the City takes possession of the property, plus estimated closing costs of \$13,200, for a total amount of \$3,117,200.
- (b) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Construction Excise Tax Fund:
 - (1) Establish an appropriation to the Department of Transportation for the Route 101/Mabury Acquisition project in the amount of \$1,021,200; and
 - (2) Decrease the Ending Fund Balance by \$1,021,200.

CEQA: Resolution No. 74195.1, File No. PP09-186. (City Attorney's Office)

[Ground Lease of Property](#)
[Purchase and Sale Agreement](#)

3.4 [Annual Financial Scan of City-Funded Community-Based Organizations.](#) [Attachment – Annual Financial Scan of City-Funded Community Based Organizations](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on April 21, 2011, accept the Annual Financial Scan of City-Funded Community Based Organizations. (City Auditor)

* [Public Safety, Finance and Strategic Support Committee referral 4/21/11 – Item D(3)]

3.5 [Audit of Disability Retirement.](#)

[Attachment – Disability Retirement: A program in Need of Reform](#)

[Attachment – Memo from the Mayor, Vice Mayor and Councilmember Liccardo](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on April 21, 2011, accept the Audit of Disability Retirement. (City Auditor)

* [Public Safety, Finance and Strategic Support Committee referral 4/21/11 – Item D(4)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Final Public Hearing and Approval of the Annual Action Plan FY 2011-2012.](#) [Supplemental Memorandum from Director of Housing](#) [Supplemental Memorandum Attachment B](#)

Recommendation:

- (a) Hold a final public hearing regarding the approval of the City's Annual Action Plan 2011-12 and take public comment.
- (b) Adopt the 2011-2012 Annual Action Plan, including the FY 2010-2011 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Final Public Hearing and Approval of the Annual Action Plan FY 2011-2012. (Cont'd.)

Recommendation:

- (c) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City.
- (d) Authorize the Housing Department to submit the FY 2011-2012 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD), which makes the City eligible to receive and distribute approximately \$15,400,000.

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism.
(Housing)

4.2 Review of North San Jose Residential Activity and Consideration of Potential Changes to Reservation and Allocation Process.

Recommendation: Accept the staff report to continue current practices of reservation and allocation of residential units in the North San José Area Development Policy area.

CEQA: Resolution No. 72768 and Addenda thereto. Council Districts 3 and 4.

(Planning, Building and Code Enforcement/Housing)

* **RECOMMEND DEFERRAL TO 5/10/11 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

5.1 [Actions Related to the Tamien Specific Plan Area Purchase and Sale Agreement, Supplemental Memorandum Attachment – Memo from Councilmember Liccardo Presentation](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement (PSA) with the Santa Clara Valley Transportation Authority (VTA) for 3.5 acres of VTA Excess Property located at Lick Avenue near Pepitone Avenue and Goodyear Street, San Jose, California, within the Tamien Station Area, for an amount not to exceed \$4,500,000 and credits under the Parkland Dedication and Park Impact Ordinances and to execute any documents required to complete the transaction.
- (b) Adopt the following Appropriation Ordinance amendments in the Construction Tax & Property Conveyance Tax Fund: Council District 3 (Fund 380):
 - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount \$985,000 for the Tamien Specific Plan Area Park Improvements;
 - (2) Decrease the Reserve: Tamien Specific Plan Area Park Improvements by \$325,000; and
 - (3) Decrease the Reserve: Roosevelt Hockey Rink Cover by \$660,000.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Tamien Specific Plan Area Purchase and Sale Agreement. (Cont'd.)

Recommendation:

- (c) Adopt the following Appropriation Ordinance amendments in the Construction Tax & Property Conveyance Tax Fund: Council District 6 (Fund 384):
- (1) Establish an appropriation to the Parks Recreation and Neighborhood Services Department in the amount of \$50,000 for the Tamien Specific Plan Area Park Improvements; and
 - (2) Decrease the Reserve: Tamien Specific Plan Area Park Improvements by \$50,000.
- (d) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
- (1) Establish an appropriation to the Parks Recreation and Neighborhood Services Department in the amount \$3,465,000 for the Tamien Specific Plan Area Park Improvements.
 - (2) Decrease the Reserve: Tamien Specific Plan Area Park Improvements by \$505,000.
 - (3) Decrease the Reserve: Future PDO/PIO Projects by \$2,960,000.
- CEQA: Exempt, File No PP10-023. Council District 3. SNI: Washington. (Parks, Recreation and Neighborhood Services/City Manager's Office)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Report on Bids and Award of Contract for the Padres Drive Sanitary Sewer Rehabilitation Project.](#)

Recommendation: Report on bids and award of contract for the Padres Drive Sanitary Sewer Rehabilitation project to the low bidder, McGuire and Hester, in the amount of \$1,799,192 and approval of a contingency in the amount of \$180,000. CEQA: Exempt, File No. PP08-259, dated November 14, 2008. Council District 6. (Public Works)

8. PUBLIC SAFETY SERVICES

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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10054	West side of San Felipe Rd, 600’ S of Delta Rd	8	Hawkstone San Felipe, LLC	15 Lots / 9 Units	8 SFDR & 1 Non-Residential	Approve

- 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 Richard Rios who passed last Monday after battling with cancer. Rios, the retired deputy director of the San Jose Redevelopment Agency, had taught at De Anza College and served as a mentor to several influential community leaders including former Mayor Ron Gonzales. Richard Rios’ presence within the community will be greatly missed. (Campos)

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
REDEVELOPMENT AGENCY/
FINANCING AUTHORITY AGENDA**

1:30 P.M.

TUESDAY, MAY 3, 2011

CHAMBERS

1. **Call to Order and Roll Call**
2. **[City, Agency and Finance Authority actions related to the payment to the Supplemental Education Revenue Augmentation Fund.](#)
[Attachment – Memo from Mayor Reed](#)
[Presentation](#)**
- * **Recommendation:** Adopt resolutions authorizing the City Manager, Executive Director of the Financing Authority, and the Executive Director of the Agency to negotiate and execute a First Amendment to the Loan Agreement by and among the City, Financing Authority and the Agency Related to the Supplemental Education Revenue Augmentation Fund dated May 6, 2010, to allow the second installment of the SERAF Loan to the Agency to be made with 20% Housing Funds, and later replenished with a loan of Commercial Paper proceeds from the Authority to the Housing Program.
3. **Open Forum**
4. **Adjourn the Joint City Council/Redevelopment Agency/San José Financing Authority.**

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.