



# CITY COUNCIL AGENDA

**SEPTEMBER 24, 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**  
9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall
  - **Invocation (District 8)**  
Tribal Councilwoman Gloria E. Arellano-Gomez, Muwekma Ohlone Tribe
  - **Pledge of Allegiance**
  - **Orders of the Day**
- \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- **Orders of the Day (Cont'd.)**

ADJOURNMENT: This meeting will be adjourned in memory of Robert Coelho, known to his family and friends as “Bob.” Bob dedicated his life to serving others. He served in the U.S. Army for 2 years; he mentored many people in the moving and storage industry during his 50 year career; coached his son’s little league team and served as President of Almaden Little League. He coached youth basketball and helped coach Leland High School’s varsity basketball team for 4 years. He was the founding member of both Almaden Kiwanis and Almaden Cares, two of Almaden’s leading service organizations, as well as co-founder of the Champs Foundation, helping underprivileged youth attend summer camp. Bob was a man who loved life and cared deeply for others. Bob passed away peacefully at home in San José on August 10, 2013. (Khamis)

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

---

- 1.1** Presentation of a proclamation for Native American Day as we celebrate September 28, 2013 in the City of San José, to acknowledge and honor the history and heritage of Native American cultures and their contributions to our society. (Herrera)
- 1.2** Presentation of a commendation to the College of Adaptive Arts for providing valuable educational experiences and opportunities for adults with differing abilities. (Chu)  
\* (Rules Committee referral 9/18/13)
- 1.3** Presentation of a proclamation declaring September 22, 2013 as “Fall Prevention Awareness Day” in the City of San José. (Khamis)  
\* (Rules Committee referral 9/18/13)
- 1.4** Presentation of a proclamation declaring September 22-28, 2013 as “Active Aging Week” in the City of San José. (Khamis)  
\* (Rules Committee referral 9/18/13)

## 2. CONSENT CALENDAR

---

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

### 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) [Regular Minutes of May 7, 2013](#)
- (b) [Joint Council/San José Financing Authority Minutes of May 7, 2013](#)
- (c) [Minutes of the 2013-2014 Budget Study Sessions dated May 8 – May 10, 2013](#)
- (d) [Regular Minutes of May 14, 2013](#)
- (e) [Study Session Minutes on the Public Safety Data Applications of May 16, 2013](#)
- (f) [Regular Minutes of May 21, 2013](#)

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- \* (a) ORD. NO. 29310 – An ordinance of the City of San José amending Section 12.05.040 of Chapter 12.05 of Title 12, amending sections 12.06.295, 12.06.510, 12.06.910, 12.06.915 and 12.06.1010 of Chapter 12.06 of Title 12, and adding Section 12.06.215 of Chapter 12.06 of Title 12 of the San José Municipal Code relating to elections and municipal campaign and officeholder contributions.

### 2.3 Approval of Council Committee Reports.

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

- (a) [Rules and Open Government Committee Report of September 4, 2013.](#) (Mayor)
- (b) [Transportation and Environment Committee Report of September 9, 2013.](#)  
(Liccardo)
- (c) [Rules and Open Government Committee Report of August 28, 2013.](#) (Mayor)

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

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

## 2. CONSENT CALENDAR

---

### 2.7 [Amendment to the Community and Employee Survey Contract with Fairbank, Maslin, Maullin, Metz and Associates, Inc.](#)

**Recommendation:**

- (a) Approve a [Third Amendment to the agreement](#) with Fairbank, Maslin, Maullin, Metz & Associates, Inc. to increase the contract amount by \$143,571 for a total amount not to exceed \$695,751, reduce the Employee Survey cost, and amend the scope to add additional surveys to be conducted in the current fiscal year;
- (b) Adopt the following 2013-2014 Appropriation Ordinance Amendments in the General Fund:
  - (1) Increase the city-wide appropriation to the City Manager's Office for: Ballot Measure Polling by \$11,200; and
  - (2) Decrease the city-wide appropriation to the City Manager's Office for: Employee and Community Surveys by \$11,200.

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

### 2.8 [Bring Your Own Bag Ordinance Updates.](#)

**Recommendation:** As recommended by the Transportation and Environment Committee on September 9, 2013, approve an [ordinance](#) amending Sections 9.10.2010 and 9.10.2020 of Chapter 9.10 of Title 9 of the San José Municipal Code to update the single-use carryout bag regulations to eliminate the automatic increase to the required minimum charge for recycled content paper bags, and make other technical and clarifying changes. CEQA: San José Single-use Carry Bag Ordinance EIR, Resolution No. 75688, File No. PP09-193, as added by File No. PP13-078. (Environmental Services)  
[Transportation and Environment referral 9/9/13 – Item D(1)]

### 2.9 [Actions Related to the Highway Safety Improvement Program Grants for North First Street and Park Avenue.](#)

**Recommendation:**

- (a) Adopt a [resolution](#) to:
  - (1) Ratify the submittal of two separate grant applications to the California Department of Transportation (Caltrans) for the Highway Safety Improvement Program (HSIP) grant program:
    - (a) \$900,000 for the North First Street Bicycle Lane Improvements from Brokaw Road to State Route 237 with a required City local match of \$105,000; and
    - (b) \$704,000 for the Park Avenue Bicycle Lane Improvements between Hedding Street and Market Street with a required City local match of \$81,100.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

---

### 2.9 **Actions Related to the Highway Safety Improvement Program Grants for North First Street and Park Avenue. (Cont'd.)**

**Recommendation:**

- (a) (2) Authorize the City Manager to accept the grant award(s) and negotiate and execute any documents to effectuate the grant(s), including the authority to negotiate and execute any documents that increase the amount of the grant awarded or require an increase in the local match of funds from the City for the projects, subject to the appropriation of funds.
- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution Amendments in the Building and Structure Construction Tax Fund:
  - (1) Increase the Estimate for Earned Revenue in the amount of \$1,604,000;
  - (2) Decrease the Ending Fund Balance - Transportation Grants Reserve appropriation in the amount of \$186,100 to provide the required City local match;
  - (3) Establish an appropriation to the Department of Transportation for the North First Street Bicycle Lane Improvements project in the amount of \$1,005,000; and
  - (4) Establish an appropriation to the Department of Transportation for the Park Avenue Bicycle Lane Improvements project in the amount of \$785,100.

CEQA: Exempt, File No. PP13-069, Section 15301(c) and Section 15304(h). Council Districts 3, 4, and 6. (Transportation/City Manager's Office)

### 2.10 **Actions Related to Councilmember Khamis' Travel to Dublin, Ireland.**

**Recommendation:**

- (a) Approve travel by Councilmember Khamis to Dublin, Ireland on October 12-17, 2013, to attend the Dublin Sister City Delegation. Source of Funds: District 10 Council Office Budget. (Khamis)
  - (b) Request for an excused absence for Councilmember Khamis from the Study Session on October 15, 2013 and the Joint City-County Meeting on October 18, 2013 due to Authorized City Business: Dublin Sister City Delegation. (Khamis)
- \* (Rules Committee referral 9/18/13)

### 2.11 **San José McEnery Convention Center's Grand Opening Events.**

**Recommendation:** As recommended by the Rules and Open Government Committee on September 18, 2013:

- (a) Approve the San José McEnery Convention Center's Grand Opening events as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Constant)

\* [Rules Committee referral 9/18/13 – Item G(2)]

## 2. CONSENT CALENDAR

---

### 2.12 [Shred-A-Thon and E-Waste Collection Day.](#)

**Recommendation:** As recommended by Rules and Open Government Committee on September 18, 2013:

- (a) Approve the Shred-A-Thon and E-Waste Collection Day as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Constant)

\* [Rules Committee referral 9/18/13 – Item G(3)]

## 3. STRATEGIC SUPPORT SERVICES

---

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

### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.

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

### 3.3 [Settlement in Gonzales-Guerrero v. City of San José, et al.](#)

**Recommendation:** Approve a [settlement](#) in the amount of \$4,950,000 and authorize the City Attorney to execute a Settlement Agreement to settle the case of Javier Gonzales-Guerrero v. City of San José and various individual officers. CEQA: Not a Project; File No. File No. PP10-066h, Settlement Agreements. (City Attorney's Office)

### 3.4 [TEFRA Hearing for the Si Se Puede Academy, Brilliant Minds Elementary and RS-Jackson Avenue School Project.](#) [Supplemental Memorandum from the Director of Finance](#)

\* **Recommendation:** Approve the following actions regarding Si Se Puede Academy, Brilliant Minds Elementary and RS-Jackson Ave. School Project:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of \$35,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Municipal Finance Authority;
- (b) Adopt a [resolution](#) approving the issuance of tax-exempt revenue bonds, by the CMFA, on behalf of Launchpad Development Company, in an aggregate principal amount not to exceed \$35,000,000 (Bonds) to:

*(Item continued on the next page)*



### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.4 TEFRA Hearing for the Si Se Puede Academy, Brilliant Minds Elementary and RS-Jackson Avenue School Project. (Cont'd.)

**Recommendation:**

- (b) (1) Finance and refinance the acquisition, construction, improvements and equipping of certain charter school educational facilities in San José, identified as the Si Se Puede Academy (2249 Dobern Avenue), Brilliant Minds Elementary (2962 Story Road) and RS-Jackson Ave. School (70 S. Jackson St.);
- (2) Pay certain expenses incurred in connection with the issuance of the Bonds; and
- (3) Fund all or a portion of a reserve fund deposit and capitalized interest.

CEQA: Not a Project, File No. PP10-069(a), Organizational and Administrative Activities. Council District 5. (Finance)

**DROP PER THE REQUEST OF CALIFORNIA MUNICIPAL FINANCE AUTHORITY**

#### 3.5 [Actions Related to the Approval of Citywide Insurance Renewals.](#) [Supplemental Memorandum from the Treatment Plan Advisory Committee](#)

**Recommendation:**

- (a) Adopt a [resolution](#) authorizing the City Manager to select and purchase certain City property and liability insurance policies for the period from October 1, 2013 to October 1, 2014, at a total cost not to exceed \$1,500,000 for all policies, with the following insurance carriers, subject to the appropriation of funds:
  - (1) Lexington Insurance Company, (Boston, MA) for Property Insurance, including Boiler & Machinery;
  - (2) QBE Insurance Corporation, (New York, NY) to provide the following coverage:
    - (a) Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (Primary and Excess); and
    - (b) Police Aircraft Hull & Liability including War Risks & Extended Perils.
  - (3) St Paul/Travelers Insurance Company, (Hartford, CT) for Automobile Liability (Airport fleet vehicles including Shuttle Buses, and the San José-Santa Clara Regional Wastewater Facility (fleet vehicles) and Airport Shuttle Bus physical damage;
  - (4) Indian Harbor Insurance Company, (Stamford, CT) for Secondary Employment Law Enforcement Professional Liability.
- (b) Adopt the following 2013-14 Appropriation Ordinance amendments in the Convention and Cultural Affairs Fund:
  - (1) Increase the Insurance Expenses appropriation to the Finance Department for Insurance Expenses by \$70,000;
  - (2) Decrease the Ending Fund Balance by \$70,000.

\* CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance/City Manager's Office)

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.6 [Actions Related to the Early Retiree Reinsurance Program.](#)

**Recommendation:**

- (a) Adopt a [resolution](#) authorizing the City Manager to disburse funds received from the United States Department of Health and Human Services for the Early Retiree Reinsurance Program (ERRP) in the amount of \$2,798,589 to offset future Blue Shield medical plan premium increases for the City, Retirement Funds and active employees and retirees (plan participants) in the 2013 calendar year. Funds will be disbursed to the City, Retirement Funds and Blue Shield plan participants in accordance with the percentage distribution of the premium costs for Blue Shield over the last five years.
- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Benefits Fund:
  - (1) Eliminate the Early Retirement Reinsurance Program Reserve in the amount of \$2,793,988;
  - (2) Decrease the estimate for Transfer of City Funds to the Benefits Fund for Health Plan Premiums by \$986,503;
  - (3) Establish a Transfer to the: Federated Retirement Fund in the amount of \$637,798;
  - (4) Establish a Transfer to the: Police and Fire Retirement Fund in the amount of \$845,454;
  - (5) Establish an appropriation to the Human Resources Department for: ERRP Blue Shield Active Employee Premium Reductions in the amount of \$328,834; and
  - (6) Decrease the Ending Fund Balance in the amount of \$4,601.

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

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

#### 4.1 [Operations and Maintenance Agreement for Mexican Heritage Plaza.](#) [Memo from Mayor Reed and Councilmember Campos](#)

**Recommendation:** As recommended by the Community and Economic Development Committee on August 26, 2013:

- (a) Endorse the Advisory Committee on Permanent Governance's recommendation to City Council to select the School of Arts and Culture of MHP as the permanent operator of the Mexican Heritage Plaza; and

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.1 Operations and Maintenance Agreement for Mexican Heritage Plaza. (Cont'd.)

**Recommendation:**

- (b) Adopt a resolution authorizing the City Council to negotiate and execute an agreement with the School of Arts and Culture at MHP, from July 1, 2014 to June 30, 2029, to receive funding in the amount not to exceed \$450,000 annually for years one through five, and \$425,000 annually thereafter, subject to the annual approval of the Operating Budget by City Council.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical change to the environment. (Economic Development/Public Works)

\* [Community and Economic referral 8/26/13 – Item D(4)]

### 4.2 North San José Traffic Impact Fee Incentive Program.

[Memo from Mayor Reed, Councilmember Herrera, Councilmember Kalra, Councilmember Liccardo, and Councilmember Rocha](#)

[Memo from Director of Planning, Building and Code Enforcement and Director of Economic Development](#)

[Memo from Mayor Reed](#)

[Memo from Councilmember Chu](#)

[Memo from Councilmember Rocha](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on September 18, 2013 and outlined in the memo previously submitted to the Rules and Open Government Committee:

- (a) Discussion and direction to staff regarding an amendment to the North San José Traffic Impact Fee Incentive Program to:
- (1) Increase the total square footage available for the incentive program to 4 million square feet;
  - (2) Reduce the Traffic Impact Fee to \$2.00/sf for any build-to-suit Office/R&D campus of over 1 million square feet that obtains planning and building approvals by December 31, 2014; and
- (b) Direct the City Manager to return in the FY 2014-15 budget process, with the total amount of tax revenues generated by the qualifying projects from sources such as the Building and Structures fee, Utility tax, or Business Cooperation Program, and with the recommendations for amounts of those tax revenues that could be transferred to the North San José transportation fund.

(Mayor)

\* [Rules Committee referral 9/18/13 – Item G(5)]

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 [Amendment to the FY 2013-14 Annual Action Plan.](#) [2013-2014 Annual Action Plan](#) [Supplemental](#)

**Recommendation:**

- (a) Hold a Public Hearing and take public comment on a Substantial Amendment to the City's FY 2013-14 Annual Action Plan to:
  - (1) Replace 2011 homeless census results with those from the 2013 Homeless Census and Survey;
  - (2) Add a Tenant-Based Rental Assistance program funded by the HOME Investment Partnership Program for up to five homeless veterans of the armed forces;
  - (3) Add an enumeration of infrastructure and other community improvements funded by the Community Development Block Grant program to be undertaken in the Mayfair, Five Wounds/Brookwood Terrace, and Santee neighborhoods for a total amount of \$1,430,750; and
  - (4) Add \$250,000 and a unit count of up to six to the HOME-funded Habitat for Humanity acquisition/ rehabilitation program for low-income homebuyers.
- (b) Adopt a [resolution](#) approving that Substantial Amendment to the FY 2013-14 Annual Action Plan.

\* CEQA: Exempt, File No. PP13-088. (Housing)

### 5.2 [Amendment to the Citizen Participation Plan.](#) [Citizen Participation Plan](#) [Supplemental](#)

**Recommendation:**

- (a) Hold a Public Hearing on and an approval of an amendment to the Citizen Participation Plan to reflect the recent creation of the Housing and Community Development Commission and to make a change to the definition of a "Minor Amendment" to the Consolidated Plan or Annual Action Plan; and

(b) Adopt a [resolution](#) approving that Citizen Participation Plan amendment.  
CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Housing)

## 6. TRANSPORTATION & AVIATION SERVICES

---

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 [Agreement with Brown and Caldwell for the Digester and Thickener Facilities Upgrade Project at the San José-Santa Clara Regional Wastewater Facility.](#)

- \* **Recommendation:** Approve a [Consultant Agreement](#) with Brown and Caldwell to provide engineering services for the Digester and Thickener Facilities Upgrade Project at the San José-Santa Clara Regional Wastewater Facility (formerly known as the San José/Santa Clara Water Pollution Control Plant). This agreement will be effective from the date of execution to December 31, 2019, for a total amount not to exceed \$12,017,526. CEQA: Statutorily Exempt, File No. PP10-066(d), Consultant Services for Design. (Environmental Services)

**RECOMMEND DEFERRAL TO 10/08/13 PER ADMINISTRATION**

### 7.2 [Agreement with MWH Americas, Inc. for Program Management Consultant Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.](#)

[Supplemental Treatment Plant Advisory Committee Supplemental Supplemental](#)

**Recommendation:**

- (a) Approve a [Master Services Agreement](#) with MWH Americas, Inc., for Program Management Consultant Services at the San José-Santa Clara Regional Wastewater Facility, (formerly known as the San José/Santa Clara Water Pollution Control Plant), for a term beginning from the date of execution through September 30, 2018, including up to two, one-year extension options, in an initial amount not to exceed \$7,295,000, and a maximum agreement amount not to exceed \$39,000,000, subject to the appropriation of funds;
- (b) Adopt a resolution authorizing the City Manager to exercise the City's option to extend the agreement for up to two, one-year terms, subject to the appropriation of funds;
- (c) Adopt the following 2013-2014 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:
  - (1) Decrease the Energy Generation Improvements appropriation in the amount of \$2,372,000; and
  - (2) Decrease the New Biosolids Facility appropriation in the amount of \$2,000,000; and
  - (3) Increase the Program Management appropriation to the Environmental Services Department in the amount of \$4,372,000.

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

- \* (Continued from 9/17/13 – Item 7.1)

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 [Request for Bids for the Purchase of Additional Fire Engines.](#)

**Recommendation:**

- (a) Approve an award for the purchase of two 1500 Gallon-Per-Minute Fire Engines to Hi-Tech Emergency Vehicle Services, Inc. (Oakdale, CA), for a total amount not to exceed \$1,134,194, including training, warranty, delivery and sales tax, and authorize the City Manager to execute the purchase order; and
- (b) Purchase fire engines, subject to the terms and conditions of the bid, for a period of seven years, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(c), Contract Award for purchase of supplies and equipment. (Finance)

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

---

### 9.1 [Long Range Property Management Plan Presentation.](#)

[Supplemental](#)

- \* **Recommendation:** Presentation of the Long Range Property Management Plan (LRPMP) to the Successor Agency Board and direction to Successor Agency staff prior to submittal of the LRPMP to the Oversight Board. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Informational Memos that involve no approvals of any City Actions. (Successor Agency)

### 9.2 [Proposed January – June 2014 Administrative Budget and ROPS 13-14B.](#)

**Recommendation:** Adopt resolutions:

- (a) Approving the Administrative Budget for January 1 through June 30, 2014; and [Resolution](#)
- (b) Approving the Recognized Obligation Payment Schedule 13-14B (ROPS 5) and authorizing payment of expenditures for items on ROPS 13-14B, which details the obligations of the Successor Agency for the period of January 1, 2014 through June 30, 2014. [Resolution](#)

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Successor Agency)

- \* (Rules Committee referral 9/18/13)

- **Notice of City Engineer’s Pending Decision on Final Maps**  
 In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10179	South side of West Taylor St., approx. 230 feet E/o Elm St.	6	De Nardi Group	5 Lots/ 4 Units	SFD	Approval

- **Open Forum**  
*Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.*
- **Adjournment**

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.



**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.