



CITY COUNCIL AGENDA

JANUARY 10, 2012

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. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**

- 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 1)**

- * Father Ion, St. Nicholas Greek Orthodox 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 Robert Delgado. Robert was a devoted husband to Rosie Honesto Delgado and a loving father to Rorie Lujan, Mark, Robert Jr., and Armando Delgado. He was a dedicated member and coach of Eastridge Little League for 38 years, EYAC football for 11 years, and a dedicated volunteer for the Overfelt High School Wrestling team. (Campos)

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a U.S. Department of Commerce Certificate of Appreciation by Representative Zoe Lofgren to the City of San José to recognize the City’s staunch support of international trade and appreciation for cooperation on outreach events to tout the benefits of exporting for San José-based companies. (Mayor)
- 1.2 Presentation of a proclamation declaring the month of January 2012 as “National Blood Donor Month” in the City of San José. (Mayor)
- 1.3 Presentation of a commendation to Jim Crawford for his many years of service and leadership in the downtown community. (Liccardo)
* (Rules Committee referral 1/4/12)

2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28991 – Suspending the effectiveness of Ordinance No. 28958 and providing that Ordinance No. 28958, related to land use regulations for Medical Marijuana Collectives, shall become effective no earlier than City Ordinance No. 28960 establishing Health and Safety Regulations and a registration process related to Medical Marijuana Collectives.
- (b) ORD. NO. 29004 – Amending Ordinance No. 28178, as amended, to extend the ending date of the pilot for the Neighborhoods Commission to June 30, 2012.
- (c) ORD. NO. 29011 – Amending Title 20 of the San José Municipal Code (The Zoning Code) to amend portions of Chapters 20.10, 20.30, 20.40, 20.50, 20.70, 20.75, 20.80, 20.90, 20.100, and 20.200 to facilitate economic development goals, to establish regulations for the siting of above-ground storage tanks, to provide greater flexibility in connection with minor additions to existing non-residential buildings, to allow certain vehicle leasing activities in the CG-Commercial General Zoning District, to clarify regulations pertaining to incidental electric vehicle charging stations, to allow certain drinking establishments contained within full-service hotels or motels, to provide for the installation of tankless . . .

(Item continued on the next page)

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- (c) . . . water heaters and energy power inverters, to expand the ability to use temporary use trailers, to provide for the neighborhood agriculture use in specified circumstances, to allow higher densities within the R-M Multi-Family Residential District, to clarify regulations and provide greater flexibility for residential uses in residential and main street zoning districts, to streamline permitting processes for the conversion of two-family dwelling units to one-family dwelling units, to update the boundaries of the Downtown Zoning Area, as well as to make other clarifying or minor technical amendments throughout.
- (d) [ORD. NO. 29012](#) – Amending Title 20 of the San José Municipal Code (The Zoning Code) to add a new Chapter 20.85 setting forth certain height restrictions and to amend portions of Chapters 20.20, 20.40, 20.50, 20.90, and 20.120 to align zoning code provisions with the recently adopted Envision San José 2040 General Plan.
- (e) [ORD. NO. 29013](#) – Amending Sections 23.02.800, 23.02.860, and 23.02.1220 of Chapter 23.02 and Section 23.04.030 of Chapter 23.04 to establish and provide regulations for a pilot program for programmable electronic display signs within subareas of the Stevens Creek Boulevard Signage Area and the Oakridge/Blossom Hill Urban Village Signage Area, amending Section 23.04.020 of Chapter 23.04 to modify the regulations for signage in commercial areas, including fin signs, skyline signs and roof signs, and amending Section 23.04.035 of Chapter 23.04 to modify the regulations for freeway signs.
- (f) [ORD. NO. 29017](#) – Rezoning certain real property situated on an approximately 0.56-gross-acre site on the south side of Paula Street, 200 feet westerly of Race Street (1024,1044, and 1050 Paula Street) to the RM(PD) Planned Development Zoning District. PDC11-002
- (g) [ORD. NO. 29018](#) – Rezoning certain real property situated at the southeast corner of Southwest Expressway and South Bascom Avenue from the R-M Multiple Family Residence Zoning District to the R-M(PD) Planned Development Zoning District. PDC10-028

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of November 30, 2011.](#) (Mayor)
- (b) Transportation and Environment Committee Report of December 5, 2011. (Liccardo)
- (c) Rules and Open Government Committee Report of December 7, 2011. (Mayor)
- (d) [Neighborhood Services and Education Committee Report of December 8, 2011.](#) (Pyle)
- (e) [Public Safety, Finance and Strategic Support Committee Report of December 15, 2011.](#) (Constant)

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Constant from the Regular Meetings of the Rules and Open Government Committee on February 8, 2012, April 4, 2012, May 30, 2012, August 1, 2012, October 10, 2012, and December 12, 2012 due to Authorized City Business: Local Agency Formation Commission of Santa Clara County Meetings in San José, CA. \(Constant\)](#)
(Rules Committee referral 12/14/11)
- (b) [Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on September 5, 2012 due to Authorized City Business: Presiding as member of the League of California Cities \(LOCC\) Public Safety Committee at the LOCC Public Safety Committee Meeting and Annual Conference in San Diego, CA. \(Constant\)](#)
(Rules Committee referral 12/14/11)
- (c) [Request for an excused absence for Councilmember Constant from the Regular Meetings of the Rules and Open Government Committee on January 18, 2012 and the Federated City Employees' Retirement System on January 19, 2012 due to Authorized City Business: Education/Training. \(Constant\)](#)
* (Rules Committee referral 1/4/12)
- (d) [Request for excused absences for Vice Mayor Nguyen from the Regular Meetings of the City Council, Rules and Open Government Committee and the Public Safety, Finance and Strategic Support Committee from February 1, 2012 through March 31, 2012 due to birth of child. \(Nguyen\)](#)
* [Rules Committee referral 1/4/12 – Item A(1)(a)(1)]

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Settlement with Applegate Johnston, Inc.](#)

Recommendation: Authorize the City Attorney to execute a [settlement agreement](#) and release with Applegate Johnston, Inc. waiving the City's liquidated damage claim on the Fire Station No. 19 project as consideration for Applegate Johnston's making certain modifications on the Environmental Innovation Center project. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)

2. CONSENT CALENDAR

2.8 [City Manager's Travel to San Antonio and Dallas, Texas.](#)

Recommendation: Authorize travel for City Manager Debra Figone:

- (a) To San Antonio, Texas, on January 18-20, 2012, to participate in the Large Cities Executive Forum, and
- (b) To proceed to Dallas, Texas, on January 21-23, 2012, to attend the American Library Association Conference.

Source of Funds: City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, Administrative Activities. (City Manager's Office)

2.9 [Actions Related to Route 101 at Yerba Buena Road.](#) [Supplemental Memorandum from Directors of Transportation & Economic Development](#)

* **Recommendation:**

- (a) Approve an [ordinance](#) pursuant to Section 1702 of the City Charter to authorize the establishment of a public right-of-way over an approximately 850 feet long by a variable of 25-45 feet wide piece of City-owned property that currently comprises a portion of Ramblewood Park adjacent to Route 101 southbound off-ramp to Yerba Buena Road to accommodate the Route 101 Improvement Project, Phase II.
- (b) Adopt a [resolution](#) declaring parcels located at the interchange of Route 101 and Yerba Buena Road, and identified in Exhibit A of the staff memorandum, as surplus to the needs of the City.
- (c) Adopt a resolution authorizing the City Manager to negotiate and execute:
 - (1) A Highway Easement Deed with the State of California for the area within Ramblewood Park established by Council as a public right-of-way in Recommendation (a) to provide Caltrans the property rights associated with the ownership, operations and maintenance of existing State of California facilities along the Route 101 southbound off ramp to Yerba Buena Road;
 - (2) A Right of Entry and Transfer Agreement to:
 - (a) Provide the State of California the temporary entry rights to:
 - (1) Operate and maintain certain highway improvements previously constructed;
 - (2) Facilitate the right-of-way certification to complete the Route 101 Improvement Project, Phase II; and
 - (3) Undertake construction of such Phase II.
 - (b) Accomplish the subsequent transfer by City to the State of California of City's interest in the property declared surplus for the operation and maintenance of Route 101; and
 - (3) Any additional documents and to take any additional actions necessary to effect the terms of agreements authorized in Recommendations (c)(1) and (c)(2).

CEQA: Mitigated Negative Declaration, File No. OA05-010. Acting as Lead Agency, Caltrans prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) in 2005 for the US 101 Operational Improvement Project. The City, acting as a Responsible Agency, shall consider and can rely upon Caltrans' MND for purposes of informing the City's decision to complete the proposed agreement with Caltrans. Council Districts 2, 7 and 8. (Economic Development/Transportation)

2. CONSENT CALENDAR

2.10 [Amendments to the City Pay Plan for Various Classifications.](#)

Recommendation: Adopt a [resolution](#) to amend the City of San José Pay Plan effective January 10, 2012, to create the following classifications:

- (a) Deputy City Attorney U I/II/III/IV (2151, 2152, 2191, 2192).
- (b) Senior Deputy City Attorney U I/II/III/IV (2195, 2197, 2137, 2193)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

2.11 [Agreement with Santa Clara Valley Transportation Authority for Riparian Improvements in Upper Penitencia Creek in Alum Rock Park.](#) [Supplemental Memo from Parks, Recreation and Neighborhood Services](#)

Recommendation:

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration (MND) prepared for the Alum Rock Park Bank Repair and Stream Restoration Project (File No. PP08-203), as having been completed in compliance with CEQA reflecting the City's independent judgment and analysis, and the adoption of a mitigation monitoring and reporting program.

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

- (b) Approve a [Cooperative Agreement](#) with Santa Clara Valley Transportation Authority for construction of riparian improvements and repair of the Youth Science Institute Bridge in the Upper Penitencia Creek in Alum Rock Park.

CEQA: Mitigated Negative Declaration/IS, File No. PP08-203. (Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement)
(Deferred from 12/13/11 – Item 2.18)

2.12 [Travel Requests for Councilmember Constant.](#)

Recommendation:

- (a) Approve travel by Councilmember Constant to Ontario, CA on March 30, 2012 to attend the League of California Cities Public Safety Policy Committee Meeting. Source of Funds: Mayor & Council Travel Fund. (Constant)
(Rules Committee referral 12/14/11)
- (b) Approve travel by Councilmember Constant to Sacramento, CA on June 15, 2012 to attend the League of California Cities Public Safety Policy Committee Meeting. Source of Funds: Mayor & Council Travel Fund. (Constant)
(Rules Committee referral 12/14/11)
- (c) Approve travel by Councilmember Constant to San Diego, CA on June 15, 2012 to attend the League of California Cities (LOCC) Public Safety Committee at the LOCC Public Safety Committee Meeting and Annual Conference. Source of Funds: Mayor & Council Travel Fund. (Constant)
(Rules Committee referral 12/14/11)

2. CONSENT CALENDAR

2.13 [African American History Month Flag Raising Event.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2012, approve the African American History Month Flag Raising Event by raising the Pan-African flag on February 3, 2012. (Kalra)

* [Rules Committee referral 1/4/12 – Item A(1)(a)(2)]

2.14 [2012 District 4 Thank You Volunteer Event.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2012:

- (a) Approve the 2012 District 4 Thank You Volunteer Event as a City-sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to sponsor the event.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 1/4/12 – Item H(4)]

2.15 [Ignite Your Future: Free Business Start-Up Seminar & Resource Fair.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2012:

- (a) Approve the Ignite Your Future: Free Business Start-Up Seminar & Resource Fair as a City-sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to sponsor the event.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 1/4/12 – Item H(4)]

2.16 [Certificate of Sufficiency for the Referendum Petition to Repeal Ordinance No. 28960 relating to Medical Marijuana.](#)

Recommendation:

- (a) Accept the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding the referendum to repeal Ordinance 28960, which establishes regulations pertaining to medical marijuana collectives and to individual cultivation and use of medical marijuana.
- (b) Refer to staff further analysis and the development of options for City Council action no later than March 6, 2012 to either a) repeal Ordinance 28960 or b) call a municipal election.

(City Clerk)

* (Rules Committee referral 1/4/12)

3. STRATEGIC SUPPORT SERVICES

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 11/29/11 – Item 3.3)
DROP

3.4 [Marijuana Business Tax.](#) [Attachment – Memo from Mayor Reed](#)

* **Recommendation:**

- (a) Consider increasing the Marijuana Business Tax rate from 7% of gross receipts to 10% of gross receipts, as allowed under Measure U; and
 - (b) Direct staff to prepare an ordinance to implement the increased Marijuana Business tax rate for Council consideration at a public hearing originally scheduled for January 24, 2012, to take place no later than March 6, 2012.
- CEQA: Not a Project, File No. PP10-067(a), Increase to rate without changes to, or expansion of services. (Finance)

3.5 [Service Efforts and Accomplishments Report 2010-11.](#) [Presentation](#)

Recommendation: Accept the annual report on city government performance. (City Auditor)
(Rules Committee referral 12/14/11)

3.6 [Approval of the Terms of an Agreement with the San Jose Police Officers' Association.](#)

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the San Jose Police Officers' Association for the term of July 1, 2011 to June 30, 2013, and authorizing the City Manager to execute an agreement. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
* (Rules Committee referral 1/4/12)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Amendment to the Consortium Funding Agreement with The Housing Trust of Santa Clara County Under the Neighborhood Stabilization Program 2.](#)

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Second Amendment to the Consortium Funding Agreement with The Housing Trust of Santa Clara County (Housing Trust) under the Neighborhood Stabilization Program 2 to redirect Program Income from the San José Dream Home Program directly to the Housing Trust instead of the City of San José. CEQA: Not a Project, File No. PP10-066, Agreements/Contracts. (Housing)

4.2 [Priorities for Expenditure of Community Development Block Grant Funds.](#)

[Supplemental Memo from the Director of Housing](#)

[Supplemental Memo from the City Attorney](#)

[Attachment – Memo from Mayor Reed and Councilmembers Herrera, Pyle and Rocha](#)

[Attachment – Memo from Councilmembers Kalra and Chu](#)

[Attachment – Memo from Councilmember Liccardo](#) [Presentation](#)

* **Recommendation:**

- (a) Approve the Administration’s recommendations for expending Community Development Block Grant (CDBG) program funding for FY 2012-13, as follows:
 - (1) Allocating the maximum allowable funding to nonprofit partners under the public service category:
 - (a) Issuing a Request for Proposals/Qualifications (RFP/Q) for a contract of up to \$100,000 for door-to-door transportation services to seniors.
 - (b) Issuing an RFP/Q for a contract of up to \$100,000 for services that respond to the isolation prevention needs of seniors.
 - (c) Issuing an RFP/Q for up to two contracts totaling up to \$300,000 for foreclosure response services.
 - (d) Issuing an RFP/Q for up to three contracts totaling up to \$467,000 for full-service multi-disciplinary homeless outreach services and full-service programs for homeless families and youth
 - (e) Allocating up to \$300,000 for targeted, priority projects or services in three place-based strategy neighborhoods (Mayfair, Santee/McKinley and Five Wounds/Brookwood Terrace).
 - (2) Funding fair housing activities out of the Administration Allocation rather than the public service category:
 - (a) Allocating up to \$1,304,000 for Program Administration services provided by several City departments.
 - (b) Awarding a sole-source contract for up to \$385,000 to a consortium of Fair Housing service providers.
 - (3) Allocating the remainder of available funds for community development improvement projects:
 - (a) Allocating up to \$1,504,000 for infrastructure and facility improvement projects in the three place-based strategy neighborhoods.
 - (b) Issuing an RFP/Q for a contract of up to \$200,000 for neighborhood clean-up services in the three place-based strategy neighborhoods.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Priorities for Expenditure of Community Development Block Grant Funds. (Cont'd.)

* **Recommendation:**

- (a) (3) (c) Issuing an RFP/Q for a contract of up to \$400,000 for emergency home repair services.
- (d) Allocating up to \$1,300,000 for blight eradication services to be provided by the Department of Planning, Building and Code Enforcement.
- (e) Allocating up to \$2,125,000 for housing rehabilitation and mobilehome rehabilitation loans and grants to be provided by the Housing Department.
- (b) Provide direction on the payment of U.S. Department of Housing and Urban Development Section 108 debt service in the amount of \$1,960,000.
- (c) Approve the Administration's recommendation for expending Emergency Solutions Grant (ESG) funding for FY 2012-13, including the issuance of an RFP/Q for contracts totaling up to \$690,000 for full-service multi-disciplinary homeless outreach services and full-service programs for homeless families and youth.

CEQA: Not a Project, File No. PP10-068, General Procedures and Policy Making. Council Districts 3, 5, 7 and City-wide. (Housing)

4.3 [Actions Related to the 2012 – 2013 Hazardous Vegetation Commencement Report.](#)

Recommendation: Conduct a public hearing and adopt a [resolution](#)

Recommendation: Conduct a public hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2012-2013 Hazardous Vegetation Commencement Report; and
- (b) Directing the Santa Clara County Department of Agriculture and Resource Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP08-245. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 [Actions Related to the Fair Swim Center Pump Room Renovation Project. Supplemental Memo from the Departments of PRNS, Public Works and City Manager's Budget Office](#)

* **Recommendation:**

- (a) Report on bids and award of contract for the Fair Swim Center Pump Room Renovation Project in the amount of \$959,800 to the low bidder, Waterworks Industries, Inc., and approval of a contingency in the amount of \$143,970.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Fair Swim Center Improvements Project. (Cont'd.)

Recommendation:

- (b) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 7 (Fund 385):
- (1) Increase the appropriation to the Fair Swim Center Improvements Project by \$171,000; and
 - (2) Decrease the appropriation to Pool Repairs by \$171,000.

CEQA: Exempt, File No. PP11-089. Council District 7. SNI: Tully/Senter. (Public Works/Park, Recreation and Neighborhood Services/City Manager's Office)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Minimum Standards for Airport West Side General Aviation Development.](#) [Attachment – Memo from Councilmember Rocha](#) [Supplemental Memo from the Airport](#) [Presentation 1](#) [Presentation 2](#)

* **Recommendation:**

- (a) Adopt a [resolution](#) approving proposed Minimum Standards for future development of new and upgraded general aviation facilities on the west side of the Norman Y. Mineta San José International Airport; and
- (b) Accept the key terms and conditions to be used in the Request For Proposals process for a new fixed base operator leasehold to be developed on the west side of the Airport.

CEQA: Resolution Nos. 67380 and 71451, File No. PP12-001. (Airport)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Application for Federal WaterSMART Grant for the Construction of a Northern Regional Intertie to the South Bay Water Recycling System.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager, subject to the concurrence of the Treatment Plant Advisory Committee, to submit an application to Reclamation for a WaterSMART grant through the Title XVI Water Reclamation and Reuse Program (Funding Opportunity Announcement No. R12SF80050), in an amount of up to \$5,000,000 for the construction of a regional recycled water intertie from north San José through the City of Santa Clara to the City of Sunnyvale's recycled water system and the construction of a new pipeline connecting the Sunnyvale recycled water system to the new Apple II campus via Wolfe Road. CEQA: Not a Project, File No. PP10-068

(a) Grant Application (where Council is not obligated to enter into an agreement at the time of application). (Environmental Services)

* (Rules Committee referral 1/4/12)

8. PUBLIC SAFETY SERVICES

8.1 [IPA Audit of IPA Recommendations Adopted by SJPD \(1993-2009\).](#)

[Presentation](#)

Recommendation: Accept the IPA Audit of IPA Recommendations adopted by the San José Police Department from 1993 – 2009. (Independent Police Auditor)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**

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

- **Adjournment**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any 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.