



CITY COUNCIL AGENDA

SEPTEMBER 17, 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/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**
 - 9:30 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
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 8)**
 - Father Bob Fambrini, S.J., Most Holy Trinity Catholic Church

- **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 commendation to El Observador as we celebrate its 33rd year anniversary and its commitment to providing accurate news coverage to the San José community. (Herrera)
- 1.2 Presentation of a commendation to CreaTV San José on the occasion of its fifth year anniversary and for inspiring, educating and connecting San José communities by using media to foster civic engagement. (Mayor)
TO BE HEARD IN THE EVENING
- 1.3 Presentation of a Hall of Fame Award recognizing the San José Municipal Rose Garden's outstanding contributions to public rose gardening. (Oliverio)
TO BE HEARD IN THE EVENING

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.**
- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of August 21, 2013.](#) . (Mayor)

- 2.4 **Mayor and Council Excused Absence Requests.**

Recommendation:

- (a) Request for an excused absence for Councilmember Constant from the Closed Executive Session and Regular Meeting City Council Meeting on September 24, 2013 due to Authorized City Business: NLC Public Safety and Crime Prevention Steering Committee Meeting. (Constant)
- (b) Request for an excused absence for Councilmember Constant from the Rules and Open Government Committee Meeting on September 25, 2013 and November 13, 2013 due to Authorized City Business: NLC Public Safety and Crime Prevention Steering Committee Meeting. (Constant)

* (Rules Committee referral 9/11/13)

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Ordinances Amending the Municipal Code Relating to Administration of Surplus Property and Fire Hydrant Procurement and Installation Process.](#)

* **Recommendation:**

- (a) Approve an [ordinance](#) amending Section 2.04.020 of Chapter 2.04 and Section 4.16.010 of Chapter 4.16 of Title 4 of the San José Municipal Code to transfer the responsibility for management of the City's warehouse operations and responsibility for disposition of unclaimed and surplus personal property from the Finance Department to the Department of Public Works;
- (b) Approve an [ordinance](#) amending Section 15.08.820 of Chapter 15.08 of Title 15 and Section 19.32.070 of Chapter 19.32 of Title 19 of the San José Municipal Code to provide for the direct purchase of fire hydrants by developers for installation in private developments that meet the City of San José Fire Hydrant Specifications; and
- (c) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Decrease the Estimate for Other Revenue in the amount of \$65,000;
 - (2) Eliminate the City-wide appropriation to the Finance Department for Fire Hydrant Program in the amount of \$65,000.

CEQA: Not a Project, File No. PP 10-068(c), Code or policy change that involves no physical changes to the environment. (Finance/City Manager's Office)
(Deferred from 6/18/13 – Item 3.11, and 8/13/13 – Item 3.3, and Deferred from 9/10/13 – Item 3.4)

2.8 [Agreement with the Health Trust as Fiscal Agent for Destination:Home for Services to End Homelessness.](#)

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to the Agreement with the Health Trust for Destination:Home extending the current contract for an additional year to October 31, 2014; requiring the addition of case managers dedicated to serving residents of homeless encampments, and increasing the amount of the contract by \$635,000 for a total contract amount of \$1,045,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Housing)
(Deferred from 8/27/13 – Item 2.12)

2. CONSENT CALENDAR

2.9 [Report on Request for Proposal for Parking Pay Machines.](#)

- * **Recommendation:** Report on Request for Proposal for Parking Pay Machines and adopt a resolution authorizing the City Manager to:
- (a) Execute the [Second Amendment to the Agreement](#) with Caracal Enterprises LLC (doing business as VenTek International (Petaluma, CA) for Parking Payment System Hardware and Hosting and Automated Payment Processing Services, to add eleven parking pay machines at various parks that are managed by Parks, Recreation and Neighborhood Services, and increase compensation by \$143,848 for a revised maximum compensation not to exceed \$300,514, for a term ending April 30, 2015;
 - (b) Negotiate and execute amendments and change orders to the Agreement to purchase additional machines as required, maintenance and support, payment processing, and a hosted Web based application for system administration; and to add, delete or relocate parking pay machines as required, subject to the appropriation of funds; and
 - (c) Execute up to four two-year options to extend the term of the Agreement through 2023, subject to the appropriation of funds.
- CEQA: Exempt, File No. PP13-087. (Finance)
(Deferred From 9/10/13 – Item 2.9)

2.10 [Agreement with Areas USA SJC, LLC for Concession Concepts.](#)

- * **Recommendation:** Approve the [Third Amendment to the Concession Agreement](#) with Areas USA SJC, LLC (“Areas”) approving new concession concepts, and authorizing the City to reimburse Areas for costs associated with the construction of the approved concession concepts that are a direct result of protecting sensitive baggage system and CTX explosive detection equipment in an amount to be paid by the City not to exceed \$500,000. CEQA: Airport Master Plan Update EIR, Resolution No. 67380, and Supplemental EIR, Resolution No. 71451. (Airport)

2.11 [Agreements with Hoffman/Lewis, Inc. and Barnestorming Advertising for Air Service Development and Airport Marketing and Communications Consulting Services.](#)

- [Memo from Mayor Reed and Councilmembers Herrera, Liccardo and Rocha](#)
- * **Recommendation:** Approve First Amendments to the Master Consultant Agreements for marketing support services to Mineta San José International Airport with [Hoffman/Lewis, Inc.](#) and [Barnestorming Advertising & Marketing Communications](#) to extend the term of the agreements for one year through August 31, 2014, and to increase the total compensation for each agreement by \$335,000 to support airport marketing in the coming year for a total amount for each agreement not to exceed \$855,000, and the total expenditures for both agreements together not to exceed \$855,000 (\$520,000 for the initial two-year term plus \$335,000 for the extension). CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

2. CONSENT CALENDAR

2.12 [City Manager's Travel to Dublin, Ireland.](#)

- * **Recommendation:** Authorize City Manager Debra Figone's travel to Dublin, Ireland on October 12 - 18, 2013, for the Sister City Trip. City Manager's Non Personal Services Appropriation (hotel and food expenses to be personally paid). (City Manager's Office)

2.13 [Actions Related to the Proposed 2013 Justice Assistance Grant Spending Plan for the 2013 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant.](#)

[Memo from Vice Mayor Nguyen and Councilmembers Rocha and Kalra](#)

- * **Recommendation:**
 - (a) Approve the proposed 2013 Justice Assistance Grant Spending Plan for the FY 2013 Edward Byrne Memorial Justice Assistance Grant.
 - (b) Adopt a [resolution](#) accepting the 2013 Justice Assistance Grant in the amount of \$268,167 and authorize the City Manager to execute any documents required to effectuate the grant, including the [Grant Agreement](#) and the necessary [Memorandum of Understanding](#) with the County of Santa Clara.
 - (c) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
 - (1) Increase the estimate for Earned Revenue in the amount of \$199,427; and
 - (2) Establish an appropriation to the Police Department for the 2013 Justice Assistance Grant in the amount of \$199,427.

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

2.14 [Vacation of Building Setback Line Easement on Kocher Drive.](#)

Recommendation: Adopt a [resolution](#) summarily vacating a 25-foot Building Setback Line easement at 1994 Kocher Drive, recorded August 7, 1950, as part of Tract No. 701, entitled "Cherry Woods Unit No. 2" in Book 30 of Maps at Page 12 of Official Records, Office of the Recorder, County of Santa Clara (APN 288-29-017). CEQA: Exempt, DPW File No. 3-18726. Council District 6. (Public Works)

2.15 [Councilmember Campos' Travel to Sacramento, CA.](#)

Recommendation: Approve travel by Councilmember Campos to Sacramento, CA on September 18-20, 2013, to attend the League of California Cities Annual Conference. Source of Funds: Mayor and Council Travel Fund. (Campos)

- * (Rules Committee referral 9/11/13)

2. CONSENT CALENDAR

2.16 Actions Related to Councilmember Kalra's Travel to Dublin, Ireland.

Recommendation:

- (a) [Approve travel by Councilmember Kalra to Dublin, Ireland on October 12-17, 2013](#), to lead the Dublin Sister City Delegation. Source of Funds: District 2 Council Office Budget. (Kalra)
- (b) [Request for an excused absence for Councilmember Kalra from the Joint City-County meeting on October 18, 2013 due to Authorized City Business: Dublin Sister City Delegation.](#) (Kalra)

* (Rules Committee referral 9/11/13)

2.17 [Actions Related to Councilmember Khamis' Travel to Washington D.C.](#)

Recommendation:

- (a) Approve travel by Councilmember Khamis to Washington D.C. on October 1 – October 3, 2013, to join the Silicon Valley Leadership Group on its Fall CEO/Senior Officer Trip to Washington D.C. to advocate for federal policies to support San José job creation and global competitiveness. Source of Funds: District 10 Office Budget. (Khamis)
- (b) Request for an excused absence for Councilmember Khamis from the Regular Meeting of the City Council Meeting on October 1, 2013 due to Authorized City Business: Silicon Valley Leadership Group Fall CEO/Senior Officer Trip to Washington D.C. (Khamis)

* (Rules Committee referral 9/11/13)

2.18 [District 8 Day in the Park Festival.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 11, 2013:

- (a) Approve the District 8 Day in the Park Festival 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. (Herrera)

* [Rules Committee referral 9/11/13 – Item G(2)]

2.19 [Queerseanera 2013 Event at the Mexican Heritage Plaza.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 11, 2013:

- (a) Approve the Queerseanera 2013 event as a City Council sponsored Special Event; and
- (b) Approve the allowance of donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Campos)

* [Rules Committee referral 9/11/13 – Item G(3)]

2. CONSENT CALENDAR

2.20 [Youth Job Fair.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 11, 2013:

- (a) Approve the Youth Job Fair as a City Council sponsored Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Nguyen/Khamis)

* [Rules Committee referral 9/11/13 – Item G(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 9:30 A.M.

3.3 [Title 12 Revisions regarding Elections and Municipal Campaign and Officeholder Contributions.](#)

* **Recommendation:** Approve an [ordinance](#) amending Section 12.05.040 of Chapter 12.05 of Title 12, amending sections 12.06.295, 12.06.510, 12.06.910, 12.06.915 and 12.06.1010 of Chapter 12.06 of Title 12, and adding Section 12.06.215 of Chapter 12.06 of Title 12 of the San José Municipal Code relating to elections and municipal campaign and officeholder contributions. CEQA: Not a Project; File No. PP10-068(c), Code or Policy change that involves no physical changes to the environment. (City Attorney's Office)

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

3.4 [Response to Santa Clara County Civil Grand Jury Report Entitled “The State of Public Safety Disability Retirement Rates in the County.”](#)

Recommendation: Approve the response to the Santa Clara County Civil Grand Jury Report entitled “The State of Public Safety Disability Retirement Rates in the County.”

CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (City Manager’s Office)

3. STRATEGIC SUPPORT SERVICES

3.5 [Recycle Plus Billing and Customer Service Delivery Strategy.](#)

Recommendation: Approve a service delivery strategy to collect Recycle Plus payments for garbage and recycling services for all single family residential households through the Santa Clara County Secured Property Tax Bill. CEQA: Not a Project, File PP10-069(a), City Organizational and Administrative Activities. (Finance/Environmental Services/Information Technology)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [2012-2013 Consolidated Annual Performance Evaluation Report.](#) [FY 2012-2013 Draft CAPER](#)

Recommendation: Hold a public hearing on the FY 2012-2013 Consolidated Annual Performance Evaluation Report and approve the document for submittal to the U.S. Department of Housing and Urban Development by the September 30, 2013 deadline. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)

4.2 [Takeover Agreement with Liberty Mutual Insurance Company to Complete Construction of the Environmental Innovation Center.](#)

* **Recommendation:**

- (a) Adopt a resolution authorizing the Director of Public Works to negotiate and execute a Takeover Agreement with Liberty Mutual Insurance Company to complete construction of the Environmental Innovation Center at an additional cost to the City of \$1,000,000.
- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute new consultant agreements or amendments to existing consultant agreements as needed to complete the Environmental Innovation Center in an aggregate amount not to exceed the revised appropriations for the Project.
- (c) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution Amendments in the Integrated Waste Management Fund:
 - (1) Modify the name of the appropriation from EIC AB939/CDDD/Late Fees to EIC (Misc Funding Sources);
 - (2) Increase Earned Revenue (HHW Revenue from County) in the amount of \$49,700;
 - (3) Decrease the Non-Personal/Equipment appropriation to the Environmental Services Department in the amount of \$318,000;
 - (4) Decrease the Household Hazardous Waste Las Plumas Facility appropriation to the Environmental Services Department in the amount of \$600,000.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Takeover Agreement with Liberty Mutual Insurance Company to Complete Construction of the Environmental Innovation Center. (Cont'd.)

Recommendation:

- (c) (5) Decrease the Ending Fund Balance – Unrestricted appropriation in the amount of \$120,000; and
- (6) Increase the appropriation to the EIC (Misc. Funding Sources) in the Environmental Services Department in the amount of \$1,087,700.

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

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

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

* **Recommendation:**

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

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Agreement with MWH Americas, Inc. for Program Management Consultant Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program. (Cont'd.)

Recommendation:

- (c) (2) Decrease the New Biosolids Facility appropriation in the amount of \$2,000,000; and
- (3) Increase the Program Management appropriation to the Environmental Services Department in the amount of \$4,372,000.

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

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Notice of City Engineer’s Pending Decision on Final Maps

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9979	South East Corner of Almaden Expressway and Almaden Road	10	CV Urban Land LLC	15 Lots/ 13 units	SFD	Approve

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

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

- **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.
- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) 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 will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- * (a) [Consideration of a resolution adopting a mitigated negative declaration and an ordinance rezoning the real property located on the southwest corner of Guadalupe Mines Road and Camden Avenue \(6055 Guadalupe Mines Road\) from the R-1-1 Single Family Zoning District to the A\(PD\) Planned Development Zoning District to allow up to six \(6\) single-family detached homes \(including one existing single-family detached residence\) on a 7.2 gross acre site \(Margolis Adele P Trustee, Owner\). CEQA: \[Mitigated Negative Declaration\]\(#\) to be adopted. Planning Commission recommends approval \(7-0-0\). \(Planning, Building and Code Enforcement\) \[Ordinance PDC12-024 – District 10\]\(#\)
\[Deferred from 8/20/13 – Item 11.1\(b\)\]
RECOMMEND DEFERRAL TO 11/19/13 PER ADMINISTRATION](#)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Actions Related to the Real Property Located at the Southwest Corner of West San Carlos and Sunol Streets Extending to Auzerais Avenue.

Recommendation:

- (a) [Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos and Sunol Street extending to Auzerais Avenue \(860 West San Carlos Street\) from the A\(PD\) Planned Development Zoning District to the A\(PD\) Planned Development Zoning District for a previously approved development to allow the following: \(1\) a change in the range of multi-family residential units from 680-800 to 600-800 units; \(2\) a change in the range of commercial square footage from 24,000-30,000 to 12,500-30,000 square feet; and \(3\) a reduction in building height on Block C from 140-150 feet to 50-80 feet, on an 8.0 gross acre site \(Santa Clara County Transit District \(VTA\), Owner\). CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. PDC13-004 – District 6 \[Ordinance\]\(#\)](#)
- (b) [Consideration of an ordinance approving a Development Agreement with Green Republic, LLLP, Valley Transportation Authority \(VTA\), Dianne Ryan Trust, 861 Auzerais Investment, Green Valley Corporation, and Carolyn Pahle Trust, to develop up to 800 multi-family attached residential units and a minimum of 14,000 square feet of ground floor commercial space on three blocks with a minimum of two tower structures and one structure with a minimum height of 70 feet, consistent with the proposed Planned Development Zoning \(File No, PDC13-004\), and subject to the performance by Green Republic, LLLP for the dedication of parkland, contribution of funds for public transportation improvements serving the development, accelerated construction of street and utility infrastructure, submittal of building permits for the first high rise and commencement of construction and subsequent occupancy per deadlines of performance included in this agreement, on an 8.0 gross acre site, located at the southwest corner of West San Carlos and Sunol Streets extending to Auzerais Avenue \(860 W. San Carlos Street\). CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. \(Planning, Building and Code Enforcement\) DA13-002 – District 6 \[Ordinance\]\(#\)](#)

(Deferred from 8/20/13 – Item 11.3)

RECOMMEND DEFERRAL TO 10/22/13 PER ADMINISTRATION

11.3 Amendment to the City of San José’s Sign Ordinance.

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

- (a) Amending various sections of Chapter 23.02, Part 1, Definitions, including to revise Section 23.02.102 Commercial Speech; to add sections 23.02.355 non-commercial speech and 23.02.494 shopping center corner sign; to revise section 23.02.410 programmable electronic sign; and to add new section 23.02.505 sign ordinance; and

(Item continued on the next page)

11. PUBLIC HEARINGS

11.3 Amendment to the City of San José’s Sign Ordinance. (Cont’d.)

Recommendation:

- (b) Amending various sections of Chapter 23.02, Part 2, General Provisions, including to add Section 23.02.805 Authority, revise Section 23.02.820 Conformity Required, add new Section 23.02.825 Message Substitution, revise Section 23.02.870 Administrative Authority; Appeals, delete Sections 23.02.1130 Master Sign Program and 23.02.1190 No Limitation on Message, and revise Section 23.02.1370 Sign Variances; and
- (c) Amending various sections of Chapter 23.04, Part 1, CO, CP, CN, CG, IP, LI, and HI commercial and industrial zoning districts and neighborhood business districts, including to amend Section 23.04.020, Attached Signs, to allow shopping center corner signs at or above the top of a roof on corner buildings located within shopping center sites; and
- (d) Making other nonsubstantive, ministerial, technical, or typographical changes to various sections of said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP13-067. (Planning, Building, and Code Enforcement)

(Deferred from 8/27/13 – Item 4.3)

RECOMMEND DEFERRAL TO 10/01/13 PER ADMINISTRATION

11.4 [Ordinance Amending Various Sections of Title 20 \(Zoning Ordinance\).](#)

Recommendation: **Consideration of an [ordinance](#) amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to:**

- (a) Amend Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts) to add enumerated uses in the Industrial Zoning Districts including Neighborhood Agriculture as a Permitted Use, Aquaponics/Aquaculture as a Special Use, Warehouse Indoor Sale of Passenger Vehicles, Pick-up Trucks not Exceeding 25 feet in Length, and Motorcycles as a Conditional Use, Outdoor Commercial Recreation as a Conditional Use, Stadiums with up to 2,000 seats as a Conditional Use, and Stadiums with more than 2,000 seats as a Conditional Use requiring City Council approval as the initial decision-making body; to add a new Section 20.50.140 to establish criteria for issuing a Conditional Use Permit for Warehouse Indoor Sale of Passenger Vehicles, Pick-up Trucks not Exceeding 25 feet in Length, and Motorcycles; to amend Section 20.100.220 of Chapter 20.100 (Administration and Permits) to identify City Council as the initial decision-making body for Stadiums with more than 2,000 seats; and to amend Chapter 20.200 (Definitions) to add new sections defining “Plant Nursery” and “Aquaponics/Aquaculture”;
- (b) Amend 20.50.110 of Chapter 20.50 to clarify the method of calculation of Commercial Support uses in the IP Industrial Park District;

(Item continued on the next page)

11. PUBLIC HEARINGS

11.4 Ordinance Amending Various Sections of Title 20 (Zoning Ordinance). (Cont'd.)

Recommendation:

- (c) Amend Section 20.50.270 of Chapter 20.50 to clarify that allowances for minor projections into Setback areas of up to twenty (20) percent of building length apply independently and not cumulatively to Subsections B and C of this Section;
- (d) Amend Section 20.50.300 of Chapter 20.50 to change the permit requirement from a Conditional Use Permit to a Special Use Permit for exceedance of decibel levels in Table 20-135 of the Zoning Code;
- (e) Amend Section 20.85.030 of Chapter 20.85 (Specific Height Restrictions) to change the maximum allowable Height for communication towers and other similar non-Building structural uses; and
- (f) Amend Section 20.170.300 of Chapter 20.170 (Residential Condominium and Community Apartment Project Regulations) to delete additional parking requirements for Residential Condominium and Community Apartment Projects beyond the parking requirements for residential uses enumerated in Chapter 20.90; and TO AMEND Chapter 20.200 (DEFINITIONS) to add new sections DEFINING “Plant Nursery” and “Aquaponics/Aquaculture”; and to make other technical, non-substantive, or formatting changes within Title 20.

CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan, Resolution No. 76041, File No. PP13-077. Planning Commission recommends approval (6-0-1).

(Deferred from 9/10/13 – Item 4.1)

11.5 [Rezoning of the Properties Located Within a Portion of the Alum Rock Neighborhood Business District between King Road and Highway 680.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning of the properties located within a portion of the Alum Rock Neighborhood Business District (NBD) between King Road and Highway 680 to the MS - C Main Street Commercial and MS - G Main Street Ground Floor Commercial Zoning Districts. (City of San José, Applicant) (Various Owners). CEQA: Mitigated Negative Declaration, File Nos. PP09-012, GP08-05-01 (a-e), and GPT08-05-01. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)
C13-035 – District 5

- **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.