



CITY COUNCIL AGENDA

JUNE 12, 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.

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. 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 6)**
Rabbi Menachem Levine, Congregation Am Echad

- **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.

* ADJOURNMENT: This meeting will be adjourned in memory of Ismael Vic Zavala, a local entrepreneur, philanthropist and community leader, who passed away on May 6, 2012 at the age of 79. (Campos)

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to San José resident Elder Faiese for his courageous actions in rescuing a man from drowning at Lake Cunningham Regional Park. (Herrera)
- 1.2 Presentation of commendations to Saira Lalani of Noble Elementary School who place 3rd place in Essay and Yennie L. Shyu of Piedmont Hills High School who placed 1st place in Art at the Asian Pacific Fund's Growing Up Asian in America Annual Art and Essay Contest. (Chu)
(Rules Committee Referral 05/30/12)
- 1.3 Presentation of a commendation to Lloyd LaCuesta in recognition of 43 years of quality journalism and service to the community.
(Rules Committee Referral 05/30/12)
- 1.4 Presentation of a commendation recognizing the 50th Anniversary of Presentation High School. (Oliverio)
* (Rules Committee Referral 06/06/12)
- 1.5 Presentation of a proclamation declaring Tuesday, June 12th as "Suwon City Day" in the City of San José. (Constant)
* (Rules Committee Referral 06/06/12)

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.**
- 2.3 **Approval of Council Committee Reports.**
Recommendation: Approval of Council Committee Reports.
* (a) [Community and Economic Development Committee Report of May 21, 2012.](#)
(Herrera)
- 2.4 **Mayor and Council Excused Absence Requests.**
- 2.5 **City Council Travel Reports.**
- 2.6 **Report from the Council Liaison to the Retirement Boards.**

2. CONSENT CALENDAR

2.7 [Settlement in Cicala, et al. v. City of San Jose and Heiman v. City of San Jose.](#)

Recommendation: Approve [settlement](#) in the cases of *Paul Cicala, et al. v. City of San José*, and *Ronald Heiman v. City of San Jose*, and authorize the City Attorney to execute a Settlement Agreement and Release with Paul Cicala, Erick Sanchez, Enrico Sagullo, Ronald Heiman, and their attorney, in the total amount of \$225,000. CEQA: Not a Project; File No. PP10-066h, Settlement Agreements. (City Attorney's Office)

2.8 [Sale of City-Owned Property at 510 Park Avenue.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing an alternative competitive process for the sale of the property at 510 Park Avenue (also known as 525 Lorraine Avenue), APN 259-47-081;
- (b) Approving an [agreement](#) between the City and D'Arpino Revocable Trust Dated August 23, 1988, for the sale of the property in the amount of \$415,000; and
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction, and ratifying any disclosures or certifications made by the City Manager or her designee regarding the property as required by law.

CEQA: Exempt, File No. PP10-044. (Economic Development)

2.9 [Agreement with the Rotary Club of San José for the Restoration and Occupancy of the Gordon House.](#)

Recommendation: Adopt a resolution to authorize the City Manager to execute a [Second Amendment](#) to the Agreement with the Rotary Club of San José, Inc. to modify the amount of rent paid by the Rotary Club and to assign rent payments to History San José. 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)

2.10 [Report on Bids and Award of Construction Contract for the Bon Bon Drive Main Replacement Project.](#)

Recommendation: Report on bids and award the construction contract for the Bon Bon Drive Main Replacement Project to the low bidder, Stoloski & Gonzalez, Inc., in the amount of \$447,375 and approve a 15% contingency in the amount of \$67,000. CEQA: Exempt, PP12-030. (Environmental Services)

2. CONSENT CALENDAR

2.11 [Actions Related to Large Item Collection Service Rates.](#)

Recommendation: Adopt a [resolution](#) revising Recycle Plus Rates to increase the single-family and multi-family Large Item Collection service rates effective July 1, 2012, as follows:

- (a) Increase rates for single-family large item collection services by 3.46%; and
- (b) Increase rates for multi-family large item collection services by 3.44%.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges. (Environmental Services)

2.12 [Agreement with Union Pacific Railroad for the Blossom Hill Caltrain Station Pedestrian Bridge.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and Union Pacific Railroad (UPRR) for the construction, maintenance and use of a new pedestrian bridge over UPRR's rail corridor, providing a connection to the Blossom Hill Caltrain Station. CEQA: Resolution No. 72772. Council District 2. (Transportation)

2.13 [Actions Related to the BART Construction Agreement.](#)

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

- (a) Negotiate and execute a Three-Party Construction Agreement/Encroachment Permit with the Santa Clara Valley Transportation Authority (VTA) and Skanska, Shimmick, and Herzog Joint Venture (Contractor) for the construction of City improvements as part of the BART extension to Berryessa, at no cost to the City.
- (b) Negotiate and execute with VTA grants of easement to City for street, utility and other public purposes, together with agreements related thereto, as determined necessary for City's acceptance, operation and maintenance of City improvements constructed as part of the BART extension to Berryessa, which grants of easement shall be at no cost to the City.

CEQA: Silicon Valley Rapid Transit Corridor EIR, Resolution No. 76126. Council District 4. (Transportation)

2.14 [Councilmember Campos' Travel to New Orleans, Louisiana.](#)

Recommendation: Approval of Councilmember Campos' travel to New Orleans, Louisiana on July 20 – 22, 2012 to attend the NALEO's National Policy Institute on Emergency Planning and Preparedness. Source of Funds: Sponsored by National Association of Latino Elected and Appointed Officials (NALEO) and any remaining fund will be paid out of the District 5 Council fund. (Campos)

* (Rules Committee Referral 06/06/12)

2. CONSENT CALENDAR

2.15 [Youth Commission Reappointment.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 6, 2012, reappoint Max Chen to the Youth Commission. (Chu)

* [Rules Committee Referral 06/06/12 – Item F(1)(a)]

2.16 [Silicon Valley Workforce Investment Board Nomination.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 6, 2012, appoint Harry Robert (Bob) Harper, Director of Campbell Adult and Community Education in Campbell, California to serve as a federally mandated public-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (Mayor)

* [Rules Committee Referral 06/06/12 – Item F(1)(b)]

2.17 [Olympic Flag Raising Ceremony.](#)

[Memo from Mayor Reed](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 6, 2012, approve an Olympic Flag Raising Ceremony in recognition of the 2012 US Olympic Trials – Gymnastics. (Mayor)

* [Rules Committee Referral 06/06/12 – Item G(2)]

2.18 [“Courageous” Film Screening.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 6, 2012:

- (a) Approve the showing of the film “Courageous” as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

* [Rules Committee Referral 06/06/12 – Item G(4)]

2.19 [Report on the Effects of the Proposed Cardroom Initiative.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 6, 2012:

- (a) Refer to staff further analysis and the development of a report on the possible effects of the proposed Cardroom Initiative Ordinance consistent with California Elections Code Section 9212; and
- (b) Direct staff to return with the 9212 Report on August 7, 2012, if a Certificate of Sufficiency on the initiative is issued by the Santa Clara County Registrar of Voters.

CEQA: Not a Project. (City Clerk)

* [Rules Committee Referral 06/06/12 – Item G(5)]

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.

3.3 [Library Parcel Tax Rates for 2012-2013.](#)

Recommendation: Adopt a [resolution](#) increasing the Library Parcel Tax rates for Fiscal Year 2012-2013 by 3% over the Fiscal Year 2011-2012 rates and approving the placement of the Library Parcel Tax on the Fiscal Year 2012-2013 Santa Clara County Property Tax Roll. CEQA: Not a Project. (Finance)

3.4 [Municipal Water System Water Rate Increases for 2012-2013.](#)

[Supplemental Memo from Environmental Services](#)

[Memo from Mayor Reed, Vice Mayor Nguyen and Councilmembers Herrera, Chu and Kalra](#)

Recommendation: Adopt a [resolution](#) increasing the San José Municipal Water System potable water rates and charges by 9.5% effective July 1, 2012. CEQA: Not a Project. Council Districts 2, 4, 7 and 8. (Environmental Services)

3.5 [Mayor's 2012 June Budget Message.](#)

[Memo from Councilmember Chu](#)

[Memo from Councilmember Chu](#)

[Memo from Councilmembers Chu and Kalra](#)

[Memo from Councilmembers Chu and Kalra](#)

[Memo from Councilmember Pyle](#)

[Memo from Councilmember Campos](#)

Recommendation:

(a) Review, discussion and approval of the Mayor's 2012 June Budget Message.

(b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute grant agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority. (Mayor)

TO BE HEARD BEFORE THE CONSENT CALENDAR

3.6 [Approve the 2012-2013 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.](#)

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

Recommendation:

(a) Adopt resolutions approving the [Operating Budget](#) for 2012-2013 for the City of San José, the [Capital Budget](#) for 2012-2013 for the City of San José, and the [Five Year Capital Improvement Program](#) for 2013-2017 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

(b) Adopt a [resolution](#) establishing the Schedule of Fees and Charges for 2012-2013. (City Manager's Office)

TO BE HEARD BEFORE THE CONSENT CALENDAR

3. STRATEGIC SUPPORT SERVICES

3.7 [Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Building, Mechanical, and Electrical Inspectors \(ABMEI\).](#)

[Supplemental Memo from the City Manager](#)

Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the Association of Building, Mechanical, and Electrical Inspectors (ABMEI). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Referred from 5/1/12 – Item 3.3)

3.8 [Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 41/42 And Unit 43 \(AEA\).](#)

[Supplemental Memo from the City Manager](#)

Recommendation: Adopt a [resolution](#):

- (a) To approve the terms of an agreement with, or approve the implementation of terms contained in the City's Last, Best and Final Offer to the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041 and 042.
- (b) To approve the terms of an agreement with, or approve the implementation of terms contained in the City's Last, Best and Final Offer to the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Unit 043.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

(Referred from 5/1/12 – Item 3.4)

3.9 [Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Legal Professionals of San Jose \(ALP\).](#)

[Supplemental Memo from the City Manager](#)

Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the Association of Legal Professionals of San Jose (ALP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

(Referred from 5/1/12 – Item 3.5)

3. STRATEGIC SUPPORT SERVICES

3.10 [Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Maintenance Supervisory Personnel, International Federation of Professional and Technical Engineers, Local 21 \(AMSP\).](#)

[Supplemental Memo from the City Manager](#)

Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the Association of Maintenance Supervisory Personnel, International Federation of Professional and Technical Engineers, Local 21 (AMSP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Referred from 5/1/12 – Item 3.6)

3.11 [Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21 \(CAMP\).](#)

[Supplemental Memo from the City Manager](#)

Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21 (CAMP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Referred from 5/1/12 – Item 3.7)

3.12 [Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the International Brotherhood of Electrical Workers, Local No. 332 \(IBEW\).](#)

[Supplemental Memo from the City Manager](#)

Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the International Brotherhood of Electrical Workers, Local No. 332 (IBEW). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Referred from 5/1/12 – Item 3.8)

3.13 [Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the International Union of Operating Engineers, Local No. 3 \(OE3\).](#)

[Supplemental Memo from the City Manager](#)

Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the International Union of Operating Engineers, Local No. 3 (OE3). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Referred from 5/1/12 – Item 3.9)

3. STRATEGIC SUPPORT SERVICES

- 3.14 **Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Municipal Employees' Federation, AFSCME, Local No. 101 (MEF).**
Supplemental Memo from the City Manager
Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the Municipal Employees' Federation, AFSCME, Local No. 101 (MEF). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Referred from 5/1/12 – Item 3.10)
- 3.15 **Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Confidential Employees' Organization, AFSCME, Local No. 101 (CEO).**
Supplemental Memo from the City Manager
Recommendation: Adopt a [resolution](#) approving the terms of an agreement with, or approving the implementation of terms contained in the City's Last, Best and Final Offer to the Confidential Employees' Organization, AFSCME, Local No. 101 (CEO). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Referred from 5/1/12 – Item 3.11)
- 3.16 **Benefit Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82)**
Supplemental Memo from the City Manager
Recommendation: Adopt a [resolution](#) approving benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82). (City Manager's Office)
(Referred from 5/1/12 – Item 3.12)
- 3.17 **Compensated Time Off in City Living Wage Contracts.**
Memo from Councilmember Rocha
Recommendation: Accept staff report and provide staff direction on next steps regarding compensated time off in City living wage contracts. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Informational Memos that involve no approvals of any city actions. (Public Works)
* (Deferred from 6/5/12 – Item 3.3)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to the Expansion and Renovation of Parque de los Pobladores by 1st ACT Silicon Valley.](#)

[Memo from Councilmember Liccardo](#)

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

- (a) Authorizing the City Manager to negotiate and execute an agreement with 1stACT Silicon Valley to design and construct recreational improvements to Parque De Los Pobladores and First Street between Williams Street and Reed Street, at no cost to City.
- (b) Approving the elimination of one of two vehicular traffic lanes on First Street between Williams Street and Reed Street for the construction of recreational improvements as part of the renovation of Parque De Los Pobladores.

CEQA: Exempt, File No. PP12-037. (Economic Development)

4.2 [Ordinance Amending the Sign Code.](#)

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

Recommendation: Approve an [ordinance](#) amending Title 23 (Sign Ordinance) of the San José Municipal Code to:

- (a) Amend Chapter 23.02 to:
 - (1) Add a New Section 23.02.053 to Define Assembly Spaces and Section 23.02.238 to Define Public Garage,
 - (2) Amend Section 23.02.905 to Modify Operational Regulations Pertaining to Programmable Electronic Signs,
 - (3) Amend Section 23.02.1090 to Expand the Ability to Relocate Historic Signs,
 - (4) Amend Section 23.04.020 to Add Regulations Applicable to Signage at Assembly Spaces, Modify Regulations Pertaining to Programmable Electronic Signs, Add Regulations Pertaining to Vertical Projecting Signs and Public Parking Garage Signs, and Remove Provisions Related to the Julian-Stockton Redevelopment Area;
- (b) Amend Chapter 23.04 to:
 - (1) Add Regulations for Signage at Assembly Spaces and Programmable Electronic Signs,
 - (2) Amend Section 23.04.100 to Modify the Definition of the “Downtown Sign Zone,”
 - (3) Amend Sections 23.04.110 and 23.04.120 to Provide for Regulations Applicable to Signage at Assembly Spaces and Modify Regulations Applicable to Signs near Freeways and Programmable Electronic Signs,
 - (4) Amend Section 23.04.156 to Provide for Regulations Applicable to Signage at Assembly Spaces and Arcade Signs,
 - (5) Amend Section 23.04.320 to Provide For Skyline Signs on Residential Parcels,
 - (6) Amend Section 23.04.330 to Provide Regulations for Programmable Electronic Signs and Some Additional Signage on Large Parcels with Nonresidential Uses in Residential Zones,

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Ordinance Amending the Sign Code. (Cont'd.)

Recommendation:

- (b) (7) And to Make Other Nonsubstantive, Ministerial, Technical, or Typographical Changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP10-111 and Addendum thereof, File No. PP12-041. (Planning, Building and Code Enforcement)

4.3 Ordinance Amending Historic Property Contracts.

Recommendation: Approve an [ordinance](#) to amend Part 4 of Chapter 13.48 of Title 13 of the Municipal Code pertaining to Historic Property Contracts. CEQA: Envision San José 2040 General Plan Program Environmental Impact Report, Resolution No. 76041. (Planning, Building and Code Enforcement)

4.4 Rezoning Real Property Located at the Westerly Terminus of Dixon Landing Road.

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at the westerly terminus of Dixon Landing Road, approximately 3,000 feet west of I-880 and Dixon Landing Road (1601 Dixon Landing Road) from R-M Multiple Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow a landfill, recyclables processing, composting, and other related uses at an existing landfill and materials recovery facility (Newby Island Sanitary Landfill and Recyclery), to increase the maximum height of the landfill from 150 feet to 245 feet, and to increase the landfill capacity by 15.12 million cubic yards on a 352 gross acre site (International Disposal Corporation of California, Owner). [CEQA](#): EIR Resolution to be considered for adoption. Planning Commission recommends approval (4-0-2-1 commissioners Bit-Badal and Abelite absent, Commissioner Yob recused). [PDC07-071](#) – District 4

5. NEIGHBORHOOD SERVICES

5.1 Mise Park Sports Field Renovation Project.

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the Director of Public Works to do the following regarding bids for the project:
- (1) To decide any timely bid protests, including issues of bidder responsiveness or responsibility;
 - (2) To determine the lowest responsive and responsible bidder;
 - (3) To decide whether to award any bid alternate; and

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Mise Park Sports Field Renovation Project. (Cont'd.)

Recommendation: Adopt a resolution:

- (a) (4) To award a construction contract for the project to the lowest responsive and responsible bidder in an amount not to exceed \$2,915,000, contingent upon approval and execution of the Agreement with Archbishop Mitty High School for the Renovation, Operation, Maintenance, and Joint Use of John Mise Park, and financial contribution of up to \$375,000.
- (b) Authorizing the Director of Public Works to reject all bids for any reason and, in the Director's discretion, rebid the project; and
- (c) Approving a contingency equal to five percent of the amount of the construction contract for the project if one is awarded by the Director of Public Works.

CEQA: Categorically Exempt, File No, PP12-021. District 1. (Public Works)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Public Hearing on Recording Liens on Property for the Reimbursement of Cost for Sidewalk Repairs.](#)

Recommendation:

- (a) Hold a Public Hearing on Recording Liens on Property for the Reimbursement of Cost for Sidewalk Repairs.
- (b) Adopt a [resolution](#) to approve the report from the Director of Finance on the reimbursement of cost for sidewalk repairs, confirming the assessments contained in the Report and directing the recording of liens on the property tax roll for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP10-067(a), Specific Funding mechanism for Increase or Adjustment to Fees, Rates and Fares. (Finance)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Successor Agency to the Redevelopment Agency.

Recommendation:

- (a) Adopt City Appropriation Ordinance and Funding Sources Resolution amendments to repeal Ordinance No. 29029 and Resolution No. 76133 in the Redevelopment Obligation Retirement Fund.
- (b) Adopt City Appropriation Ordinance and Funding Sources Resolution amendments for 2011-2012 in the Low and Moderate Income Housing Fund to amend Ordinance No. 29027 and Resolution 76131, to be effective from July 1, 2011 through January 31, 2012, as outlined in Attachment A of the staff memorandum.
- (c) Approval by the City Council and City Council in its capacity as the Successor Agency Board of a [Cooperation Agreement](#) between the City of San José and the Successor Agency to the Redevelopment Agency of the City of San José for Operating Expenses February 2012 through June 2012.

CEQA: Not a Project, File No. PP10-067(b), Appropriations.

- **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**

- * This meeting will be adjourned in memory of Ismael Vic Zavala, a local entrepreneur, philanthropist and community leader, who passed away on May 6, 2012 at the age of 79. (Campos)

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, 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, 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.