



# CITY COUNCIL AGENDA

**APRIL 30, 2013**

**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  
JOHNNY KHAMIS

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 or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](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**
  - 9:00 a.m. - Closed Session, Call to Order in Council Chambers
  - Open Session, Labor Negotiations Update (See Item 3.2)
  - Adjourn to Closed Session in Council Chambers Conference Room, W133
  - [See Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  
- **Invocation (District 4)**
  - \* Independance
  
- **Pledge of Allegiance**
- **Orders of the Day**
  - \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.
  - Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**
  
- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation recognizing the Month of May as Older American's Month in the City of San José. (Constant)
- 1.2 Presentation of a proclamation declaring April 30, 2013 as "Día de los Niños" in the City of San José. (Campos)
  - \* (Rules Committee referral 4/24/13)
- 1.3 Presentation of a commendation to Ángel Alejandro Antonio Martinez for his excellent academic record and designation as "Consul for a Day" as part of the Día de los Niños celebration. (Campos)
  - \* (Rules Committee referral 4/24/13)

# 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. 29243 – Amending the San José Municipal Code to amend Section 15.10.290 of Chapter 15.10 of Title 15, Chapter 15.11 of Title 15 in its entirety, and Section 20.100.440 of Chapter 20.100 of Title 20, all to modify the water efficient landscape standards for new and rehabilitated landscaping and to establish water efficient landscape regulations pursuant to state law.
- (b) ORD. NO. 29244 – Rezoning certain real property situated between Race Street and Grand Avenue, approximately 300 feet southerly of Park Avenue, from the CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District. PDC11-005

## 2.3 Approval of Council Committee Reports.

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

- (a) [Rules and Open Government Committee Report of March 6, 2013.](#) (Mayor)
- (b) [Rules and Open Government Committee Report of March 13, 2013.](#) (Mayor)
- (c) [Rules and Open Government Committee Report of March 20, 2013.](#) (Mayor)
- (d) [Rules and Open Government Committee Report of March 27, 2013.](#) (Mayor)
- (e) [Transportation and Environment Committee Report of April 8, 2013.](#) (Liccardo)
- (f) [Neighborhood Services and Education Committee Report of April 11, 2013.](#) (Nguyen)  
[Supplemental Memorandum from Acting Director of Parks, Recreation and Neighborhood Services](#)

## 2. CONSENT CALENDAR

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### 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 [Sale of City-Owned Property on Greenlee Drive.](#)

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

- (a) Declaring the 7,260 square foot (0.167 acres) City-owned property on Greenlee Drive, APN: 303-28-067 surplus to the needs of the City;
- (b) Authorizing an alternative competitive process for the sale of said property; and
- (c) Authorizing the City Manager or her designee to execute the [sale agreement](#), the deed, and all other documents necessary to complete the sale of said property to Burkette Drive, LLC for the amount of \$60,000.

CEQA: Exempt, File No. PP13-006. (Economic Development)

### 2.8 [Agreement with Duke's Root Control, Inc. for Sanitary Sewer Lines.](#)

**Recommendation:** Authorize the City Manager to:

- (a) Execute a Purchase Order with the highest scoring proposer, Duke's Root Control Inc. (Syracuse, New York), in the total amount not-to-exceed \$371,850 for the initial twelve month term, for the chemical root treatment of sanitary sewer lines;
- (b) Approve a 10% contingency for a not-to-exceed amount of \$37,185 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services; and
- (c) Exercise three one-year options to extend the term through April 30, 2017, subject to the annual appropriation of funds.

CEQA: Exempt, File No. PP12-097. (Finance)

### 2.9 [Agreement with E-Merging Technologies Group, Inc. for Polygraph Examination.](#)

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

- (a) Execute an [Agreement](#) with E-Merging Technologies Group, Inc. related to providing polygraph examination to the San José Police Department for the period of May 1, 2013 to June 30, 2014 in an amount not to exceed \$158,121; and
- (b) Execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$815,540.

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

## 2. CONSENT CALENDAR

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### 2.10 [Councilmember Chu's Travel to Sacramento, CA.](#)

**Recommendation:** Approve travel by Councilmember Chu to Sacramento, CA on April 24 – 25, 2013 to attend the League of California Cities' Legislative Action Day and Board of Director's Meeting. Source of Funds: Mayor & Council Travel Fund. (Chu)  
\* (Rules Committee referral 4/24/13)

### 2.11 [Councilmember Chu's Travel to Sacramento, CA.](#)

**Recommendation:** Approve travel by Councilmember Chu to Sacramento, CA on May 22, 2013 to participate in the Annual Silicon Valley Leadership group CEO Sacramento Advocacy Trip. Source of Funds: District 4 Funds. (Chu)  
\* (Rules Committee referral 4/24/13)

### 2.12 [Mayor Reed's Travel to New York City, NY.](#)

**Recommendation:** Approve travel by Mayor Reed to New York City, NY on April 18-19, 2013 to attend the "National Dialogue on Underfunded Pensions." Source of Funds: Mayor's Office Budget. (Mayor)  
\* (Rules Committee referral 4/24/13)

### 2.13 [AB 403 \(Stone and Eggman\) – Solid Waste: Home Generated Sharps.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 403 (Stone and Eggman) – Solid Waste: Home Generated Sharps. (Environmental Services)  
\* [Rules Committee referral 4/24/13 – G(2)]

### 2.14 [AB 488 \(Williams\) – Recycling: Household Batteries.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 488 (Williams) – Recycling: Household Batteries. (Environmental Services)  
\* [Rules Committee referral 4/24/13 – G(3)]

### 2.15 [SB 727 \(Jackson\) – Solid Medical Waste: Pharmaceutical Product Stewardship Program.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for SB 727 (Jackson) – Solid Medical Waste: Pharmaceutical Product Stewardship Program. (Environmental Services)  
\* [Rules Committee referral 4/24/13 – G(4)]

## 2. CONSENT CALENDAR

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### 2.16 [AB 998 \(Fong and Atkins\) – Homelessness: Interagency Council on Homelessness.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 998 (Fong and Atkins) – Homelessness: Interagency Council on Homelessness. (Housing)

\* [Rules Committee referral 4/24/13 – G(5)]

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Labor Negotiations Update

[Memo from Councilmember Rocha](#)

**Recommendation:** Accept Labor Negotiations Update.

**TO BE HEARD AT 9:00 A.M.**

### 3.3 [Memorandum of Understanding with the California State Employment Development Department ES202 Industry and Employment Data.](#)

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

- (a) Authorizing the City's Office of Economic Development to examine ES202 industry and employment data for the City of San José from the California State Employment Development Department for economic development purposes related to the Economic Strategy and the Envision 2040 General Plan; and
- (b) Authorizing the City Manager or her designee to negotiate and execute a Memorandum of Understanding with the California State Employment Development Department to examine ES202 industry and employment data for the City of San José for economic development purposes related to the Economic Strategy and the Envision 2040 General Plan.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding.  
(Economic Development)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Municipal Code and Council Policy Revisions for Streamlining Real Estate Processes – Surplus Sales.](#)

**Recommendation:**

- (a) Approve an [ordinance](#) amending Section 4.04.010 and Section 4.04.020 of Chapter 4.04 of Title 4, and Chapter 4.20 of Title 4 of the San José Municipal Code as follows:
  - (1) Make certain clarifications to: i) the scope of existing contract authority granted to the City Manager; ii) the conditions under which the City may conduct competitive sales of surplus real estate; and iii) the compensation that may be paid to real estate brokers in connection with the sale of surplus real estate;
  - (2) Delegate authority to the City Manager to declare surplus and sell through competitive processes any real estate with a market value less than \$500,000 which is not independently developable;
  - (3) Delegate authority to the City Manager to approve administrative processes governing the procedures by which real estate is determined to be surplus; and
  - (4) Expand authority of the City Council to sell surplus real estate through direct negotiation and at less than market value.
- (b) Adopt [a resolution](#):
  - (1) Repealing Council Resolution No. 74359 “Approving Recommendations for the Outreach and City Process for Sales of Surplus Properties”, thereby allowing the procedures by which real estate is determined surplus to be governed by City Manager approved administrative processes; and
  - (2) Amending City Council Policy 7-6 “Sales Commissions, Real Estate” in relation to the amount and conditions under which brokers may be paid in connection with the sale of surplus real estate.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (Economic Development)

### 4.2 [Public Hearing and Approval of the 2013-2014 Annual Action Plan. Supplemental Memorandum from the Director of Housing](#)

**Recommendation:**

- (a) Hold a final Public Hearing regarding the approval of the City’s 2013-2014 Annual Action Plan and take public comment;
- (b) Adopt the 2013-2014 Annual Action Plan, including the FY 2013-2014 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program;

*(Item continued on the next page)*



## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 Public Hearing and Approval of the 2013-2014 Annual Action Plan. (Cont'd.)

**Recommendation:**

- (c) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City; and
- (d) Authorize the Housing Department to submit the 2013-2014 Annual Action Plan to the U.S. Department of Housing and Urban Development.

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)

### 4.3 [Ordinance Amending the City's Sign Ordinance.](#)

[Memo from Mayor Reed and Councilmembers Constant, Khamis, Oliverio and Herrera](#)  
[Supplemental Memo from the Director of Planning, Building and Code Enforcement](#)

**Recommendation:** Conduct a Public Hearing and consider an [ordinance](#) amending Title 23 of the San José Municipal Code (the Sign Ordinance) as follows:

- (a) Amending Chapter 23.02, Part 1, Definition, to add Sections 23.02.155 Entryway Sign, 23.02.385 Pedestrian Wayfinding Sign, 23.02.424 Public Entryway, Public Entryway Width;
- (b) Amending various Sections of Chapter 23.02, Part 2, General Provisions, including revising Section 23.02.920 Signs That Do Not Reduce Allowable Signage, adding Section 23.02.1045 Pedestrian Wayfinding Signs as signs that do not reduce signage otherwise allowable Under Title 23;
- (c) Amending various Sections of Chapter 23.04, Part 1, CO, CP, CN, CG, IP, LI, and HI Commercial and Industrial Zoning Districts and Neighborhood Business Districts, including amending Section 23.04.020, Attached Signs, to allow additional Attached Signs for large buildings located with a Shopping Center Site, to specify the maximum size of these additional signs for large buildings located within a Shopping Center Site, and for certain other large buildings, and to add Entryway Signs as a new type of Attached Sign allowable on large buildings located within a Shopping Center Site; and
- (d) Making other nonsubstantive, ministerial, technical, or typographical changes to various Sections of said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP10-111, and addendum thereto, File No PP13-033. (Planning, Building and Code Enforcement)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 [Actions Related to the San José Environmental Innovation Center Project.](#) [Memo from Mayor Reed](#)

**Recommendation:**

- (a) Approve amendments to the following master consultant agreements for the purpose of providing services for the San José Environmental Innovation Center Project:
  - (1) A fifth amendment to the [master agreement](#) with Group 4 Architecture, Research + Planning, increasing compensation by \$210,000 for a total amount not to exceed \$3,285,000, and extending the term from June 30, 2013 to March 31, 2014;
  - (2) A first amendment to the [master agreement](#) for consultant services with Gilbane Building Company, increasing compensation by \$155,000 for a total amount not to exceed \$405,000, and extending the term from December 31, 2013 to March 31, 2014;
- (b) Approve an increase to the construction contingency by \$865,000 to pay for additional project costs provided that \$325,000 of the increase is subject to appropriation of funds in FY2013-14; and
- (c) Adopt a resolution authorizing the Director of Public Works to negotiate and execute the following change orders:
  - (1) One or more change orders extending the project completion date for a total of more than 180 days beyond the original contract completion of December 20, 2012;
  - (2) A change order resolving delay claims, including any related to the remediation of asbestos and lead-containing paint in the warehouse portion of the project, not to exceed the total amount of the construction contingency less amounts that the Director estimates are needed to pay for other costs associated with completing the project.

CEQA: Negative Declaration, File No. PP09-138. Council District 3. (Public Works)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 [Actions Related to the Federal Lands Access Program Grant for Bay Trail Project.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager or designee to:

- (a) Submit a preliminary grant application and related documents to the Federal Highway Administration for grant funds of \$12,267,398 as part of the Federal Lands Access Program grant program with a local match of \$1,589,371 for the Bay Trail Reaches 7A, 9 and 9B (Alviso Marina to Hwy 237 Bikeway) project; and
- (b) Certify in the grant application that if the City is awarded the grant the City will have sufficient funding to maintain the completed trail for a period of at least 20 years.

CEQA: Mitigated Negative Declaration, File No. PP01-150. Council District 4. (Parks, Recreation and Neighborhood Services)

## 5. NEIGHBORHOOD SERVICES

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### 5.2 [Actions Related to Adjustment to Parkland Fees](#)

**Recommendation:** Conduct a Public Hearing and adopt a [resolution](#) to be effective August 1, 2013 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) to reflect the 2012 Residential Land Value Study; and
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service zones.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

\* (Deferred from 4/23/13 – Item 5.1)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Agreement with the Clear Channel Airport Advertising Concession.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager to exercise the City’s option to extend the Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. d/b/a Clear Channel Airports on the same terms and conditions for three years from July 1, 2014 through June 30, 2017. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

\* **RECOMMEND DEFERRAL TO 6/4/13 PER ADMINISTRATION**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [San José/Santa Clara Water Pollution Control Plan Capital Improvement Program Capital Improvement Program Semiannual Status Report, July – December 2012. Semi-Annual Status Report](#)

[Supplemental Letter from the Water Pollution Control Plant](#)

**Recommendation:** As recommended by the Transportation and Environment Committee on April 8, 2013, accept the Semiannual Status Report on the San José/Santa Clara Water Pollution Control Plant Capital Improvement Program for the period July through December 2012. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Annual Reports. (Environmental Services)

[Transportation and Environment Committee referral 4/18/13 – Item D(4)]

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 [Actions Related to Commercial Solid Waste and Recyclables Collection Franchise for Non-Exclusive Collection and Transport of Residential Clean-Out Material and Construction and Demolition Debris.](#)

**Recommendation:**

- (a) Conduct a Public Hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris;
- (b) Approve the ordinances granting the franchises; and [Ordinance 1](#) [Ordinance 2](#)
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from June 1, 2013 to June 30, 2014 with the option of three one-year extensions:
  - (1) [American Debris Box Services](#), Inc. dba American Portables; and
  - (2) [Best Deal Transport LLC](#).

CEQA: Categorically Exempt, File No. PP08-228. (Environmental Services)

## 8. PUBLIC SAFETY SERVICES

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### 8.1 [2012 Independent Police Auditor Year End Report.](#) [Memo from Mayor Reed, Vice Mayor Nguyen and Councilmembers Liccardo and Constant](#)

**Recommendation:** Accept the 2012 Independent Police Auditor Year End Report. (Independent Police Auditor)

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

### 8.2 [San José Police Department Internal Affairs Department Initiated Investigation Report.](#)

**Recommendation:** Accept the San José Police Department's Internal Affairs Unit (IA) report on Department Initiated Investigations for CY 2012. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Police)

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

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **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**

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

**1:30 P.M.**

**TUESDAY, APRIL 30, 2013**

**CHAMBERS**

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***ALL FINANCING AUTHORITY ITEMS DEFERRED TO 5/7/13 PER  
ADMINISTRATION***

- 1. Call to Order and Roll Call**
- 2. [City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A and Series 2013B.](#)**

**Recommendation:**

- (a) Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project):
  - (1) Adopt [a resolution](#) of the City Council:
    - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project) (the “Civic Center Refunding Bonds”) in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
    - (b) Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.
  - (2) Adopt a [resolution](#) of the City of San José Financing Authority Board:
    - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Civic Center Refunding Bonds in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
    - (b) Authorizing the Authority’s Executive Director, Treasurer, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.

***(Item continued on the next page)***

# JOINT FINANCING AUTHORITY AGENDA

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## 2. City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A and Series 2013B. (Cont'd.)

### Recommendation:

- (b) Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project):
  - (1) Adopt a [resolution](#) of the City Council:
    - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project) (the “Garage Refunding Bonds”) in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
    - (b) Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.
  - (2) Adopt a [resolution](#) of the City of San José Financing Authority Board:
    - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Garage Refunding Bonds in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
    - (b) Authorizing the Authority’s Executive Director, Treasurer or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.  
[2013B Trust Agreement](#)  
[2013B Project Lease](#)  
[2013B Site and Facility Lease](#)  
[2013A 4<sup>th</sup> Supplemental Indenture of Trust](#)  
[2013A 3<sup>rd</sup> Amendment to Project Lease](#)  
[2013A Bond Purchase Agreement](#)  
[2013B Bond Purchase Agreement](#)  
[2013A Preliminary Official Statement](#)  
[2013B Preliminary Official Statement](#)

\* DEFERRED TO 5/7/13 PER ADMINISTRATION

## 3. [Bond Counsel and Disclosure Counsel Services Agreement for City of San José Financing Authority Lease Revenue Refunding Bonds Series 2013A and Series 2013B.](#)

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute an agreement with Jones Hall, a Professional Law Corporation, for bond and disclosure counsel services in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds Series 2013A and Series 2013B in

an amount not to exceed \$307,500. CEQA: Not a Project; PP10-066(e), services that involve no physical changes to the environment. (City Attorney's Office)

\* **DEFERRED TO 5/7/13 PER ADMINISTRATION**

**4. Open Forum**

**5. Adjourn the San José Financing Authority.**



## **CITY OF SAN JOSÉ 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 JOSÉ 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.