



# CITY COUNCIL AGENDA

**NOVEMBER 29, 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 discussion 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.

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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](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 10)**  
Father Joe Kim, Holy Spirit Church

- **Pledge of Allegiance**
- **Orders of the Day**

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

ADJOURNMENT: This meeting will be adjourned in memory of Pastor Edmund “Ed” Morales, who passed away on October 3, 2011. “Pastor Ed”, who headed the Victory Outreach Church in South San José, was admired and respected for his effective and unorthodox approaches to dealing with gang violence. (Mayor)

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

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring December 1, 2011 as “World AIDS Day” in the City of San José. (Pyle)
- 1.2 Presentation of a commendation to Julian Zamora from Mt. Pleasant High School for his involvement in the San José Police Department Public Safety Ad Campaign. (Campos) (Rules Committee referral 11/16/11)
- 1.3 Presentation of a commendation to the Martin-Fontana Parks Association for their dedication to preserve and enhance the beauty of TJ Martin and Jeffrey Fontana Parks. (Pyle) (Rules Committee referral 11/16/11)
- 1.4 Presentation of a proclamation declaring the Month of November as “Family Caregiver Awareness Month” in the City of San José. (Herrera)  
\* (Rules in Lieu referral 11/22/11)

# 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.**
- 2.2 **Final Adoption of Ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) [ORD. NO. 28989](#) – Amending Chapter 12.10 of Title 12 of the San José Municipal Code by adding a new Section 12.10.035 to prescribe limited restrictions for designated employees terminated due to reductions in work force.
- (b) [ORD. NO. 28995](#) – Amending various sections of Chapter 3.48 of Title 3 of the San José Municipal Code, the San José Deferred Compensation Plan, to comply with the Pension Protection Act of 2006.
- (c) [ORD. NO. 28996](#) – Amending various sections of Chapter 3.50 of Title 3 of the San José Municipal Code, the San José PTC Plan, to comply with the Pension Protection Act of 2006.
- (d) [ORD. NO. 28997](#) – Rezoning certain real property situated on the east side of South 12<sup>th</sup> Street, on a 0.16 gross-acre site, approximately 140 feet southerly of East Santa Clara Street (562 East Santa Clara Street) to the R-1-8 Single-Family Residence Zoning District. C11-015

## 2. CONSENT CALENDAR

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### 2.3 Approval of Council Committee Reports.

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

- (a) Rules and Open Government Committee Report of November 2, 2011. (Mayor)
- (b) [Transportation and Environment Committee Report of November 7, 2011](#). (Liccardo)
- (c) Rules and Open Government Committee Report of November 9, 2011. (Mayor)
- (d) [Neighborhood Services and Education Committee of November 10, 2011](#). (Pyle)

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

[Travel Report from Councilmember Chu](#)

### 2.6 Report from the Council Liaison to the Retirement Boards.

### 2.7 [Settlement in Elliott v. City of San Jose.](#)

**Recommendation:** Approve settlement in the case of *Greg Elliott v. City of San José*, and authorize the City Attorney to execute a [Settlement Agreement](#) and Release with Mr. Elliott and his attorneys in the amount of \$127,500. CEQA: Not a Project; File No. PP10-066h, Settlement Agreements. (City Attorney's Office)

### 2.8 [Agreement with Mobizent LLC for Mobile Identification Interface Services.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to execute an amendment to the agreement with Mobizent LLC, (located in Edison New Jersey previously 3i Infotech Corporation) to extend the term of the agreement by two years ending on March 28, 2013, and additional extensions if necessary, for the purpose of completing Phases Three and Four of the project as previously approved by Council. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

\* **RECOMMEND DEFERRAL TO 12/06/11 PER ADMINISTRATION**

### 2.9 [Collaboration with the YWCA Silicon Valley on a Grant Application to the California Department of Education.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager, or designee, to:

- (a) Collaborate with the YWCA Silicon Valley, which is submitting a \$5,900,000 grant application to the California Department of Education for the *21<sup>st</sup> Century High School After School Safety and Enrichment for Teens Grant Program*.
- (b) Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding.

CEQA: Not a Project, File No. PP10-068 (a), General Procedures & Policy Making, Grant Applications. Council Districts 5, 7 and 8. SNI: East Valley/680, K.O.N.A. and Tully-Senter. (Library)

## 2. CONSENT CALENDAR

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### 2.10 [Master Agreement with Engineering Economics, Inc. dba EEI for Consultant Services.](#)

**Recommendation:** Approve the first amendment to the [master agreement](#) with Engineering Economics, Inc. dba EEI extending the duration from December 31, 2011 to December 31, 2013, for a continuation of ongoing commissioning authority consultant services supporting various City projects, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design, Study, Research, Inspection. (Public Works)

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.  
**TO BE HEARD AT 9:00 A.M.**

### 3.3 [Ordinance to Implement New Health Care Trusts for Police and Fire Retirement Plan.](#)

**Recommendation:** Consider an [ordinance](#) amending Title 3 of the San José Municipal Code to add new Chapter 3.54 and 3.56, and to amend Sections 3.36.575, 3.36.1925, 3.36.1930, 3.36.2030 and 3.36.2050 for the purposes of establishing a new trust pursuant to Section 115 of the Internal Revenue Code related to retiree health care benefit funding and payment of retiree health care benefits. CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)  
(Rules Committee referral 05/25/11)  
(Deferred from 6/7/11 – Item 3.6, et al and 11/1/11 – Item 3.3)

\* **RECOMMEND DEFERRAL TO 1/10/12 PER ADMINISTRATION**

### 3.4 [Report on Request for Proposal for Citywide Janitorial Services. Presentation](#)

**Recommendation:** Report on Request for Proposal for Citywide Janitorial Services and adoption of a resolution authorizing the City Manager to:

- (a) Execute four separate agreements with GCA Services Group Inc. (Alviso, CA) for Janitorial Services, with an initial three year term ending October 31, 2014 for each agreement, and a cumulative total amount not to exceed \$18,009,454: as follows

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Report on Request for Proposal for Citywide Janitorial Services. (Cont'd.)

**Recommendation:**

(a)

<u>Department</u>	<u>Max. Compensation (three years)</u>
<a href="#">Public Works</a> (Citywide Facilities)	\$8,853,696
<a href="#">Airport</a>	7,728,377
<a href="#">Parks, Recreation &amp; Neighborhood Services</a>	1,387,790
<a href="#">Office of Cultural Affairs</a>	39,591
<b>Total</b>	<b>\$18,009,454</b>

- (b) Subject to approval by the Treatment Plant Advisory Committee, execute an agreement with GCA Services Group, Inc., (Alviso, CA) for Janitorial Services, with an initial three year term ending October 31, 2014 for the [Environmental Services](#) Department Water Pollution Control Plant (WPCP), and a total amount not to exceed \$1,109,154.
- (c) Execute amendments as required to add or delete facilities, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.
- (d) Execute five one-year options to renew each of the agreements subject to the appropriation of funds.

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

(Deferred from 11/8/11 – Item 3.3)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 [Status of Housing Units Reserved and Allocated For Phase I of the North San José Area Development Policy.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Chu and Liccardo](#)

**Recommendation:**

- (a) Accept the status report of housing unit reservation and allocation in North San José and direct staff to continue to track residential developer progress.
- (b) Request that staff return to the Council with an amendment to the North San José Area Development Policy to reallocate up to 600 unused affordable rate units for projects that:
- (1) Best implement the North San José Area Development Policy criteria, (b) result in the best results for the affordable housing program, (c) broaden the diversity of residential unit mix, and
  - (2) Are shovel-ready projects that would begin construction within 18 months.

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Status of Housing Units Reserved and Allocated For Phase I of the North San José Area Development Policy. (Cont'd.)

**Recommendation:**

- (c) Request that staff return to the Council at the same meeting with a recommended amendment to the Policy that maintains the overall allocation of affordable units at 20% of total units constructed

CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. Council Districts 3 and 4. (Planning, Building and Code Enforcement/Housing)

(Deferred from 11/15/11 – Item 4.1)

### 4.2 [Lease Agreement for 1671 Alameda. Presentation](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to execute a [five-year lease](#) with The Huang Family Trust and, subject to appropriation of funds, to exercise the option to extend and negotiate an extension term rental rate pursuant to the lease, for the use of approximately 7,903 square feet of office space located at 1671 The Alameda in San José, at a rental rate of \$123,286 for the first year, \$126,985 for the second year, \$130,794 for the third year, \$136,026 for the fourth year, and \$141,467 for the fifth year. The total rental cost for the initial five-year term of this lease is \$658,561. CEQA: Not a Project, File No. PP10-066(f), Agreements/Contracts, including lease of office space with no tenant improvements or change of use. (Economic Development)

### 4.3 [Permanent Easement Agreement with San Jose Water Company.](#)

**Recommendation:** Adopt a [resolution](#) approving the agreement set forth below and authorizing the City Manager to execute the agreement together with all other documents needed to conclude the transaction.

- (a) A [permanent easement agreement](#) with the San José Water Company for water facilities installation on the site of the future Fire Station No. 21.

CEQA: An Addendum was issued to EIR, File No. PP08-184 wherein it was concluded that the proposed project would result in no new significant environmental impacts as discussed in the original EIR. Council Districts 5 and 8. (Economic Development)

### 4.4 [Cooperation Agreement with the Santa Clara Valley Water District for the Establishment of Procedures for Completing Real Property Transactions.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the [Cooperation Agreement](#) with the Santa Clara Valley Water District for the establishment of procedures for completing real property transactions;
- (b) Negotiate the form of all standardized conveyance templates reflecting the terms of the Cooperation Agreement for use in implementing the Cooperation Agreement, and

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 Cooperation Agreement with the Santa Clara Valley Water District for the Establishment of Procedures for Completing Real Property Transactions. (Cont'd.)

**Recommendation:**

- (c) Negotiate and execute an amendment to the Cooperation Agreement incorporating those templates into the Cooperation Agreement.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding, (No physical changes). (Economic Development)

### 4.5 ADMINISTRATIVE HEARING on Appeal of Certification of a Final Environmental Impact Report (FEIR) and Appeal of Approval of a Conditional Use Permit for the Proposed Project, Moe's Stop Gas and Service Station, File No. CP11-049.

Supplemental – Memo from Planning, Building and Code Enforcement

**Recommendation:**

- (a) Conduct an ADMINISTRATIVE HEARING on and consider an APPEAL of the Planning Commission's certification of the Final Environmental Impact Report (FEIR) for the proposed project, Moe's Stop Gas and Service Station, File No. PP11-049, a Conditional Use Permit to allow the demolition of an existing single-family detached residence, the expansion of an existing gas and service station, and other modifications, for property located at the southeast corner of McKee Road and N. 33rd Street. In addition, consider adoption of a resolution to uphold the Planning Commission's certification of the FEIR and certify that:
- (1) The City Council has read and considered the Final EIR;
  - (2) The Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- (a) (3) The Final EIR reflects the independent judgment and analysis of the City of San José; and
- (4) The Director of Planning, Building and Code Enforcement shall transmit copies of the Final EIR to any other decision-making body of the City of San José for the project.
- (b) Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's decision to approve a Conditional Use Permit for the Moe's Stop Gas and Service Station project, File No. CP11-049, and consider adoption of a resolution approving this Conditional Use Permit.

CEQA: EIR Resolution to be adopted. Council District 3. SNI: Five Wounds/ Brookwood Terrace. (Planning, Building and Code Enforcement)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.6 [Historic Landmark Nomination and Mills Act Historical Property Contract for the “Bowman-Sweigert House”.](#)

**Recommendation:** Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Bowman-Sweigert House” located on the west side of North 3<sup>rd</sup> Street, approximately 140 feet southerly of Hensley Street (420 North Third Street), on a 0.2-acre site (City Landmark No. HL11-197 and California Mills Act No. MA11-002). SNI: 13<sup>th</sup> Street.

- (a) Conduct a public hearing and adopt a [resolution](#) designating the “Bowman-Sweigert House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (b) Conduct a public hearing on the [Historical Property Contract](#) between the City of San José and the owners of the “Bowman-Sweigert House” (James D. Williams, et al., property owner) and adopt a [resolution](#) approving the contract.

The Historic Landmarks Commission recommends that the City Council approve: (1) the proposed Landmark Designation and (2) the proposed Historic Property Contract (4-0-1, Commissioner Abatecola absent). CEQA: Exempt. (Planning, Building and Code Enforcement)

[HL11-197/MA11-002](#) – District 3

### 4.7 [Historic Landmark Nomination for “McDonnell Hall”.](#) [Attachment – Memo from Mayor Reed and Councilmember Campos](#) [Supplemental – Memo from Planning, Building and Code Enforcement](#)

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) designating “McDonnell Hall”, located on the south side of East San Antonio Street, approximately 140 feet southerly of Hensley Street (2020 East San Antonio Street), on a 3.27 gross acre site, as a landmark of special historic, architectural, cultural, or engineering interest, or value of a historic nature (Catholic Bishop of San José, Owner). SNI: Mayfair. CEQA: Exempt. The Historic Landmarks Commission recommends that the City Council approve the proposed Landmark Designation for McDonnell Hall (5-0). (Planning, Building and Code Enforcement)

[HL11-199](#) – District 5

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Audit of Airport Public Safety Level of Service.](#)

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support on October 20, 2011, accept the audit of Airport Public Safety Level of Service. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral – Item D(6)]

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.2 [Actions Related to the San Carlos Street Multimodal Streetscape Improvement Project.](#) [Presentation](#)

**Recommendation:**

- (a) Adopt a [resolution](#) authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the San Carlos Street Multimodal Streetscape Improvement Project and to either: (i) award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$1,700,000, or (ii) reject all bids and re-bid the Project.
- (b) Approve a contingency equal to ten percent of the award amount.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund.
  - (1) Increase the appropriation to the Department of Transportation for the above mentioned project by \$326,000;
  - (2) Increase the estimate for Earned Revenue by \$70,000; and
  - (3) Decrease the Ending Fund Balance by \$256,000.

CEQA: File No. PP03-08-254, Re-use of the Downtown Strategy SEIR, Resolution No. 68839. Council District 3. SNI: University. (Public Works/Transportation/City Manager's Office)

### 6.3 [Grant Applications to Metropolitan Transportation Commission for Two Pedestrian and Bicycle Improvement Projects on St. John Street and Park Avenue.](#)

**Recommendation:** Adopt resolutions to:

- (a) Authorize the City Manager to execute and submit two separate grant applications to the Metropolitan Transportation Commission (MTC) for the Community Design & Transportation (CDT) Capital Grant Program (CIP) in the amount not to exceed \$1,500,000 for the [St. John Street](#) Multi-Modal Improvements – Phase 1, with a local match of \$375,000, and in the amount not to exceed \$1,456,000 for the [Park Avenue](#) Multi-Modal Improvements, with a local match of \$364,000;
- (b) Make the required assurances to comply with the project applications, deadlines to complete the projects, grant program requirements, and other assurances required by MTC as explained in this memorandum;
- (c) Authorize the City Manager to accept any grant award(s) and negotiate and execute any documents to effectuate the grant(s), including the authority to negotiate and execute any documents that increase the amount of the grant awarded or require an increase in the local match of funds from the City for the projects, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-068(a) Grant Application. (Transportation)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.4 [Relinquishment Agreement with the State of California for the Relinquishment of State Route 82 from I-880 to US 101 and State Route 130 from US 101 to White Road and Direction to Complete Related Historic Landmark Process.](#)

[Attachment – Memo from Mayor Reed, Vice Mayor Nguyen and Councilmembers Campos, Liccardo and Oliverio Presentation](#)

**Recommendation:**

- (a) Approve a [Relinquishment Agreement](#) with the State of California for the relinquishment of State Route 82 from I-880 to US 101 (9.92 miles) and State Route 130 from US 101 to White Road (2.6 miles) and Caltrans transfer to the City up to \$12,410,000 of federal programming authority, with a required local match of \$1,450,000 subject to the approval of the California Transportation Commission and appropriation through the Metropolitan Transportation Commission.
- (b) Adopt a [resolution](#) to authorize and direct the Director of Planning, Building and Code Enforcement to complete the necessary application(s) and documentation for designation of CA-SCL-128/H and the San Jose Underpass (Bridge Number 37-0045) as a historic district and landmark, respectively, for submittal to the Historic Landmarks Commission and City Council so that designation proceedings for the above-named resource can be completed in a timely and expedited manner

CEQA: Exemption, 15331: Historical Resource Restoration/Rehabilitation. Council Districts 2, 3, 5, 6, 7 and 10. (Transportation)

### 6.5 [Street Tree Ordinance Clarification and Amendments.](#)

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

**Recommendation:** As recommended by the Transportation and Environment Committee on November 7, 2011:

- (a) Approve an [ordinance](#) amending Chapter 13.28 of Title 13 of the San José Municipal Code (Street Tree Ordinance) with the following proposed revisions:
  - (1) Streamline and reorganize the Street Tree Ordinance into five parts: (i) General Provisions, (ii) Powers and Duties, (iii) Permit Requirements, (iv) Maintenance Responsibility and Protection of the Community Forest, and (v) Enforcement and Assessment;
  - (2) Add definition provisions and delete other obsolete provisions as described in the report;
  - (3) Reorganize the Permit Requirements section on planting, removing, and pruning of street trees to provide clarity and consistency and authorize the Director of Transportation to amend and revoke permits;
  - (4) Provide clarity on the tree maintenance and replacement requirements of property owners adjacent to or fronting on any portion of a street, including the requirement that all work is to be done according to American National Standards Institute A300 standards;
  - (5) Clarify the Enforcement and Assessment provisions including the ability of the City to recover the costs associated with non-emergency tree services performed on behalf of property owners; and
  - (6) Make other revisions as described in the memorandum to Council.

*(Item continued on the next page)*

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.5 Street Tree Ordinance Clarification and Amendments. (Cont'd.)

**Recommendation:**

- (b) Approve an [ordinance](#) amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions to be consistent with the numbering in the proposed revisions to Chapter 13.28 of the San José Municipal Code.
  - (c) Adopt a [resolution](#) amending the Administrative Citation Schedule of Fines to modify certain administrative fines for violations related to Chapter 13.28 of the San José Municipal Code, effective on January 13, 2012, and repealing Resolution No. 75865.
- CEQA: Not a Project, File No. PP10-068 (b), Municipal Code or Policy. (Transportation)  
[Transportation and Environment Committee referral – Item D(4)]

### 6.6 [Airport Law Enforcement Services: Outsourcing Update, Proposed Staffing Plan, and Budget Update.](#)

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on November 17, 2011, approve the following actions:

- (a) Continue Airport Law Enforcement Services to be provided by the San José Police Department and discontinue negotiations with the Santa Clara County Sheriff's Office regarding potential outsourcing;
- (b) Approve a revised San José Police Department – Airport Division staffing model that modifies staffing levels to 11 sworn positions (1.0 Police Lieutenant, 6.0 Police Sergeants, and 4.0 Police Officers) and relies upon overtime staffing equivalent to 16 sworn positions effective February 1, 2012;
- (c) Approve Appropriation Ordinance and Funding Sources Resolution amendments to reflect a full year of San José Police Department services at the Airport using the revised police staffing model starting February 1, 2012, as follows:
  - (1) Airport Maintenance and Operation Fund:
    - (a) Decrease Airport Non-Personal/Equipment appropriation by \$1,817,000;
    - (b) Decrease Contingency Reserve by \$445,515; and
    - (c) Increase Transfer: Fire/Police Services by \$2,262,515.
  - (2) General Fund:
    - (a) Increase the transfer from the Airport Maintenance and Operation Fund by \$2,262,515;
    - (b) Increase the Police Department's Personal Services appropriation by \$2,093,093; and
    - (c) Increase the Police Department's Non-Personal/Equipment appropriation by \$38,352.
- (d) Direct staff to develop budget solutions for 2012-2013 with the goal of keeping the Airport cost per enplanement at competitive level of no more than \$12, including authorization to reinstate negotiations with the Santa Clara County Sheriff's Office with no further competitive procurement process required.

CEQA: Not a Project, File No. PP10-066(e), Services involving no physical change to the environment. (Airport/Police/City Manager's Office)

\* [Public Safety, Finance and Strategic Support Committee referral 11/17/11 – Item D(5)]

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Report on Request for Bids for Self Contained Breathing Apparatus for the Fire Department.](#)

**Recommendation:**

- (a) Approve award to purchase Self Contained Breathing Apparatus and related equipment to Fisher Scientific Company, LLC (Pittsburgh, PA) for a total cost not to exceed \$1,940,403, including all warranties, training, testing, delivery, and sales tax, and authorize the City Manager to execute the purchase order.
- (b) Authorize the City Manager to execute purchase orders as required for additional quantities of Self Contained Breathing Apparatus equipment, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066 (c), Contract award for purchase of supplies and equipment. (Finance)

## 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.*

- **Adjournment**

This meeting will be adjourned in memory of Pastor Edmund "Ed" Morales, who passed away on October 3, 2011. "Pastor Ed", who headed the Victory Outreach Church in South San José, was admired and respected for his effective and unorthodox approaches to dealing with gang violence. (Mayor)

## **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.