



CITY COUNCIL AGENDA

OCTOBER 18, 2011

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.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

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

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

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

The San José City Council meets every Tuesday at 1:30 p.m. and 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. 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 9)**
Leigh High School Band Ensemble, Directed by Suzi Royer

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

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 the Week of October 16 – 22, 2011 as “National Save for Retirement Week” in the City of San José. (Constant)
- 1.2 Presentation of a proclamation declaring the Week of October 16 – 22, 2011 as “National Protect Your Identity Week” in the City of San José. (Constant)

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Norma Rodriguez, Principal of San Antonio Elementary, in recognition and appreciation of her commitment and dedication to the children of the City of San José through her distinguished efforts as an educator.
(Campos)
(Rules Committee referral 10/5/11)

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.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28970 – Amending Part 1 of Chapter 2.08 of Title 2 of the San José Municipal Code to amend Section 2.08.160 and add a new Section 2.08.170 to clarify Council’s intent with respect to the nonvoting member position on the Board of Administration of the Federated City Employees Retirement System and the Board of Administration of the Police and Fire Department Retirement Plan and to amend Section 2.08.1270 to correct a clerical error related to compensation for members of the Board of Administration of the Police and Fire Department Retirement Plan.
- (b) ORD. NO. 28974 – Rezoning certain real property situated on the northeast corner of Highway 280 and Saratoga Avenue, from the R-1-5 and R-1-8 Single-Family Residence Zoning Districts to A(PD) Planned Development Zoning District. PDC10-017
- (c) ORD. NO. 28975 – Rezoning certain real property situated at the northwest corner of Jackson Street and North 19th Street (897 Jackson Street) from an A(PD) Planned Development Zoning District and A(PD) Planned Development Zoning District. PDC10-027
- (d) ORD. NO. 28977 – Amending Sections 20.95.020, 20.95.110 and 20.95.120 of Chapter 20.95 of Title 20 of the San José Municipal Code to require special land use category projects that create or replace 5,000 square feet or more to use stormwater treatment measures in accordance with City Council Policy 6-29, and to require property owners to keep records of inspection and maintenance on the project site for all stormwater treatment measures installed pursuant to Policy 6-29.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of September 21, 2011. (Mayor)
- (b) [Community and Economic Development Committee Report of September 26, 2011.](#) (Herrera)
- (c) Rules and Open Government Committee Report of September 28, 2011. (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.

2.7 [City Manager's Travel to Portland, Oregon.](#)

Recommendation: Authorize travel for City Manager Debra Figone to Portland, Oregon on October 19-21, 2011, to participate in the annual San José Silicon Valley Chamber of Commerce City-to-City trip as one of the designated representatives. Source of Funds: City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, administrative activities. (City Manager's Office)

2.8 [Actions Related to the Fallon House Parking Lot.](#)

Recommendation: Adopt a resolution authorizing the City Manager:

- (a) To negotiate and execute an amendment to the Agreement with History San Jose to remove the Fallon House Parking Lot, APN 259-32-083 located at 150 Terraine Street from the Agreement.
- (b) To execute all related documents necessary to complete the transaction.
CEQA: Resolution No. 72767, File No. CP 09-054. Council District 3. (Economic Development)

2.9 [Park Management System for Happy Hollow Park and Zoo.](#)

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

- (a) Execute a Second Amendment to the [Agreement](#) for a Park Management System with VGS Systems Engineering Inc., doing business as OmniTicket Network to add additional Hardware, Software Licenses, configuration services and training to expand the number of points of sale and improve automated business processes at the Happy Hollow Park & Zoo and Leininger Community Center, and increase compensation by \$40,674 for a revised not to exceed contract amount of \$270,283.45.
- (b) Increase the contingency amount by \$60,000 to \$90,000 to cover unanticipated changes to the system implementation or functionality, or add additional points of sale, without further Council action other than appropriations of funds

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for purchase and supplies. (Finance)

2. CONSENT CALENDAR

2.10 [Award of Purchase Order to Cannon Sline Industrial, Inc., for the Painting/Rehabilitation of Clarifier Tanks.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Cannon Sline Industrial, Inc. (Long Beach, CA) for the painting and rehabilitation of the first five of 25 secondary clarifier tanks at the Water Pollution Control Plant (WPCP) for the period October 1, 2011 through September 30, 2012, in an amount not to exceed \$449,578.
- (b) Execute additional purchase orders as required to complete the painting and rehabilitation of the remaining 20 tanks, at a fixed price per tank as established by a competitive bid, over a four year period ending September 30, 2016, subject to the appropriation of funds.
- (c) Execute change orders for contingencies not to exceed \$50,000 for any unforeseen changes or requirements that may arise prior to the completion of services.

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

2.11 [Agreement with Club One, Inc., to Conduct a Comprehensive Wellness Program with the Fire Department.](#)

Recommendation: Adopt a resolution authorizing the City Manager:

- (a) To execute a one-year [agreement](#) with four, one-year options for renewal with Club One, Inc., to conduct a comprehensive Wellness Program with the San José Fire Department, with a total first year compensation not to exceed \$115,000; and
- (b) To execute up to four, one-year options to renew subject to annual appropriation.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Professional Services. (Fire)

2.12 [Enhanced Collaborative Model to Combat Human Trafficking Grant.](#)

Recommendation:

- (a) Adopt a [resolution](#) authorizing the City Manager to accept the FY 2011 Enhanced Collaborative Model to Combat Human Trafficking Grant in the amount of \$500,000 and to execute the grant [agreement](#) with the Department of Justice specifying the grant terms including the City's provision of in-kind services and all related documents necessary to effectuate the grant.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Establish a city-wide expenses appropriation to the Police Department for the 2011 Human Trafficking Prevention Grant in the amount of \$120,000;
 - (2) Increase the estimate for Earned Revenue from the Federal Government by \$120,000.

CEQA: Not a Project, File No. PP10-066(g), Grant Agreements and MOUs. (Police/City Manager's Office)

2. CONSENT CALENDAR

2.13 Actions Related to Councilmember Chu's Travel to Shenzhen, Beijing and Tianjin.

Recommendation:

- (a) [Approve travel by Councilmember Chu to Shenzhen, Beijing and Tianjin on](#) October 26 – November 6, 2011 to attend the “Technology Fast 50” Conference in Shenzhen and meeting with officials in Beijing and Tianjin to discuss establishing direct flights to San José and a San José-China Desk in Beijing. Source of Funds: U.S.-China Exchange Council. (Chu)
- (b) [Request for an excused absence for Councilmember Chu from the Regular](#) Meeting of the City Council on November 1, 2011 due to Authorized City Business: Travel to Shenzhen, Beijing and Tianjin to attend the “Technology Fast 50” Conference in Shenzhen and meeting with officials in Beijing and Tianjin to discuss establishing direct flights to San José and a San José-China Desk in Beijing. (Chu)

(Rules Committee referral 10/5/11)

2.14 [Councilmember Liccardo's Travel to Dublin, Ireland and London, England.](#)

Recommendation: Approve travel by Councilmember Liccardo to Dublin, Ireland and London, England on July October 6 – 16, 2011 to travel with local leaders from the San José-Dublin Sister City Board and other San José community member to celebrate the 25th anniversary of the sister city relationship between San José and Dublin. Source of Funds: Personal Funds. (Liccardo)

[Rules Committee referral 10/5/11 – Item A(2)(a)(1)]

2.15 Actions Related to Councilmember Liccardo's Travel to Hong Kong and Shenzhen.

Recommendation:

- (a) [Approve travel by Councilmember Liccardo to Hong Kong and Shenzhen on](#) October 25 – 28, 2011 as one of the City's designated representatives with the Silicon Valley-China Business Connect delegation for a weeklong series of meetings with businesses in China seeking to expand overseas, a goal of creating jobs and tax revenue in San José, and meet with airlines seeking to establish direct routes to San José. Source of Funds: U.S.-China Exchange Council. (Liccardo)
- (b) [Request for an excused absence for Councilmember Liccardo from the Closed](#) Session, Regular Meeting and Evening Session of the City Council on October 25, 2011 due to Authorized City Business: Travel to Hong Kong and Shenzhen as one of the City's designated representatives with the Silicon Valley-China Business Connect delegation for a weeklong series of meetings with businesses in China seeking to expand overseas, a goal of creating jobs and tax revenue in San José, and meet with airlines seeking to establish direct routes to San José. (Liccardo)

[Rules Committee referral 10/5/11 – Items A(2)(a)(2) and A(2)(a)(3)]

2. CONSENT CALENDAR

2.16 [Excused Absence for Councilmember Liccardo.](#)

Recommendation: Request for an excused absence for Councilmember Liccardo from the Regular Meeting of the Transportation and Environment Committee on October 3, 2011 due to Authorized City Business: Travel to Sacramento, CA to meet with National Resources Secretary, John Laird, and travel to Oakland to meet with Metropolitan Transportation Commission Executive Director, Steve Heminger, to advocate on two critical transportation-related priorities for the City of San José. (Liccardo)
[Rules Committee referral 10/5/11 – Item A(2)(a)(4)]

2.17 [District 6 Movie Night.](#)

Recommendation: As recommended by the Rules and Open Government Committee on October 5, 2011:

- (a) Approve the District 6 Movie Night 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. (City Clerk)

[Rules Committee referral 10/5/11 – Item H(4)]

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 [2010-2011 Annual Report.](#) [Attachment – Memo from Mayor Reed](#)

Recommendation:

- (a) Accept the 2010-2011 City Manager’s Annual Report of the Finances of the City of San José in compliance with City Charter Section 701(F);
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments for 2011-2012 in various operating and capital funds to implement the 2010-2011 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up Actions);

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 2010-2011 Annual Report. (Cont'd.)

Recommendation:

- (c) Adopt a resolution authorizing the City Manager and Chief of Police:
 - (1) To negotiate and execute a Grant Agreement and any related documents to accept the 2011 COPS Hiring Program Grant in the amount of \$1,703,664, adding 3.0 Police Officer positions in the Police Department;
 - (2) To negotiate and execute additional amendments to the grant and any related documents necessary to effectuate the grant without further action by the City Council.

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (City Manager's Office)

3.4 Ratification of Final Expenditures for 2010-2011.

Recommendation:

- (a) Adopt an ordinance ratifying the final 2010-2011 appropriation increases detailed in this report.
- (b) Adopt the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
 - (1) Increase the Earned Revenue estimate by \$885,672;
 - (2) Increase the Transfer to Council District 1 by \$57,741;
 - (3) Increase the Transfer to Council District 2 by \$40,952;
 - (4) Increase the Transfer to Council District 3 by \$48,894;
 - (5) Increase the Transfer to Council District 4 by \$32,000;
 - (6) Increase the Transfer to Council District 5 by \$70,207;
 - (7) Increase the Transfer to Council District 6 by \$53,975;
 - (8) Increase the Transfer to Council District 7 by \$53,323;
 - (9) Increase the Transfer to Council District 8 by \$58,098;
 - (10) Increase the Transfer to Council District 9 by \$50,398;
 - (11) Increase the Transfer to Council District 10 by \$35,292;
 - (12) Increase the Transfer to City-Wide by \$250,940; and
 - (13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$133,852.
- (c) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Home Investment Partnership Program Trust Fund:
 - (1) Increase the Multi-Family Loans & Grants appropriation by \$44,428; and
 - (2) Decrease the Ending Fund Balance estimate by \$44,428.
- (d) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Multi-Source Housing Fund:
 - (1) Increase the CalHome Program (BEGIN) appropriation by \$428,746; and
 - (2) Decrease the Ending Fund Balance estimate by \$428,746.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Ratification of Final Expenditures for 2010-2011. (Cont'd.)

Recommendation:

(e) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Vehicle Maintenance and Operation Fund:

- (1) Increase the Inventory Purchases appropriation by \$263,116; and
- (2) Decrease the Ending Fund Balance estimate by \$263,116.

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

3.5 [Ordinance Amending Chapters 12.04 and 12.06 of the San José Municipal Code Regarding Municipal Campaigns.](#)

Recommendation: Approve an [ordinance](#) amending Section 12.04.160 of Chapter 12.04 of Title 12 of the San José Municipal Code to clarify enforcement of Title 12; amending Section 12.06.050 of Chapter 12.06 of Title 12 to clarify that volunteer personal services are not contributions; adding Section 12.06.140 to define late contribution; amending Section 12.06.210 and repealing Section 12.06.540 to delete alternative contribution limits; amending Sections 12.06.290 and 12.06.610 to revise the campaign contribution collection period; amending Section 12.06.295 to revise the deadline for a candidate to deposit personal funds; amending Section 12.06.530 to revise the current formula for calculating voluntary expenditure limits for Council Districts and to impose a method for adjusting the expenditure limits for Mayoral and Council District candidates in the future, if necessary; repealing Section 12.06.560 to delete the provision increasing expenditure limits during an election; amending Section 12.06.920 to revise the requirements of the report published by the City Clerk; and making other technical corrections. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)

3.6 [Planning Commission Interviews.](#)

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

[Attachment – Conflict of Interest from the City Attorney](#)

[Attachment – Conflict of Interest from Planning, Building and Code Enforcement](#)

Recommendation:

- (a) Interview applicants for appointment to the Planning Commission
- (b) Appoint one (1) member to the Planning Commission to the balance of an unexpired term ending June 30, 2012.
- (c) If no appointment is made, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days.

(City Clerk)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Ordinance to Codify City's Development Agreement Regulations.](#) [Supplemental Memo from Director of Economic Development](#)

Recommendation: Approve an [ordinance](#) to amend Title 18 (Local Planning) of the San José Municipal Code to add a new Chapter 18.02 to codify existing regulations of the City pertaining to the consideration of development agreements. CEQA: Not a Project, File No. PP10-068(c), Municipal Code changes involving no changes to the physical environment. Citywide. (City Attorney's Office)
(Deferred from 9/20/11 – Item 4.1)

4.2 [Economic Strategy 18-Month Workplan.](#)

Recommendation: As recommended by the Community and Economic Development Committee on September 26, 2011, accept staff's proposed Economic Strategy Workplan. CEQA: Not a Project, File No. PP10-066(a), Staff Report. (Economic Development)
[Community and Economic Development Committee referral 9/26/11 – Item D(3)]

4.3 [Habitat Conservation Plan.](#) [Economic Impact Analysis of the Draft Santa Clara Valley Habitat Plan](#)

Recommendation:

- (a) Continue participation in the Habitat Conservation Plan preparation.
- (b) Direct the staff and consultants to continue to work with the Wildlife Agencies to make the revisions to the draft Plan reflecting the Framework, complete the environmental process, and draft the actual wildlife permits.
- (c) Move forward with the completion of the Habitat Conservation Plan and approve an appropriation action of \$100,000 to pay for San José's share to complete the Plan and to conduct the necessary work for Section 404 permitting.
- (d) Continue to assess the cost and benefit of the Final Plan retaining the ability to proceed or terminate in at the Final Plan adoption stage.

CEQA: Not a Project, File No. PP10-069. (Planning, Building and Code Enforcement)
(Continued from 9/27/11 – Item 4.1)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Agreement for Ampco System Parking, Inc. for the Airport Parking Facilities Management.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute the Sixth Amendment to the [Parking Management Agreement](#) for the Norman Y. Mineta San Jose International Airport with Ampco System Parking, Inc., to add an option to extend the term of the agreement one year, ending on October 31, 2012, with the maximum compensation for this one-year extension term of \$4,800,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Finance/Airport)

6.2 [Agreement with Air-Transport IT Services, Inc. for System Maintenance and Support.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the third amendment to the [agreement](#) with Air-Transport IT Services, Inc. to extend services for system maintenance and support for an additional twelve month period ending on December 31, 2012, for a total compensation amount not to exceed \$1,587,824, for the one year of maintenance services.
- (b) Exercise an option for an additional one-year term ending on December 31, 2013, with a compensation adjustment based on the Consumer Price Index, not to exceed 3%, 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)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to the New Market Tax Credit.

Recommendation:

- (a) Adopt a resolution to authorize the City Manager to execute a Ground Lease, Master Lease, Development Agreement, One-Day Loan Agreement, Investment Fund Leverage Loan Agreement, Put/Call Agreement, Environmental Indemnification in the form proposed, and to authorize the City Manager to execute and deliver these documents and other related documents as necessary in connection with the closing of the New Markets Tax Credit (NMTC) financing transaction for the Environmental Innovation Center project.
- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Source Resolution amendments in the Integrated Waste Management Fund:
 - (1) Increase the estimate for Earned Revenue by \$8,022,174 to recognize revenue from a one-day loan;

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to the New Market Tax Credit. (Cont'd.)

Recommendation:

- (b) (2) Decrease the appropriation to the Environmental Services Department for Household Hazardous Waste Las Plumas Facility by \$11,587,471;
- (3) Establish an appropriation to the Finance Department for a NMTC Transaction One-Day Loan in the amount of \$19,609,645;
- (4) Increase the estimate for Earned Revenue by \$8,022,174 to recognize ground lease revenue;
- (5) Decrease the appropriation to the Environmental Services Department for Non-Personal/Equipment by \$20,055;
- (6) Establish an appropriation to the Finance Department for the NMTC Transaction One-Day Loan Repayment in the amount of \$8,042,229;
- (7) Increase the estimate for Earned Revenue by \$10,630,285 to recognize revenue from an initial draw and the fiscal year 2011-2012 portion of development budget;
- (8) Increase the appropriation for Household Hazardous Waste Las Plumas Facility by \$10,441,785; and
- (9) Establish an appropriation to the Office of Economic Development for the Environmental Innovation Center's Public Art in the amount of \$188,500.

CEQA: Negative Declaration for the renovation of the EIC was adopted on December 1, 2009, File No. PP09-138. Council District 3. (Environmental Services/City Manager's Office)

RECOMMEND DEFERRAL TO 10/25/11 PER ADMINISTRATION

7.2 [Agreement with Zero Waste Energy Development Company for Commercial Organic Waste Processing Services.](#)

[Supplemental – Memo from the Department of Environmental Services](#)

Recommendation: Approve the [Agreement](#) for Commercial Organic Waste Processing Services between Zero Waste Energy Development Company, LLC and the City of San José, for a term from November 1, 2011 through June 30, 2027 with an initial service mobilization period from November 1, 2011 through June 30, 2012, and interim composting services to begin July 1, 2012. CEQA: Mitigated Negative Declaration for Special Use Permit for a 270,000 ton per year dry fermentation anaerobic digestion facility to process the organic portion of solid waste, File No. SP09-057. (Environmental Services)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**

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

- **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, 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.