



CITY COUNCIL AGENDA

NOVEMBER 15, 2011

AMENDED AGENDA

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. 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
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 10)**
 - Pastor Dwight Bailey, Church of the Chimes
- **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 the Week of November 13 – 19, 2011 as “Bully Awareness Week” in the City of San José. (Chu)
- 1.2 Presentation of a commendation to Kelly Newell, a third-grade teacher at George Miner Elementary School, in recognition of the heroism and quick thinking she demonstrated by saving a third-grade student from choking. (Kalra)
TO BE HEARD IN THE EVENING
- 1.3 Presentation of a commendation to “Flat Stanley” in honor of International Education Week. (Kalra)
- 1.4 Presentation of an award from the Tobacco Free Coalition of Santa Clara County and Community Advocate Teens of Today to the City of San José in honor of Lung Cancer Awareness Month for the City’s outstanding leadership in reducing the burden of tobacco use and protecting the public’s health by passing strong tobacco prevention policies. (Mayor)
TO BE HEARD IN THE EVENING
- 1.5 Presentation of a commendation to the Almaden Valley Women’s Club for their work to stimulate interest in the social, civic, and cultural improvement of the District 10 community. (Pyle)
- 1.6 Presentation of a commendation to Second Harvest Food Bank for its dedication to ending local hunger and for its caring and dedicated service to the residents of San José and the Silicon Valley. (Pyle/Mayor)
- * (Rules Committee referral 11/2/11)

ITEM 6.1 TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS

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 August 2, 2011.](#)
- (b) [Regular Minutes of August 9, 2011.](#)
- (c) [Regular Minutes of August 16, 2011.](#)
- (d) [Regular Minutes of August 23, 2011.](#)
- (e) [Special Minutes of August 24, 2011.](#)
- (f) [Regular Minutes of August 30, 2011.](#)

2. CONSENT CALENDAR

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 October 26, 2011. (Mayor)

(b) [Community and Economic Development Committee Report of October 24, 2011.](#) (Herrera)

* [Deferred from 11/8/11 – Item 2.3(b)]

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 [Agreements with AMS-SJC JV, Areas USA SJC, LLC and Host International, Inc. for Airport Food and Beverage Concessions.](#)

Recommendation: Approve a First Amendment to the [AMS-SJC JV Airport Retail Concession Agreement](#), Second Amendments to the [Airport Food and Beverage Concession Agreements](#) with Areas [USA SJC, LLC](#) and [Host International, Inc.](#) and a Second Amendment to the Host Airport Retail Concession Agreement to revise the Concession Agreement provisions regarding customer pricing and to revise provisions regarding concession concepts and space layouts to reflect current concession operations at the Airport. CEQA: Not a Project, File No. PP10-066(e), Service agreements involving no physical change to the environment. (Airport)
(Deferred from 10/25/11 – Item 2.8)

2.8 [Acceptance of Gift Related to the Dublin Sister City Trip.](#)

Recommendation: Approve City Manager's acceptance of a gift from the City of Dublin, Ireland for the cost of the hotel in Dublin, Ireland for the 25th Anniversary Sister City Trip. CEQA: Not a Project, File No. PP10-069, administrative activities. (City Manager's Office)

2.9 [Agreement with Cirque du Soleil for Leasing Portions of the City's "E" Parking Lot.](#)

Recommendation:

(a) Adopt a resolution authorizing the City Manager:

- (1) To execute a [Lease Agreement](#) with Cirque du Soleil for the purpose of leasing portions of the City's "E" Parking Lot (Taylor, San Pedro, and Mission Streets) to Cirque du Soleil from January 30, 2012 to April 27, 2012 for rental consideration to the City in the amount of \$100,000; and

(Item continued on the next page)

2. CONSENT CALENDAR

2.9 Agreement with Cirque du Soleil for Leasing Portions of the City's "E" Parking Lot. (Cont'd.)

Recommendation:

- (a) (2) To negotiate and execute a Parking Space License Agreement with the County of Santa Clara for approximately 300 parking spaces in the "C" Lot and "Half Circle Parking Lot" at the former Civic Center site for a license fee amount of \$30,000 and sharing of parking revenues generated at the County facilities for the Cirque du Soleil event to be negotiated by the City Manager.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Establish a City-Wide appropriation to the Office of Economic Development for Cirque du Soleil in the amount of \$186,000; and
 - (2) Increase the estimate for Other Revenue by \$186,000.

CEQA: Exempt, File No. CPA05-015-02. Council District 3. (Economic Development/City Manager's Office)

2.10 [Memorandum of Agreement to Implement a Regional Approach to Obtaining and Allocating Federal Funding for Water Recycling Projects.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute an amended [Memorandum of Agreement](#) among the cities of San José, Mountain View, Palo Alto, Hayward, Pleasanton and Redwood City, Town of Yountville, Central Contra Costa Sanitary District, Delta Diablo Sanitation District, Dublin San Ramon Services District, Ironhouse Sanitary District, Zone 7 Water Agency, North Coast County Water District, Coastside County Water District, Santa Clara Valley Water District and the Bay Area Clean Water Agencies to implement a regional approach to obtaining and allocating federal funding for water recycling projects, at a cost for 2011-12 not to exceed \$20,000, with future year funding to be subject to appropriation by Council. CEQA: Not a Project, File No. PP10-066 (g), Memorandum of Understanding. (Environmental Services)

2.11 [Award of Construction Contract for the Nortech Parkway East Loop Main Extension Project.](#)

Recommendation:

- (a) Award the construction contract for the Nortech Parkway East Loop Main Extension Project to the low bidder, Ranger Pipelines, Inc., in the amount of \$304,200.
- (b) Approve a contingency in the amount of \$45,630.

CEQA: Exempt, File No. PP10-178. (Environmental Services)

2. CONSENT CALENDAR

2.12 [Grant Application to the California Strategic Growth Council for the Proposition 84 Urban Greening Grant Program to Retrofit a City Street to Integrate Stormwater Treatment.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to submit a grant application to the California Strategic Growth Council for the Proposition 84 Urban Greening Grant Program for the following project to retrofit a City street to integrate stormwater treatment: Green Streets, Greener Neighborhood - Ocala West for a grant amount of \$2,475,000. CEQA: Not a Project, File No. PP10-068(a), Grant Application, where Council is not obligated to enter into an agreement at the time of application. (Environmental Services)

2.13 [Agreement with Horwath Hospitality & Leisure, LLC for Asset Management Oversight Services.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Second Continuation Agreement with Horwath Hospitality & Leisure, LLC:

- (a) To retroactively extend the term of the agreement for an additional one-year period from July 1, 2011 to June 30, 2012, for asset management oversight services with respect to the operation and management of the Dolce Hayes Mansion; and
- (b) To increase the contract amount by \$69,600 from \$512, 486 to \$582,086.

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

2.14 [Agreement with Roy Buis Consulting For Construction Management Assistance on Affordable Housing Projects.](#)

* **Recommendation:** Approve a fifth amendment to the [agreement](#) with Buis Construction Services, Inc., for construction management assistance on affordable housing projects, increasing the amount of the agreement by \$100,000 from \$241,000 to \$341,000 and extending the term of the agreement to June 30, 2012. CEQA: Not a Project, File No. PP10-066(a), Agreement for professional services with no changes in physical environment. (Housing)

2.15 [Actions Related to Redevelopment Capital Projects Fund - City-Side Redevelopment Fund.](#)

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2011-2012:

- (a) Increase the estimate for Earned Revenue by \$150,000.
- (b) Establish the appropriation to the Department of Public Works for the Improvement District 99-218SJ Deferral of Assessments Fiscal Year 2011-2012 (PSM 624) in the amount of \$150,000.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. Council District 2. SNI Area: Edenvale. (Public Works/City Manager's Office)

2. CONSENT CALENDAR

2.16 [Award of Construction Contract for the Handrail Replacement Re-Bid Phase IV Project at the San José/Santa Clara Water Pollution Control Plant.](#)

Recommendation:

- (a) Award the construction contract for the Handrail Replacement Re-Bid Phase IV Project to the low bidder, B Side Inc., in the amount of \$398,900; and
 - (b) Approve a contingency in the amount of \$79,780.
- CEQA: Exempt, File No. PP 11-028. (Public Works/Environmental Services)

2.17 [Appointment to the Silicon Valley Workforce Investment Network Board of Directors.](#)

Recommendation: As recommended by the Rules and Open Government Committee on November 9, 2011, approve the appointment of Sima Yazdani, Senior IT/Business Operations Manager at Cisco in San José, California to serve as a private-sector representative on the Silicon Workforce Investment Network Board of Directors as required by law. (Mayor)

* [Rules Committee referral 11/9/11 – Item G(1)(a)]

2.18 [Santa Clara County Suicide Prevention Resolution.](#)

Recommendation: As recommended by the Rules and Open Government Committee on November 9, 2011, adopt a [resolution](#) in support for the work that Santa Clara County is conducting through their Suicide Prevention Strategic Plan. (Chu)

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

2.19 [“Let’s Give” Donations Drive.](#)

Recommendation: As recommended by the Rules and Open Government Committee on November 9, 2011:

- (a) Approve the “Let’s Give” donations drive 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 11/9/11 – Item H(2)]

3. STRATEGIC SUPPORT SERVICES

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

3. STRATEGIC SUPPORT SERVICES

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:00 A.M.

3.3 Ordinances amending Deferred Compensation Plan and PTC Plan.

Recommendation: Approve the following:

- (a) An ordinance to amend the Deferred Compensation Plan under Chapter 3.48 of Title 3 of the San José Municipal Code to comply with the federal Pension Protection Act of 2006 and miscellaneous United States Treasury regulations; and
- (b) An ordinance to amend the PTC Plan under Chapter 3.50 of Title 3 of the San José Municipal Code to comply with the federal Pension Protection Act of 2006 and miscellaneous United States Treasury regulations.

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

3.4 Agreement with Standard Insurance Company to provide Long-Term Disability Insurance Services to Employees.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City and Standard Insurance Company to provide Long-Term Disability insurance services to employees at a cost not to exceed \$10,045,390 for the period of January 1, 2012 through December 31, 2016. CEQA: Not a Project, PP10-066 (e), Services that involve no physical changes to the environment. (Human Resources)

3.5 Civil Service Commission Interviews. Supplemental - Memo from the City Clerk

Recommendation:

- (a) Interview applicants for appointment to the Civil Service Commission;
- (b) Appoint up to three (3) members to the Civil Service Commission to full four-year terms expiring November 30, 2015; and
- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days.

(City Clerk)

(To be Deferred from 11/8/11 – Item 3.4)

TO BE HEARD NO EARLIER THAN 2:30 P.M.

3.6 Report on the 2012 – 2013 Preliminary General Fund Forecast.

Recommendation: Accept the report on the 2012 – 2013 Preliminary General Fund Forecast. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager's Office)

* (Rules Committee referral 11/9/11)

* **TO BE HEARD FIRST IN THE EVENING**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Review of North San José Residential Activity and Consideration of Potential Changes to Reservation and Allocation Process for Affordable and Market Rate Units.

Recommendation: Accept the staff report to consider modifications to the current practices of reservation and allocation of residential units in the North San José Area Development Policy area to allow affordable housing units to be reallocated for market rate projects that provide extraordinary level of affordable housing funding. CEQA: Resolution No. 72768 and Addenda thereto. Council Districts 3 and 4. (Planning, Building and Code Enforcement/Housing)

RECOMMEND DEFERRAL TO 11/29/11 PER ADMINISTRATION

4.2 [Foreign Trade Zone Alternative Site Framework Application.](#)

Recommendation: As recommended by the Community and Economic Development Committee on October 24, 2011, adopt a [resolution](#) authorizing the City Manager to submit a Foreign Trade Zone Alternative Site Framework application to the Foreign Trade Zones Board of the U.S. Department of Commerce for the City of San José. (Economic Development)

[Community and Economic Development Committee referral 10/24/11 – Item D(7)]

5. NEIGHBORHOOD SERVICES

5.1 [Actions Related to San José Family Camp.](#) [Attachment – Memo from Mayor Reed and Councilmembers Pyle, Herrera, Liccardo and Campos](#)

Recommendation: Adopt a [resolution](#) including the following actions:

- (a) Authorize the City Manager to offer for sale the improvements associated with Camp, and therefore remove the City from future obligations to operate Camp, or if acceptable financial terms cannot be reached;
- (b) Operate Camp through a third party concessionaire similar to the other facilities under the City's Community Center Reuse Policy, which would require the City to enter into a new Special Use Permit/Land Lease with the U.S. Forest Service and does not relieve the City from the future capital expenditures at Camp.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Parks, Recreation and Neighborhood Services)

TO BE HEARD IN THE EVENING

6. TRANSPORTATION & AVIATION SERVICES

6.1 Authorization for the Issuance of Airport Revenue Bonds.

Recommendation:

- (a) [Adopt the seventeenth supplemental resolution of the Council authorizing the issuance of City of San José Airport Revenue Bonds, Series 2011B and Series 2011C \(the “2011B/C Bonds”\) in a total aggregate principal amount of not to exceed \\$315,000,000 to be sold through negotiated sale; approving substantially final forms of \[Supplemental Trust Agreement\]\(#\), Preliminary Official Statement, \[Bond Purchase Agreement\]\(#\) and \[Continuing Disclosure Certificate\]\(#\); authorizing the distribution of one or more \[Preliminary Official Statements\]\(#\) and Final Official Statements; and authorizing and approving other related actions in connection with the issuance of the 2011B/C Bonds. CEQA: Not a Project, File No. PP10-066\(e\), Services that involve no physical changes to the environment. \(Finance\) \[Resolution\]\(#\)](#)
- (b) [Adopt a resolution authorizing the City Attorney to negotiate and execute an amendment to the Agreement with Orrick, Herrington & Sutcliffe LLP for bond and disclosure counsel services in connection with the issuance of the City of San José Airport Revenue Bonds Series 2011A, Series 2011B and Series 2001C in order to increase the compensation by \\$50,000 for a total compensation not to exceed \\$400,000. \(City Attorney's Office\) \[Appendix A\]\(#\) \[Appendix B\]\(#\) \[Appendix B-1\]\(#\) \[Appendix C\]\(#\)](#)

TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS

6.2 [Actions Related to “Smart” LED Streetlight System.](#)

Recommendation:

- (a) Accept staff report on Request for Proposal (RFP) for the purchase of a “smart” light emitting diode (LED) streetlight wireless communication monitoring and control system (“System”); and
- (b) Adopt a resolution authorizing the City Manager to:
 - (1) Execute an [agreement](#) with Schröder Lighting, LLC (Illinois) for the purchase of “smart” LED streetlight wireless communication monitoring and control system, including all hardware, software, professional services, three years of software maintenance and support, shipping, and applicable sales tax for an amount not to exceed \$2,087,000, with an initial expiration date of November 15, 2014;
 - (2) Execute a software license and maintenance support services [agreement](#) with Schröder Lighting, LLC (Illinois) at no additional cost to City during the initial term for use of the OWLET Nightshift software application with the purchase of the “smart” LED streetlight wireless communication monitoring and control system;
 - (3) Negotiate and execute change orders or amendments to the agreement to cover any unanticipated design or implementation changes or to purchase additional luminaries and accessories for both the initial term of the agreement and option years, subject to the appropriation of funds; and

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.2 Actions Related to “Smart” LED Streetlight System. (Cont’d.)

Recommendation:

- (b) (4) Execute up to three, one-year options to extend the software license and maintenance agreement as required to provide ongoing software maintenance and support of the system, subject to the appropriation of funds.

CEQA: Exempt, File No. PP11-002, January 12, 2010. (Finance/Transportation)

6.3 15 MPH School Zone Pilot Program.

[Attachment – Memo from Mayor Reed and Councilmembers Oliverio and Rocha](#)

Recommendation: Approve a framework for a 15 mph school zone pilot program at three school zones to evaluate the effectiveness of enhancing school access safety, to be accomplished with existing resources allocated for school area safety. CEQA: Exempt, File No. PP10-113. (Transportation)

* **TO BE HEARD LAST IN THE AFTERNOON**

7. ENVIRONMENTAL & UTILITY 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.
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(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.

No Public Hearings on Consent Calendar at this time.

11.2 [Rezoning Real Property Located on the East Side of South 12th Street.](#)

Recommendation: Consider an [ordinance](#) rezoning the real property located on the east side of South 12th Street, approximately 140 feet southerly of East Santa Clara Street (562 East Santa Clara Street) from A(PD) Planned Development Zoning District to R-1-8 Single-Family Residential Zoning District on a .16 gross acre site (Diana Bermudez, Owner). SNI: University. CEQA: San José 2020 General Plan EIR Resolution No. 65459. Planning staff recommends that Council approve the proposed Conforming Rezoning for the following reasons: The proposed rezoning is in conformance with the San José 2020 General Plan Land Use/Transportation Diagram's land use designation of Medium Low Density Residential (8 DU/AC) with Santa Clara Street/Alum Rock Avenue Transit-Oriented Development District Overlay for the subject site. The proposed rezoning would allow residential uses on the site that are compatible with the existing structure and surrounding uses. The rezoning is in conformance with the California Environmental Quality Act.

C11-015 – District 3

- **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.