



# CITY COUNCIL AGENDA

**OCTOBER 16, 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](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**  
9:30 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 9)**  
Committee to Promote Square Dancing

- **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 Joy M. Sinnott for her dedication to the residents of San José and the young dancers who aspire to gain skills in the art of dance. (Chu)

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

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring the Week of October 21 – 27, 2012 as “National Save for Retirement Week” in the City of San José. (Constant)
- 1.2 Presentation of a proclamation declaring the Month of October 2012 as “National Cybersecurity Awareness Month” in the City of San José. (Constant)
- 1.3 Presentation of a proclamation declaring October 16, 2012 as “Food Allergy Awareness Day” in the City of San José. (Herrera)
- 1.4 Presentation of a proclamation recognizing the Month of October 2012 as “Underground Railroad Awareness Month” in the City of San José. (Kalra)

# 2. CONSENT CALENDAR

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

## 2.1 Approval of Minutes.

## 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29151 – Amending Sections 4.70.940 and 4.70.1050 of Chapter 4.70 of Title 4 of the San José Municipal Code to extend the expiration date of the cap on the amount of telecommunications users tax paid under this chapter by service users provided certain conditions are satisfied, which part shall expire on December 31, 2017 unless otherwise extended, shortened, or revised by the City Council.
- (b) ORD. NO. 29153 – Amending Title 23 of the San José Municipal Code by amending Sections 23.02.290, 23.02.940, and 23.02.1110, and adding a new Section 23.02.493 to Chapter 23.02, amending Sections 23.04.020 and 23.04.120 of Chapter 23.04, all to amend signage regulations pertaining the service station canopy signage, amending Section 23.04.035 of Chapter 23.04 to revise the maximum allowed size of a programmable electronic sign component of a freeway sign, and making other nonsubstantive, ministerial, technical, or typographical changes to said Chapter 23.02 and 23.04 of Title 23 of the San José Municipal Code.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- (c) ORD. NO. 29139 – Amend Chapters 3.28, the 1975 Federated Employees Retirement Plan, and 3.36, the 1961 Police and Fire Department Retirement Plan, of the San José Municipal Code to add Sections 3.28.115 and 3.36.325, respectively, regarding the role of the boards of administration in personnel matters.  
[Deferred from 09/11/12 – Item 2.2(f) et. al. and 10/2/12 – Item 2.2(h)]
- (d) ORD. NO. 29154 – Amending Section 6.52.050 of Chapter 6.52 of Title 6 of the San José Municipal Code to enable one person to hold two pawnbroker permits at one time.

### 2.3 Approval of Council Committee Reports.

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

- (a) [Transportation and Environment Report of September 10, 2012.](#) (Liccardo)  
[Deferred from 10/2/12 – Item 2.3(a)]

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

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

### 2.7 [Ratification of Final Expenditures for 2011 – 2012.](#)

\* **Recommendation:**

- (a) Adopt an ordinance ratifying the final 2011-2012 appropriation increases detailed in the staff memorandum.
- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
  - (1) Increase the Earned Revenue estimate by \$2,803,231;
  - (2) Increase the Transfer to Council District 1 by \$162,736;
  - (3) Increase the Transfer to Council District 2 by \$135,416;
  - (4) Increase the Transfer to Council District 3 by \$135,457;
  - (5) Increase the Transfer to Council District 4 by \$126,867;
  - (6) Increase the Transfer to Council District 5 by \$214,886;
  - (7) Increase the Transfer to Council District 6 by \$247,082;
  - (8) Increase the Transfer to Council District 7 by \$217,600;
  - (9) Increase the Transfer to Council District 8 by \$132,518;
  - (10) Increase the Transfer to Council District 9 by \$122,378;
  - (11) Increase the Transfer to Council District 10 by \$94,405;

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.7 Ratification of Final Expenditures for 2011 – 2012. (Cont'd.)

**Recommendation:**

- (b) (12) Increase the Transfer to City-Wide by \$795,172; and  
(13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$418,714.
- (c) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
  - (1) Increase the Earned Revenue estimate by \$7,278; and
  - (2) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$7,278.
- (d) Adopt the following 2011-2012 Appropriation Ordinance amendments in the General Fund:
  - (1) Increase the Workers' Compensation Claim – Fire appropriation by \$183,745;
  - (2) Decrease the Workers' Compensation Claims – Transportation by \$85,000;
  - (3) Decrease the Workers' Compensation Claims – Public Works by \$75,000; and
  - (4) Decrease the Workers' Compensation Claims – Other Departments by \$23,745.
- (e) Adopt the following 2011-2012 Appropriation Ordinance amendments in the Low and Moderate Income Housing Fund as of January 31, 2012:
  - (1) Increase the Transfer to the Redevelopment Obligation Retirement Fund by \$726,214; and
  - (2) Decrease the Housing Loans and Grants appropriation by \$726,214.

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

(Deferred from 9/25/12 – Item 2.7)

### 2.8 [Sale of City-Owned Property at 1795 Courtney Avenue.](#)

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

- (a) Authorizing an alternative competitive process for the sale of the property at 1795 Courtney Ave, APN: 477-30-011;
- (b) Approving an [agreement](#) between the City and Global Business Solutions, LLC, for sale of the property in the amount of \$65,000; 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.

CEQA: Exempt File No. PP10-016. Council District 7. (Economic Development)

## 2. CONSENT CALENDAR

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2.9 [Amendment to Agreement with Environmental Science Associates, Inc. and Jones & Stokes Associates, Inc. to Expedite Plant Master Plan Implementation.](#)

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

**Recommendation:** Approve a [First Amendment to the Agreement](#) between the City of San José and Environmental Science Associates, Inc. and Jones & Stokes Associates, Inc. to expand their services on the Plant Master Plan environmental documentation to include: a) a separate CEQA process for a co-generation facility; b) coordination with regulatory agencies; and c) minor additional work within the original scope. The amendment would increase the maximum compensation by \$453,971, not to exceed \$2,453,971, and to extend the term through June 30, 2014. CEQA: Not a Project. File No. PP10-066(a), Agreements and Contracts for purchase of professional services. (Environmental Services)

2.10 [Agreement with the Santa Clara Valley Water District to Coordinate Recycled Water Operations and Maintenance Activities.](#)

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

- \* **Recommendation:** Adopt a resolution authorizing the City Manager to execute an [agreement](#) between the City of San José and the Santa Clara Valley Water District for the operation and maintenance of the Silicon Valley Advance Water Purification Center. CEQA: Mitigated Negative Declaration, Resolution No. 75296. (Environmental Services)

2.11 [Amendment to the Agreement with Granicus, Inc. for Webstreaming Software and Hosting Services.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to execute the [First Amendment to the Agreement](#) for Webstreaming Software and Hosting Services to enhance existing services and to add additional functionality for a total one-time cost of \$23,050, a recurring subscription cost of \$2,550 per month, and a not to exceed 10% contingency of the revised contract amount, and increasing the amount of total compensation by \$137,750 for the initial term of the agreement ending August 15, 2015 from \$171,000 to \$308,750. CEQA: Not a Project, File No. PP10-066(a), Professional Services. (Finance)

2.12 [Vacation of a Portion of Emory Street from Stockton Avenue to Laurel Street.](#)

**Recommendation:** Adopt a [resolution](#) of intention to vacate a portion of Emory Street from Stockton Avenue to Laurel Street and set a public hearing on November 6, 2012 at 1:30 p.m. CEQA: Mitigated Negative Declaration, File No. PDC07-072. Council District 6. (Public Works)

## 2. CONSENT CALENDAR

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### 2.13 District 2 Albanian Independence Day.

**Recommendation:** As recommended by the Rules and Open Government Committee on October 3, 2012:

- (a) Approve the District 2 Albanian Independence Day as a City Council sponsored Special Event; and
- (b) Approve expending funds and accept donations from various individuals, businesses and community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee Referral 10/03/12 – Item G(6)]

### 2.14 Youth Job Fair.

**Recommendation:**

- (a) Approve the Youth Job Fair as a City Council sponsored Special Event; and
- (b) Approve and accept in-kind donations from businesses to support the event.

CEQA: Not a Project. (City Clerk)

\* (Rules Committee referral 10/10/12)

### 2.15 District 4 Spooky Halloween and Haunted House.

**Recommendation:** As recommended by the Rules and Open Government Committee on October 10, 2012:

- (a) Approve the District 4 Spooky Halloween and Haunted House 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 10/10/12 – Item G(4)]

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.

**TO BE HEARD AT 9:30 A.M.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 2011- 2012 City Manager's Annual Report.

\* **Recommendation:**

- (a) Accept the 2011-2012 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).
- (b) Adopt 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2011-2012 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up Actions).
- (c) Adopt a resolution amending [Resolution No. 76128](#) to change the name of the fund from Affordable Housing Investment Fund to the Low and Moderate Income Housing Asset Fund, pursuant to Health and Safety Code Section 34176(d).
- (d) Approve the elimination of 1.0 Recreation Specialist position in the Parks, Recreation and Neighborhood Services Department, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up Actions).

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (City Manager's Office)

#### 3.4 Amendments to the Staffing Configuration for Fire Management Classifications, City Pay Plan and Membership in the Federated Retirement System for Fire and Police Management Classifications and Related Appropriation Adjustments.

**Recommendation:**

- (a) Authorize the elimination of three vacant Fire Battalion Chief positions and the addition of three Fire Division Chief positions once promotional appointments have been made and vacancies become available.
- (b) Adopt a [resolution](#) to:
  - (1) Eliminate the stand-by pay practice for the Assistant Fire Chief and Deputy Fire Chief classifications and the previous stand-by pay practice for the Fire Division Chief classification.
  - (2) Amend the City of San José City Pay Plan effective November 1, 2012 to make the following pay range adjustments:
    - (a) Increase the pay range for Assistant Fire Chief from \$104,609.77 to 163,065.82 to \$114,024.65 to \$177,741.74;
    - (b) Increase the pay range for Deputy Fire Chief from \$97,260.32 to 151,502.43 to \$106,013.75 to \$165,137.64;
    - (c) Increase the top range for Fire Division Chief from \$124,074.94 to \$153,852.93; and,
    - (d) Increase the pay range for Assistant Police Chief from \$104,609.77 to 163,065.82 to \$117,685.93 to 183,448.95.
- (c) Adopt the following 2012-2013 appropriation ordinance amendments in the General Fund:
  - (1) Increase in the amount of \$66,000 in the Fire Department Personal Services appropriation; and

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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3.4 **Amendments to the Staffing Configuration for Fire Management Classifications, City Pay Plan and Membership in the Federated Retirement System for Fire and Police Management Classifications and Related Appropriation Adjustments. (Cont'd.)**

**Recommendation:**

- (c) (2) Decrease in the amount of \$66,000 in the Fire Department Non-Personal/Equipment appropriation.
- (d) Direct the City Attorney to evaluate and prepare an amendment to Part 2 of Chapter 3.36 of Title 3 of the San José Municipal Code to exclude from membership in the Police and Fire Department Retirement Plan an Assistant Fire Chief, Deputy Fire Chief, Fire Division Chief, or Assistant Police Chief who has no prior service credit applicable to that plan.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3 and File No. PP10-067(b), Appropriation Ordinance. (City Manager's Office)

\* **RECOMMEND DEFERRAL TO 10/23/12 PER ADMINISTRATION**

3.5 **[Recycle Plus Billing and Customer Service – Service Delivery Evaluation Analysis.](#)**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on September 20, 2012:

- (a) Accept the staff report on service delivery evaluation options for Recycle Plus Billing and Customer Service; and
- (b) Approve staff's proposed strategy to discontinue the in-house service delivery model and continue to evaluate two alternate service delivery options with a final recommendation to be brought forward to Council in Spring 2013.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities. (Finance/Environmental Services/Information Technology)

[Public Safety, Finance and Strategic Support referral 9/20/12 – Item D(6)]

3.6 **[Council Discussion and Possible Action on a City Position Regarding Propositions and Measures on the November 6, 2012 California General Election Ballot.](#)**

[Memo from Councilmember Rocha](#)

[Supplemental Memo from Director of Intergovernmental Relations](#)

[Memo from the Director of Intergovernmental Relations](#)

**Recommendation:** Council discussion and possible action on a City position regarding the following Propositions and Measures on the November 6, 2012 California General Election Ballot:

- (a) Measure D (Minimum Wage);
- (b) Measure E (Cardroom Gaming);
- (c) Proposition 32 (Political Contributions by Payroll Deduction, Contributions to Candidates);
- (d) Proposition 34 (Death Penalty);
- (e) Proposition 35 (Human Trafficking);
- (f) Proposition 36 (Three Strikes Law, Repeat Felony Offenders, Penalties); and
- (g) Proposition 39 (Tax Treatment for Multistate Businesses, Clean Energy, and Energy Efficiency Funding).

(Referred from 10/2/12 – Item 2.10)

\* **DEFERRED TO 10/23/12 PER RULES AND OPEN GOVERNMENT COMMITTEE**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Right of Way Vacation of a Portion of Cherry Avenue.](#)

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) to vacate a portion of Cherry Avenue, east of Almaden Expressway. CEQA: Almaden Ranch Retail Center EIR (Resolution No. 76168). Council District 9. (Public Works)

### 4.2 **Sale of a Portion of City-Owned Property on Cherry Avenue.**

**Recommendation:** Adopt a resolution:

- (a) Declaring 1,090 square feet of Cherry Avenue, east of Almaden Expressway, surplus to the needs of the City;
- (b) Approving an agreement between the City and Arcadia Development Company (Arcadia) for sale of the property in the amount of \$24,000; 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.

CEQA: Almaden Ranch Retail Center EIR (Resolution No. 76168). Council District 9. (Economic Development)

\* **RECOMMEND DEFERRAL TO 10/23/12 PER ADMINISTRATION**

### 4.3 **Draft Santa Clara Valley Habitat Plan.**

[Santa Clara Valley Habitat Plan](#)

[Memo from Mayor Reed](#)

[Memo from Vice Mayor Nguyen and Councilmembers Campos, Liccardo and Rocha](#)

[Memo from Councilmember Kalra](#)

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

\* **Recommendation:** Discussion continued by the City Council on September 25, 2012, review key concepts and issues associated with the Draft Santa Clara Valley Habitat Plan (Habitat Plan) and related documents to provide the Council an opportunity to evaluate and comment on the Plan's content as specified below in advance of final action. No Council action to be taken.

- (a) Summary Overview of the Habitat Plan.
- (b) Key Issues for San José:
  - (1) Avoidance of Deferred Liability
  - (2) Regulatory Streamlining
  - (3) Nitrogen Deposition Fee
  - (4) Western Burrowing Owl
  - (5) Riparian Setbacks
  - (6) Case Studies
- (c) Habitat Plan Implementation
  - (1) Implementing Entity
  - (2) Legislative Priorities
  - (3) Fine-tuning the Structure Fee
- (d) Alternative to Habitat Plan Adoption

CEQA: EIR Resolution to be adopted when action on Habitat Plan is taken. (Planning, Building and Code Enforcement)

[Rules Committee referral 9/19/12 – Item D(1)]

(Continued from 9/25/12 – Item 4.3)

**TO BE HEARD BEFORE CONSENT CALENDAR AND AFTER CEREMONIAL ITEMS**

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Actions Related to the Restoration of San José Fire Station No. 5.](#)

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

- (a) Finding that the award of a contract to Fehl Construction, Inc., for the restoration of San José Fire Station No. 5 and the expenditure of funds for the project is of urgent, necessity for the preservation of life, health and property;
- (b) Finding that the formal bidding requirements of the San José City Charter and the San José Municipal Code are inapplicable to the award of the public works contract to Fehl Construction Inc., as authorized by Section 1217(e)(5) of the Charter and San José Municipal Code Section 14.04.050; and
- (c) Authorize the Director of Public Works to negotiate and execute a contract to Fehl Construction, Inc., for the restoration of San José Fire Station No. 5 in an amount not to exceed \$800,000 with a contingency of \$100,000.

CEQA: Exempt, File No. PP12-085. Council District 3. (Public Works)

\* (Rules Committee referral 10/10/12)

\*\* *Please note: Approval of parts (a) and (b) of this item requires 8 or more affirmative votes*

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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### 9.1 [Recognized Obligation Payment Schedules.](#)

- \* **Recommendation:** Adopt a [resolution](#) by the City Council acting in its capacity as the Successor Agency to the Redevelopment Agency, adopting a funding sources and appropriation resolution for 2012-2013 authorizing payment of expenditures for items on the Recognized Obligation Payment Schedules 2 and 3, which detail the obligations of the Successor Agency for the period of July 1, 2012 through June 30, 2013. (Deferred from 08/21/12 – Item 9.2 et. al. and 10/2/12 – Item 9.1)

- **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 Joy M. Sinnott for her dedication to the residents of San José and the young dancers who aspire to gain skills in the art of dance.  
(Chu)

## **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.