



CITY COUNCIL AGENDA

JUNE 22, 2010

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO, VICE MAYOR
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 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 every first and third Tuesday at 7 p.m., 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**
8:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) [See RDA Agenda](#)
10:00 a.m.- Regular Session, Council Chambers, City Hall, *Council will recess at 12:00 Noon and reconvene at 1:30 p.m.*
- **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.

**THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/
REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST,
FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR,
AND BALANCE OF THE AGENDA**

**ITEMS 9.1 AND 9.2 TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

- * **SEE NEW ITEM 3.16 “Approval of the Terms of an Agreement Municipal Employees Federation (MEF)” TO BE ADDED UNDER ORDERS OF THE DAY**

- Orders of the Day (Cont'd.)

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 commendations to District 9 Stars Bev Hooper, Jackie Daemion, and Karl Belser. (Chirco)
- 1.2 Presentation of commendations to Alfonso Rodriguez, Jr. and Alfonso Rodriguez III for surpassing their civic duties at the risk of fatal injury to rescue a man in need. (Campos)
* (Rules Committee referral 6/16/10)
- 1.3 Presentation of commendations to HACE Scholarship recipients Gabrielle Cordera, Joe Garcia, Jr., Luis Garcia, and Alberto Servin. (Campos)
* (Rules Committee referral 6/16/10)
- 1.4 Presentation of a proclamation recognizing June 23rd as “Olympic Day” in the City of San José. (Mayor)
* (Rules Committee referral 6/16/10)

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 will be removed from the Consent Calendar and considered separately.

***THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/
REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST,
FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR,
AND BALANCE OF THE AGENDA***

- 2.1 Approval of Minutes.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 28750](#) – Establishing a Rule 20A Underground Utility District along Lincoln Avenue from West San Carlos Street to approximately 160 feet northwest of Coe Avenue, Auzeais Avenue approximately 190 feet west of Lincoln Avenue, Northrup Street from Lincoln Avenue to Highway 280, Parkmoor Avenue from Lincoln Avenue to approximately 280 feet west of Northrup Street, and Paula Street approximately 210 feet west of Lincoln Avenue.
- * (b) [ORD. NO. 28751](#) – Amending Section 11.12.050 of Chapter 11.12 of Title 11 of the San José Municipal Code to authorize the City Manager to appoint persons authorized to direct traffic.
- * (c) [ORD. NO. 28752](#) – Amending Chapters 3.28 and 3.44 of Title 3 of the San José Municipal Code to add new Sections 3.28.755, 3.28.955 and 3.44.105 and amend Sections 3.28.770 and 3.28.780 to implement revisions in employee and employer retirement contributions for the Federated City Employees Retirement System.
- * (d) [ORD. NO. 28753](#) – Amending Part 10 of Chapter 3.36 of Title 3 and Chapter 3.44 of Title 3 of the San José Municipal Code to add new Sections 3.36.1525 and 3.44.095 to implement revisions in employee and employer retirement contributions for the Police and Fire Department Retirement Plan.
- * (e) [ORD. NO. 28754](#) – Amending various Sections of Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code to allow freeway signs for large shopping centers, allow attached signs to face a freeway, establish operational requirements for programmable electronic signs, establish a San Pedro Square Signage Area together with signage regulations for that area, modify the requirements for fin signs and vertical projecting signs in the Downtown Sign Zone, allow architectural sign clusters for large parcels, distinguish between on-site and off-site commercial messages, and make other related technical or clerical amendments.
- * (f) [ORD. NO. 28755](#) – Rezoning certain real property situated at the easterly terminus of Skyway Drive, east of Monterey Road (100 Skyway Drive) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC10-009
- * (g) [ORD. NO. 28756](#) – Rezoning certain real property situated on the southwest side of Carol Drive, approximately 900 feet west of Highway 87 (2661 Carol Drive), from R-1-1 Single-Family Residence District to A(PD) Planned Development Zoning District. PDC07-018

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- * (h) ORD. NO. 28757 – Rezoning certain real property situated at the north side of Auzerais Avenue between Bird Avenue and Royal Avenue (395 Bird Avenue) from LI-Light Industrial to A(PD) Planned Development Zoning District. PDC09-023

- * (i) ORD. NO. 28758 – Rezoning certain real property situated in the area bounded by the Village Square, Cortona Drive, Classico Avenue and Ruby Avenue (4035 Evergreen Village Square), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC09-020

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- * (a) Rules and Open Government Committee Report of June 2, 2010. (Mayor)
RECOMMEND DEFERRAL TO 8/3/10 PER CITY CLERK
- (b) Transportation and Environment Committee Report of June 7, 2010. (Liccardo)
- (c) Rules and Open Government Committee Report of June 9, 2010. (Mayor)
* **RECOMMEND DEFERRAL TO 8/3/10 PER CITY CLERK**
- (d) Neighborhood Services and Education Committee Report of June 10, 2010. (Campos)
- (e) Rules and Open Government Committee Report of May 26, 2010. (Mayor)
* [Deferred from 6/15/10 – Item 2.3(a)]
* **RECOMMEND DEFERRAL TO 8/3/10 PER CITY CLERK**
- (f) Rules and Open Government Committee Report of May 19, 2010. (Mayor)
* [Deferred from 6/8/10 – Item 2.3(e) and 6/15/10 – Item 2.3(b)]
* **RECOMMEND DEFERRAL TO 8/3/10 PER CITY CLERK**

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Campos from the Regular Meeting of the Neighborhood Services and Education Committee on June 10, 2010 due to illness. \(Campos\)](#)
(Rules Committee referral 6/9/10)

2.5 City Council Travel Reports.

2. CONSENT CALENDAR

2.6 [Application for California Solar Initiative Rebate for Airport Solar Installation.](#)

Recommendation: Adopt a [resolution](#) ratifying the execution and submission by the City Manager of a California Solar Initiative Reservation Request Form to Pacific Gas and Electric on April 23, 2010, and authorizing the City Manager to execute any additional documents necessary to accept a California Solar Initiative Rebate arising from the installation and operation of solar electricity panels at the Norman Y. Mineta San José International Airport Consolidated Rent-A-Car Garage, in a total rebate amount not to exceed \$3,000,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP10-105. (Airport)

2.7 [Amendment to Orrick Herrington Legal Services Agreement.](#)

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourteenth Amendment to the agreement with Orrick Herrington & Sutcliffe LLP for legal services related to the financing of improvements at the Norman Y. Mineta San Jose International Airport and the City's outstanding Airport revenue debt, extending the term through June 30, 2011 and increasing compensation by \$50,000, for a total amount not to exceed \$475,000. CEQA: Not a Project; File No. PP10-066, services that involve no physical changes to the environment. (City Attorney's Office)

2.8 [Settlement Agreement.](#)

Recommendation:

- (a) Approve payment to Ms. Akemi Hildebrand in the amount of \$151,000 pursuant to a Settlement [Agreement](#) and Release, as authorized by the City Council in closed session on June 8, 2010 to resolve her claims against the City of San Jose for two grey water intrusions; and
- (b) Approve the following Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund (Fund 541) for 2009-2010:
 - (1) Decrease the Ending Fund Balance by \$44,000.
 - (2) Increase the Environmental Services Dept.: Sanitary Sewer Claims appropriation by \$44,000.

CEQA: Not a Project; File No. PP010-066, Agreements/Contracts (New or Amended). (City Attorney's Office/City Manager's Office)

2.9 [Agreement with San José Convention & Visitors Bureau.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute an Amendment to the existing Second Amended and Restated [Agreement](#) between the City of San José and the San José Convention & Visitors Bureau until September 30, 2010, with a compensation for the extension period not to exceed \$500,000. CEQA: Not a Project, File No. PP10-066 (e), agreements/contracts. (Economic Development)

2. CONSENT CALENDAR

2.10 Solar America Cities Special Project Grant.

Supplemental – Memo from the Director of Environmental Services

Recommendation: Adopt a resolution:

- (a) Ratifying a grant agreement with the U.S. Department of Energy to conduct the Solar America Initiative's Solar Market Transformation Special Project activities, for the term of January 1, 2010 through December 31, 2011, and to accept a grant in an amount not to exceed \$1,301,636.
- (b) Authorizing the City Manager and Redevelopment Agency Executive Director to negotiate and execute an agreement for the City's use of the Agency's site located at 155-193 East Santa Clara Street, which is valued at \$9,343 per month for a period of up to two years, for the Green Vision Education and Demonstration Center; and
- (c) Authorizing the City Manager to grant licenses to clean tech companies providing donations to the Green Vision Education and Demonstration to be on site at 155-193 East Santa Clara Street for a period of up to two years.

CEQA: Resolution No. 65459, File No. PP09-204. (Environmental Services)

2.11 Agreements with Goodwill of Silicon Valley, the Salvation Army, and HOPE Services for Recycling and Reuse Services.

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget, adopt a resolution authorizing the City Manager to negotiate and execute agreements with Goodwill of Silicon Valley, the Salvation Army, and HOPE Services for recycling and reuse services for a term from July 1, 2010 through June 30, 2011, with a total maximum annual compensation for the period through June 30, 2011 not to exceed \$356,176 for Goodwill of Silicon Valley, \$125,870 for the Salvation Army, and \$6,201 for HOPE Services. CEQA: Not a Project, File No. PP10-066 (e), agreements for services that involve no physical change to the environment. (Environmental Services)

2.12 Purchase of Real Property Located at 1590/1600 Las Plumas Avenue.

Recommendation: Adopt a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute an agreement with Family Supportive Housing, Inc., a California non-profit corporation for the purchase of land located at 1590/1600 Las Plumas Avenue, San José, CA, (APN N. 254-03-039) for purposes related to the implementation of the Santa Clara County Integrated Waste Management Plan; and
- (b) Execute all documents necessary to complete the transaction in accordance with the business points as outlined in the attached Exhibit B of the memorandum to Council.

CEQA: Mitigated Negative Declaration was adopted on February 24, 2010, for the purchase of the 1.76-acre San José Family Shelter property located at 1590/1600 Las Plumas Avenue (PP09-206). (Environmental Services/General Services)

2. CONSENT CALENDAR

2.13 Local Energy Assurance Planning Initiative Grant Appropriation Ordinance and Funding Resolution.

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Adopt a resolution authorizing the City Manager to execute a grant [agreement](#) with the Department of Energy to conduct the Local Energy Assurance Planning activities, for the term of July 1, 2010 through June 30, 2012, with a grant to the City in the amount of \$299,983.
 - (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2010-2011:
 - (1) Establish a Recovery Act – City-Wide Expenses Local Energy Assurance Planning appropriation to the Environmental Services Department in the amount of \$150,891; and
 - (2) Increase the estimate for Revenue from Federal Government – Recovery Act by \$150,891.

CEQA: Not a Project, File No. PP10-066 (e), services that involve no physical changes to the environment. (Environmental Services/City Manager's Office)

2.14 Open Purchase Orders for Supplies, Materials, Equipment and Services.

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget, approve the award of open purchase orders for supplies, materials, equipment and services for FY 2010-2011 #1 and authorize the Director of Finance to execute the purchase orders.
CEQA: See attachment for CEQA determinations. (Finance)

2.15 Agreement for Operation, Management and Maintenance of the Compressed Natural Gas Fueling Station At the Norman Y. Mineta San José International Airport.

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget, report on Request for Proposal for the operation, management and maintenance of the Compressed Natural Gas (CNG) fuel station at the Norman Y. Mineta San José International Airport ("Airport") and adoption of a [resolution](#):
- (a) Authorizing the Director of Finance to:
 - (1) Execute an [agreement](#) with Pinnacle CNG Company (Midland, TX) to operate, manage and maintain CNG fueling station at the Airport, for an initial three year term with total compensation not to exceed \$610,848, not including costs for non-routine or emergency maintenance and repair, subject to the annual appropriation of funds; and
 - (2) Exercise three additional one-year options to extend the agreement after the initial term, subject to the annual appropriation of funds.
 - (b) Authorizing the Director of Aviation to expend an additional contingency amount of up to \$200,000 under the agreement to cover costs for non-routine or emergency maintenance and repairs for the initial three year term, subject to the annual appropriation of funds.

CEQA: Resolutions No. 67380 and 71451, File No. PP10-104. (Finance)

2. CONSENT CALENDAR

2.16 [Set a Public Hearing on Sewer Service and Use Charges and Storm Sewer Service Charges to Be Placed on the Fiscal Year 2010-2011 County Tax Roll.](#)

Recommendation: Adopt a [resolution](#):

- (a) Setting a public hearing on Tuesday, August 3, 2010, at 1:30 p.m. for 2010-2011 Sewer Service and Use Charges and Storm Sewer Service Charges based on annual reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing.
- (b) Allowing the Director of Finance to file, with the City Clerk, the 2010-2011 Sewer Service and Use Charges and Storm Sewer Service Charges on or before July 16, 2010.

CEQA: Not a Project, File No. PP10-069(a) City organizational & administrative activities. (Finance)

2.17 [Agreement with enfoTech & Consulting for Software Upgrade to the Environmental Enforcement Data Management System.](#) [Supplemental – Letter from the Water Pollution Control Plant](#)

* **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget, adopt a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute the Fifth Amendment to the Environmental Enforcement Data Management System (EEDMS) Agreement with enfoTech & Consulting, Inc. to extend the term of the agreement by eighteen months from July 31, 2010 to January 31, 2012 and increase the compensation by \$318,199 for a revised not to exceed amount of \$1,381,598 in order to upgrade the existing EEDMS to a web based system.
- (b) Exercise five additional one-year options to extend the Agreement for ongoing software maintenance and support at a fixed cost of \$49,500 per year subject to the appropriation of funds.
- (c) Execute change orders not-to-exceed a contingency amount of \$72,750 to cover any unanticipated changes to the scope of services for the upgrade to a web based system.

CEQA: Not a Project, File No. PP10-066(a) agreements and contracts. (Finance)

2.18 [Approval of Amendments to Banking Service Agreements with Union Bank of California and Wells Fargo Bank.](#)

Recommendation:

Adopt a resolution authorizing the City Manager and the City Manager's authorized designees to negotiate and execute:

- (a) The Twelfth Amendment to the General Banking Services Agreement with Union Bank of California to increase the maximum annual compensation by \$30,000 from \$320,000 to \$350,000 to provide final banking and transaction services through June 30, 2010;

(Item continued on the next page)

2. CONSENT CALENDAR

2.18 Approval of Amendments to Banking Service Agreements with Union Bank of California and Wells Fargo Bank. (Cont'd.)

Recommendation:

- (b) The Third Amendment to the agreements with Wells Fargo Bank for General Banking Services and Merchant Card Processing Services and First Amendment to the agreement with Wells Fargo Bank for Custodial Services to increase the maximum annual compensation by \$145,000 from \$574,000, to an amount not to exceed \$719,000 for the initial term through June 30, 2010; and
- (c) Amendments to the agreements with UBOC and Wells Fargo Bank, if necessary, to either increase or decrease the maximum annual compensation or extend the term of the UBOC agreement without further City Council approval provided the total maximum compensation for banking services does not exceed appropriated funds for banking services.

CEQA: Not a Project, File No. PP10-066 (a) professional services with no changes in the physical environment. (Finance)

2.19 [Agreement with MuniServices Company for Sales and Use Tax Audit Services.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget, adopt a resolution authorizing the Director of Finance to negotiate and execute the first amendment to the agreement between the City of San José and MuniServices Company to increase compensation by \$400,000 to a total not to exceed \$3,780,000 and extend the term for one additional year from July 1, 2010 through June 30, 2011 for the sales and use tax audit services. CEQA: Not a Project, File No. PP10-066 (e), services that involve no physical changes to the environment. (Finance)

2.20 [Agreement with David Akbar and Manvir Gillon for Lease of Real Property Located at 150 S. 2nd Street.](#)

Recommendation: Adopt a resolution authorizing the Director of General Services to negotiate and execute an agreement with David Akbar and Manvir Gillon, a partnership doing business as SAVU for the lease of real property located at 150 S. 2nd Street for purposes of operating a restaurant and sports bar, for rentals as follows: Year 1 \$88,978; Year 2 \$122,197; Year 3 \$125,863; Year 4 \$129,639; Year 5 \$133,528; Year 6 \$137,534; Year 7 \$141,660; Year 8 \$145,910; Year 9 \$150,287; Year 10 \$154,796 for total compensation to the City of San José \$1,330,392. CEQA: Exempt, File No. PP10-095. (General Services)

2.21 [Agreement with Rebecca Yeh and David Shao for the Sale of the Property Located at 1494 Ridgewood Drive.](#)

Recommendation: Approve an agreement between the City and Rebecca Yeh and David Shao, the adjoining property owners, for sale of the property identified by APN 569-12-034 and located at 1494 Ridgewood Drive in the amount of \$370,000. CEQA: Exemption, File No. PP10-040. (General Services)

2. CONSENT CALENDAR

2.22 [Agreement with the County of Santa Clara for the Phase II Emergency Communications Microwave Project.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget, adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara to:
- (a) Provide matching grant funding in an amount not to exceed \$707,000 from the Communications Capital Program to offset a portion of the matching funds required for the \$6,200,000 Public Safety Interoperable Communications grant for the Phase II Emergency Communications Microwave Project; and
 - (b) Provide Emergency Communications Microwave Project communication equipment and in-kind services to the County of Santa Clara as additional contributions toward the \$6,200,000 Public Safety Interoperable Communications grant for the Phase II Emergency Communications Microwave Project project.
- CEQA: Not a Project, File No. PP10-066 (e) Services that involve no physical changes to the environment. (General Services)

2.23 [Amendment to the Housing Services Partnership Contract with EHC Lifebuilders.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget, adopt a [resolution](#):
- (a) Approving a 12-month extension to the Housing Services Partnership (HSP) contract with EHC Lifebuilders (EHC) to provide homeless services on behalf of the City from July 1, 2010 through June 30, 2011;
 - (b) Approving an increase in the HSP contract amount from \$2,310,712 to \$3,710,712, an increase of \$1,400,000, to cover the cost of services provided through June 30, 2011; and
 - (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.
- CEQA: Not a Project, File No. PP10-066 (e), agreements/contracts. (Housing)

2.24 [Approve a Funding Commitment for Site Acquisition for the Orvieto Family Apartments.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Adopt a [resolution](#) authorizing the Director of Housing to accept a Brownfields Cleanup Revolving Loan Fund grant of up to \$525,000 from the California Department of Toxic Substances Control and to negotiate and execute the grant agreement and any amendments or other documents necessary to implement the grant for the cleanup of the site of the previously approved 92-unit Orvieto Family Apartments, an affordable multifamily rental project located at the Southeast corner of Montecito Vista Way and Montecito Vista Drive, to be developed by ROEM Development Corporation, or its legal affiliate.

(Item continued on the next page)

2. CONSENT CALENDAR

2.24 Approve a Funding Commitment for Site Acquisition for the Orvieto Family Apartments. (Cont'd.)

Recommendation:

(b) Adopt the following Appropriation Ordinance amendments in 2010-2011 in the Multi-Source Housing Fund:

- (1) Establish an appropriation to the Housing Department for the Toxic Substances Control Grant project in the amount of \$525,000.
- (2) Decrease the Ending Fund Balance by \$525,000.

CEQA: Resolution No. 72877, Goble Lane Environmental Impact Report, File No. PP09-086. (Housing/City Manager's Office)

2.25 [Memorandum of Understanding with the City and County of San Francisco for the 2009 Bay Area Urban Areas Security Initiative Grant Allocation.](#)

* **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a joint Memorandum of Understanding between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative (UASI), to accept the 2009 UASI grant allocation in the amount of \$2,000,000 and to execute additional amendments and related documents without further Council action; and
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund for Fiscal Year 2010-2011:
 - (1) Establish a City-wide appropriation to the Police Department for the 2009 Urban Areas Security Initiative (UASI) Grant in the amount of \$950,000;
 - (2) Establish a City-wide appropriation to the Fire Department for the 2009 Urban Areas Security Initiative (UASI) Grant in the amount of \$1,050,000; and,
 - (3) Increase the Revenue Estimate from the Federal Government by \$2,000,000.

CEQA: Not a Project, File No. PP10-066 (a), 2009 UASI Grant MOU. (Police/Fire/City Manager's Office)

2.26 [Grant a Franchise to Wickland Pipelines.](#) [Presentation](#)

Recommendation: Adopt a [resolution](#):

- (a) Declaring the intention of the Council to grant a franchise to Wickland Pipelines, LLC, for the purpose of transmitting and distributing jet fuel and oil-related products;
- (b) Setting a public hearing on [August 3, 2010, at 1:30 p.m.](#) in the City Council Chambers located at 200 E. Santa Clara Street in San José, California to hear any objections to the granting of the franchise; and
- (c) Directing the City Clerk to publish notice of the public hearing at least once within fifteen (15) days after the passage of the resolution in a newspaper of general circulation.

CEQA: Mitigated Negative Declaration, File No. CP09-012. Council District 4. (Public Works)

2. CONSENT CALENDAR

2.27 [Airport Interim Rental Car Parking Lot Demolition Project.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Adopt a [resolution](#) authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Phase 1 “Contract for the Norman Y. Mineta San José International Airport Interim Rental Car Parking Lot Demolition Project” and to either: (i) award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$1,500,000; or (ii) reject all bids and re-bid the Project.
 - (b) Approve a contingency equal to ten percent (10%) of the award amount.
 - (c) Adopt a [resolution](#) authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Phase 2 “Contract for the Norman Y. Mineta San José International Airport Green Island Long Term Parking Lot Improvement Project” and to either:
 - (1) Award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$5,500,000, or
 - (2) Reject all bids and re-bid the Project.
 - (d) Approve a contingency equal to ten percent (10%) of the award amount.
- CEQA: Resolution Nos. 67380 and 7145; File No. PP10-109. (Public Works/Airport)

2.28 [Agreement for Consultant Services with Anderson Brule Architects for the Educational Park Branch Library Project.](#)

Recommendation: Approval of the second amendment to the [agreement](#) for consultant services with Anderson Brule Architects, extending the term of the agreement for the Educational Park Branch Library project from April 30, 2011 to October 30, 2011, and increasing the amount of Additional Services and Reimbursable compensation by \$50,000, for a total agreement amount not to exceed \$1,330,000. CEQA: Mitigated Negative Declaration, File No. PP08-024. Resolution approved by Council on November 6, 2007. Council District 4. (Public Works/Library)

2.29 [Agreement with LPA for Design Consultant Services for the New Southeast Branch Library.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a consultant agreement with the second highest ranked consultant, LPA, Inc., for design consultant services including project design, preparation of construction documents and construction administration services for the new Southeast Branch Library, in a total amount not to exceed \$850,000. CEQA: Addendum to the Evergreen Specific Plan EIR, Resolution No.63719, File No. PP10-008. Council District 8. (Public Works/Library)

2. CONSENT CALENDAR

2.30 [Agreement for Design Services with the Santa Clara Valley Transportation Authority for the Santa Clara-Alum Rock Bus Rapid Transit Project.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Approval of an [Agreement](#) for Design Services with the Santa Clara Valley Transportation Authority for the Santa Clara-Alum Rock Bus Rapid Transit Project in an amount not to exceed \$151,875.
 - (b) Approval of an [Agreement](#) for Design Services with the Santa Clara Valley Transportation Authority for the Capitol Expressway Light Rail Pedestrian Improvements Project in an amount not to exceed \$309,225.
 - (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in 2010-2011 in the Construction Excise Tax Fund:
 - (1) Establish an appropriation to the Department of Transportation for the Santa Clara-Alum Rock Bus Rapid Transit project in the amount of \$151,875.
 - (2) Establish an appropriation to the Department of Transportation for the Capitol Expressway Light Rail Pedestrian Improvements project in the amount of \$309,225.
 - (3) Increase the estimate for Earned Revenue by \$461,100.
- CEQA: Not a Project, File No. PP10-066(a), agreements and contracts. Council Districts 3, 5 and 8. SNI: Five Wounds/Brookwood Terrace, Gateway East, Mayfair, East Valley/680 Communities. (Public Works/City Manager's Office)

2.31 [Award of Contract for the Silicon Valley Intelligent Transportation Systems Enhancement Project.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Adopt a [resolution](#) authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Silicon Valley Intelligent Transportation Systems (SV-ITS) Enhancement Project and to either:
 - (1) Award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$1,300,000; or
 - (2) Reject all bids and re-bid the Project.
 - (b) Approve a contingency equal to ten percent (10%) of the award amount.
- CEQA: Addendum to Mitigated Negative Declaration, File No. PP10-091. Council Districts 3, 6 and 9. (Public Works/Transportation)

2.32 [American with Disabilities Act Transition Plan Update for Sidewalks Supplemental – Memo from the Acting Director of Transportation](#)

Recommendation: Approval of the American with Disabilities Act Transition Plan Update for Sidewalks that identifies procedures and priorities for building curb ramps and removing sidewalk accessibility barriers and establishes goals for having fully accessible sidewalks along major streets, within pedestrian priority zones, and near public use facilities by 2020, and full sidewalk accessibility throughout the City by 2040. CEQA: Categorically Exempt, File No. PP10-107. (Transportation)

2. CONSENT CALENDAR

2.33 Ordinances relating to Retirement Benefit Calculations.

- * **Recommendation:** Approve an [ordinance](#) amending Parts 1 and 5.5 of Chapter 3.36 of Title 3 of the San José Municipal Code relating to the Police and Fire Department Retirement Plan to add new Sections 3.36.130 and 3.36.140 defining “Limitation Year” and “Plan Year” and revising Section 3.36.730 to clarify provisions related to Internal Revenue Code limitations on pension benefit calculations. CEQA: Not a Project; File No. PP10-068, Municipal Code or Policy (new or revised). (City Attorney’s Office) (Rules Committee referral 6/9/10)

2.34 National League of Cities Public Safety and Crime Prevention Steering Committee Meeting.

Recommendation: As recommended by the Rules and Open Government Committee on June 9, 2010:

- (a) Approve the co-sponsorship of the National League of Cities Public Safety and Crime Prevention Steering Committee Meeting as a City Council sponsored special event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

(City Clerk)

[Rules Committee referral 6/9/10 – Item H(3)]

2.35 Historic Landmarks Commission Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on June 16, 2010, reappoint Patricia Colombe to the Historic Landmarks Commission for a third term, to last three years. (Chirco)

- * [Rules Committee referral 6/16/10 – Item G(1)]

2.36 Silicon Valley Workforce Investment Network Board Nomination.

Recommendation: As recommended by the Rules and Open Government Committee on June 16, 2010, appoint Barbara Cox, Green Energy Grants Coordinator for the California Labor Management Cooperation Committee of the International Brotherhood of Electrical Workers to serve as a mandated labor representative on the SVWIN Board of Directors as required by law. (Mayor)

- * [Rules Committee referral 6/16/10 – Item G(2)]

3. STRATEGIC SUPPORT SERVICES

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/ REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

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

3.2 [Approval of Various Budget Actions for Fiscal Year 2009-2010.](#)

[Supplemental – Memo from the Budget Office](#)

Recommendation: Adopt amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated 2009-2010 revenue receipts, expenses, and encumbrances. CEQA: Not a Project. (City Manager's Office)

3.3 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2010-2011 Budget, and Resolution Establishing the Fiscal Year 2010-2011 Appropriation Limit.

Recommendation:

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2010-2011 and the Manager's Final Budget Addendum.
- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2010-2011 and the Manager's Final Budget Addendum.
- (c) [Adopt a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 88 electing the population and inflation factors and establishing the Fiscal Year 2010-2011 Appropriation Limit.](#) [resolution](#)

CEQA: Not a Project. (City Manager's Office)

3.4 [Report from the City Auditor on the Audit of the City's Licensing and Permitting of Cardroom Owners and Employees.](#)

[Supplemental – Memo from the City Attorney](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2010, accept the Report from the City Auditor on the Audit of the City's Licensing and Permitting of Cardroom Owners and Employees. (Auditor)
[Public Safety, Finance and Strategic Support Committee referral 5/20/10 – Item D(2)]
(Deferred from 6/15/10 – Item 3.15)

3. STRATEGIC SUPPORT SERVICES

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/ REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

3.5 Settlement with Fire Employees re: Fair Labor Standards Act Overtime Claims.

Recommendation: Approve a settlement and authorize the City Attorney to execute a Settlement [Agreement](#) to settle two federal Fair Labor Standards Act (“FLSA”) lawsuits brought by San José fire employees in which (1) the fire employees will be paid back wages in an amount to be determined by recalculating each participating fire employee’s overtime pay which they are due, if any, consistent with the proposed settlement agreement, approved by the federal court as fair and reasonable; (2) the City will calculate overtime pay prospectively pursuant to the attached proposed settlement agreement beginning the first pay period that commences after July 1, 2010; and (3) the City will pay attorneys’ fees and costs for both lawsuits, in a total amount of one hundred five thousand dollars (\$105,000), as considered by the City Council during Closed Session on March 30, 2010. CEQA: Not a project, File No. PP10-069 (b), personnel related decisions. (City Attorney’s Office)

3.6 **Ordinances to Implement Retirement Boards Governance Changes.**

Recommendation:

- (a) Approve an ordinance amending Section 2.08.130 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise provisions for removal of Retirement Board Members.
- (b) Approve an ordinance amending Part 12 of Chapter 2.08 of Title 2 and Section 3.36.330 of Part 3 Of Chapter 3.36 of the San José Municipal Code to revise the structure of the Board Of Administration for the Police And Fire Department Retirement Plan, adopt minimum qualification criteria for public members of said Board, revise provisions for compensation of Board Members and revise the definition of a Board quorum.
- (c) Approve an ordinance amending Part 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise the structure of the Board Of Administration for the Federated City Employees Retirement System, adopt minimum qualification criteria for public members of said Board and revise provisions for compensation of Board Members.

CEQA: Not a Project; File No. PP10-068. (City Attorney’s Office)

* **RECOMMEND DEFERRAL TO 8/3/10 PER CITY ATTORNEY’S OFFICE**

3. STRATEGIC SUPPORT SERVICES

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/ REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

3.7 [City of San José 2010 Tax and Revenue Anticipation Note.](#)

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund (001) for Fiscal Year 2010-2011:
 - (1) Increase the estimate for Other Revenue in the amount of \$75,000,000;
 - (2) Increase the estimate for Use of Money and Property in the amount of \$547,000 of additional interest earnings as revenue in the General Fund; and
 - (3) Establish a City-wide appropriation to the Finance Department for the 2010 TRANs Debt Service in the amount of \$75,547,000.
 - (b) Adopt a [resolution](#):
 - (1) Authorizing the issuance and sale of the City of San José 2010 Tax and Revenue Anticipation Note (“2010 Note”) in the not-to-exceed aggregate principal amount of \$75,000,000 to be sold through a private placement; and [Side Letter](#)
 - (2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2010 Note and authorizing other related actions in connection therewith.

CEQA: Not a Project, PP10-069, City organizational and administrative activities. (City Manager’s Office/Finance)

3.8 [Actions Related to Retiree Healthcare.](#)

- * **Recommendation:** Approve an [ordinance](#) that would define the lowest cost plans for retiree healthcare for the remainder of Calendar Year 2010 to be the Kaiser plan with \$10 co-pays, with this six-month change to be retroactive to July 1, 2010. CEQA: Not a Project. (City Manager's Office)

3.9 **Response to Civil Grand Jury Report: Money-Losing Hayes Mansion: A San José City Council Responsibility and Dolce Hayes Mansion Consultant Services.**

- * **Recommendation:**
- (a) [Accept the staff response to the Civil Grand Jury Report entitled “Money-Losing Hayes Mansion: A San José City Council Responsibility.”](#) CEQA: Not a Project, File No. PP10-069(a) City organizational & administrative activities. (Finance)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/ REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

3.9 Response to Civil Grand Jury Report: Money-Losing Hayes Mansion: A San José City Council Responsibility and Dolce Hayes Mansion Consultant Services. (Cont'd.)

* **Recommendation:**

- (b) [Subject to appropriation of funds in the 2010-2011 Budget, adopt a resolution](#) authorizing the Director of Finance to Negotiate and execute the second amendment to the continuation agreement with Horwath Hospitality & Leisure, LLC to commission a feasibility study of alternative uses of the Dolce Hayes Mansion in addition to the services performed under the existing agreement, and to increase the contract amount from \$479,986 by \$32,500 for a not-to-exceed amount of \$512,486. CEQA: Statutorily Exempt, File No. PP10-066(d), consultant services with no commitment to a future course of action. (Finance)

3.10 [Municipal Regulations and Enforcement Pertaining To Medicinal Use of Cannabis. Supplemental – Memo from the Office of the City Manager and the Police Chief](#) [Supplemental – Memo from the Deputy City Attorney](#) [Attachment – Memo from the Mayor and Councilmember Oliverio](#) [Supplemental – Memo from the Office of the City Manager](#) [Presentation](#)

* **Recommendation:**

- (a) City Council consideration of a regular and/or urgency ordinance of the City of San José amending Title 6, Business Licenses and Regulations, of the San José Municipal Code to add a new Chapter 6.88 to establish regulations pertaining to Medical Marijuana Collectives and to the individual cultivation and use of medical marijuana and setting forth the facts constituting such urgency; [Title 6 Regular Ordinance](#) [Title 6 Urgency Ordinance](#)
- (b) City Council consideration an urgency ordinance of the City of San José amending Title 20, Zoning, of the San José Municipal Code (the Zoning Code) by amending Section 20.10.040 of Chapter 20.10, Section 20.40.100 of Chapter 20.40; adding a new part 9.5 to Chapter 20.80; and adding a new part 13 to, and amending Section 20.100.200 of, Chapter 20.100, all to establish land use regulations pertaining to Medical Marijuana Collectives and amending Section 1.13.050 of Title 1 of the San José Municipal Code to be consistent with the amendments to Title 20; [Land Use Urgency Ordinance](#)
- (c) City Council consideration of adoption of a resolution to initiate these amendments to Title 20 on a permanent basis, forward these proposed Title 20 amendments to the Planning Commission for its report and recommendation, and set a public hearing date on these proposed amendments to Title 20 before the City Council; [Title 20 Initiating Resolution](#)
- (d) Adopt the following Appropriation Ordinance and Funding Resource Resolution Amendments in the General Fund for Fiscal Year 2010-2011:
- (1) Increase the Police Department's 2010-2011 General Fund Personal Services appropriation by \$576,258;

3. STRATEGIC SUPPORT SERVICES

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/ REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

3.10 Municipal Regulations and Enforcement Pertaining To Medicinal Use of Cannabis. (Cont'd.)

* **Recommendation:**

- (d) (2) Increase the Police Department's Non Personal Services/Equipment appropriation by \$2,930;
- (3) Increase the Finance Department's 2010-2011 General Fund Personal Services appropriation by \$121,014;
- (4) Increase the Office of the City Manager's 2010-2011 General Fund Personal Services appropriation by \$55,488; and
- (5) Increase the Revenue Estimate for Licenses and Permits by \$755,690.
- (e) Account for the increase collection of Indirect Cost (Overhead) by \$197,470, according to the City-wide Cost Allocation Plan for FY 2010-2011 as part of the City's Annual Report;
- (f) Authorize the addition of 1.0 Police Sergeant position and 2.0 Police Officer positions in the Police Department Narcotics/Covert Investigations Units as of July 1, 2010;
- (g) Authorize the addition of 1.0 Analyst II position in the Finance Department Revenue Compliance and Monitoring Division as of July 1, 2010;
- (h) Authorize the addition of 0.5 Executive Analyst position in the City Manager's Office Administration Division as of July 1, 2010;
- (i) Adopt a resolution to amend the Adopted 2010-2011 Schedule of Fees and Charges Resolution (Resolution 72737, as amended) to add a Medical Marijuana Collective Registration Fee and establish the fee at \$95,016 per each Collective that registers; [Fees and Charges Resolution](#)
- (j) Amend the Administrative Citation Schedule of Fines to establish fines for various violations related to Title 6, Business Licenses and Regulations, Chapter 6.88 (Medical Marijuana Collectives) and repeal Resolution No 75065, titled Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code; [Administrative Citation Schedule of Fines](#)
- (k) Review of analysis and direction to staff regarding placing a Medical Marijuana Tax on the November 2, 2010 ballot;
- (l) Review of the community outreach strategy to provide information to the public regarding a draft Medical Marijuana Ordinance; and,

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/ REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

3.10 Municipal Regulations and Enforcement Pertaining To Medicinal Use of Cannabis. (Cont'd.)

* **Recommendation:**

(m) As an alternative policy option, consideration of an urgency ordinance to amend Title 20 of the San José Municipal Code to amend Section 20.10.040 of Chapter 20.10 and to amend Chapter 20.80 to add a new Part 5 to ban establishments dispensing medical marijuana in the City of José and consideration of adoption of a resolution to initiate these amendments to Title 20 on a permanent basis, forward these proposed Title 20 amendments to the Planning Commission for its report and recommendation, and set a public hearing date on these proposed amendments to Title 20 before the City Council.

[Alternative Urgency Ordinance](#); [Alternative Initiating Resolution](#)

CEQA: Exempt, File No. PP10-116. (Police/Planning, Building and Code Enforcement/Finance/City Manager's Office)

(Deferred from 6/15/10 – Item 3.14)

TO BE HEARD LAST AND NO EARLIER THAN 3:00 P.M.

3.11 [Approval of the Terms of an Agreement 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 Director of Employee Relations](#)

Recommendation: Adopt a [resolution](#) approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21, (CAMP), effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)

* (Continued from 6/15/10 – Item 3.2 and 6/17/10 – Item 1)

3.12 [Approval of the Terms of an Agreement 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 Director of Employee Relations](#)

Recommendation: Adopt a [resolution](#) approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the International Brotherhood of Electrical Workers, Local No. 332 (IBEW), effective June 27, 2010.

CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)

* (Continued from 6/15/10 – Item 3.3 and 6/17/10 – Item 2)

3. STRATEGIC SUPPORT SERVICES

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/ REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

3.13 [Approval of the Terms of an Agreement 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 Director of Employee Relations](#)

Recommendation: Adopt a [resolution](#) approving the implementation of the terms of the City’s Last, Best and Final Offer for employees represented by the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041 and 042, and 043, effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

* (Continued from 6/15/10 – Item 3.4 and 6/17/10 – Item 3)

3.14 [Approval of the Terms of an Agreement or Implementation of Terms Contained in the City’s Last, Best and Final Offer to the Association of Maintenance Supervisory Personnel \(AMSP\).](#)

[Supplemental Memo from the Director of Employee Relations](#)

Recommendation: Adopt a [resolution](#) approving the implementation of the terms of the City’s Last, Best and Final Offer for employees represented by the Association of Maintenance Supervisory Personnel (AMSP), effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

* (Continued from 6/15/10 – Item 3.5 and 6/17/10 – Item 4)

3.15 [Approval of the Terms of an Agreement or Implementation of Terms Contained in the City’s Last, Best and Final Offer to the Operating Engineers, Local No. 3.](#)

[Supplemental Memo from the Director of Employee Relations](#)

Recommendation: Adopt a resolution approving the implementation of the terms of the City’s Last, Best and Final Offer for employees represented by the Operating Engineers, Local No. 3 (OE#3), effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

* (Continued from 6/15/10 – Item 3.6 and 6/17/10 – Item 5)

3.16 **Approval of the terms of an agreement with Municipal Employees Federation (MEF).**

Recommendation: Approval of the terms of an amendment of the agreement with Municipal Employees' Federation (MEF) regarding custodial services and compensation for custodial employees as referenced in the staff report.

(City Manager’s Office)

* (Orders of the Day)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearings on Business Improvement District Reports for FY 2010-2011.

Recommendation:

- (a) [Conduct public hearing and adopt a resolution approving the Hotel Business Improvement District budget report for Fiscal Year 2010-11, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2010-2011. CEQA: Exempt, File No. PP08-048. Council District 3. \(Economic Development\)](#) [Resolution](#)
- (b) [Conduct public hearing and adopt a resolution approving the Japantown Business Improvement District budget report for Fiscal Year 2010-11, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2010-2011. CEQA: Exempt, File No. PP08-048. Council District 3. \(Economic Development\)](#) [Resolution](#)
- (c) [Conduct public hearing and adopt a resolution approving the Downtown Business Improvement District budget report for Fiscal Year 2010-11, as filed or as modified by the Council, and to levy the Downtown BID assessments for 2010-2011. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: St. James Square; University; Joséfa/Auzerais; Burbank/Del Monte. \(Economic Development\)](#) [Resolution](#)

4.2 [Public Entertainment Permit Ordinance Presentation](#)

Recommendation: Direct the City Attorney to prepare an ordinance to amend the Public Entertainment Permit Ordinance to authorize the following changes:

- (a) The security requirement be amended to one (1) security guard for every fifty (50) patrons on site, up to the actual occupancy limit;
- (b) The security requirement be amended to require security personnel to start their shift when entertainment begins or not later than 9:00PM, which ever occurs first;
- (c) The term of the Public Entertainment Permit from two (2) years, to a potential four (4) year Permit conditioned on a successful two (2) year review with a two (2) year extension;
- (d) Create a renewal process for the Public Entertainment; and,
- (e) Amend the process to obtain a “Manager’s License” to only require information pertinent to the applicant and not the business.

CEQA: Not a Project, File No. PP10-068 (b), general procedure and policy making. (Economic Development)

4.3 [Agreement with Coleman Airport Partners for the Purchase of the Former FMC Property.](#)

Recommendation: Adopt a Resolution allowing the City Manager to Negotiate and Execute an Amendment to the Option Agreements with Coleman Airport Partners, LLC for the purchase of the former FMC property located at 1125 Coleman Avenue to allow a 90-Day extension of the option payments. CEQA: EIR Resolution No. 7176, File No. PP08-093. (Economic Development)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 [Actions Related to San Pedro Public Market.](#)

[Presentation 1](#) [Presentation 2](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) No build easements to be granted by City over portions of the Peralta Adobe Plaza to adjacent property owners or to be recorded against a ground lease held by Urban Markets as lessee of the Perrazzo property; and
- (b) A property use and maintenance agreement with Urban Markets LLC for maintenance of the Plaza.

CEQA: Resolution No. 72767, File No. CP 09-054. Council District 3. (Economic Development)

4.5 [2009-2010 and 2010-2011 Appropriation Ordinance and Funding Sources Resolution Amendments for the Federal and State Workforce Investment Act Fund.](#)

* **Recommendation:**

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund (290) for 2009-2010:
 - (1) Increase the estimate for Recovery Act – Federal Revenue in the amount of \$473,636;
 - (2) Establish an appropriation to the Office of Economic Development for the Recovery Act – Temporary Assistance to Needy Families (TANF) Emergency Contingency Fund (ECF) in the amount of \$423,636; and
 - (3) Establish an appropriation to the Office of Economic Development for the Recovery Act – Wagner-Peyser Disability Program Navigator (DPN) in the amount of \$50,000.
- (b) Subject to appropriation of funds in the 2010-2011 Budget, adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund (290) for 2010-2011:
 - (1) Increase the estimate for Recovery Act – Federal Revenue in the amount of \$2,083,661;
 - (2) Establish an appropriation to the Office of Economic Development for the Recovery Act – Temporary Assistance to Needy Families (TANF) Emergency Contingency Fund (ECF) in the amount of \$2,034,589; and
 - (3) Establish an appropriation to the Office of Economic Development for the Recovery Act – Wagner-Peyser Disability Program Navigator (DPN) in the amount of \$49,072.

CEQA: Not a Project; File No. PP10-067 (b): appropriation ordinance. (Economic Development/City Manager's Office)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to Various Parks, Recreation and Neighborhood Services Agreements.

Recommendation: Adopt a [resolution](#) authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements and amendments for Parks, Recreation and Neighborhood Services Department identified on Attachment A of the memorandum to Council;
- (b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified on Attachment B of the memorandum to Council consistent with the 2010-2011 Proposed Budget;
- (c) Authorize the City Manager to negotiate and execute a three-month extension of the agreement with the County of Santa Clara for the Senior Nutrition Agreement into the first three months of 2010-2011 and to accept grant funds for that period in amounts consistent with budgeted amount in the 2010-2011 Proposed Budget, until a new agreement for 2010-2011 is finalized with the County;
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to negotiate and execute 2010-2011 contracts and amendments consistent with Adopted Budget amounts for the following grant programs:
 - (1) Bringing Everyone's Strengths Together (B.E.S.T.)
 - (2) Healthy Neighborhoods Venture Fund (H.N.V.F.) (H.N.V.F. contracts are in the midst of a multi-year award cycle. In addition, the funding source is shifting to the General Fund.)
 - (3) Mayor's Gang Prevention Task Force Memorandums of Understanding
 - (4) Safe Summer Initiative Grant (S.S.I.G.)
 - (5) San José After School (S.J.A.S.)

CEQA: Not a Project, File PP10-066(e), contracts for services involving no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

5.2 Report on the Resource Allocation Plan of the San José Bringing Everyone's Strengths Together (BEST) Program for FY 2010-2011.

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Accept the 2008-2009 San José Bringing Everyone's Strengths Together (BEST) and Mayor's Gang Prevention Task Force evaluation report.
 - (b) Approve the Resource Allocation Plan of the San José BEST program for FY 2010-2011.

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

- * (Rules Committee referral 6/16/10)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Master Agreement with the Santa Clara Valley Transportation Authority for the BART Extension to Berryessa.](#) [Presentation](#)

Recommendation: Approve a cooperative Master [Agreement](#) with the Santa Clara Valley Transportation Authority for design and construction of the BART extension to Berryessa for a period from execution of the agreement to June 30, 2018. CEQA: Not a Project. (Transportation)

6.2 [Automated Transit Network Agreements and Funding Actions.](#) [Presentation](#)

* **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute the following agreements to support the evaluation and potential implementation of an Automated Transit Network (ATN) connecting the San José Norman Y. Mineta International Airport to Light Rail, Caltrain, and future BART transit systems:
 - (1) A cooperative agreement with the Santa Clara Valley Transportation Authority (VTA) providing funds in the amount of \$3,600,000 from VTA to the City to retain two consultants for evaluation of an ATN system with an allocation of \$1,800,000 for Phase 1 and \$1,800,000 for Phase 2, using no City funds.
 - (2) A consultant services agreement with Aerospace Corporation, a California Corporation to develop performance requirements for San José's proposed ATN system, assess the technical capability of current and future ATN systems, and evaluate the technical feasibility of building an ATN system that meets the City's goals, for a period from June 15, 2010 to December 31, 2011 and in the amount not to exceed \$1,000,000.
 - (3) A consultant services agreement with Arup North America Ltd., a United Kingdom corporation authorized to conduct business in California to identify routing and station options, prepare ridership and revenue estimates, and evaluate the financial feasibility of building an ATN system, for a period from June 15, 2010 to December 31, 2011 and in the amount not to exceed \$800,000.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in 2010-2011 in the Construction Excise Tax Fund:
 - (1) Establish an appropriation to the Department of Transportation for the Automated Transit Network Project in the amount of \$1,800,000.
 - (2) Increase the estimate for Earned Revenue by \$1,800,000.

CEQA: Statutorily Exempt, CEQA Guidelines Section 125262, feasibility and planning studies. If the City decides to proceed with the project, to move to Phase II, Arup will prepare all necessary environmental documents to inform future City decisions regarding the potential construction of an Automated Transit Network. Council District 3. (Transportation/City Manager's Office)

6. TRANSPORTATION & AVIATION SERVICES

6.3 High Speed Rail Project Update.

Recommendation: As recommended by the Transportation and Environment Committee on June 7, 2010, accept the progress report on the California High Speed Rail project. (Transportation)

- * [Transportation and Environment Committee referral 6/7/10 – Item D(4)]
RECOMMEND DEFERRAL TO 8/24/10 PER ADMINISTRATION

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Solid Waste Service Agreements.

Attachment – Conflict of Interest form for Councilmember Chu Presentation

- * **Recommendation:** Subject to appropriation of funds in the 2010-2011 Budget:
- (a) Adopt a resolution authorizing the City Manager to negotiate and execute the following agreements for solid waste services with terms from July 1, 2010 through June 30, 2021:
 - (1) California Waste Solutions for recyclables collection and processing for single-family dwellings in Districts A and C, for a total first year cost of \$16,129,900.
 - (2) Garden City Sanitation, Inc. for single-family dwelling garbage collection in Districts A and C for a total first year cost of \$18,314,800, with an option for providing billing and customer service for single-family dwellings in Districts A and C at an additional cost.
 - (3) GreenTeam of San José for collection of garbage and recyclables for multi-family dwellings Citywide, single-family dwellings in District B, neighborhood clean-up services in District B, and City Facility garbage and recycling collection and processing services, for a total first year cost of \$28,924,989, with an option for providing billing and customer services for single-family dwellings in District B and multi-family dwellings Citywide at an additional cost.
 - (4) GreenWaste Recovery, Inc. for Citywide residential yard trimmings and street sweeping collection and processing, back-end processing of municipal solid waste where applicable, neighborhood clean-up services in Districts A and C, and Citywide public litter can collection and processing services, for a total first year cost of \$22,847,700.
 - (b) Direct staff to allocate a \$2,000,000 savings realized from the proposed solid waste service agreement with GreenWaste Recovery in 2010-2011, originally recommended to mitigate Recycle Plus rate payer increases and to fund diversion activities, for the construction of a permanent Household Hazardous Waste facility in San José for the City’s residential Recycle Plus customers.

CEQA: 2010 Solid Waste Service Agreements: Negative Declaration, file no. PP10-055. May 26, 2010. <http://www.sanjoseca.gov/planning/eir/MND.asp>. Household Hazardous Waste Facility: Mitigated Negative Declaration, file no. PP09-138. Adopted December 1, 2009. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 [Agreement with San José Water Company for Recycled Water. Supplemental – Letter from the Water Pollution Control Plant Presentation](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Wholesaler-Retailer Agreement for Supply of Recycled Water between the City of San José and San José Water Company (SJWC): to permit SJWC to connect approximately 16 miles of pipeline recycled water pipeline, to be built, owned, operated and maintained by SJWC in north and central San José, to the South Bay Water Recycling system; to permit SJWC to own, operate maintain and connect such other recycled water pipeline within SJWC’s service area as may be approved by the City and SJWC in the future; and to allocate additional responsibility and liability to SJWC related to recycled water operations within SJWC’s service area. CEQA: Mitigated Negative Declaration, File No. PP10-089. (Environmental Services)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 “Approval of a Capital Equipment Assistance Agreement with Intermolecular, Inc.”, 8.2 “FY 2010-2011 Cooperation Agreements between the City of San José and the Redevelopment Agency”, and 8.3 “Acceptance of the report on the Strong Neighborhoods Business Plan Update” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1 AND 9.2 IN A JOINT SESSION

9.1 [Development Agreement with Cisco Technology, Inc. Attachment – Memo from Mayor Reed and Councilmember Chu Presentation 1 Presentation 2](#)

Recommendation: Consider an [ordinance](#) for the Cisco Site 4 Development Agreement to reserve 2.5 million square feet of industrial development capacity and to authorize the City Clerk to execute the Development Agreement, for property located on the north and south sides of E. Tasman Drive, between Zanker Road and Coyote Creek, and to the south along Cisco Way (3750, 3850 Zanker Road, and 3550 Cisco Way) (Cisco Technology, Owner). CEQA: EIR Resolution No. 72768 and Addenda thereto.

[DA10-001](#) – District 4
(Redevelopment Agency/City Manager’s Office)
(Deferred from 6/15/10 – Item 4.3)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

THE REDEVELOPMENT AGENCY AGENDA AND JOINT COUNCIL/REDEVELOPMENT AGENCY ITEMS (SECTION 9) WILL BE HEARD FIRST, FOLLOWED BY ITEMS 3.11 – 3.16, 3.2 AND 3.3, THE CONSENT CALENDAR, AND BALANCE OF THE AGENDA

9.2 [Authority to Advertise the RFP for the Convention Center.](#)

Recommendation: Adopt a [resolution](#) by the City Council:

- (a) Finding that the cost of the proposed design-build contract for the Convention Center Expansion and Renovation Project (Project) is likely to exceed \$5,000,000, and the design-build procurement process is likely to save money or result in faster project completion than if the City used a procurement process involving its normal competitive bidding process;
- (b) Approving a Request for Proposals and the criteria and process by which the City shall select a design-build entity for the Project; and;
- (c) Authorizing the Public Works Director to issue addenda during the Request for Proposals process to make revisions to the Request for Proposals that are consistent with the scope and selection criteria as approved by Council.

CEQA: Resolution No. 72767 and Addenda thereto. File No. PP08-002. (City Manager's Office/ Redevelopment Agency)

- **Open Forum**

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

- **Continue RDA Board Meeting**

- **Adjournment**

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY/AGENDA**

1:30 P.M.

TUESDAY, JUNE 22, 2010

CHAMBERS

- 1. Call to Order and Roll Call**
- 2. [Actions Related to Orvieto Family Apartments.](#)**

Recommendation:

- (a) Adopt a resolution of the City Council:
 - (1) Repealing [Resolution](#) No. 71579 of the City Council adopted on November 17, 2009;
 - (2) Authorizing the issuance of tax-exempt multifamily housing revenue bonds in two series designated as "City of San José Multifamily Housing Revenue Bonds (Orvieto Family Apartments), Series 2010B-1 and Series 2010B-2" in the aggregate principal amount not to exceed \$14,200,000 (individually, the "Series B-1 Bonds", the "Series B-2 Bonds" and collectively, "Bonds");
 - (3) Approving a loan of Bond proceeds to Orvieto Family Apartments, L.P., a California limited partnership (the "Borrower"), for financing a portion of the costs of constructing the Orvieto Family Apartments (the "Project") located at 80 Montecito Vista Drive in the City of San José (the "City");
 - (4) Approving in substantially final form the Series B-1 [Senior Trust Indenture](#) with Wells Fargo Bank, National Association, as Trustee (the "Trustee"), the Series B-2 Subordinate [Trust Indenture](#) with JP Morgan Chase Bank, N.A., as Bondowner Representative (the "Bondowner Representative"), the Series [B-1 Financing Agreement](#) among the City, the Borrower and the Trustee, the Series [B-2 Loan Agreement](#) among the City, the Borrower and the Bondowner Representative, [Regulatory Agreement](#) among the City, the Borrower and the Trustee, the [Intercreditor Agreement](#) among the City, the Trustee, Freddie Mac and the Bondowner Representative, the Bond Purchase Agreement among the City, the Borrower and RBC Capital Markets as Underwriter of the Series B-1 [Bonds](#), and the [Official Statement](#); and

(Item continued on the next page)

JOINT / CITY OF SAN JOSÉ FINANCING AUTHORITY

2. Actions Related to Orvieto Family Apartments. (Cont'd.)

Recommendation:

- (a) Adopt a resolution of the City Council. (Cont'd.)
 - (5) Authorizing the City Manager, Assistant Finance Director, Director of Housing or their designees to execute and, as appropriate, to negotiate, execute and deliver these bond documents and other related bond documents as necessary.
 - (6) Authorizing the Director of Housing, to negotiate and execute an agreement with the City of San José Financing Authority (the “Authority”) related to the groundlease revenues of the Project and ultimate disposition of the Project improvements and the Site.
- (b) Adopt a [resolution](#) of the City of San José Financing Authority Board (the “Authority Board”):
 - (1) Repealing Resolution No. 93 of the Authority Board adopted on November 17, 2009;
 - (2) Authorizing the Executive Director of the Authority, or designee, to acquire the Project site (the “Site”) from the Borrower and, with the Director of Housing, negotiate and execute a ground lease of the Site back to the Borrower for a term of up to 99 years with such other terms to be negotiated by the Executive Director of the Authority and the Director of Housing.
 - (3) Authorizing the Executive Director of the Authority and Director of Housing to negotiate and execute an agreement with the City related to the ground lease revenues from the Project and the ultimate disposition of the Project improvements and the Site.

CEQA: Resolution No. 72877, Goble Lane Environmental Impact Report, File No. PP09-086. (Finance/Housing)
(Deferred from 6/15/10 – Item SJFA #2)

3. Open Forum

(To be heard with Open Forum for the City of San José and San José Redevelopment Agency Board)

4. Adjourn the San José Financing Authority.

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 agenda 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.