



# CITY COUNCIL AGENDA

**JUNE 21, 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](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- Call to Order and Roll Call
- \* 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
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](#)  
Open Session to resume following the conclusion of Closed Session  
*Council will recess at 12:30 p.m. and reconvene at 1:30 p.m.*
- 1:30 p.m. - Reconvene Regular Session, Council Chambers, City Hall
- 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
- 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- Invocation (District 6)  
Rabbi Joshua Fenton

- 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.**

**ITEMS 3.3, 3.12 AND 3.4 TO BE HEARD FIRST, IN THAT ORDER, BEFORE OTHER ACTIONS, INCLUDING CONSENT CALENDAR**

- Orders of the Day (Cont'd.)
- \* ITEM 3.5, "Agreement with Signature Technologies for the Public Address System at International Terminal at the Airport," RENUMBERED TO ITEM 2.42.
- \* ITEM 4.5, "Discussions with the City of Campbell Regarding Cambrian No. 36," RENUMBERED TO ITEM 2.48.
- Closed Session Report

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to AKA Gym in recognition and appreciation of their commitment to the City of San Jose and the Silicon Valley. (Kalra)
- 1.2 Presentation of a commendation to Denis Tarasov and Sophia Nasyrova for their participation as photographers in the Sister City exchange between Ekaterinburg and San Jose. (Pyle)

## 2. CONSENT CALENDAR

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

### 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) [Regular Minutes of April 5, 2011](#)
- (b) [The Housing Authority Minutes of the City of San Jose of April 5, 2011](#)
- (c) [Regular Minutes of April 12, 2011](#)
- (d) [Regular Minutes of April 19, 2011](#)
- (e) [Regular Minutes of April 26, 2011](#)
- (f) [Joint City/Financing Authority Minutes of April 26, 2011](#)
- (g) [Special Minutes of the Diridon Station Area Plan of April 28, 2011](#)

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) [ORD. NO. 28924](#) – Adopting salaries and other compensation for the Mayor and Councilmembers recommended by the Council Salary Setting Commission pursuant to City Charter Section 407.

## 2. CONSENT CALENDAR

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

**Recommendation:**

- \* (b) ORD. NO. 28925 – Adopting a limited amnesty program under which the City will forgive all late licensing fees, and suspend issuance of citations for violations of Section 7.20.520 of Chapter 7.20 of the San José Municipal Code.
- \* (c) ORD. NO. 28926 – Rezoning certain real property situated at the southeast corner of North First Street and East Rosemary Street from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC11-011

### 2.3 Approval of Council Committee Reports.

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

- (a) Rules and Open Government Committee Report of June 1, 2011. (Mayor)
- (b) Neighborhood Services and Education Committee Report of June 9, 2011. (Pyle)
- (c) Rules and Open Government Committee Report of May 18, 2011. (Mayor)
- \* [Deferred from 6/14/11 – Item 2.3(a)]
- (d) Rules and Open Government Committee Report of May 25, 2011. (Mayor)
- \* [Deferred from 6/14/11 – Item 2.3(b)]
- (e) Rules and Open Government Committee Report of May 11, 2011. (Mayor)
- \* [Deferred from 6/7/11 – Item 2.3(a) and 6/14/11 – Item 2.3(c)]
- (f) Rules and Open Government Committee Report of May 4, 2011. (Mayor)
- \* [Deferred from 5/24/11 – Item 2.3(c), 6/7/11 – Item 2.3(d) and 6/14/11 – Item 2.3(d)]
- (g) Rules and Open Government Committee Report of April 27, 2011. (Mayor)
- \* [Deferred from 5/17/11 – Item 2.3(a), et al, and 6/14/11 – Item 2.3(e)]

### 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 Host International, Inc. for Food, Beverage and Retail Program at the Airport.](#)

**Recommendation:** Adopt a resolution authorizing the Director of Aviation to negotiate and execute:

- (a) A First Amendment to the Host International, Inc. (“Host”) Food and Beverage Concession Agreement for the closure of Chiaramonte’s Deli in Terminal A+, an associated reduction in the minimum annual guarantee and a reimbursement for the unamortized capital investment should the closure become permanent; and

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.7 Agreement with Host International, Inc. for Food, Beverage and Retail Program at the Airport. (Cont'd.)

**Recommendation:**

- (b) A First Amendment to the Host Retail Concession Agreement for the closure of Sunset News in Terminal A+, an associated reduction in the minimum annual guarantee and a reimbursement for the unamortized capital investment should the closure become permanent.

CEQA: Not a Project, File No. PP10-066(e), Amendment to services agreement involving no physical change to the environment. (Airport)

### 2.8 [Agreement for Airport Air Service Marketing Communications Consulting Services.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Pyle, Hererra, Liccardo](#)

**Recommendation:**

- (a) Approve consultant master agreements with [Hoffman|Lewis, Inc.](#) and with [Barnestorming Advertising](#) to provide marketing and communications support services to Mineta San José International Airport for two-year terms beginning July 1, 2011, through June 30, 2013, in a total amount for both agreements not to exceed \$520,000; and
- (b) Adopt a [resolution](#) authorizing the City Manager to exercise up to two (2) one-year options to extend the terms of these agreements on a fiscal-year basis to June 30, 2013, in amounts not to exceed a total of \$260,000 per year, for a total four-year contract amount for both not to exceed \$1,040,000.

CEQA: Not a Project, File No. PP10-066(e), Services involving no physical changes to the environment. (Airport)

### 2.9 [Settlement Agreements with Teresa and Jose Banuelos.](#)

**Recommendation:** Approve settlement in the case of *Teresa Banuelos and Jose Banuelos v. City of San Jose, et al.*, and authorize the City Attorney to execute a Settlement Agreement and Release with [Teresa Banuelos](#) in the amount of \$165,000, and with [Jose Banuelos](#) in the amount of \$10,000. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)

### 2.10 [Contract with Fairbanks, Maslin, Maulin, Metz and Associates for Telephone Survey.](#)

**Recommendation:** Approve a second amendment to the [agreement](#) with Fairbanks, Maslin, Maulin, Metz and Associates to extend the term by three years, reduce per survey cost by 3.8%, and increase the contract amount by \$151,500 from \$400,680, for a total contract amount of \$552,180, and amend the scope of services to add three additional surveys to be conducted during the extension. CEQA: Not a Project, File No. PP10-066, Contracts. (City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.11 [Implementation of Workforce Investment Act Programs and Projects for 2011-2012.](#)

\* **Recommendation:** Adopt a resolution to:

- (a) Authorize the City Manager, or designee, to negotiate and execute all contracts, amendments, agreements, leases, subleases and memorandums of understanding with contractors and vendors providing services to the Workforce Investment Act Program (WIA), including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2011 to June 30, 2012, in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved by the Silicon Valley Workforce Investment Network (work2future) Executive Committee and/or the Board. The City Manager or designee is also authorized to negotiate and execute amendments to Council-approved agreements that have been reviewed and approved by the work2future Executive Committee and/or the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) Authorize the City Manager, or designee, to negotiate and execute all grants and sub-grant agreements for discretionary funding applied for and approved by the work2future Board for the period from July 1, 2011 to June 30, 2012.

CEQA: Not a Project. File No. PP10-066, Agreements/Contracts (New or Amended). (Economic Development)

### 2.12 [Agreement with Habitat for Humanity Silicon Valley for the Lease of Space at 1608 Las Plumas Avenue Known as the San Jose Environmental Innovation Center. Supplemental – Memo from the Office of Economic Development](#)

Recommendation: Approve an agreement with Habitat for Humanity Silicon Valley, a California nonprofit corporation for the lease of space in real property located at 1608 Las Plumas Avenue, known as the San Jose Environmental Innovation Center, for purposes of operating a ReStore business, for rental revenue to City as follows: commencement date through month 28 \$0; month 29 through month 60 \$6,572.70 per month; month 61 through 72 \$6,704.15 per month; month 73 through month 84 \$6,838.24 per month for total compensation to the City of \$372,480. CEQA: Mitigated Negative Declaration for San Jose Environmental Innovation Center, adopted December 1, 2009, File No. PP09-138. Council District 3. (Economic Development)

## 2. CONSENT CALENDAR

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2.13 [Grant Agreement with Habitat for Humanity Silicon Valley for Opening a ReStore in San José.](#)

**Recommendation:** Approve a grant [agreement](#) with Habitat for Humanity Silicon Valley for a term from July 1, 2011 through June 30, 2013, for one-time start up costs related to opening a ReStore in San José in the amount of \$85,000. CEQA: Negative Declaration for the renovation for the EIC was adopted on December 1, 2009. File No. PP09-138. (Environmental Services)

2.14 [Agreement with Christmas in the Park, Inc. to Manage and Produce Christmas in the Park at Plaza de Cesar Chavez.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a three-year agreement with Christmas in the Park, Inc., to manage and produce Christmas in the Park at Plaza de Cesar Chavez, with City to provide limited support staff and in-kind services for the 2011 event to support the successful production of the event. CEQA: Exempt, File No. PP05-277. Council District 3. (Economic Development)

2.15 [Appointments to the Joint Recycled Water Policy Advisory Committee.](#)  
[Attachment – Letter from the Treatment Plant Advisory Committee](#)

**Recommendation:** Appoint Santa Clara Mayor Jaime Matthews with Santa Clara Vice Mayor Patricia Mahan as alternate to serve on the joint Recycled Water Policy Advisory Committee established in the Recycled Water Facilities and Program Integration Agreement between the City of San José and the Santa Clara Valley Water District. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making Public Project. (Environmental Services)

2.16 [Agreement with R3 Consulting Group, Inc. to Support the Construction and Demolition Diversion Program.](#)

**Recommendation:** Approve the third amendment to the [agreement](#) between R3 Consulting Group, Inc., and the City for Consulting Services to support the Construction and Demolition Diversion Program, to extend the term through December 31, 2012, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(e). (Environmental Services)

## 2. CONSENT CALENDAR

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### 2.17 [Grant Agreement with the United States Environmental Protection Agency for the Clean Creeks, Healthy Communities Project.](#)

[Attachment – Memo from Councilmember Liccardo](#)

\* **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a grant agreement with the United States Environmental Protection Agency (EPA) to fund the Clean Creeks, Healthy Communities Project (Project) for the term of June 30, 2011 through June 30, 2015, with a grant to the City in the amount of \$680,000, at a cost to the City over the term of the Agreement of \$112,867.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute the following agreements with a subgrantee and funding agency:
  - (1) An agreement with Downtown Streets Team, a non-profit 501(c)(3) corporation, for the term July 1, 2011 through June 30, 2012 with an option to extend the term through June 30, 2013, subject to the appropriation of additional funds by the City Council, to conduct trash and litter cleanup and provide homeless assistance services as part of the Project at a cost to the City not to exceed \$258,000, with an additional cost to Downtown Streets Team of \$20,000.
  - (2) An amendment to the Memorandum of Agreement between the City of San Jose and the Santa Clara Valley Water District (Water District) for Trash Removal and Prevention to include Project implementation activities and Water District payment to City of \$65,000 per year for two years (2011-2012 and 2012-2013) towards the Project.
- (c) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
  - (1) Increase the estimate for Revenue from the Federal Government by \$265,000.
  - (2) Increase the estimate for Revenue from Local Agencies by \$65,000.
  - (3) Establish a Citywide Clean Creeks, Healthy Communities appropriation to the Environmental Services Department in the amount of \$330,000.

CEQA: Categorically Exempt, File No. PP11-044. (Environmental Services/City Manager's Office)

### 2.18 [Actions Related to Agreements with the San Jose Conservation Corps.](#)

\* **Recommendation:**

- (a) Adopt a [resolution](#) approving the following:
  - (1) Extending the due dates for the San Jose Conservation Corps' performance under the Settlement Agreement and Mutual Release dated January 12, 2010 ("Settlement Agreement"), to allow the Conservation Corps to commence the approved Additional Services in Alum Rock Park in the fall 2011, and extending the due date for completion of the project and for compliance with all requirements under the Settlement Agreement, to occur by December 31, 2011.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.18 Actions Related to Agreements with the San Jose Conservation Corps. (Cont'd.)

**Recommendation:**

- (a) (2) Authorizing the City Manager to further extend the due dates for completion of the project or compliance with all other requirements of the Settlement Agreement for up to an additional 12 months.
- (b) Approve grant agreements with the San Jose Conservation Corps to provide:
  - (1) Basic park support services for Parks, Recreation and Neighborhood Services from July 1, 2011 through June 30, 2012, with the option of the City to extend the [agreement](#) for up to four additional one-year terms with the first year compensation in an amount not to exceed \$250,000 and with compensation for subsequent years subject to adjustment based upon the Consumer Price Index, and appropriation of funds for each extension year.
  - (2) **Events recycling and riparian clean-up services for Environmental Services Department from July 1, 2011 through June 30, 2012, with the option of the City to extend the [agreement](#) for up to four additional one-year terms with the first year compensation in an amount not to exceed \$110,000 and with compensation for subsequent years subject to adjustment based upon the Consumer Price Index, and appropriation of funds for each extension year.**
- (c) Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the grant agreements with the San Jose Conservation Corps, subject to appropriation of funds for each option year.

CEQA: EIR Resolution No. 71045, File No. PP08-092. (Environmental Services/Parks, Recreation and Neighborhood Services)

### 2.19 [Renew an Open Purchase Order with Maintenance Innovations for Labor, Materials and Equipment Necessary for the Citywide Weed Abatement Program.](#)

- \* **Recommendation:** Adopt a resolution authorizing the Director of Finance to:
- (a) Exercise the second of three one-year options to renew an Open Purchase Order with Maintenance Innovations (Patterson, CA) to provide all labor, materials and equipment necessary for the Citywide Weed Abatement Program managed by the Department of Transportation, for the period June 18, 2011 through June 30, 2012, with total compensation not to exceed \$500,000.
  - (b) Exercise the remaining option to renew the purchase order for one additional year, with total compensation not to exceed \$500,000, subject to the appropriation of funds.
- CEQA: Exempt, File No. PP08-245. (Finance)

## 2. CONSENT CALENDAR

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### 2.20 Open Purchase Order with Valley Crest Landscape for Landscape Services for Special Assessment District #15, Silver Creek Valley.

- \* **Recommendation:** Adopt a resolution authorizing the Director of Finance to:
- (a) Exercise the second of four one-year options to renew and establish an Open Purchase Order with Valley Crest Landscape (San Jose, CA) for the period July 1, 2011 through June 30, 2012, with total compensation not to exceed \$700,000, for landscape services, including all labor, materials and equipment, for Special Assessment District #15 (Silver Creek Valley) managed by the Department of Transportation.
  - (b) Exercise the remaining options to renew the purchase order, not to exceed \$725,000 per year, subject to the appropriation of funds.
- CEQA: Exempt, File No. PP07-213. (Finance)

### 2.21 Establish Open Purchase Orders for the Purchase of Fuel and Petroleum Products.

- Recommendation:** Adopt a [resolution](#) authorizing the Director of Finance to:
- (a) Establish unencumbered Open Purchase Orders for the purchase of fuel and petroleum products with three fuel vendors for a total aggregate amount not to exceed \$5,800,000, for the period July 1, 2011 to June 30, 2012 as follows:
    - (1) Western States Oil Company (San Jose, CA) not to exceed \$4,060,000.
    - (2) Coast Oil Company (San Jose, CA) not to exceed \$580,000.
    - (3) Valley Oil Company (Mountain View) not to exceed \$1,160,000.
  - (b) Increase or decrease the not-to-exceed amount for each purchase order as required due to the volatility in fuel prices; subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP10-066(a), agreements and contracts. (Finance)

### 2.22 Setting a Public Hearing on Sewer Service and Use Charges and Storm Sewer Service Charges to be Placed on the Fiscal Year 2011-2012 County Assessment Roll.

- Recommendation:** Adopt a [resolution](#):
- (a) Setting a Public Hearing on Tuesday, August 2, 2011, at 1:30 p.m. for 2011-2012 Sewer Service and Use Charges and Storm Sewer Service Charges based on annual reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing.
  - (b) Allowing the Director of Finance to file, with the City Clerk, the 2011-2012 Sewer Service and Use Charges and Storm Sewer Service Charges on or before July 15, 2011.
- CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities. (Finance)

## 2. CONSENT CALENDAR

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### 2.23 [Open Purchase Order 44517 with Granite Construction Co. for the Purchase of Asphalt Concrete.](#)

**Recommendation:** Authorize the Director of Finance to execute a change order to the existing Open Purchase Order 44517 with Granite Construction Co. (San Jose, CA) to encumber an additional \$51,189 for a total amount not to exceed \$1,351,189 for the purchase of Asphalt Concrete for the one-year term ending May 30, 2011. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Purchase of Supplies. (Finance)

### 2.24 [Open Purchase Order 45522 with Baker and Taylor for the Purchase of Books Including Trade Editions, Publishers Library Bindings, Single Binding Editions, Quality Paperbacks and Preprocessing.](#)

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

- (a) Execute a change order to the existing Open Purchase Order 45522 with Baker and Taylor (Commerce, GA) to encumber an additional \$250,000 for a total amount not to exceed \$1,250,000 for the purchase of books including trade editions, publishers library bindings, single binding editions, quality paperbacks and preprocessing as required.
- (b) Exercise four one-year options to renew the Purchase Order, not-to-exceed \$1,500,000 per year, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066 (a), Agreements and Contracts for Purchase of Supplies. (Finance)

### 2.25 [Agreement with Langham Consulting Services, Inc. to Provide Professional Services Related to the City's Integrated Billing System.](#)

Recommendation: Approve the fourth amendment to the [Agreement](#) with Langham Consulting Services, Inc. to provide professional services related to the City's Integrated Billing System; to increase the total compensation by \$410,000 to an amount not to exceed \$840,000; and to extend the agreement term through December 31, 2012. CEQA: Not a Project, File No. PP10-066 (e), Services that involve no physical changes to the environment. (Finance/Environmental Services)

### 2.26 [Relocation Plan for Taylor Oaks Apartments.](#) [Attachment – Draft Taylor Oaks Relocation Plan](#)

Recommendation: Adopt a [resolution](#) approving the Relocation Plan for Taylor Oaks Apartments at 2727-2738 Kollmar Avenue prepared by Overland, Pacific & Cutler, Inc. dated May 16, 2011. CEQA: Exempt, File No. PP11-022. (Housing)

## 2. CONSENT CALENDAR

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### 2.27 Agreements for Employee Assistance Program.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the following three current agreements between the City and MHN Services to extend each agreement for a period of six months, from July 1, 2011 to December 31, 2011:
  - (1) Employee Assistance Program for sworn employees at an added cost not to exceed \$254,500, and a total cost not to exceed \$2,500,000 for the total Agreement term,
  - (2) Employee Assistance Program for non-sworn employees at an added cost not to exceed \$64,000, and a total cost not to exceed \$610,000 for the total Agreement term, and
  - (3) Critical Incident Stress Debriefing for sworn employees at an added cost not to exceed \$7,500, and a total cost not to exceed \$35,000 for the total Agreement term.
- (b) For all three agreements together, extending the term for a period of six additional months will result in total costs not to exceed \$326,000 for the period of July 1, 2011 to December 31, 2011, and for total costs not to exceed \$3,145,000 for the entire four years and three months term, from October 1, 2007 to December 31, 2011.

CEQA: Not a Project, File No. PP10-066 (e). (Human Resources)

### 2.28 Agreements with Standard Insurance Company.

- \* **Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute amendments to extend the two current group life insurance agreements between the City and Standard Insurance Company for a period of six months, from July 1, 2011 to December 31, 2011, to add compensation in an amount not to exceed \$550,000 and for contract costs not to exceed \$5,620,000, subject to the appropriation of available funds as follows:

- (a) Master Insurance Agreement.
  - (1) Basic Life Insurance – City-paid basic life insurance for employees at a total additional cost not to exceed \$236,000.
  - (2) Basic Life Insurance – Retiree-paid basic life insurance for retirees at a total additional cost not to exceed \$87,000.
  - (3) Additional Life Insurance – Employees. Employee-paid additional life insurance at a total additional cost not to exceed \$193,000.
  - (4) Dependent Life Insurance – Employees and Retirees. Employee and retiree-paid dependent life insurance at a total additional cost not to exceed \$13,000.
- (b) Agreement for Additional Life Insurance for Retirees.
  - (1) Retiree-paid – additional life insurance at a total additional cost not to exceed \$21,000.

CEQA: Not a Project, File No. PP10-066 (e). (Human Resources)

## 2. CONSENT CALENDAR

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### 2.29 [Agreement with FBMC Benefits Management, Inc., formerly Fringe Benefits Management Company, to provide City's Medical and Childcare Flexible Spending Accounts.](#)

**Recommendation:**

- (a) Approve an [Agreement](#) with FBMC Benefits Management, Inc. (formerly Fringe Benefits Management Company) to provide City's medical and childcare flexible spending accounts (FSAs), including Internal Revenue Code (IRC) Section 125 compliance management services, and third party administrator (broker) services for the City's voluntary insurance benefits program for the period of January 1, 2011 to December 31, 2011, with two (2) one-year options to renew the Agreement through December 31, 2013, and one (1) twenty-month option to renew the Agreement from January 1, 2014 to August 31, 2015, for pre-funding costs not to exceed \$15,220 for plan year 2011 and \$42,000 for each subsequent plan year (2012, 2013 and 2014), and for total pre-funding costs not to exceed \$141,220 for the total fifty-six (56) month term, subject to appropriation of funds by the City Council; and
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund (Fund 160) for 2010-2011;
  - (1) Increase the estimate for Earned Revenue in the amount of \$9,450;
  - (2) Increase the estimate for Transfers in the amount of \$4,770; and
  - (3) Increase in the Flexible Spending Account appropriation to the Human Resources Department in the amount of \$14,220.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund (Fund 001) for 2010-2011:
  - (1) Decrease the Wellness Program Reserve in the amount of \$4,770; and
  - (2) Establish a Transfer to the Benefit Fund (Fund 160) in the amount of \$4,770.
- (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund (Fund 160) for 2011-2012:
  - (1) Increase the estimate for Transfers in the amount of \$8,700; and
  - (2) Increase in the Flexible Spending Account appropriation to the Human Resources Department in the amount of \$8,700.
- (e) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund (Fund 001) for 2011-2012:
  - (1) Decrease the Wellness Program Reserve in the amount of \$8,700; and
  - (2) Establish a Transfer to the Benefit Fund (Fund 160) in the amount of \$8,700.

CEQA: Not a Project, File No. PP10-068 (b), Municipal Code, Title 3. (Human Resources/City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.30 [Grant Agreement with Santa Clara Valley Water District for the Penitencia Creek Reach 1B Project.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager to accept, negotiate, and execute a grant agreement with the Santa Clara Valley Water District the amount of \$300,000 for the Penitencia Creek Reach 1B (Dorel Drive to Noble Avenue) Trail project with a City contribution of \$1,200,000 and to make the required commitments and assurances as set forth in the staff memorandum. CEQA: Mitigated Negative Declaration, File No. PP06-111. (Parks, Recreation and Neighborhood Services)

### 2.31 [Grant Agreement with State of California for the Coyote Creek \(Highway 237 Bikeway to Tasman Drive\) Trail Project.](#)

**Recommendation:** Approve a grant [agreement](#) between the City and the State of California through the California Department of Transportation in the amount of \$350,000 for the Coyote Creek (Highway 237 Bikeway to Tasman Drive) Trail project with a City contribution of \$950,000. CEQA: Categorically Exempt, File No. PP10-144. (Parks, Recreation and Neighborhood Services)

### 2.32 [Master Agreement with CH2M Hill, Inc., for Consultant Design Services Supporting Various City Trail Projects.](#)

**Recommendation:** **Approve the second amendment to the [master agreement](#)** with CH2M Hill, Inc., extending the duration from June 30, 2011 to June 30, 2013, for a continuation of ongoing consultant design services supporting various City trail projects, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Agreements/Contracts (New or Amended). (Public Works)

### 2.33 [Master Agreement with Callander Associates Landscape Architecture, Inc., for Consultant Design Services Supporting Various City Trail Projects.](#)

**Recommendation:** Approve the first amendment to the [master agreement](#) with Callander Associates Landscape Architecture, Inc., extending the duration from June 30, 2011 to June 30, 2013, for a continuation of ongoing consultant design services supporting various City trail projects, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Agreements/Contracts (New or Amended). (Public Works)

### 2.34 [Report on Bids and Award of Contract for the Paul Moore Park Youth & Tot Lot Renovation Project.](#)

**Recommendation:** Report on bids and award of contract for the Paul Moore Park Youth & Tot Lot Renovation Project No. 6231 to the low bidder, Goodland Landscape Construction, Inc., for the base bid and Add Alternate No. 1 in the amount of \$777,231, and approval of a contingency in the amount of \$39,000. CEQA: Exempt, File No. PP10-176. Council District 9. (Public Works)

## 2. CONSENT CALENDAR

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### 2.35 [Agreement with Financial Consulting Solutions Group, Inc. for the Storm Drainage, Sanitary Sewer and Sewage Treatment Plant Connection Fee Study.](#)

Recommendation: Approve the second amendment to the consultant [agreement](#) with Financial Consulting Solutions Group, Inc. for the Storm Drainage, Sanitary Sewer and Sewage Treatment Plant Connection Fee Study, extending the term of the agreement from June 30, 2011 to June 30, 2013, and increasing the amount of compensation by \$40,000, for the total agreement amount not to exceed \$348,000. CEQA: Not a Project, File No. PP10-066(d), Agreements/Contracts (New or Amended). (Public Works)

### 2.36 [Guadalupe Corridor Project.](#)

- \* **Recommendation:** Approve First Amendment to the Right of Way Cooperative [Agreement](#) between the City of San José, Santa Clara County, State of California and Valley Transportation Authority for the Guadalupe Corridor Project to extend the term of the agreement from June 30, 2011 to June 30, 2012, and update and replace Exhibit C to the original Agreement to reflect the latest parcel inventory and status. CEQA: File No. PP07-129, Guadalupe Corridor EIR, December 1981. (Transportation)

### 2.37 [Agreements for BART/Silicon Valley Berryessa Extension.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the following agreements related to the BART project:

- (a) A cooperative agreement between the City of San José (City) and Santa Clara Valley Transportation Authority (VTA) for the construction by VTA of improvements to the existing storm drain system located at Trimble Road and Capitol Avenue, at no cost to the City, and City will own, operate and maintain the improvements after completion;
- (b) A cooperative agreement between the City and VTA for the construction by VTA of required improvements to support a future Berryessa BART Station, at no cost to the City, and City will own, operate and maintain the improvements after completion; and
- (c) A cooperative agreement between the City, VTA, and Santa Clara Valley Water District for the construction by VTA of improvements to Upper Penitencia Creek, at no cost to the City, and City will own, operate and maintain certain improvements after completion.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. Council District 3. (Transportation)

## 2. CONSENT CALENDAR

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### 2.38 [Amendment to Orrick Herrington Legal Services Agreement.](#)

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixteenth Amendment to the agreement with Orrick Herrington & Sutcliffe LLP for legal services related to the financing of improvements at the Norman Y. Mineta San Jose International Airport and the City's outstanding Airport revenue debt, to increase the compensation by \$75,000 for a total amount not to exceed \$610,000. CEQA: Not a Project, File No. PP10-066, services that involve no physical changes to the environment. (City Attorney's Office)  
(Rules Committee referral 06/08/11)

### 2.39 [Amendment to the City of San José Pay Plan.](#)

Recommendation: Adopt a [resolution](#):

- (a) Amending the City of San José Pay Plan, effective June 26, 2011, to create the following classifications:
  - (1) Council Policy Aide, Analyst, Advisor, Director (7671/7673/7675/7677);
  - (2) Council Community Relations Aide, Representative, Coordinator, Director (7672/7674/7676/7678); and
  - (3) Council Chief of Staff (7679).
- (b) Amending the City of San José Pay Plan, effective June 26, 2011, to delete job classifications no longer in use:
  - (1) Council Assistants (8899); and
  - (2) Senior Council Aide (PT) (7663).

(Human Resources)

(Rules Committee referral 06/08/11)

### 2.40 [Master Agreement with GHD Inc., for Asset Management Consultant Services.](#) [Attachment – Letter from the Treatment Plant Advisory Committee](#)

**Recommendation:** Approve a [master agreement](#) with GHD Inc., for Asset Management Consultant Services in an amount not to exceed \$300,000, for a term of July 1, 2011 date to June 30, 2014. CEQA: Not a Project, File No. PP10-066(a), new contract for professional services with no change to the physical environment. (Environmental Services)  
(To be Deferred from 6/14/11 – Item 2.10)

### 2.41 [Agreement with Westin Engineering, Inc., for Implementation of a Computerized Maintenance Management System.](#)

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

Recommendation: Approve a [Continuation Agreement](#) with Westin Engineering, Inc., for Implementation of a Computerized Maintenance Management System at the San Jose/ Santa Clara Water Pollution Control Plant for ten additional months to expire on June 30, 2012, at no additional cost. CEQA: Not a Project, File No. PP10-066(a), Contract amendment for software installation and support. (Environmental Services)

(Deferred from 6/14/11 – Item 2.11)

## 2. CONSENT CALENDAR

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### 2.42 [Agreement with Signature Technologies for the Public Address System at International Terminal at the Airport.](#)

**Recommendation:** Adopt a resolution authorizing the Director of Finance to execute the Second Amendment to the Public Address System [Agreement](#) with Signatures Technology Inc., dba Com-Net Software, to expand the public address system into the Federal Inspections Services International Terminal at the Norman Y. Mineta San José International Airport and to increase the total compensation by an amount not to exceed \$50,438, from \$2,276,269 to \$2,326,707, including all hardware, software, sales tax and the first year of support and professional services and warranty. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-160. (Finance)

\* **RENUMBERED FROM ITEM 3.5**

### 2.43 [Appointments and Reappointments to Boards, Commissions and Committees.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on May 25, 2011 and June 15, 2011:

- (a) Appoint Clorama Sarah Dorvillias to the Housing and Community Development Advisory Commission to an unexpired term ending December 31, 2011. (Nguyen)
  - (b) Appoint Amal Sinha to the Human Right Commission to an unexpired term ending December 31, 2011. (Chu)
  - (c) Appoint Brad Cox to the Library Commission to a term ending June 30, 2014. (Oliverio)
  - (d) Appoint Zheng Yu Huang and John Horton to the Small Business Development Commission to unexpired terms ending December 31, 2013, and Richard Reed to an unexpired term ending December 31, 2012. (Chu)
  - (e) Reappoint Milton Cadena, Martha O'Connell, and Chaitanya Vaidya to the Senior Citizens Commission to terms ending June 30, 2014, and appoint Vincent Tarpey, Margaret Young, and Lynda Kelaita to term ending June 30, 2014. (Constant)
- \* [Rules Committee referral 5/25/11 – Items G(1)(a) – G(1)(e)]
- (f) Appoint Hope Cahan, City Planning Commissioner, to the Airport Noise Advisory Committee. (Airport)
  - (g) Reappoint Kaela Bernal, Walter Soellner, Patrick Lydon, Chris Esparza, and Ben Miyaji to the Arts Commission to terms ending June 30, 2014. (Liccardo)
  - (h) Reappoint Daniel E. Collen and Elizabeth Kabanek to the Traffic Appeals Commission to terms ending June 30, 2014. (Nguyen)
  - (i) Reappoint Leslee Hamilton and Winston Chew to the Parks and Recreation Commission to terms ending June 30, 2014. (Pyle)
  - (j) Reappoint James Westman and Christine Wright to the Disability Advisory Commission to terms ending June 30, 2014. (Pyle)
  - (k) Reappoint George Gange and Ian Klufft to the Airport Commission to terms ending June 30, 2014. (Chu)
  - (l) Reappoint William Collins and Kaushik Joglekar to the Early Care Education Commission to terms ending June 30, 2014. (Rocha)

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.43 Appointments and Reappointments to Boards, Commissions and Committees. (Cont'd.)

**Recommendation:**

(m) Appoint Oliver Minkowski of Quality Beyond Testing, San Jose, California, to serve as private-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by Law. (Mayor)

\* [Rules Committee referral 6/15/11 – Items G(1)(a) – G(1)(h)]

### 2.44 [Master Agreement for the Terms and Conditions of Accepting Airport Improvement Program Grants with the United States Department of Transportation Federal Aviation Administration.](#)

**Recommendation:** Approve a [Master Agreement](#) for the Terms and Conditions of Accepting Airport Improvement Program (AIP) grants with the United States Department of Transportation Federal Aviation Administration (FAA) which shall apply to all future AIP grants from the FAA. CEQA: Resolutions No. 67380 and 71451, File No. PP 11-049. (Airport)

\* (Rules Committee referral 6/15/11)

### 2.45 [Actuarial Services Related to Labor Negotiations.](#)

**Recommendation:** Adopt a resolution authorizing the City Attorney to execute a Second Amendment to Second Continuation [Agreement](#) with Bartel Associates LLC for actuarial services related to labor negotiations, to extend the term through December 31, 2011, with no increase in the amount of total compensation allowed. CEQA: Not a Project; File No. PP10-066e, Services that involve no physical changes to the environment. (City Attorney's Office)

\* (Rules Committee referral 6/15/11)

### 2.46 [Application to the State of California for Grant Funding from the Housing-Related Parks Program.](#)

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

- (a) Authorize the Director of Housing, or designee, to submit a grant application in the amount of up to \$1,781,200 to the California Department of Housing and Community Development, such amount being subject to revision by HCD in the course of application review, under the Housing-Related Parks Program (HRPP) for the acquisition of parkland in the Rincon South neighborhood.
- (b) Authorize the Director of Housing, or designee, to accept HRPP grant awards and conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with these grants.

CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Housing/Parks, Recreation and Neighborhood Services)

\* (Rules Committee referral 6/15/11)

## 2. CONSENT CALENDAR

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### 2.47 [Mid-Autumn Festival.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on June 15, 2011:

- (a) Approve the Mid-Autumn Festival as a City Council Sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the Mid-Autumn Festival.

(City Clerk)

\* [Rules Committee referral 6/15/11 – Item H(3)]

### 2.48 [Discussions with the City of Campbell Regarding Cambrian No. 36.](#)

**Recommendation:** Adopt a [resolution](#) extending the period of time to September 30, 2011, for discussions with the City of Campbell regarding options for the reorganization of some or all of the affected 103-acre territory of Cambrian No. 36 in a manner that would be revenue neutral or beneficial to the City of San Jose. CEQA: Not a Project, PP10-069, City Organizational & Administrative Activities. Council District 9.

(Planning, Building and Code Enforcement)

\* **RENUMBERED FROM ITEM 4.5**

### 2.49 [Report on the San José Bringing Everyone’s Strengths Together and Mayor’s Gang Prevention Task Force Programs.](#)

[Attachment – Memo from Mayor Reed](#)

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on June 16, 2011:

- (a) Accept the report on 2009-2010 San Jose Bringing Everyone’s Strengths Together (BEST) and the Mayor’s Gang Prevention Task Force (MGPTF) Evaluation Report.
- (b) Approve the MGPTF Strategic Work Plan Update 2011-2013 "Action Collaboration Transformation."
- (c) Approve the Resource Allocation Plan of the San Jose BEST Program for 2011-2012.

(City Manager’s Office)

\* [Public Safety, Finance and Strategic Support Committee 6/16/11 – Item D(1)]

## 3. STRATEGIC SUPPORT SERVICES

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### 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

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ITEMS 3.3, 3.12 AND 3.4 TO BE HEARD FIRST, IN THAT ORDER, BEFORE OTHER ACTIONS, INCLUDING CONSENT CALENDAR

3.3 [Approval of Various Budget Actions for Fiscal Year 2010-2011.](#)  
[Supplemental Memo from Budget Director](#)

**Recommendation:** Adopt amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated 2010-2011 revenue receipts, expenses, and encumbrances. CEQA: Not a Project, File No. PP10-067 (b), Appropriation Ordinance. (City Manager's Office)

3.4 [Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2011-2012 Budget, and Resolution Establishing the Fiscal Year 2011-2012 Appropriation Limit.](#)

**Recommendation:**

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2011-2012 and the Manager's Final Budget Addendum.
- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2011-2012 and the Manager's Final Budget Addendum.
- (c) [Adopt a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 88 electing the population and inflation factors and establishing the Fiscal Year 2011-2012 Appropriation Limit.](#) [resolution](#)

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

3.5 [Agreement with Signature Technologies for the Public Address System at International Terminal at the Airport.](#)

**Recommendation:** Adopt a resolution authorizing the Director of Finance to execute the Second Amendment to the Public Address System [Agreement](#) with Signatures Technology Inc., dba Com-Net Software, to expand the public address system into the Federal Inspections Services International Terminal at the Norman Y. Mineta San José International Airport and to increase the total compensation by an amount not to exceed \$50,438, from \$2,276,269 to \$2,326,707, including all hardware, software, sales tax and the first year of support and professional services and warranty. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-160. (Finance)

\* **RENUMBERED TO ITEM 2.42**

3.6 [Tax and Revenue Anticipation Note.](#)  
[Presentation](#)

**Recommendation:**

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2011-2012:
  - (1) Increase the estimate for Other Revenue in the amount of \$125,000,000;

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Tax and Revenue Anticipation Note. (Cont'd.)

**Recommendation:**

- (a) (2) Increase the estimate for Use of Money and Property in the amount of \$50,000; and
- (3) Increase the City-wide appropriation to the Finance Department for TRANs Debt Service by the amount of \$125,050,000.
- (b) Adopt a [resolution](#) to:
  - (1) Authorize the issuance and sale of the City of San José 2011 Tax and Revenue Anticipation Note (“2011 Note”) in the not to exceed aggregate principal amount of \$125,000,000, to be sold through a private placement;
  - (2) Approve, in substantially final form, the [Note Purchase Agreement](#) and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2011 Note and authorizing other related actions in connection therewith; and [Side Letter](#)
- (c) Adopt a resolution authorizing the Director of Finance to negotiate and execute a third amendment to the agreement with Public Resources Advisory Group serving as the City General Financial Advisor to increase the total not to exceed compensation amount authorized under the agreement from \$350,000 to \$450,000.

CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (Finance/City Manager’s Office)

\* **TO BE HEARD NO EARLIER THAN 3:00 P.M.**

#### 3.7 [Issuance of City of San Jose Airport Revenue Bonds, Series 2011A.](#)

[Supplemental – Memo from the Department of Finance Presentation](#)

**Recommendation:**

- (a) Hold a TEFRA (Tax Equity and Fiscal Responsibility Act) hearing with respect to the proposed issuance by the City of tax-exempt airport revenue bonds and subordinated airport commercial paper notes in an aggregate principal amount not to exceed \$320,000,000, pursuant to a plan of financing in order to provide proceeds to finance or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in or are consistent with the Airport Master Plan for the Airport.
- (b) Adopt the Sixteenth Supplemental [Resolution](#) (the “Resolution”) of the City Council authorizing the issuance of City of San José Airport Revenue Bonds, Series 2011A in one or more series (the “2011A Bonds”) in a total aggregate principal amount of not to exceed \$300,000,000, to be sold through negotiated sale; approving in substantially final form the Seventh [Supplemental Trust Agreement](#), the [Preliminary Official Statement](#), the [Bond Purchase Agreement](#), the Escrow Agreement and the [Continuing Disclosure Certificate](#); authorizing the distribution of one or more Preliminary Official Statements and the Final Official Statements; and authorizing and approving other related actions in connection with the issuance of the Series 2011A Bonds.  
[Appendix A](#) [Appendix B](#) [Appendix C](#)

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Issuance of City of San Jose Airport Revenue Bonds, Series 2011A. (Cont'd.)

**Recommendation:**

- (c) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement by and among the City, Public Financial Management and Public Resources Advisory Group for financial advisory services in connection with the issuance of the City of San José Airport Revenue Bonds Series 2011A and Series 2011B, in an amount not to exceed \$420,000.
- (d) Adopt a resolution authorizing the City Attorney to negotiate and execute an Agreement with Orrick, Herrington & Sutcliffe LLP for bond and disclosure counsel services in connection with the issuance of the City of San José Airport Revenue Bonds Series 2011A and Series 2011B, in an amount not to exceed \$350,000.

CEQA: Resolutions No. 67380 and 71451, File No. PP 07-149. (Finance)

\* **TO BE HEARD NO EARLIER THAN 3:00 P.M.**

#### 3.8 [Agreements for Revenue Enhancement Services Relating to Sales and Use Tax, Utility Users Tax and Franchise Fees, and Lodging Taxes and Fees.](#)

**Recommendation:** Adopt resolutions to:

- (a) Authorize the Director of Finance to negotiate and execute the following agreements with:
  - (1) MuniServices to provide Sales and Use Tax revenue enhancement services and data analysis for the term of July 1, 2011 through June 30, 2014, at a maximum annual compensation not to exceed \$415,000, with two one-year options to extend through June 30, 2016, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds;
  - (2) Tax Compliance Services to provide Utility Users Tax and Franchise Fee compliance services for the term of July 1, 2011 through June 30, 2014, at a maximum annual compensation not to exceed \$127,800, with two one-year options to extend through June 30, 2016, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds; and
  - (3) Tax Compliance Services to provide Lodging Taxes and Fees compliance services for the term of July 1, 2011 through June 30, 2014, at a maximum annual compensation not to exceed \$46,125, with two one-year options to extend through June 30, 2016, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds.
- (b) Authorize MuniServices to examine all Sales and Use Tax records of the California State Board of Equalization for tax collection purposes and other governmental functions of the City. [Resolution](#)

CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (Finance)

### 3. STRATEGIC SUPPORT SERVICES

#### 3.9 Actions Related to the City's Financial Reporting Fund Balance Policy.

Recommendation: Adopt a [resolution](#) approving a new City Council Policy entitled, "Governmental Fund Balance Financial Reporting Policy," to comply with Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy revision. (Finance)

#### 3.10 Actions Related to the Receipt of Funds for the Early Retiree Reinsurance Program.

**Recommendation:**

- (a) Adopt a [resolution](#) authorizing the City Manager to accept funds from the U.S. Department of Health and Human Services in the amount of \$1,276, 177 for the Early Retirement Reinsurance Program in the 2010-21011 fiscal year;
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund (Fund 160) for 2011-2012:
  - (1) Increase the estimate for Beginning Fund Balance in the amount of \$1,276,177;
  - (2) Establish an earmarked reserve for Early Retiree Reinsurance Program in the amount of \$1,276,177.

CEQA: Not a Project, File No. PP10-068(a). (Human Resources/City Manager's Office)

#### 3.11 Declaration of a Fiscal and Public Safety Emergency and discussion of possible ballot language.

[Memo from Councilmember Rocha](#)

[Memo from Mayor Reed](#)

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Pyle](#)

[Memo from Mayor Reed](#)

**Recommendation:**

- (a) Adopt a Declaration of a Fiscal and Public Safety Emergency establishing the necessity of making fiscal reforms to avert a fiscal disaster, prevent substantial degradation of public safety and other vital city services, and maintain the integrity of our retirement system so that earned and accrued benefits can be paid to current and future retirees.  
(Deferred from May 24, 2011 – Item 3.4)
- (b) Discuss possible draft ballot language for ballot measures allowing the residents of San José to vote on proposed changes to the Charter:
  - (1) Discuss possible draft ballot language for proposed changes to the Charter to set maximum limits on benefits and other compensation that may not be exceeded without voter approval;  
(Referral from May 24, 2011 – Item 3.4)
  - (2) Amend Charter Section 1504 and Section 1505 to clarify purpose of disability retirement benefit.  
(Referral from May 3, 2011 – Item 3.5)

**RECOMMEND DEFERRAL TO 6/24/11 PER MAYOR REED**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.12 Master Parking Rate Schedule.

##### Attachment – Memo from Councilmember Liccardo

##### Supplemental – Memo from the Department of Transportation

**Recommendation:** Adopt a resolution to repeal Resolution No. 75686 and set forth the Master Parking Rate Schedule, with rates effective July 1, 2011, unless noted otherwise to:

- (a) Implement the following parking rate and validation program changes at the Fourth Street Garage, the Market/San Pedro Square Garage, the Second/San Carlos Garage, and the Third Street Garage:
  - (1) Increase the daytime incremental parking rate from \$0.75 to \$1 every 20 minutes;
  - (2) Increase the maximum incremental daily parking rate from \$15 to \$20;
  - (3) Increase the evening flat rate from \$4 to \$5 effective January 1, 2012;
  - (4) Establish a \$4 flat daily rate Saturdays, Sundays and major holidays, with an increase to \$5 effective January 1, 2012; and
  - (5) Modify the Downtown Parking Validation Program to provide for unlimited parking between 6 PM to 6 AM, Monday through Friday and all day on Saturday, Sunday and major holidays, with a two hour validation coupon.
- (b) Increase the daytime incremental parking rate from \$0.75 to \$1 every 20 minutes and increase the maximum incremental daily parking rate from \$15 to \$20 at the City Hall Garage.
- (c) Eliminate the one hour of free parking after 6:00 PM at the Fourth Street Garage.
- (d) Modify the Free and 50% Discounted Parking Incentive programs to allow a building owner or property manager to enter into a parking lease agreement with the City on behalf of their tenant(s), for up to two years of free or 50% discounted parking for eligible businesses and under the same terms and conditions of the existing programs.
- (e) Incorporate other changes as described in this memorandum to include the Japantown Lot and previously owned Redevelopment Agency parking facilities transferred to the City and other new facilities now owned, controlled, or operated by the City, improve operations of the parking facilities and associated programs, modify eligibility for the Clean Air Vehicle Program and Downtown Validation Program, and clarify the Director of Transportation's authority relative to establishing parking rates.

(Transportation)

\* [Deferred from 6/14/11 – Item 3.7(c)]

**ITEMS 3.3, 3.12 AND 3.4 TO BE HEARD FIRST, IN THAT ORDER, BEFORE OTHER ACTIONS, INCLUDING CONSENT CALENDAR**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.1 Public Hearings on Business Improvement District Reports for FY 2011-2012.**

#### **Recommendation:**

- (a) [Conduct public hearing and adopt a resolution approving the Hotel Business](#)  
Improvement District budget report for Fiscal Year 2011-12, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2011-2012. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development) [Resolution](#)
- (b) [Conduct public hearing and adopt a resolution approving the Japantown Business](#)  
Improvement District budget report for Fiscal Year 2011-12, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2011-2012. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development) [Resolution](#)
- (c) [Conduct public hearing and adopt a resolution approving the Downtown Business](#)  
Improvement District budget report for Fiscal Year 2011-12, as filed or as modified by the Council, and to levy the Downtown BID increased assessments for 2011-2012. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: St. James Square; University; Joséfa/Auzerais; Burbank/Del Monte. (Economic Development) [Resolution](#)

**TO BE HEARD NO EARLIER THAN 1:30 P.M.**

### **4.2 [Sale of City-Owned Surplus Property on Cahalan Avenue.](#)**

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

- (a) Declare the vacant 50,530 square foot City-owned parcel [APN 464-44-057] located at the northern terminus of Cahalan Avenue south of the Route 85 freeway surplus to the needs of the City;
- (b) Approve an [agreement](#) between the City and Summerhill Blossom Hill Land Holding, LLC, for the sale of the property in the amount of \$450,000; and
- (c) Authorize the Director of Economic Development or designee to execute all sales documents and deeds necessary to complete the transaction.

CEQA: Exempt, File No. PP10-102. Council District 10. (Economic Development)

- (a) Declare the vacant 50,530 square foot City-owned parcel [APN 464-44-057] located at the northern terminus of Cahalan Avenue south of the Route 85 freeway surplus to the needs of the City;
- (b) Approve an agreement between the City and Summerhill Blossom Hill Land Holding, LLC, for the sale of the property in the amount of \$450,000; and
- (c) Authorize the Director of Economic Development or designee to execute all sales documents and deeds necessary to complete the transaction.

CEQA: Exempt, File No. PP10-102. Council District 10. (Economic Development)

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **4.3 Purchase and Sale Agreement for City Owned Property Located at 150 Terraine Street.**

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

- (a) Declare the vacant 13,045 square foot 150 Terraine Street City-owned Parcel (APN 259-32-083) surplus to the needs of the City;
- (b) Authorize the City Manager or designee to negotiate and execute a Purchase and Sale Agreement for City owned property located at 150 Terraine Street; and
- (c) Authorize the City Manager or designee to execute all sales documents and deeds necessary to complete the transaction.

CEQA: Resolution No. 72767, File No. CP 09-054. Council District 3. (Economic Development)

### **4.4 Implementation of School of Arts & Culture at Mexican Heritage Plaza.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an Interim Incubator Operator Agreement with 1stACT Silicon Valley, for the management and operation of the Plaza based on business terms and conditions described in this memorandum for a term not to exceed 3 years at a maximum total compensation not to exceed \$1,485,000, subject to the City Council's annual appropriation of funds for the operating payments.
- (b) Adopt a [resolution](#) to amend the FY 2011-2012 Schedule of Fees and Charges (Resolution No. 72737, as amended) to suspend the use and rental fees for Mexican Heritage Plaza for so long as the City is not operating the facility.

CEQA: Exempt, File No. PP10-097. Council District 5. SNI Area: Mayfair. (Public Works/Office of Economic Development)

### **4.5 Discussions with the City of Campbell Regarding Cambrian No. 36.**

Recommendation: Adopt a [resolution](#) extending the period of time to September 30, 2011, for discussions with the City of Campbell regarding options for the reorganization of some or all of the affected 103-acre territory of Cambrian No. 36 in a manner that would be revenue neutral or beneficial to the City of San Jose. CEQA: Not a Project, PP10-069, City Organizational & Administrative Activities. Council District 9. (Planning, Building and Code Enforcement)

\* **RENUMBERED TO ITEM 2.48**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Parks, Recreation and Neighborhood Services 2011-2012 Agreements.

**Recommendation:** Adopt a [resolution](#) authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements and amendments for the Department of Parks, Recreation and Neighborhood Services identified on Attachment A of the staff memorandum consistent with the 2011-2012 Proposed Budget;
- (b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified in Attachment B of the staff memorandum;
- (c) Authorize the City Manager to negotiate and execute a four-month extension of the agreement with the County of Santa Clara for the Senior Nutrition Agreement into the first four months of 2011-2012 and to accept grant funds for that period in amounts consistent with budgeted amount in the 2010-2011 agreement, until a new agreement for 2011-2012 is finalized with the County;
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to negotiate and execute 2011-2012 contracts and amendments consistent with Adopted Budget amounts for the following grant programs:
  - (1) Bringing Everyone's Strengths Together (B.E.S.T.)
  - (2) Safe Summer Initiative Grant (S.S.I.G.)
  - (3) Mayor's Gang Prevention Task Force Memorandums of Understanding
- (e) Authorize the City Manager or designee to negotiate and execute 2011-2012 contracts and amendments consistent with Adopted Budget amounts for the following:
  - (1) Children's Health Initiative
  - (2) General Fund Grants (formerly known as Healthy Neighborhoods Venture Fund - HNVF)
- (f) Authorize the City Manager to negotiate and execute the Third Amendment to the Park Maintenance Agreement between the City of San Jose and Hitachi Technologies, Inc. to extend the term of maintenance agreement from June 30, 2011 to June 30, 2012 for the Ramac, Raleigh Linear Green and Charlotte Commons parks at no cost to the City.

CEQA: Grace Baptist Church, Not a Project, File PP10-066(e), Lease of Existing Space; Kids Love Soccer, Not a Project, File PP10-066(e), Consultant Services; Children's Health Initiative, Not a Project, File PP10-066(e), Services that involve no change to the environment; Hitachi Technologies, Mixed Use Transit Village, EIR, Resolution No. 72772; B.E.S.T., Not a Project, File PP10-066(e), Services that involve no change to the environment; General Fund Grants, Not a Project, File PP10-066(e), Services that involve no change to the environment; Alum Rock School District, Not a Project, File PP10-066(e), Services that involve no change to the environment; COPS Urban Violence Grant, Not a Project, File PP10-066(e), Services that involve no change to the environment; County of Santa Clara – Mental Health Services, Not a Project, File PP10-066(e), Services that involve no change to the environment; First 5 of Santa Clara County, Not a Project, File PP10-066(e), Services that involve no change to the environment; County of Santa Clara Agreement for Senior Nutrition Program, Not a Project, File PP10-066(e), Services that involve no change to the environment. (PRNS)

## **5. NEIGHBORHOOD SERVICES**

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### **5.2 Actions Related to the Neighborhoods Commission.** **Attachment – Memo from Councilmember Herrera**

Recommendation: Approve an [ordinance](#) amending Ordinance No. 28178 to adjust the dates of the two-year pilot for the Neighborhoods Commission to reflect an extension of the Commission to December 31, 2011. CEQA: Not a Project, File No. PP10-069, City Organizational & Policy Making. (Parks, Recreation and Neighborhood Services)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Monterey Road Resurfacing Rehabilitation Project.

#### **Recommendation:**

- (a) Adopt a [resolution](#) authorizing the Director of Public Works to:
  - (1) Determine the lowest responsive and responsible bidder and to award a construction contract for the 2010 STP Resurfacing and Rehabilitation Project–Monterey Road to the lowest responsive bidder, in an amount not to exceed the funds appropriated for the project, or to reject all bids and re-bid the project; and
  - (2) Determine whether or not to award the “green” resurfacing process bid alternate as part of the construction contract, provided that awarding this bid alternate would not cause the construction contract to exceed the amount of funds appropriated for the project.
- (b) Approve a contingency equal to five percent of the base contract award amount.  
CEQA: Exempt, File No. PP11-035. Council District 2. (Transportation)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Public Hearing on a Commercial Solid Waste and Recyclables Collection Franchise Presentation

#### **Recommendation:**

- (a) Adopt a resolution to adopt the Negative Declaration prepared for the Commercial Collection System Redesign Project, File No. PP10-157, as having been completed in compliance with the California Environmental Quality Act and reflecting the City’s independent judgment and analysis. [CEQA](#)
- (b) Hold a public hearing on the application of Allied Waste Services of Santa Clara County for Commercial Solid Waste and Recyclable Material Collection Franchises for the North and South Service Districts; approve an ordinance granting the franchises; and adopt a [resolution](#) authorizing the City Manager to negotiate and execute a Commercial Solid Waste and Recyclable Material Collection Franchises [Agreement](#) with Allied Waste Services of Santa Clara County, in substantial compliance with the terms specified in the draft Franchises Agreement, for a term from September 13, 2011 through June 30, 2027.  
[Ordinance 1](#) [Ordinance 2](#)
- (c) Direct staff to return to Council in 2011-2012 with proposed ordinances or resolutions for adoption needed to implement the new commercial solid waste system, including establishing maximum customer service rates.

CEQA: Negative Declaration, File No. PP10-157. (Environmental Services/Planning, Building and Code Enforcement)

\* **TO BE HEARD NO EARLIER THAN 1:30 P.M.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 [Actions Related to the Construction and Operation of a Dry Anaerobic Digestion Facility.](#)

[Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#)  
[Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#)

\* **Recommendation:**

- (a) Adopt a [resolution](#) to adopt the Mitigated Negative Declaration prepared for the Dry-Fermentation Anaerobic Digestion Facility Project, File No. SP09-057, as having been completed in compliance with the California Environmental Quality Act and reflecting the City's independent judgment and analysis, and to adopt a related mitigation monitoring and reporting program. CEQA: Mitigated Negative Declaration for Special Use Permit for a 270,000 ton per year dry fermentation anaerobic digestion facility to process the organic portion of solid waste, File No. SP09-057. [Attachment – Letter from TPAC](#)
- (b) Adopt a resolution to authorize the City Manager to negotiate and execute a [ground lease](#) in the form proposed, with Zero Waste Energy Development Company for the construction and operation of a dry anaerobic digestion facility on Water Pollution Control Plant land, for a 30 year term, subject to base rent equivalent to \$850,000 per year on Phase I, and ongoing rent payments of \$4.35 per organic ton processed in Phases II and III, subject to annual adjustment directly tied to Consumer Price Index increases. [Attachment – Letter from TPAC](#)

Council District 4. (Planning, Building and Code Enforcement/Economic Development)

### 7.3 [Agreement with Zero Waste Energy Development Company, LLC, for Commercial Organic Waste Processing.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager to negotiate and execute a Commercial Organic Waste Processing Services [Agreement](#) with Zero Waste Energy Development Company, LLC, in substantial compliance with the terms specified in the draft Agreement, for a term from July 1, 2011 through June 30, 2027, with an initial service mobilization period from July 1, 2011 through June 30, 2012, and services to begin July 1, 2012, at a first year annual cost not to exceed \$6,000,000, subject to appropriation of funds. CEQA: Mitigated Negative Declaration for Special Use Permit for a 270,000 ton per year dry fermentation anaerobic digestion facility to process the organic portion of solid waste, File No. SP09-057. (Environmental Services)

### 7.4 [Term Sheet for the New Markets Tax Credit Transaction for the Environmental Innovation Center.](#)

[Supplemental – Memo from Environmental Services Department](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager to negotiate and execute a term sheet with JPMorgan Chase N.A., Brownfield Revitalization, LLC, Northern California Community Loan Fund, and HEDC-New Markets, Inc., to secure New Markets Tax Credit financing for the San José Environmental Innovation Center.

- (b) Adopt a resolution authorizing the City Manager or Designee to execute and record a grant [deed](#) effecting a lot line adjustment permit for the Environmental Innovation Center property.

CEQA: Negative Declaration for the renovation of the EIC was adopted on December 1, 2009, File No. PP09-138. (Environmental Services)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.5 [San José/Santa Clara Water Pollution Control Plant Odor Assessment. Supplemental – Memo from the Offices of Environmental Services and Public Works Attachment – Letter from the Treatment Plant Advisory Committee](#)

**Recommendation:**

- (a) Accept the Plant's odor assessment status report and direct staff to continue with the development of a regional odor assessment study:
  - (1) Develop a stakeholder process including the other possible odor generating facilities and the Plant's tributary agencies.
  - (2) Develop a funding plan to include a portion of the funding from sources other than the Sewer Service and Use Charges.
  - (3) Complete development of a scope and engage consultant services.
  - (4) Provide a status report in the fall of 2011 on progress made.
- (b) Accept the analysis of the feasibility of implementing odor control projects in three to seven years and direct staff to continue to explore the possibility of accelerating biosolids projects and deliver a status report in fall 2011.

CEQA: Not a Project, File No. PP10-069 (a) Staff Reports. (Environmental Services/Public Works)

(Deferred from 5/24/11 – Item 7.1 and 6/14/11 – Item 7.1)

\* **RECOMMEND DEFERRAL TO 8/16/11 PER ADMINISTRATION**

## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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- **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**
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

### 10.1 Tentative approval of General Plan Consent Calendar items.

No General Plan Public Hearings on Consent Calendar at this time.

### 10.2 [Amending the San José 2020 Land Use/Transportation Diagram designation on a 19.2-acre site located on the East side of Monterey Road approximately 500 feet southerly of East Alma Avenue.](#)

**Recommendation:** Adopt a [resolution](#) amending the San José 2020 Land Use/Transportation Diagram designation on a 19.2-acre site from General Commercial (approximately 7 acres) and Heavy Industrial (approximately 12.2 acres) to Combined Industrial/Commercial, located on the East side of Monterey Road, approximately 500 feet southerly of East Alma Avenue. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2, Kamkar and Kline absent) recommend approval. [CEQA](#): EIR Resolution to be adopted.

GP10-06-01 – District 7

**END OF GENERAL PLAN PUBLIC HEARINGS**

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) 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 Public Hearings Consent Calendar (Item 11.1) and considered separately.

## 11.1 Public Hearings on Consent Calendar.

### **Recommendation:**

- (a) [Consideration of an ordinance rezoning the real property located on the northeast corner of Toy Lane and Kettmann Road \(2605 Toy Lane\)](#) to allow up to two single-family houses on .32 acres. Specifically, the proposal would facilitate the following: 1) an existing single-family lot to be subdivided into two lots; 2) demolition of a detached garage and storage structure; 3) the addition of an attached garage to the existing detached single-family residence; and 4) the construction of a new single-family detached residence with an attached garage on the newly created lot (Desai Himanshu and Anima H. Trustee, Owner).  
CEQA: Exempt. [Ordinance](#)  
[PDC07-052](#) – District 8

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

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## 11.2 ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission’s decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.

Attachment – Memo from Councilmember Campos

**Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an appeal of the Planning Commission’s decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol at an existing full-service grocery store in an approximately 39,661 square-foot tenant space in a shopping center on a 14.10 gross-acre site in the CG-Commercial General Zoning District at the northeast corner of South White Road and Story Road (1070 S White road) (Mi Pueblo San José, Inc., Applicant / White Road Partners, LLC, Owner). SNI: East Valley/680 Communities. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends the Council uphold the appeal and overturn the Planning Commission’s decision to deny the permit and not grant the Determination of Public Convenience or Necessity.

CP11-017/ABC11-003 – District 5  
(Deferred from 5/17/11 – Item 11.4)

## 11.3 Rezoning real property located at/on the east side of Monterey Road.

Attachment – Memo from Vice Mayor Nguyen

**Recommendation:** Consideration of an ordinance rezoning the real property located at/on the east side of Monterey Road from LI-Light Industrial and HI-Heavy Industrial Zoning Districts to CG(PD) Planned Development Zoning District to allow the demolition of the three existing structures and construction of up to 257,296 square feet of commercial building on a 19.75 gross acre site (Michael Mulcahy for Sun Garden Tenants in Common, Owner). CEQA: EIR Resolution to be adopted.

PDC10-026 – District 7

- **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>
9994	866 Hillsdale Avenue	6	Daya Tiffany Partnership	7 Lots/ 6 Units	Single Family Detached	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.*

- **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 discussion 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.