

CITY COUNCIL AGENDA

JUNE 11, 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. 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/cityclerk. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**

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 6)**

Rabbi Menachem Levine, Congregation Am Echad

- **Pledge of Allegiance**

- **Orders of the Day**

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.
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 declaring June 20, 2013, as “World Refugee Day” in the City of San José. (Herrera/Nguyen)
- 1.2 Presentation of a commendation to Urvi Gupta, founder of the OneInMath tutoring program, for providing more than 250 students with additional help with math skills at the Evergreen, Berryessa, and Hillview Branch Libraries. (Herrera)
(Rules Committee referral 5/29/13)
- 1.3 Presentation of a commendation to Embarcadero Realty and the Fairmont Hotel for more than doubling their landfill diversion rates, to nearly 80 percent of generated waste diverted from landfills in less than one year. (Liccardo)
* (Rules Committee referral 6/5/13)

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 November 06, 2012.](#)
- (b) [Study Session Minutes of November 13, 2012 on Housing Needs and Strategies](#) and Special Closed Session Minutes of November 13, 2012.
- (c) [Regular Minutes of November 27, 2012.](#)
- (d) Joint City of San José/Financing Authority Minutes November 27, 2012.
* **DROP ITEM 2.1(d)**
- (e) [Regular Minutes of December 04, 2012.](#)
- (f) [Joint City of San José/Financing Authority Minutes of December 4, 2012.](#)
- (g) [Joint City Council/Santa Clara Valley Water District Board Minutes of December 10, 2012.](#)
- (h) [Regular Minutes of December 11, 2012.](#)
- (i) [Regular Minutes of December 18, 2012.](#)
- (j) [Joint City of San José/Financing Authority Minutes of December 18, 2012.](#)

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- * (a) [ORD. NO. 29260](#) – Amending Section 3.54.020.20 of Chapter 3.54 and Section 3.56.020.20 of Chapter 3.56 of Title 3 of the San José Municipal Code for the purpose of clarifying that two new trusts may be subtrust of one trust pursuant to Section 115 of the Internal Revenue Code related to retiree healthcare benefit funding and payment of retiree health care benefits.

2. CONSENT CALENDAR

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 [Agreement with the Santa Clara Valley Water District for Autumn Street Extension Project.](#)

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

- (a) Approving a [purchase and sale agreement](#) with the Santa Clara Valley Water District for the City's purchase of a portion of land located at 479 Howard Street, APN: 259-25-053 in the amount of \$22,000 as part of the Autumn Street Extension Project, and
- (b) Authorizing the City Manager or her designee to execute the purchase agreement and all other documents needed to conclude the transaction.

CEQA: Coleman Avenue/Autumn Street Improvement Project Environmental Impact Report, EIR Resolution No. 74870, File No. PP06-166. Council District 3. (Economic Development)

2.8 [Actions Related to the 2013-2014 Workforce Investment Act Programs and Projects.](#)

Recommendation:

- (a) Adopt an annual renewal resolution authorizing the City Manager or designee to:
 - (1) Negotiate and execute all contracts, amendments, agreements, leases, subleases and memorandums of understanding with contractors and vendors providing services to the Workforce Investment Act Program (WIA), including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2013 to June 30, 2014, in accordance with procurement procedures and requirements mandated by the state and federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved, as required, by the Silicon Valley Workforce Investment Network (work2future) Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;

(Item continued on the next page)

2. CONSENT CALENDAR

2.8 Actions Related to the 2013-2014 Workforce Investment Act Programs and Projects. (Cont'd.)

Recommendation:

- (a) (2) Negotiate and execute all amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (3) Negotiate and execute all grants agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for the period from July 1, 2013 to June 30, 2014, so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (4) Negotiate and execute all Eligible Training Provider List (ETPL) agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2013 to June 30, 2015, subject to annual appropriation of funds by the City Council;
- (5) Negotiate and execute all agreements specified in (1) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2014), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2015);
- (6) Negotiate and execute all agreements specified in Resolution No. 76307, Section 1 with an end term beyond the fiscal year in which the contract began (beyond June 30, 2013), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2014);
- (7) Negotiate and execute all agreements specified in (1) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2014), but not beyond the end of the following fiscal year (not beyond June 30, 2015); and
- (b) The authority given under this resolution does not include authority for the City Manager to negotiate and execute agreements with any third party administrators to perform any functions relating to the Workforce Investment Act program and projects currently performed by City staff.

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

2. CONSENT CALENDAR

2.9 [Actions Related to the Agreement with URS Corporation for Environmental Services.](#)

Recommendation: Approve the [First Amendment to the Master Agreement](#) with URS Corporation for environmental services to increase the total compensation by \$200,000 for a maximum not to exceed amount of \$450,000, and to extend the term of the agreement to June 30, 2014. CEQA: Not a Project, File No. PP10-066(d), Consultant services. Council District 3. (Environmental Services)

2.10 [Actions Related to the Agreement with eResourcePlanner, Inc. for Shift Bidding and Workforce Scheduling System.](#)

Recommendation: Accept the report on Request for Proposal for the purchase of a hosted shift bidding and workforce scheduling system and adopt a resolution authorizing the City Manager to:

- (a) Execute an [agreement](#) with eResourcePlanner, Inc. (Glendale, AZ) for a fully hosted shift bidding and workforce scheduling system to include all professional and technical support services, product upgrades, training and ongoing product support, for an initial five-year term not-to-exceed maximum compensation of \$513,948, subject to annual appropriations;
- (b) Execute change orders not-to-exceed a 10% contingency in the amount of \$51,395 to cover any unanticipated changes or requirements related to the initial purchase, implementation, and support of the system; and
- (c) Execute one-year options to provide continuous hosting services and technical support after the initial five year term of the agreement, subject to the appropriation of funds.

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

2.11 [Actions Related to the Kone, Inc. Agreement for Elevator Maintenance.](#)

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

- (a) Execute the [Third Amendment to the Elevator Maintenance Agreement](#) with Kone, Inc. (San Leandro, CA), to add six elevators located at the Fourth and San Fernando Parking Garage and increase compensation for a not-to-exceed amount of \$164,000, for the renewal term of May 22, 2013 through June 30, 2014; and
- (b) Negotiate and execute subsequent amendments to the Agreement to add or delete elevators as required, subject to the annual appropriation of funds.

CEQA: Not a Project; File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)

2. CONSENT CALENDAR

2.12 [Amendment to an Agreement with San José State University and Spartan Shops, Inc., for the Library Café.](#)

Recommendation: Approve an [amendment to Lease Agreement](#), dated August 1, 2003, between City of San José, San José State University, and Spartan Shops, Inc., to expand the On Fourth Library Café in the Dr. Martin Luther King, Jr. Library, to include an additional 420 square feet of retail storefront space to offer a snack shack. CEQA: Exempt, File No. PP13-021. Council District 3. (Library)

2.13 [Agreement with HDR Engineering, Inc. for Spreckles Force Main Supplement and Pump Station Rehabilitation Project.](#)

- * **Recommendation:** Approve the [First Amendment to the Consultant Agreement](#) with HDR Engineering, Inc. for the Spreckles Force Main Supplement and Pump Station Rehabilitation Project by extending the term of the Agreement from June 30, 2013 to December 31, 2014, at no additional cost for a total amount not to exceed \$897,463. CEQA: Mitigated Negative Declaration, File No. PP11-104. Council District 4. (Public Works)

2.14 [Actions Related to the Downtown San José Property-Based Improvement District.](#)

Recommendation: Adopt a [resolution](#):

- (a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2013-2014 as filed or modified by Council;
- (b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council;
- (c) Directing that the City baseline services contribution in the amount of \$365,000 be continued in Fiscal Year 2013-2014; and
- (d) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP10-069(a), Assessments/annual reports. Council District 3. (Transportation/Public Works)

2.15 [Portuguese Flag Raising.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 5, 2013:

- (a) Approve the Portuguese Flag Raising as a City Council sponsored Special Event; and
- (b) Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Campos)

- * [Rules Committee referral 6/5/13 – Item G(2)]

2. CONSENT CALENDAR

2.16 Philippines Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on June 5, 2013:

- (a) Approve the Philippines Flag Raising as a City Council sponsored Special Event; and
- (b) Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Campos)

* [Rules Committee referral 6/5/13 – 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 9:00 A.M.

3.3 Ordinance Implementing Tier 2 Pension Plan for New Police Employees.

* **Recommendation:** Approve an ordinance amending various sections of Chapters 3.32, 3.36 and 3.44 of Title 3 of the San José Municipal Code to implement a Tier 2 pension plan for new Police employees of the City of San José in the Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney's Office)

3.4 Report on Bids and Award of Contract for Lighting Retrofit Equipment and Services.

* **Recommendation:**

- (a) Consider the appeal by Retro-Tek Energy Services, Inc. regarding the Report on Request for Bids for Lighting Retrofit Equipment and Services and adopt a resolution setting forth the decision of the City Council;
- (b) Report on Request for Bids for Lighting Retrofit Equipment and Services and adopt a resolution authorizing the City Manager to:
 - (1) Execute the Purchase Order with low bidder ABM Electrical and Lighting Solutions (Pleasanton, CA) to purchase and install lighting retrofit equipment at two City locations, including labor, material, equipment and applicable sales taxes, for a not-to-exceed amount of \$300,000; and

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Report on Bids and Award of Contract for Lighting Retrofit Equipment and Services. (Cont'd.)

Recommendation:

- (b) (2) Approve a contingency in the amount of \$50,000 for any unforeseen changes or requirements that may arise prior to the completion of the repairs and amend the Purchase Order to purchase additional lighting and installation services as may be required, at the same unit prices, subject to the appropriation of funds.

CEQA: Exempt, File No. PP13-055. (Finance)

3.5 Business Tax Amnesty Program Extension.

Recommendation: Approve an [ordinance](#) retroactively extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs from May 31, 2013 up through and including August 30, 2013. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (Finance)

3.6 Library Parcel Tax Rates for Fiscal Year 2013-2014.

- * **Recommendation:** Adopt a [resolution](#) increasing the Library Parcel Tax rates for fiscal year 2013-2014 by 2.45% over the fiscal year 2012-2013 rates and approving the placement of the Library Parcel Tax on the fiscal year 2013-2014 Santa Clara County Property Tax Roll. CEQA: Not a Project, File No. PP10-067(a), Rates, Tolls, Fares, and Charges. (Finance)

(To Be Added Pending Rules Approval on 6/5/13)

ITEMS 3.6, 3.7, 3.8, AND 3.9 TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS

3.7 Municipal Water System Water Rate Increase for 2013-2014. Memo from the Director of Environmental Services

* **Recommendation:**

- (a) Conduct a public hearing on proposed San José Municipal Water System 2013-2014 potable water rates and charges; and
- (b) Adopt a [resolution](#) increasing the San José Municipal Water System potable water rates and charges by 8.0%, effective July 1, 2013.

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates and Fares. Council Districts 2, 4, 7 and 8. (Environmental Services)

ITEMS 3.6, 3.7, 3.8, AND 3.9 TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS

3. STRATEGIC SUPPORT SERVICES

- 3.8 [Mayor's 2013 June Budget Message.](#)
[Memo from Councilmember Kalra](#)
[Memo from Councilmembers Kalra, Chu and Campos](#)
[Memo from Councilmembers Kalra, Chu and Campos](#)
[Memo from Councilmembers Campos and Kalra](#)
[Memo from Councilmember Rocha](#)

*

Recommendation:

- (a) Review, discussion and approval of the Mayor's 2013 June Budget Message.
- (b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.

(Mayor)

ITEMS 3.6, 3.7, 3.8, AND 3.9 TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS

- 3.9 [Approve the 2013-2014 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.](#)

Recommendation:

- (a) Adopt a resolution approving the [Operating Budget](#) for 2013-2014 for the City of San José, the [Capital Budget](#) for 2013-2014 for the City of San José, and the Five-Year [Capital Improvement Program](#) for 2014-2018 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.
- (b) Adopt a [resolution](#) establishing the Schedule of Fees and Charges for 2013-2014.
- (c) Adopt a [resolution](#) amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to amend Section 3 (Contingency Funds or Accounts), Section 4 (Fund Balance), and Section 8 (Debt).

(City Manager's Office)

ITEMS 3.6, 3.7, 3.8, AND 3.9 TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 [Municipal Water System's Water Supply Assessment for Zanker Road Materials Recovery Facility.](#)

*

Recommendation: Approve the San José Municipal Water System's Water Supply Assessment for the Zanker Road Materials Recovery Facility Planned Development Zoning (PDC12-029). CEQA: Not a Project, File No. PP10-066(d), Planning and Feasibility Studies. Council District 4. (Environmental Services)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Rezoning the Real Property Located on the North Side of Los Esteros Road.

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the north side of Los Esteros Road, approximately 2,500 feet east of Grand Avenue (675 Los Esteros Road, APN: 015-30-071) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to increase the maximum height of the landfill from 50 feet to 80 feet, increase the remaining landfill capacity from approximately 62,000 cubic yards to 700,000 cubic yards, modify the phasing plan of daily tonnage of waste accepted, and establish a phasing plan for the development of a 200,000 square foot materials recovery facility on a 52.5 gross acre site (Zanker Road Resource Management, Ltd, Owner). [J. CEQA:](#) Addendum to the Zanker Materials Recycling Facility EIR and subsequent Mitigated Negative Declaration, Resolution to be considered for adoption. Planning Commission recommends approval (7-0-0). [PDC12-029](#) – District 4
(Deferred from 5/21/13 – Item 11.2)

4.3 Vacation of Springbrook Avenue and Canyon Ridge Drive.

Recommendation: Adopt a [resolution](#) summarily vacating portions of irrevocable offers of dedication for public street purposes and a public service easement located north of Springbrook Avenue and Canyon Ridge Drive. CEQA: Mitigated Negative Declaration, File No. PDC07-077. Council District 8. (Public Works)

5. NEIGHBORHOOD SERVICES

5.1 **Disposition and Development Agreement for the Sycamore Terrace Project.**

Recommendation: Conduct a public hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings of the Summary 33433 Report pursuant to health and Safety Code Section 33433 for the conveyance and disposition of the property located at the Northeast corner of Almaden Expressway and Coleman Road under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”); and
- (b) Approving a DDA between the City of San José and Barry Swenson Builder, or its designated affiliate, enabling the development of Sycamore Terrace, a 27-unit for-sale housing development, and authorizing the City Manager or her designee to negotiate, execute, and record all documents reasonably necessary to convey the property as provided in the DDA.

CEQA: Mitigated Negative Declaration, File No. PDC90-061. (Housing)

RECOMMEND DEFERRAL TO 8/13/13 PER ADMINISTRATION

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Report on Bids and Award of Contract for the 2013 Remove and Replace Pavement Project.](#)

Recommendation: Report on bids and award of a construction contract for the 2013 Remove and Replace Pavement Project to the low bidder, G. Bortolotto & Co., Inc., in the amount of \$2,856,439, and approval of a five percent (5%) contingency in the amount of \$142,822. CEQA: Exempt, File No. PP11-035. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Transfer of Housing Assets to Successor Agency to the San José Redevelopment Agency.](#)

Recommendation: Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:

- (a) Increase the appropriation to the Housing Department for: Successor Agency to the Redevelopment Agency by \$1,430,000; and
- (b) Decrease the Ending Fund Balance by \$1,430,000.

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

- **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.