



# CITY COUNCIL AGENDA

**APRIL 24, 2012**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
DONALD ROCHA  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 4)**  
Independence High School Glee Club

- **Pledge of Allegiance**
- **Orders of the Day**

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

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

\* ADJOURNMENT: This meeting will be adjourned in memory of Mary Mendez, who managed the St. Joseph Day Worker Center and helped day workers find jobs for more than 18 years. (Mayor)

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to Terry Christensen for his retirement from San José State University. (Campos)
- 1.2 Presentation of a proclamation honoring HOPE Services for its 60 years of providing services to people with developmental disabilities in our community. (Pyle)
- 1.3 Presentation of a commendation to the Santa Clara Valley Chapter of the California Native Plant Society for its environmental stewardship and alignment with the City of San José's Green Vision goals. (Liccardo)  
(Rules Committee referral 4/11/12)
- 1.4 Presentation of a commendation to DeAndre Brackensick in recognition of his stellar representation of San José while performing on American Idol. (Kalra)  
\* (Rules Committee referral 4/18/12)
- 1.5 Presentation of a commendation to Hon. James Emerson (Ret.) for his volunteer service to the IPA-SJPD Mediation Program. (Mayor)  
\* (Rules Committee referral 4/18/12)  
**TO BE HEARD CONCURRENTLY WITH ITEM 8.1**

# 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.

- \* **Recommendation:** Approval of Minutes
  - (a) [Regular Minutes of December 13, 2011](#)
  - (b) [Regular Minutes of January 10, 2012](#)
  - (c) [Regular Minutes of January 24, 2012](#)
  - (d) [Regular Minutes of January 31, 2012](#)

## 2.2 Final Adoption of Ordinances.

**Recommendation:** Final Adoption of Ordinances.

- (a) [ORD. NO. 29053](#) – Amending Chapter 9.44 of Title 9 of the San José Municipal Code to regulate outdoor smoking.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:** Final Adoption of Ordinances.

- \* (b) ORD. NO. 29057 – Rezoning certain real property situated on an approximately 7.23-gross-acre site on the northwest side of East Gish Road, 500 feet southwesterly of Oakland Road (721 East Gish Road), to the CIC(PD) Planned Development Zoning District. PDC11-023

### 2.3 Approval of Council Committee Reports.

### 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 [Amendment to Lease of Airport Premises with Menzies Aviation, Inc. for Space Located at 1277 Airport Boulevard.](#)

**Recommendation:** Approve a [Third Amendment to Lease](#) of Airport Premises with Menzies Aviation (USA), Inc. for space located at 1277 Airport Boulevard, from May 1, 2012 through June 30, 2017, with annual revenue to the City of approximately \$46,590. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for same use. (Airport)

### 2.8 [Sale of City-Owned Property at 20399 Almaden Road.](#)

- \* **Recommendation:** Adopt a [resolution](#):
  - (a) Authorizing an alternative competitive process for the sale of the property at 20399 Almaden Road, APN 583-13-013;
  - (b) Approving an [agreement](#) between the City and Carrie Griffin Portillo, for sale of the property in the amount of \$207,000; and
  - (c) Authorizing the City Manager or designee to execute the sale agreement, and the deed and all other documents necessary to complete the transaction, and ratifying any disclosures or certifications made by the City Manager or designee regarding the property as required by law.CEQA: Exempt File No. PP 00-02-023. Council District 10. (Economic Development)

### 2.9 [Sale of City-Owned Property at Story Road.](#)

**Recommendation:** Adopt a resolution:

- (a) Declaring the .958 acre of City-owned property near Story Road and Roberts Avenue surplus to the needs of the City;

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.9 Sale of City-Owned Property at Story Road. (Cont'd.)

**Recommendation:** Adopt a resolution:

- (b) Approving an agreement between the City and Loanie Lam and Lisa Lam, owners of the adjoining property, for the sale of the property in the amount of \$42,000;
- (c) Approving the Grant of Easements to City for the maintenance and operation of monitoring wells and associated ingress and egress to the sale property; and
- (d) Authorizing the City Manager to execute the sale agreement, and the deed, Grant of Easements, and all other documents necessary to complete the transaction.

CEQA: Exempt File No. PP10-009. Council District 7. (Economic Development)

\* **RECOMMEND DEFERRAL TO 5/8/12 PER ADMINISTRATION**

### 2.10 [Amendment to the Master Agreement with RMC Water and Environment for Engineering Consultant Services.](#)

**Recommendation:** Approval of the first amendment to the [master agreement](#) with RMC Water and Environment extending the duration from June 30, 2012 to June 30, 2015 for a continuation of ongoing engineering consultant services supporting various City projects, at no additional cost to the City. CEQA: Exempt, File No. PP06-0195. (Public Works)

### 2.11 [Summary Easement Vacations for the Southeast Corner of North First and Rosemary Streets.](#)

\* **Recommendation:** Adopt a [resolution](#) summarily vacating a portion of a Public Service Easement, an Anchor Easement, a portion of a Wire Clearance Easement, and a portion of a Building Set Back Line Easement, within properties located at the southeast corner of North First and Rosemary Streets. CEQA: Resolution No. 72768 and addendum thereto, File No. PDC07-101. Council District 3. (Public Works)

### 2.12 [Appropriation and Funding Source Actions Related to Various Airport Funds.](#)

**Recommendation:** Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the funds as detailed in Attachment A of the staff memorandum to reflect the issuance of City of San José Airport Revenue Bonds Series 2011A and 2011B and the change in customer facility charge from \$10.00 per contract to \$6.00 per day. CEQA: Not a Project, PP10-067(b), Appropriation Ordinance. (Airport/City Manager's Office)

\* **RENUMBERED FROM ITEM 6.1**

## 2. CONSENT CALENDAR

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### 2.13 Environmentally Preferable Procurement Policy Report for Fiscal Year 2010-2011.

**Recommendation:** As recommended by the Transportation and Environment Committee on April 2, 2012:

- (a) Accept the Environmentally Preferable Procurement Policy Report for 2010-2011; and
- (b) Adopt a [resolution](#) approving modifications to Council Policy 4-6, “Environmentally Preferable Procurement Policy” to prohibit the purchase of food service ware made from expanded polystyrene in City facilities, programs, or at events at City venues.

CEQA: Exempt, File No. PP12-019. (City Manager’s Office/Environmental Services) [Transportation and Environment Committee referral 4/2/12 – Item D(1)]

\* **RENUMBERED FROM ITEM 7.3**

### 2.14 Actions Related to Mayor Reed’s Travel to Washington, D.C.

**Recommendation:**

- (a) Authorize Mayor Reed’s travel to the Silicon Valley Leadership Group’s annual Washington, DC Advocacy Trip as one of the City’s designated representatives. Source of Funds: Mayor & Council Travel Fund.
- (b) Authorize excused absences for the regular City Council meeting of Tuesday, April 17, 2012, and the regular meeting of the Rules and Open Government Committee on Wednesday, April 18, 2012, due to official City Business. (Mayor)

\* (Rules Committee referral 4/18/12)

### 2.15 **Actions Related to Councilmember Constant’s Travel to Boston, MA.**

**Recommendation:**

- (a) [Authorize Councilmember Constant’s travel to Boston, MA on November 27 – December 1, 2012](#) to attend, and preside as Vice Chair of, the Nation League of Cities’ Public Safety and Crime Prevention Committee at the 2012 National League of Cities and Exposition. Source of Funds: Mayor & Council Travel Fund.
- (b) [Authorize excused absences for the regular City Council meeting of Tuesday, November 27, 2012](#), and the regular meeting of the Rules and Open Government Committee on Wednesday, November 28, 2012, due to official City Business. (Constant)

\* (Rules Committee referral 4/18/12)

### 2.16 District 5 Community Summit.

**Recommendation:**

- (a) Approve the District 5 Community Summit as a City-sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (City Clerk)

\* (Rules Committee referral 4/18/12)

## 2. CONSENT CALENDAR

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### 2.17 [ACA 23 \(Perea\) Local Government Transportation Projects Special Taxes: Voter Approval.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 18, 2012, approve a support position for ACA 23 (Perea) Local Government Transportation Projects Special Taxes: Voter Approval. (City Manager's Office)

\* [Rules Committee referral 4/18/12 – Item G(2)]

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.  
**TO BE HEARD AT 9:30 A.M.**

### 3.3 [Continued Suspension of Supplemental Retiree Benefit Reserve Payments.](#)

**Recommendation:**

- (a) Approve an [ordinance](#) amending Section 3.36.580 of Part 4 of Chapter 3.36 of Title 3 of the San José Municipal Code to continue to suspend the supplemental retiree benefit reserve distribution from the Police and Fire Department Retirement Plan for fiscal year 2011-2012, and provide that there shall be no supplemental retiree benefit reserve distribution from the Police and Fire Department Retirement Plan during Fiscal Year 2012-2013, upon a finding that is needed to adopt the ordinance within a time period which does not allow for a sixty day review period by the Board of Administration of the Police and Fire Department Retirement Plan under San José Municipal Code Section 3.36.485.A.; and refer the ordinance to the Board for study and consideration pursuant to San José Municipal Code Section 3.36.485.B; and
- (b) Direct staff to forward for review by the Board of Administration of the Federated City Employees Retirement Plan a draft [resolution](#) amending and restating Resolution No. 75635 to continue to suspend the supplemental retiree benefit reserve distribution from the Federated City Employees' Retirement Plan for Fiscal Year 2011-2012 and provide that there shall be no supplemental retiree benefit reserve distribution from the Federated City Employees' Retirement Plan during fiscal year 2012-2013.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy, new or revised.  
(City Manager's Office)



## 4. COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 [Modifications to the Homebuyer Loan Investment Program to Allow Short-Sales of Properties in Cases of Financial Hardship.](#)

**Recommendation:** Adopt a [resolution](#) modifying the City's Homebuyer Loan Investment Program to authorize the Director of Housing to:

- (a) Accept reduced repayment amounts as full payment of homebuyer loans funded by Low- and Moderate Income (20% Funds) Housing Funds in short sale situations consistent with Department guidelines as a means of preventing foreclosure, and rescind affordability restrictions recorded as a condition of the loans; and,
- (b) Accept reduced repayment amounts as full payment of developer discount notes or homebuyer loans funded through the City's Inclusionary Housing Program in short sale situations consistent with Department guidelines as a means of preventing foreclosure, and rescind recorded affordability restrictions associated with the notes.

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

### 4.2 [Annual Status Reports on the Citywide Capital Improvement Program, Safe Neighborhood Parks and Recreation Bond Projects, Branch Library Bond Projects for FY 2010-2011 and Public Safety Bond Program for FY 2010-2011.](#)

[Annual Status Report](#)

[Supplemental Memo from the Director of Public Works](#)

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**Recommendation:**

- (a) Accept the Annual Status Report on the Citywide Capital Improvement Program.
- (b) Accept the Annual Status Report on the Safe Neighborhood Parks and Recreation Bond Projects for FY 2010-2011.
- (c) Accept the Annual Status Report on the Branch Library Bond Projects for FY 2010-2011.
- (d) Accept the Annual Status Report on the Public Safety Bond Program for FY 2010-2011.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Public Works)

### 4.3 [Status Report on Deferred Maintenance and Infrastructure Backlog.](#)

[Supplemental Memo from the Office of the City Manager](#)

**Recommendation:** As recommended by the Transportation and Environment Committee on April 2, 2012, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog. CEQA: Not a Project. (Public Works)

[Transportation and Environment Committee referral 4/2/12 – Item D(4)]

### 4.4 [Report on Bids and Award of Contract for the Lower Guadalupe River Trail - Reaches A-E.](#)

**Recommendation:** Report on bids and award of contract for the Lower Guadalupe River Trail (Reaches A-E) to the low bidder, Wattis Construction Co., Inc., in the amount of \$3,223,032, and approval of a contingency in the amount of \$322,303. CEQA: Mitigated Negative Declaration, File No. PP04-323. Council Districts 3 and 4. (Public Works)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.5 [Rezoning Real Property Located on the West Side of Meridian Avenue.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the west side of Meridian Avenue, approximately 200 feet northerly of W. San Carlos Street (265 Meridian Avenue), from CO Commercial Office and R-2 Residential Zoning District to CP Commercial Pedestrian Zoning District on a 0.66 gross acres site (Hooman Sotoodeh, Owner). SNI: Burbank/Del Monte. CEQA: Envision San José 2040 EIR, Resolution No. 76041, File No. PP09-011.

[C12-004](#) – District 6

### 4.6 [Rezoning Real Property Located on the East Side of Meridian Avenue.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the east side of Meridian Avenue, approximately 170 feet southerly of Minnesota Avenue (1414 Meridian Avenue), from R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District on a 0.17 gross acres site (Todd and Jennifer Harman, Owner). CEQA: Envision San José 2040 EIR, Resolution No. 76041, File No. PP09-011.

[C12-005](#) – District 6

### 4.7 [Rezoning Real Property Located at/on the Northeast Corner of South Bascom Avenue and Fruitdale Avenue.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at/on the northeast corner of South Bascom Avenue and Fruitdale Avenue (898 South Bascom Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District (Jones Tonnie J Et Al, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Envision San José 2040 EIR, Resolution No. 76041, File No. PP09-011.

[C12-002](#) – District 6

### 4.8 [Economic Strategy Workplan Top Five Priorities.](#)

[Memo from Councilmembers Constant, Herrera and Liccardo](#)

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

**Recommendation:** As recommended by the Community and Economic Development Committee on March 26, 2012, accept the staff report on the progress implementing the Top 5 highest workplan priorities for the Economic Strategy. CEQA: Not a Project, File No. PP10-066(a), Staff Reports. (City Manager’s Office)

[Community and Economic Development Committee referral 3/26/12 – Item D(2)]

(Deferred from 4/17/12 – Item 4.1)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.9 [Outdoor Special Events Update.](#) [Memo from Councilmember Liccardo](#)

**Recommendation:** As recommended by the Community and Economic Development Committee on March 26, 2012:

- (a) Accept staff's progress report on the implementation of Council direction to control City cost escalation for outdoor special events and support event revenue generation; transition of Christmas in the Park to a community-based model; and Council prioritized changes to the City's special events ordinances;
- (b) Direct staff to extend the suspension of the collection of gate fees for ticketed events effective July 1, 2012 through Fiscal Year 2013-2014.

(City Manager's Office)

[Community and Economic Development Committee referral 3/26/12 – Item D(3)]

(Deferred from 4/17/12 – Item 4.2)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Anti-Graffiti Program – Contracted Services Cost Report.

**Recommendation:** Accept this report regarding the on-going administration of graffiti eradication activities. CEQA: Not a Project, File No. PP10-069, Staff Report. (Parks, Recreation and Neighborhood Services)

\* **RECOMMEND DEFERRAL TO 5/1/12 PER ADMINISTRATION**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Appropriation and Funding Source Actions Related to Various Airport Funds.](#)

**Recommendation:** Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the funds as detailed in Attachment A of the staff memorandum to reflect the issuance of City of San José Airport Revenue Bonds Series 2011A and 2011B and the change in customer facility charge from \$10.00 per contract to \$6.00 per day. CEQA: Not a Project, PP10-067(b), Appropriation Ordinance.

(Airport/City Manager's Office)

\* **RENUMBERED TO ITEM 2.12**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.2 [Actions Related to the Taxiway W Extension G-J Project at the Norman Y. Mineta San José International Airport Project.](#)

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

- (a) Authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Taxiway W Extension G-J Project at the Norman Y. Mineta San José International Airport and to either: (i) award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$13,070,000, contingent upon award and execution of an Airport Improvement Program Grant from the Federal Aviation Administration; or (ii) reject all bids and re-bid the Project.
  - (b) Approving a contingency equal to fifteen percent of the award amount.
- CEQA: Resolution Nos. 67380 and 71451, PP 12-025. (Public Works/Airport)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Status Report Cooperative Efforts between City of San José and Santa Clara Valley Water District.](#)

**Recommendation:** Accept the Annual Status Report on cooperative efforts in 2011 between the City of San José and the Santa Clara Valley Water District relating to flood protection, water supply, watershed protection, and policy priorities. CEQA: Not a Project, File No. PP10-067 (a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/City Manager's Office)

### 7.2 [Commercial Solid Waste Fees and Maximum Customer Rates.](#)

**Recommendation:**

- (a) Approve an [ordinance](#) to amend Chapter 9.10 of Title 9 of the San José Municipal Code to amend Section 9.10.1435 to require the exclusive solid waste franchisee to pay a Source Reduction and Recycling Fee (AB939 Fee).
- (b) Adopt a [resolution](#) to amend the Schedule of Fees and Charges (Resolution No. 72737 as amended) to revise the Source Reduction and Recycling Fee (AB939 Fee) for commercial solid waste collected city-wide for two exclusive franchise districts at \$4,200,000 per fiscal year to be paid by the exclusive franchisee.
- (c) Adopt a [resolution](#) fixing and determining Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchise Agreements between the City of San José and Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County, including the total processing costs for organic processing services.

CEQA: Not a Project, File No. PP10-067 (a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/City Manager's Office)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.3 [Environmentally Preferable Procurement Policy Report for Fiscal Year 2010-2011.](#)

**Recommendation:** As recommended by the Transportation and Environment Committee on April 2, 2012:

- (a) Accept the Environmentally Preferable Procurement Policy Report for 2010-2011; and
- (b) Adopt a [resolution](#) approving modifications to Council Policy 4-6, “Environmentally Preferable Procurement Policy” to prohibit the purchase of food service ware made from expanded polystyrene in City facilities, programs, or at events at City venues.

CEQA: Exempt, File No. PP12-019. (City Manager’s Office/Environmental Services)  
[Transportation and Environment Committee referral 4/2/12 – Item D(1)]

\* **RENUMBERED TO ITEM 2.13**

## 8. PUBLIC SAFETY SERVICES

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### 8.1 [2011 Independent Police Auditor Year End Report.](#)

**Recommendation:** Accept the 2011 Independent Police Auditor Year End Report.  
(Independent Police Auditor)

\* **TO BE HEARD CONCURRENTLY WITH ITEM 1.5**

### 8.2 [San José Police Department’s Internal Affairs Unit Report on Department Initiated Investigations.](#)

**Recommendation:** Accept the San José Police Department’s Internal Affairs Unit report on Department Initiated Investigations for CY 2011. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Police)

## 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**

\* This meeting will be adjourned in memory of Mary Mendez, who managed the St. Joseph Day Worker Center and helped day workers find jobs for more than 18 years. (Mayor)

## **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 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.