



CITY COUNCIL AGENDA

MARCH 27, 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**
9:30 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 3)**
Wesley Ukulele Band, Wesley United Methodist 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.

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 commendation to two outstanding volunteers for their dedication to encouraging the civic engagement and education of our residents in the City of San José. (Constant)
(Rules Committee referral 3/14/12)
- 1.2 Presentation of a proclamation declaring the Month of March 2012 as “National Women’s History Month” in the City of San José. (Herrera)
- 1.3 Presentation of a commendation to the National Hispanic University for its 30th anniversary of providing students with access to quality higher education. (Campos)
(Rules Committee referral 3/14/12)

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.

Recommendation: Approval of minutes:

- (a) [Regular Minutes of November 1, 2011.](#)
- (b) [Regular Minutes of November 8, 2011.](#)
- (c) [San Jose Diridon Development Authority Minutes of November 8, 2011.](#)
- (d) [Joint/Santa Clara Valley Water District Minutes of November 14, 2011.](#)
- (e) [Regular Minutes of November 15, 2011.](#)
- (f) Closed Session Minutes of November 18, 2011.
- (g) [Regular Minutes of November 29, 2011.](#)
- (h) [Regular Minutes of December 6, 2011.](#)
- (i) [San José Redevelopment Agency Minutes of December 6, 2011.](#)

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29046 – Adding Section 6.84.015 and amending Section 6.84.030 of Chapter 6.84 of Title 6 and amending Section 20.80.900 of Chapter 20.80 and Section 20.100.220 of Chapter 20.100 of Title 20, all of the San José Municipal Code, to modify the general process for making a determination of public convenience and necessity and for processing a conditional use permit for the off-premises sale of alcoholic beverages

2.3 Approval of Council Committee Reports.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Herrera from the Closed Session and Regular Meeting of the City Council on March 20, 2012 due to illness.](#) (Herrera)
* (Rules Committee referral 3/21/12)
- (b) [Request for an excused absence for Councilmember Pyle from the Closed Session and Regular Meeting of the City Council on March 20, 2012 due to illness.](#) (Pyle)
* (Rules Committee referral 3/21/12)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

[Attachment – Memo from the City Clerk](#)

2.7 [Actions Related to the Local Enforcement Agency.](#)

Recommendation: Adopt a [Resolution](#) establishing the qualifications and procedures for the appointment of a Hearing Officer(s) for the appeals arising from the Local Enforcement Agency and repealing previous resolutions regarding an Independent Hearing Panel. CEQA: This is not defined as a Project under CEQA and is not subject to the California Environmental Quality Act. (Planning, Building and Code Enforcement)

2.8 [Agreement Amendment for Julian/St. James Couplet Project.](#)

Recommendation: Approve an amendment to extend the term of the Funding [Agreement](#) with the Santa Clara Valley Transportation Authority for financial contributions associated with construction of the proposed Julian/St. James Couplet Conversion project to December 31, 2012. CEQA: File Nos. PP02-05-115 and PP08-126. (Transportation)

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 9:30 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 [Report on Request for Proposal for Landscape and Maintenance Services for General Fund and Special Districts.](#)

[Memo from Mayor Reed and Councilmember Rocha](#)

Recommendation: Report on Request for Proposal for Landscape Management and Maintenance Services for the Public Right-of-way Locations in the General Fund and Special District Landscape Areas and adopt a resolution authorizing the City Manager to:

- (a) Execute an [agreement](#) with City II Enterprises, Inc. doing business as FloraTerra Landscaping Management (San José, CA) for Landscape Management and Maintenance Services for the Public Right-of-way Locations in three General Fund and three Special District landscape areas, for an initial two-year term ending March 31, 2014 for a cumulative total amount not to exceed \$1,042,960;
- (b) Execute five one-year options to renew the agreement, subject to the appropriation of funds; and
- (c) Execute amendments as required to add or delete service area locations, or change service levels due to budget constraints, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP12-034. (Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to Support of the Annexation of Territory Previously Designated as Cambrian No. 36 to the City of Campbell.](#)

Recommendation: Adopt a [Resolution](#) to accomplish all of the following:

- (a) Extend until August 31, 2012 the time to work with the City of Campbell on an alternative reorganization proposal for the Cambrian No. 36 pocket area; and
- (b) Continue to express support for consideration by the Santa Clara County Local Agency Formation Commission (LAFCO) of the City of Campbell's actions to annex the Cambrian No. 36 county pocket including LAFCO consideration of detachment of the Central Park Drive, Oak Park Lane and Highland Park Lane areas from the City of San Jose; and
- (c) Authorize the Director of Planning, Building and Code Enforcement to take certain actions to facilitate the alternative reorganization of the Cambrian No. 36 pocket area pursued by the City of Campbell or, alternatively, to recommence the City's Cambrian No. 36 reorganization.

CEQA: San José 2040 General Plan Final EIR, Resolution No. 76041. District 9.

(Planning, Building and Code Enforcement)

(Deferred from 3/20/12 – Item 4.2)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Hearing on a Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan to Reserve Home Investment Partnership Program Funds.](#)

Recommendation:

- (a) Hold a public hearing on a Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan (ConPlan) to reserve up to \$3,700,000 of Home Investment Partnership Program (HOME) funds to supplement the City's NSP2 Home Acquisition and Rehabilitation Program; and
- (b) Adopt a [resolution](#) to approve the Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan.

CEQA: Not a Project, File No.PP10-069 (a), Annual Report. Specific development projects that are funded as a result of the Consolidated Action Plan are subject to project-specific CEQA clearance. (Housing)

4.3 [Actions Related to 1st and Rosemary Family Apartments and First and Rosemary Senior Apartments.](#)

* **Recommendation:**

- (a) Adopt a [resolution](#):
 - (1) Amending and superseding Resolution No. 76008 adopted on September 27, 2011;
 - (2) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as "City of San José Multifamily Housing Revenue Note (1st and Rosemary Family Apartments), Series 2012C" in an aggregate principal amount not to exceed \$35,500,000 (the "Series 2012C Note");
 - (3) Approving a loan of Series 2012C Note proceeds to 1st and Rosemary Family Housing, L.P., a California limited partnership created by ROEM 1st and Rosemary Family, LLC, to finance the construction of the 1st and Rosemary Apartments located at 60 East Rosemary Street in San José;
 - (4) Approving in substantially final form the [Borrower Loan Agreement](#), [Funding Loan Agreement](#), Assignment of [Deed of Trust](#), and Regulatory Agreement and [Declaration of Restrictive Covenants](#) (collectively, the "Series 2012C Documents") and;
 - (5) Authorizing and directing the City Manager, Acting Director of Finance and Director of Housing, or their designees, to execute and, deliver the Series 2012C Documents and other related Series 2012C Note documents as necessary.
- (b) Take the following actions with respect to the 1st and Rosemary Senior Apartments Project ("Senior Project"):
 - (1) Adopt a resolution:
 - (a) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as "City of San José Multifamily Housing Revenue Note (1st and Rosemary Senior Apartments), Series 2012D" in an aggregate principal amount not to exceed \$15,500,000 (the "Series 2012D Note");

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to 1st and Rosemary Family Apartments and First and Rosemary Senior Apartments. (Cont'd.)

Recommendation:

- (b) (1) (b) Approving a loan of Series 2012D Note proceeds to 1st and Rosemary Senior Housing, L.P., a California limited partnership created by ROEM 1st and Rosemary Senior, LLC, to finance the construction of the 1st and Rosemary Senior Apartments located at 1290 N. First Street, at the corner of Rosemary Street in San José;
 - (c) Approving in substantially final form the [Borrower Loan Agreement](#), [Funding Loan Agreement](#), Assignment of [Deed of Trust](#), and Regulatory Agreement and [Declaration of Restrictive Covenants](#) (the “Series 2012D Documents”);
 - (d) Authorizing and directing the City Manager, Acting Director of Finance and Director of Housing, or their designees, to execute and, deliver the Series 2012D Documents and other related Series 2012D Note documents as necessary; and
- (2) Adopt a [resolution](#) in connection with the City’s existing loan for the Senior Project approving the conversion of a funded acquisition loan in the amount of \$3,700,000 to a construction/permanent loan of up to \$3,700,000 for the Senior Project.

CEQA: EIR Resolution No. 72768 and Addendum thereto, File No. PDC07-101.
Council District 3. SNI: Rincon De Los Esteros. (Housing/Finance)

* **DEFERRED TO 4/3/12 PER RULES AND OPEN GOVERNMENT COMMITTEE**

4.4 [Actions Related to the Mayfair Court Apartments.](#) [Memo from Councilmember Campos](#)

* **Recommendation:**

- (a) Adopt a [resolution](#) in connection with the issuance of Multifamily Housing Revenue Bonds:
 - (1) Authorizing the issuance of tax-exempt multifamily housing revenue bonds in two series designated as “City of San José Multifamily Housing Revenue Bond (Mayfair Court Apartments), Series 2012B-1 and Series 2012B-2” in an aggregate principal amount not to exceed \$22,000,000 (collectively, the “Bonds”);
 - (2) Approving a loan of Bond proceeds to San Jose Pacific Associates, LP, a California Limited Partnership created by Pacific West Communities, Inc. and USA Multifamily Development, Inc., to finance the construction of the Mayfair Court Apartments located at 65 McCreery Avenue in San José (the “Project”);
 - (3) Approving in substantially final form an [Indenture of Trust](#), a [Loan Agreement and Regulatory Agreement](#) and [Declaration of Restrictive Covenants](#) (the “Documents”); and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Actions Related to the Mayfair Court Apartments. (Cont'd.)

* **Recommendation:**

- (a) (4) Authorizing and directing the City Manager, Acting Director of Finance, and Director of Housing, or their designees, to execute and, deliver these Documents and other related Bond documents as necessary.
- (b) Adopt a [resolution](#) in connection with the City's existing loan for the Project (the "City Loan"):
 - (1) Approving the payment of the annual Bond monitoring fee of approximately \$27,500 in two parts: (i) \$7,500 to be paid on par with the Bond debt service and (ii) the remaining amount of the fee, \$20,000, to be paid as a permitted expense after debt service.
 - (2) Approving an increase in affordability targeting for 14 units in the Project currently restricted to households with incomes no greater than 50% of Area Median Income ("AMI") to households with incomes no greater than 40% of AMI.
 - (3) Approving the capitalization of up to \$926,000 in acquisition interest accrued on the City Loan and up to \$626,362 in anticipated construction period interest.

CEQA: Mitigated Negative Declaration and addenda thereto; File No. PDC04-088.
Council District 5. SNI: Mayfair. (Housing/Finance)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Actions Related to Proposed Maintenance District 24 \(The Alameda\).](#)

Recommendation:

- (a) Conduct a public hearing regarding the formation of proposed Maintenance District 24 and at the close of the public hearing, direct the City Clerk to tabulate the property owner ballots and report the results.
- (b) If the majority of the votes tabulated are weighted in favor of the proposal:
 - (1) Adopt a [resolution](#):
 - (a) Declaring the ballot tabulation results;
 - (b) Approving the engineer's report, base assessment and annual adjustments and forming Maintenance District 24; and
 - (c) Imposing the assessments on those properties within the district as proposed in the engineer's report.
 - (2) Establish a new fund in Maintenance District 24 (The Alameda).

CEQA: Exempt, File No. PP10-132. Council District 6. (Public Works/Transportation)

* **TO BE HEARD IMMEDIATELY FOLLOWING CONSENT CALENDAR**

6. TRANSPORTATION & AVIATION SERVICES

6.2 Pavement Maintenance.

- * **Recommendation:** As recommended by the Transportation and Environment Committee on March 5, 2012, accept the status report and:
- (a) Approve the designation of a “Priority Street Network” representing approximately 400 miles of the City’s street system as the priority for near-term pavement maintenance activities based on the criterion set forth in the Envision 2040 policies related to Grand Boulevards and Main Streets, economic development, transit and bicycle corridors, traffic volumes, and major roadways in residential areas;
 - (b) Direct staff to continue to pursue opportunities to facilitate increased funding for pavement maintenance to secure a total funding investment of \$100 million annually, by considering the following:
 - (1) Evaluation of a possible San José parcel tax, bond measure and/or sales tax to substantially address pavement maintenance funding needs;
 - (2) Evaluate extending and amending the current ½-cent sales tax for transportation in Santa Clara County, allowing use of funds for local pavement maintenance consistent with many other counties in California; and
 - (3) Advocate for timely approval of a new Federal transportation bill that increases overall investment for transportation and with support for local pavement maintenance.

CEQA: Not a Project, File No. PP10-069(a). (Transportation)
[Transportation and Environment Committee referral 3/5/12 – Item D(2)]

6.3 Actions Related to Electric Vehicle Charging Stations.

- * **Recommendation:**
- (a) Approve a sub-recipient grant [agreement](#) with the Association of Bay Area Governments in the amount of \$121,140, with a local match requirement of \$534,394, for the purchase and installation of up to 23 electric vehicle charging stations in the City of San José under the Bay Area Electric Vehicle Corridor Project.
 - (b) Approve the existing Master Services Subscription [Agreement](#) for a term through December 31, 2013, between City and Coulomb Technologies that allows the City to connect additional electric vehicle charging stations to the Coulomb wireless network for a session authorization fee of \$0.50 per session and a session processing fee of 7.5% per session that may be adjusted by Coulomb with 180 days notice, and give the City the flexibility to remotely monitor and set rates for public use of the electric vehicle charging stations.
 - (c) Adopt a resolution authorizing the City Manager:
 - (1) To negotiate and execute any necessary agreements to ratify the acceptance of 26 electric vehicle charging stations, at no cost to the City, from Coulomb Technologies (Coulomb) already installed in the City of San José under the ChargePoint America Program partially funded by the US Department of Energy and the California Energy Commission;

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.3 Actions Related to Electric Vehicle Charging Stations. (Cont'd.)

Recommendation:

- (c) (2) To negotiate and execute a reimbursement agreement with Coulomb in the amount not to exceed \$100,000 to reimburse the City for the cost of installing 26 electric vehicle charging stations under the ChargePoint America Program; and
- (3) To negotiate and execute purchase orders to add additional electric vehicle charging stations to the Coulomb wireless network under the Master Services Subscription Agreement during the term of the master agreement.
- (d) Adopt a [resolution](#) to repeal Resolution No. 76047 and set forth the Master Parking Rate Schedule to authorize the City Manager to set and adjust the rate of up to five dollars (\$5) an hour for use of the electric vehicle charging stations.
- (e) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund for 2011-2012:
 - (1) Establish a City-Wide appropriation for the Department of Public Works for the ChargePoint America Electric Vehicle Infrastructure Project in the amount of \$63,500;
 - (2) Establish a City-Wide appropriation for the Department of Public Works for the Bay Area Electric Vehicle Corridor Project in the amount of \$121,140;
 - (3) Increase the Estimate for Other Revenue by \$63,500; and
 - (4) Increase the Estimate for Revenue from the State of California by \$121,140.

CEQA: The chargers installed downtown through the ChargePoint America and Bay Area EV Corridor programs are covered by the Downtown Strategic Plan EIR, Resolution Number 72767; the chargers installed at the Environmental Innovation Center are covered by the Mitigated Negative Declaration issued for that project, File No. PPO 9-138; the Master Subscription Agreement is Not a Project, File No. PP10-066 (a), Purchase Order/Cooperative Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment; and the Master Parking Rate Resolution is Statutorily Exempt, File No. PP10-067 (a) Increase or Adjustment to Fees, Rates and Fares. Council District 3. (Transportation/Public Works/City Manager's Office)

6.4 [Agreement for City Design Services with the Santa Clara Valley Transportation Authority.](#)

[Memo from Councilmembers Campos and Herrera](#)

Recommendation:

- (a) Approve the Second Amendment to the [Agreement](#) for Design Services with the Santa Clara Valley Transportation Authority for the Capitol Expressway Light Rail Pedestrian Improvements Project to provide additional services and increase the City's compensation in the amount of \$175,000 for a total contract amount not to exceed \$634,225, subject to the appropriation of funds.

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.4 Agreement for City Design Services with the Santa Clara Valley Transportation Authority. (Cont'd.)

Recommendation:

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute any future amendments to the agreement, to add services to be provided by the City, extend the agreement term or increase the City's compensation, at no cost to the City, subject to the appropriation of funds.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in 2011-2012 in the Construction Excise Tax Fund:
 - (1) Increase the appropriation to the Department of Transportation for the Capitol Expressway Light Rail Pedestrian Improvements project by \$175,000.
 - (2) Increase the estimate for Earned Revenue by \$175,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. Council Districts 5 and 8. SNI Area: Five Wounds/Brookwood Terrace, Gateway East, Mayfair, East Valley/680 Communities. (Public Works/City Manager's Office)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Report on Bids and Award of Contract for the Myrtle Avenue Sanitary Sewer Improvements Project.](#)

Recommendation: Report on bids and award of contract for the Myrtle Avenue Sanitary Sewer Improvements Project to the low bidder, Mountain Cascade, Inc., in the amount of \$1,109,135, and approval of a contingency in the amount of \$110,000. CEQA: Exempt, File No. PP11-088, dated October 12, 2011. Council District 9. (Public Works)

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Effectuate Housing Asset Transfer.

Recommendation: Take the following actions:

- (a) The City Council acting as the legislative body of the Successor Agency to the Redevelopment Agency of the City of San José adopt a resolution:
 - (1) Transferring, effective February 1, 2012, the housing functions and the housing assets of the former Redevelopment Agency of the City of San José known as Mayfair Court, Rosemary Family and Rosemary Senior, to the City of San José in order to effectuate the election made by the City on January 24, 2012, pursuant to [Resolution](#) No. 76128, to retain such housing functions and assets as provided under the provisions of AB X1 26; and
 - (2) Authorizing the Executive Officer or designee the authority to execute any and all documentation necessary to effectuate such transfer to the City.
- (b) The City Council adopt a [resolution](#):
 - (1) Accepting and assuming acting on behalf of the City of San José, effective February 1, 2012, the housing functions and the housing assets of the former Redevelopment Agency of the City of San José known as Mayfair Court, Rosemary Family and Rosemary Senior from the Successor Agency to the Redevelopment Agency of the City of San José in order to effectuate the election made by the City on January 24, 2012, pursuant to Resolution No. 76128, to retain such housing functions and assets as provided under the provisions of AB X1 26; and
 - (2) Authorizing the Director of Housing or designee the authority to execute any and all additional documentation necessary to effectuate such transfer to the City.

CEQA: Exempt, File No. PP12-008. (City Attorney’s Office)

TO BE HEARD BEFORE ITEM 4.4

* (Rules Committee referral 3/21/12)

- **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>
10010	Southeast corner of Zanker Road and River Oaks Parkway	4	The Irvine Company, LLC	6 Lots / 1750 Units	MFA/ Retail	Approve

- Notice of City Engineer’s Pending Decision on Final Maps (Cont’d.)

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10107	N/E corner of N. Capitol Ave and Sierra Road	4	Trumark Companies	23 Lots / 94 Units	MFA
10108	N/E corner of Hillsdale Ave and Yucca Ave	9	Taylor Morrison, LLC	62 Lots / 51 Units	SFD

- 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.

- 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.