



CITY COUNCIL AGENDA

DECEMBER 13, 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**

- * 8:30 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 (Mayor)**
Brendan McGuire, Holy Spirit Parish

- **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 9.1, 9.2 AND 9.3 TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

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

- * **SEE NEW ITEM 1.7, “Presentation of a commendation to Priscilla Carrasquilla, a recipient . . .” TO BE ADDED UNDER ORDERS OF THE DAY.**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Jubilee Christian Center in recognition of their service and dedication to help identify individuals and families in the local community who are in need of food, supplies, shelter, or clothing. (Chu)
- 1.2 Presentation of a plaque to the Great American Litter Pick-Up 2010/2011 Winners, and a commendation to Greg Brazil, Activities Director of Oak Grove High School, for his contribution to the District 2 Great American Litter Pick-Up Event. (Kalra)
- 1.3 Presentation of a commendation to Mekane Rama St. Gabriel Church in recognition of the church for providing spiritual and social services to meet the needs of the Ethiopian community in the City of San José. (Kalra)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a commendation to The Harker School for winning an InvenTeam grant from the Lemelson-MIT Program for their aquatic thermoelectric generator project. (Constant)
TO BE HEARD IN THE EVENING
* (Rules Committee referral 12/6/11)
- 1.5 Presentation of a commendation to the sponsors of Downtown for the Holidays in recognition of their commitment and contributions to San José's holiday traditions Christmas in the Park, Downtown Ice and Winter Wonderland. (Liccardo)
* (Rules Committee referral 11/30/11)
- 1.6 Presentation of a commendation to CommUniverCity in honor of the organization's tremendous accomplishments in reaching a milestone garnering volunteers and resources for many community projects. (Liccardo)
* (Rules Committee referral 12/6/11)
- 1.7 Presentation of a commendation to Priscilla Carrasquilla, a recipient of the California Wellness Foundation's California Peace Prize and a long-time leader of the Clean Slate Tattoo Removal Program who has assisted hundreds of gang members to improve their lives. (Mayor/Pyle)
TO BE HEARD IN THE EVENING
* (Orders of the Day)

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. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29000 – Amending Chapter 13.28 of Title 13 of the San José Municipal Code to (1) streamline and reorganize the chapter into five parts; (2) add and delete certain definition provisions; (3) revise the permit requirements; (4) revise the maintenance and replacement standards; and (5) clarify the assessment and enforcement provision.
- (b) ORD. NO. 29001 – Amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code, which lists all infractions, to update the list of infractions.
- * (c) ORD. NO. 29002 – Amending Chapter 1.17 of Title 1 of the San José Municipal Code to add a new Section 1.17.015 to permit waiver of costs associated with requests for records pursuant to the California Public Records Act and making the effectiveness and applicability of the provisions of this ordinance retroactive to November 10, 2011.
- * (d) ORD. NO. 29003 - Amending Section 16.18.030 of Chapter 16.18 and Section 16.30.200 of Chapter 16.30 of Title 16 of the San José Municipal Code, the Gaming Control Regulatory Program Ordinance, to: (1) confine gaming to the single ground floor level of a permitted cardroom or to such other areas of a permitted cardroom as may be approved pursuant to the cardroom permit amendment procedure, (2) make the location of gaming in a cardroom a term and condition of the cardroom permit, and (3) make the requirement to apply for a cardroom permit amendment in order to be allowed to have gaming outside the single ground floor level of a cardroom retroactive to any application for a cardroom permit amendment pending on or after April 1, 2011.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Community and Economic Development Committee Report of November 28, 2011.](#) (Herrera)
- * (b) Rules and Open Government Committee Report of November 16, 2011. (Mayor) [Deferred from 12/6/11 – Item 2.3(a)]
- * (c) Rules and Open Government Committee Report of November 2, 2011. (Mayor) [Deferred from 11/29/11 – Item 2.3(a) and 12/6/11 – Item 2.3(e)]
- * (d) Rules and Open Government Committee Report of November 9, 2011. (Mayor) [Deferred from 11/29/11 – Item 2.3(c) and 12/6/11 – Item 2.3(f)]

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Councilmember Constant from the Regular Meeting of the Neighborhood Services and Education Committee on December 8, 2011 due to personal medical appointment. (Constant)
- * (Rules Committee referral 12/6/11)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Agreement with Jefferson Wells International for Consultant Services for the Terminal Area Improvement Program.](#)

Recommendation: Approve the Fourth Amendment to the [agreement](#) with Jefferson Wells International for continuation of on-call audit consultant services for the Terminal Area Improvement Program at the Norman Y. Mineta San José International Airport, increasing the total compensation by \$100,000 to a total not to exceed fee of \$700,000, and extending the term of the agreement to December 31, 2012. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

2.8 [Agreement with Lamberson Koster & Company to Provide Insurance Broker Services for the Airport Master Plan Projects.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the Second Amendment and Continuation Agreement between the City of San José and Lamberson Koster & Company, a Wholly Owned Subsidiary of Arthur J. Gallagher & Company DBA Gallagher Construction Services to provide insurance broker services for an Owner Controlled Insurance Program (OCIP) for the Airport Master Plan Projects, to include the administration of the close out phase of the OCIP for the Airport Terminal Area Improvement Program, to extend the term of the agreement from October 27, 2011 to October 26, 2012, reduce the broker fee for the one-year extension term to \$50,000, and reduce the total compensation to an amount not to exceed \$1,300,000.
- (b) Exercise an option to extend the Agreement, if required, for an additional one-year period from October 27, 2012 to October 26, 2013, at an annual broker fee of \$50,000, with no increase in the total not to exceed compensation of \$1,300,000.
- CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport/Finance)

2. CONSENT CALENDAR

2.9 [Actions Related to the Neighborhoods Commission.](#)

Recommendation: Approve an [ordinance](#) amending Ordinance No. 28178, as amended, to adjust the dates of the two-year pilot for the Neighborhoods Commission to reflect an extension of the Commission to June 30, 2012. CEQA: Not a Project, File No. PP10-069. (City Manager's Office)

2.10 [Agreement with Soo-in Yang for the Design, Fabrication and Installation of a Public Artwork at the McEnery Convention Center.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Soo-in Yang for the design, fabrication and installation of a public artwork at the McEnery Convention Center in an amount not to exceed \$480,000. CEQA: Resolution No. 72767 and Addenda thereto, File No. PP08-002. (Economic Development)

2.11 [Actions Related to Grants for Cultural Affairs.](#)

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2011-2012:

- (a) Establish a city-wide appropriation to the Office of Economic Development for Cultural Affairs Special Projects in the amount of \$386,500;
 - (b) Increase the estimate for Revenue from the Federal Government in the amount of \$294,000;
 - (c) Increase the estimate for Other Revenue in the amount of \$60,000; and
 - (d) Increase the estimate for Revenue from Local Agencies in the amount of \$32,500.
- CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Economic Development)

2.12 [Wholesaler-Retailer Agreement for Supply of Recycled Water Between the City of San José and San José Water Company.](#)

[Attachment – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Wholesaler-Retailer Agreement for Supply of Recycled Water between the City of San José and San José Water Company (SJWC):

- (a) To permit SJWC to connect recycled water pipeline, to be built, operated and maintained by SJWC, to the South Bay Water Recycling (SBWR) System;
- (b) To permit SJWC to issue a temporary recycled water meter for construction purposes to a SBWR authorized contractor for use at a recycled water access point (RWAP) within the Retailer's service area;
- (c) To accept funding for the right to connect the new recycled water pipelines constructed by SJWC to the SBWR System; and
- (d) To require insurance to be maintained by SJWC for the duration of the agreement.

CEQA: Mitigated Negative Declaration, File No. PP11-041. (Environmental Services)

2. CONSENT CALENDAR

2.13 [Cost-Sharing Agreement with Santa Clara Valley Water District for Water Conservation.](#)

[Attachment – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Water District (District) for cost sharing of water conservation and wastewater flow reduction programs, for the period of January 1, 2012 through June 30, 2013, under which the City will pay the District an amount not to exceed \$500,000 and the City will receive an amount not to exceed \$180,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

2.14 [Open Purchase Order with Trendtec Inc. for Temporary Employment Services for Environmental Inspectors.](#)

[Attachment – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Authorize the City Manager to amend the existing Open Purchase Order 45620 with Trendtec Inc. (San José, CA), to encumber an additional \$435,000 for a revised total amount not to exceed \$560,000 for continued temporary employment services of up to six Environmental Inspectors and to extend the term through June 30, 2012. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Purchase of Supplies. (Finance)

2.15 [Open Purchase Order with Jeffco Painting & Coating, Inc. for Sand Blasting and Painting Services at the Water Pollution Control Plant.](#)

[Attachment – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Authorize the City Manager to:

- (a) Exercise the second of three one-year options to renew an Open Purchase Order with Jeffco Painting & Coating, Inc. (Vallejo, CA) for the period November 1, 2011 through October 31, 2012, with total compensation not to exceed \$400,000, for plant-wide sand blasting and painting services at the Water Pollution Control Plant.
- (b) Exercise the remaining option to renew the purchase order, not to exceed \$400,000, subject to the appropriation of funds.
- (c) Desired Outcome: To complete scheduled sandblasting and painting projects at the Water Pollution Control Plant in accordance with their maintenance plan.

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

2.16 [Report on the Request for Proposal for the Purchase of a Hosted Web Content Management System.](#)

Recommendation: Accept the report on the Request for Proposal for the purchase of a hosted web content management system and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Icon Enterprises, Inc., doing business as CivicPlus (Manhattan, KS) for a fully hosted web content management system to include all professional and technical support services, product upgrades, training, unlimited software licenses, taxes and first year of maintenance and support, for a not-to-exceed amount of \$235,029; and

(Item continued on the next page)

2. CONSENT CALENDAR

2.16 Report on the Request for Proposal for the Purchase of a Hosted Web Content Management System. (Cont'd.)

- (b) Execute one-year options to extend the agreement to provide continuous hosting services and technical support after the initial year, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. (Finance/City Manager)

2.17 Actions Related to the 2010 Homeland Security Grant Program.

Recommendation:

- (a) Adopt a resolution:
 - (1) Authorizing the City Manager to execute an [agreement](#) with the County of Santa Clara to accept program funds from the County for 2010 State Homeland Security Program (SHSP) funding for Police and Fire Department training and exercise events in an amount up to \$829,386 and Fire Department funding for the 2010 Metropolitan Medical Response System Grant Program in the amount of \$317,419.
 - (2) Authorizing the City Manager to negotiate and execute additional amendments to the agreement and all related documents without further City Council action.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2011-2012:
 - (1) Establish a city-wide appropriation to the Fire Department for the 2010 Metropolitan Medical Response System Grant Program in the amount of \$317,419; and
 - (2) Increase Earned Revenue Estimate from the Federal Government by \$317,419.

CEQA: Not a Project, File No. PP10-066(g), Agreement and Contracts for 2010 SHSP/MMRS Grant Agreement. (Fire/Police/City Manager)

2.18 Agreement with Santa Clara Valley Transportation Authority for Riparian Improvements in Upper Penitencia Creek in Alum Rock Park. Supplemental Memo from Parks, Recreation and Neighborhood Services

Recommendation:

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration (MND) prepared for the Alum Rock Park Bank Repair and Stream Restoration Project (File No. PP08-203), as having been completed in compliance with CEQA reflecting the City's independent judgment and analysis, and the adoption of a mitigation monitoring and reporting program.
- (b) Approve a [Cooperative Agreement](#) with Santa Clara Valley Transportation Authority for construction of riparian improvements and repair of the Youth Science Institute Bridge in the Upper Penitencia Creek in Alum Rock Park.

CEQA: Mitigated Negative Declaration/IS, File No. PP 08-203. (Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement)

2. CONSENT CALENDAR

2.19 [Agreement with Winzler & Kelly for Permitting Assistance and Geotechnical Engineering Design Support for the Youth Science Institute Bridge Site on the Upper Penitencia Creek in Alum Rock Park.](#)

Recommendation: Approval of a Sixth Amendment to an [Agreement](#) with Winzler & Kelly to expand the scope of services to include additional permitting assistance and geotechnical engineering design support for the Youth Science Institute Bridge Site on the Upper Penitencia Creek in Alum Rock Park, extend the term of the agreement from December 31, 2011 to April 30, 2013, and increase the compensation by \$46,900 to an amount not to exceed \$583,900. CEQA: Mitigated Negative Declaration/IS, File No. PP 08-203. (Parks, Recreation and Neighborhood Services)

2.20 [Amendment to the Schedule of Parkland In-Lieu Fees and Credits.](#)

Recommendation: Adopt a [resolution](#) amending the Schedule of Parkland In-Lieu Fees and Credits (Resolution No. 73587, as amended) charged pursuant to the Park Impact and Parkland Dedication Ordinances (Chapters 14.25 and 19.38 of the San José Municipal Code) to provide an additional deferment of payment of parkland fees, interest and penalty until January 15, 2013, or the date of issuance of the first building permit for residential construction, whichever occurs earlier, for projects that currently have an approved parcel or final map by the City and have not been issued a building permit by the City for residential construction. CEQA: Not a Project, File No. PP10-067(a), adjustments to fees, rates, and fares. (Parks, Recreation and Neighborhood Services)

2.21 [Actions Related to the 2012-2013 Hazardous Vegetation Commencement Report.](#)

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

- (a) Accept the 2012-2013 Hazardous Vegetation Commencement Report compiled by the Santa Clara County Department of Agriculture and Resource Management;
- (b) Declare those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the report are a nuisance; and
- (c) Direct the Santa Clara County Department of Agriculture and Resource Management to mail notices of a public hearing before the City Council, on January 10, 2012 at 1:30 p.m., on the report to property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP08-245. (Planning, Building and Code Enforcement)

2. CONSENT CALENDAR

2.22 [Agreement with the Santa Clara Valley Transportation Authority for the Silicon Valley Rapid Transit Project.](#)

Recommendation:

- (a) Approve the first amendment to [Cooperative Agreement](#) with the City and Santa Clara Valley Transportation Authority for the Silicon Valley Rapid Transit Project contractor procurement to extend the term from October 31, 2011 by two months to December 31, 2011.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Public Works Program Support Fund:
 - (1) Increase the Valley Transportation Authority Collaboration appropriation in the amount of \$44,000.
 - (2) Increase the estimate for Earned Revenue by \$44,000.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design, Study, Research, and Inspection. (Public Works/City Manager's Office)

2.23 [Actions Related to the Proposed Maintenance District 24 \(The Alameda\).](#)

Recommendation: Adopt a [resolution](#):

- (a) Preliminarily approving the Engineer's Report for Proposed Maintenance District 24 (The Alameda).
- (b) Setting the public meeting to be held on [January 24, 2012 at 1:30 p.m.](#)
- (c) Setting the public hearing and tabulation of property owner ballots for [February 28, 2012 at 1:30 p.m.](#)
- (c) Directing the notice of meeting, hearing and ballots be mailed to the property owners in district.

CEQA: Exempt, File No. PP10-132. Council District 6. (Public Works/Transportation)

2.24 [Review of the 2010-2011 Annual Development In-Lieu Fee Report.](#)

Recommendation: Accept the 2010 – 2011 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Public Works)

2.25 [Rejection of All Bids Received for the Coleman Soccer Fields Design-Build Project.](#)

Recommendation: Approve the rejection of all bids received for the Coleman Soccer Fields Design-Build Project. CEQA: Mitigated Negative Declaration, File No. PP10-155, May 10, 2011. (Public Works)

2. CONSENT CALENDAR

2.26 [Agreement with Kimley-Horn and Associates, Inc. for the Wide and Metropolitan Area Network Re-Design, Installation, and Configuration Consultant Services.](#)

Recommendation: Approve a Continuation and First Amendment to the [Agreement](#) between the City of San José and Kimley-Horn and Associates, Inc. for the Wide and Metropolitan Area Network Re-Design, Installation, and Configuration Consultant Services to modify the scope of services and extend the termination date from June 30, 2011 to June 30, 2012 with no change in total compensation. CEQA: Exempt, File No. PP02-07-193. (Transportation)

2.27 [Appropriation Ordinance Amendment for the Airport Law Enforcement Services: Outsourcing Update, Proposed Staffing Plan, and Budget Update.](#)

Recommendation: Adopt the following Appropriation Ordinance amendment in the General Fund for 2011-2012 to increase the 2012-2013 Future Deficit Reserve appropriation by \$131,070. CEQA: Not a project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager's Office)

* (Rules Committee referral 12/6/11)

2.28 [Grant Agreement with the United States Department of Commerce Economic Development Administration for the Construction of a Photovoltaic Project at the San José Environmental Innovation Center.](#)

Recommendation:

- (a) Approve a [grant agreement](#) between the City of San José and the United States Department of Commerce Economic Development Administration to accept \$2,350,943, and to match this grant with \$1,007,547 in City funds, for the construction of a photovoltaic project at the San Jose Environmental Innovation Center, for a term from September 21, 2011 to September 21, 2015.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Integrated Waste Management Fund for 2011-2012:
 - (1) Increase the estimate for Earned Revenue by \$2,350,943;
 - (2) Increase the appropriation to the Environmental Services Department for Household Hazardous Waste Las Plumas Facility by \$2,758,490; and
 - (3) Decrease the Reserve for Operations and Maintenance by \$407,547.

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

* (Rules Committee referral 12/6/11)

2. CONSENT CALENDAR

2.29 Appropriation Ordinance Amendments for the Three Creeks Trail Project.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction and Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391):

- (a) Increase the TRAIL: Three Creeks Land Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department by \$244,000;
- (b) Decrease the Reserve: TRAIL: Three Creeks appropriation by \$173,000; and
- (c) Decrease the Ending Fund Balance by \$71,000.

CEQA: Resolution No. 65459, File No. PP03-05-175. Council District 6. (Parks, Recreation and Neighborhood Services/City Manager's Office)

* (Rules Committee referral 12/6/11)

2.30 Appointments and Reappointments to Boards, Commissions and Committees.

Recommendation: As recommended by the Rules and Open Government Committee on December 7, 2011:

- (a) Appoint Elizabeth Pope to an unexpired term ending June 30, 2013 and John Legois to a term expiring June 30, 2014 to the Disability Advisory Commission. (Pyle).
- (b) Appoint June Ellen Cooley to the Traffic Appeals Commission to a term expiring June 30, 2014. (Nguyen)
- (c) Appoint Kristen O'Kane to the Parks and Recreation Commission to an unexpired term ending June 30, 2013. (Pyle)
- (d) Appoint Matthew Quevedo, Robin Martinez, and Sean O'Brien to the Human Rights Commission to terms expiring December 31, 2014. (Chu)
- (e) Appoint Stephen Reiss and Raj Bhanot to the Small Business Development Commission to terms expiring December 31, 2014. (Chu)
- (f) Appoint Maria Davis to an unexpired term ending June 30, 2013 and Janet Thorsud and Nguyen Sanders to the Early Care and Education Commission to terms expiring June 30, 2014. (Pyle)
- (g) Reappoint Donna M. Cox to the Mobilehome Advisory Commission to a term expiring December 31, 2014. (Nguyen)
- (h) Reappoint David William Clancy and Leo Cortez to the Small Business Development Commission to terms expiring December 31, 2014. (Chu)
- (i) Reappoint Joshua Stanley Barousse and Wendy Lee Ho to the Human Rights Commission to terms expiring December 31, 2014. (Chu)
- (j) Reappoint Lee Jack Ellak to the Housing and Community Development Commission to a term expiring December 31, 2014. (Nguyen)
- (k) Reappoint Ashok Naidu to the Advisory Commission on Rents to a term expiring December 31, 2014. (Herrera)

* [Rules Committee referral 12/7/11 – Items G(1)(a) – G(1)(k)]

2. CONSENT CALENDAR

2.31 [2012 Legislative Guiding Principles, Priorities, and Advocacy Issues.](#)

Recommendation: As recommended by the Rules and Open Government Committee on December 7, 2011, accept the 2012 Legislative Guiding Principles as edited by the Council Committees, and the Legislative Priorities and Advocacy Issues for the second year of the two-year Legislative Session in Sacramento and the 112th Congress. (City Manager's Office)

* [Rules Committee referral 12/7/11 – Items H(2)]

2.32 [Operation Prom Dress.](#)

Recommendation: As recommended by the Rules and Open Government Committee on December 7, 2011:

- (a) Approve Operation Prom Dress as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support Operation Prom Dress.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 12/7/11 – Items H(5)]

2.33 [District 6 Willow Glen History Night.](#)

Recommendation: As recommended by the Rules and Open Government Committee on December 7, 2011:

- (a) Approve the District 6 Willow Glen History 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 12/7/11 – Items H(6)]

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 8:30 A.M.**

3. STRATEGIC SUPPORT SERVICES

3.3 Comprehensive Annual Financial Report & Comprehensive Annual Debt Report.

Recommendation: Accept the following annual reports:

- (a) [Comprehensive Annual Financial Report for the City of San José for Fiscal Year 2010-2011.](#)
- (b) [Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2010-2011.](#)

CEQA: Not a Project, File No. PP10-69 (a) Annual Reports. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 10/20/11 – Items D(3) & D(4)]

(Deferred from 12/6/11 – Item 3.7)

* **ITEM 9.2 TO BE HEARD IMMEDIATELY FOLLOWING ITEM 3.3**

3.4 **Actions Related to Team San José.**

[Attachment – Memo from Mayor Reed and Councilmembers Constant and Liccardo](#)

* **Recommendation:**

- (a) [As recommended by the Public Safety, Finance and Strategic Support Committee](#) on November 17, 2011, accept the Team San José Quarterly Performance Report First Quarter Results ending September 30, 2011. (Team San José)
[Public Safety, Finance and Strategic Support Committee referral 11/17/11 – Item D(9)]

(Deferred from 12/6/11 – Item 3.9)

- (b) (1) [Direct the City Manager to discontinue work on a Request for Proposal for](#) management of the Convention Center and Cultural Facilities.
- (2) Direct the City Manager to negotiate a Convention and Visitors Bureau (CVB) Services Agreement with Team San José for the period of January 1, 2012 through June 30, 2014 with two additional three-year options.

CEQA: Not a Project, File No. PP10-066 (e), Agreements/Contracts. Council District 3. (Economic Development)

3.5 Report on Request for Proposal for Landscaping Maintenance Services for Small Parks and Civic Grounds.

[Supplemental Memo from Parks, Recreation and Neighborhood Services](#)

Recommendation: Report on Request for Proposal (RFP) for Landscaping Maintenance Services for Small Parks and Civic Grounds and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Bayscape Landscape Management, Inc. (San José, CA) for Landscaping Maintenance Services for Small Parks and Civic Grounds, for an initial three-year term ending December 27, 2014, in an amount not to exceed \$1,368,000.
- (b) Execute three one-year options to renew the agreement, subject to the appropriation of funds.
- (c) Execute change orders as required to add or delete sites, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Amendment to Title 20 Zoning Ordinance.](#)

Recommendation:

- (a) Consideration of approval of an [ordinance](#) amending Title 20 of the San José Municipal Code (the Zoning Code) to amend portions of Chapters 20.10, 20.30, 20.40, 20.50, 20.70, 20.75, 20.80, 20.90, 20.100, and 20.200 to facilitate economic development goals, to establish regulations for the siting of above-ground storage tanks, to provide greater flexibility in connection with minor additions to existing non-residential buildings, to allow certain vehicle leasing activities in the CG-Commercial General Zoning District, to clarify regulations pertaining to incidental electric vehicle charging stations, to allow certain drinking establishments contained within full-service hotels or motels, to provide for the installation of tankless water heaters and energy power inverters, to expand the ability to use temporary use trailers, to provide for the neighborhood agriculture use in specified circumstances, to allow higher densities within the R-M Multi-Family Residential District, to clarify regulations and provide greater flexibility for residential uses in Residential and Main Street Zoning Districts, to streamline permitting processes for the conversion of two-family dwelling units to one-family dwelling units, to update the boundaries of the Downtown Zoning Area, as well as to make other clarifying or minor technical amendments throughout. Citywide. All SNI areas. CEQA: Reuse of the Envision San Jose 2040 General Plan EIR, Council Resolution No. 76041. The Director of Planning, Building, and Code Enforcement recommends approval (Planning Commission to hear item on 12/7/11).
- (b) Consideration of approval of an ordinance amending Title 20 of the San José Municipal Code (the Zoning Code) to add a new chapter, Chapter 20.85 establishing certain height restrictions, and to amend portions of chapters 20.20, 20.40, 20.50, 20.90, and 20.120 to align zoning code provisions with the recently adopted Envision San José 2040 General Plan. Citywide. All SNI areas. CEQA: Reuse of the Envision San José 2040 General Plan EIR, Council Resolution No. 76041. The Director of Planning, Building, and Code Enforcement recommends approval (Planning Commission to hear item on 12/7/11).
- (Planning, Building and Code Enforcement)

4.2 [Ordinance Amending the Sign Code.](#) [Attachment – Memo from Mayor Reed and Councilmember Pyle](#)

Recommendation: Approve an [ordinance](#) amending Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code to:

- (a) Create a Stevens Creek Urban Village Signage Area and an Oakridge/Blossom Hill Urban Village Signage Area to allow special sign standards for an Urban Village Area characterized by existing large-scale commercial development;
- (b) Establish a three-year pilot program to allow for programmable electronic signs as components of freestanding signs within a sub-area of the Stevens Creek Boulevard Urban Village and the Oakridge/Blossom Hill Urban Village Signage Areas;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Ordinance Amending the Sign Code. (Cont'd.)

Recommendation:

- (c) Amend the minimum height requirement for buildings as relates to skyline signs and eliminate restrictions on skyline or roof signs adjacent to a park;
- (d) Increase the allowed area and allowable display height for fin signs, and allow greater flexibility for their location; and
- (e) Increase the allowable signage area for freeway signs, and provide greater flexibility for the use of height exceptions to address grade differential.

CEQA: Negative Declaration, File No. PP10-111 and PP11-099. (Planning, Building and Code Enforcement)

4.3 Development Taxes, Fees and Costs.

Attachment – Memo from Mayor Reed and Councilmembers Herrera, Liccardo, Chu and Kalra

Recommendation: As recommended by the Community and Economic Development Committee on November 28, 2011, accept staff's analysis of development taxes, fees and costs, and:

- (a) Direct the City Attorney to draft an ordinance to implement an interim incentive program to encourage absorption of vacant space by driving industry companies by partially suspending for a limited period the City's the Building and Structures Tax (SJMC 4.46), and the Construction Excise Tax (SJMC 4.47) on the following uses: (1) Solar Photovoltaic Systems; (2) Office, Research and Development as defined in Section 20.200.818; and (3) Data Centers as defined in Section 20.200.265, and funding anticipated revenue losses to the City's Traffic Capital Improvement Program with the Economic Development Enhancement Fund.
- (b) Direct staff to propose a plan for a modernization of the City's construction taxes to better align the taxation policies with the job goals of the City's Economic Strategy and Envision 2040 Plan.
- (c) Direct staff to explore and bring back for Council consideration in January 2012, a program that provides a reduction in the North San José Traffic Impact Fee for new development projects to improve competitiveness of North San José for near-term development.

CEQA: Not a Project, File No. PP10-066(a), Staff Report. (Planning, Building and Code Enforcement/Economic Development)

[Community and Economic Development Committee referral 11/28/11 – Item D(3)]

4.4 Settlement in Union Pacific Railroad Company v. City of San José.

Recommendation:

- (a) Approve a settlement and authorize the City Attorney to execute a Settlement Agreement to settle the case of Union Pacific Railroad Company v. City of San José. The settlement includes \$2,000,000 for the purchase of an approximately 9.04-acre parcel of real property, plus estimated closing costs of \$29,272, for a total amount of \$2,029,272.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Settlement in Union Pacific Railroad Company v. City of San José. (Cont'd.)

Recommendation:

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Integrated Waste Management Fund:
 - (1) Increase the estimate for Earned Revenue by \$300,000;
 - (2) Establish an estimate for Transfers in the amount of \$52,784;
 - (3) Establish an appropriation to the Finance Department for UP Settlement Payment in the amount of \$964,272; and
 - (4) Decrease the Reserve for Operations and Maintenance by \$611,488.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the San José/Santa Clara Treatment Plant Income Fund:
 - (1) Establish an estimate for Earned Revenue in the amount of \$79,382;
 - (2) Establish a Transfer to the Integrated Waste Management Fund in the amount of \$52,784; and
 - (3) Increase the Ending Fund Balance by \$26,598.
- (d) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
 - (1) Establish an appropriation to the Finance Department for UP Settlement Payment in the amount of \$1,065,000;
 - (2) Decrease the Reserve: TRAIL: Coyote Creek (Story Road to Phelan Avenue) appropriation in the amount of \$600,000; and
 - (3) Decrease the TRAIL: Coyote Creek (Story Road to Phelan Avenue) Design appropriation in the amount of \$465,000.

CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office/ City Manager's Office)

4.5 Hearing on Amendment to the 2011-2012 Consolidated Annual Action Plan.

Recommendation: Conduct a public hearing on a Substantial Amendment to the 2010-2011 Consolidated Annual Action Plan to allocate \$550,000 of Community Development Block Grant funds for the City's Fire Department to purchase fire protection equipment (a fire truck) to serve a Low-Moderate Income Area. CEQA: Not a Project. (Housing)

DROP – TO BE RENOTICED

* (Rules Committee referral 12/6/11)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 [ADMINISTRATIVE HEARING on Appeal of Certification of a Final Environmental Impact Report \(FEIR\) and Appeal of Approval of a Conditional Use Permit for the Proposed Project, Moe's Stop Gas and Service Station, File No. CP11-049.](#)

[Supplemental – Memo from Planning, Building and Code Enforcement](#)

Recommendation:

- (a) Adopt a [resolution](#) rescinding the adoption of Resolution Nos. 76072, 76073, and 76074 on November 29, 2011 in connection with the Moe's Stop Gas and Service Station Project and the certification of the related Environmental Impact Report.
- (b) Conduct an ADMINISTRATIVE HEARING on and consider an APPEAL of the Planning Commission's certification of the Final Environmental Impact Report (FEIR) for the proposed project, Moe's Stop Gas and Service Station, File No. PP11-049, a Conditional Use Permit to allow the demolition of an existing single-family detached residence, the expansion of an existing gas and service station, and other modifications, for property located at the southeast corner of McKee Road and N. 33rd Street. In addition, consider adoption of a resolution to uphold the Planning Commission's certification of the FEIR and certify that:
 - (1) The City Council has read and considered the Final EIR;
 - (2) The Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
 - (3) The Final EIR reflects the independent judgment and analysis of the City of San José; and
 - (4) The Director of Planning, Building and Code Enforcement shall transmit copies of the Final EIR to any other decision-making body of the City of San José for the project.
- (c) Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's decision to approve a Conditional Use Permit for the Moe's Stop Gas and Service Station project, File No. CP11-049, and consider adoption of a [resolution](#) approving this Conditional Use Permit.

[CEQA: EIR Resolution](#) to be adopted. Council District 3. SNI: Five Wounds/ Brookwood Terrace. (Planning, Building and Code Enforcement)

* (Rules Committee referral 12/6/11)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Actions Related to Public Safety Broadband System.](#) [Attachment – Memo from Mayor Reed and Councilmember Constant](#)

* **Recommendation:**

- (a) Approve a report on status of site access and use agreement negotiations with Motorola to use four San José radio sites for the public safety component of the regional broadband system called BayWEB.
 - (b) Authorize the Mayor to sign and file, together with Oakland and San Francisco, an amended petition with the FCC for a waiver to use the 700 MHz public safety spectrum.
 - (c) Approve San José's comments on the BayRICS Joint Powers Authority System Funding Plan for filing with the BayRICS JPA.
 - (d) Provide policy direction regarding San José's position on the Build-Own-Operate-Maintain Agreement (BOOM) between the BayRICS JPA and Motorola.
- (Fire)
(Rules Committee referral 11/30/11)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1, 9.2 AND 9.3 IN A JOINT SESSION

9.1 [San José Incubator and Entrepreneur Center Transition Plan.](#) [Redevelopment Agency Memo](#) [Attachment – Memo from Mayor Reed and Councilmembers Herrera, Pyle, Liccardo and Kalra](#) [Exhibit A](#) [Exhibit B](#) [Exhibit C](#)

- * **Recommendation:** As recommended by the Community and Economic Development Committee on November 28, 2011, approval by the Redevelopment Agency Board of the Transition Plan for the San José Incubator Programs and Entrepreneur Center. CEQA: Not a Project, File No. PP10-066(a). (Redevelopment Agency/Economic Development) [Community and Economic Development Committee referral 11/28/11 – Item D(3)]

9.2 [Approval of the Comprehensive Annual Financial Report for FY 2010-2011.](#)

Recommendation: It is recommended that the Redevelopment Agency Board:

- (a) Approve the Comprehensive Annual Financial Report of the Redevelopment Agency of the City of San Jose for the Fiscal Year ending June 30, 2011.
- (b) Approve the Independent Auditor's Report on Internal Control Over Financial Reporting and On Compliance and Other Matters Based On An Audit of Financial Statement Performed In Accordance With Government Auditing Standards, and Compliance Report on California Redevelopment Agencies' Health and Safety Code 33080.1.

CEQA: Not a Project. [MERGED]

* **TO BE HEARD IMMEDIATELY FOLLOWING ITEM 3.3**

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.3 [Acceptance of the Annual Report of Financial Transactions of Community Redevelopment Agencies.](#)

Recommendation: It is recommended that the [City Council](#) and [Redevelopment Agency](#) Board adopt resolutions accepting the Annual Report of Financial Transactions of community redevelopment agencies for FY 2010-11 for the purpose of forwarding the annual report to the State Controller, in accordance with Community Redevelopment Law, Section 33080.1 and determining that the amount spent on planning and administrative activities is not disproportionate to the amount spent on production, improvement, or preservation of affordable housing. CEQA: Not a Project.
[MERGED]

- **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 [Street Renaming to Change a Portion of Old Bayshore Highway.](#)

Recommendation: Adopt a [resolution](#) approving a street renaming to change a portion of Old Bayshore Highway located south of Highway 101, between Airport Parkway and North Fourth Street, to Matrix Boulevard (Airport Parkway Two, LLC, Owner). CEQA: Exempt. Planning staff recommends that Council adopt a resolution approving the proposed street renaming of a portion of Old Bayshore Highway to Matrix Boulevard.
ST11-001 – District 3

11.3 [Rezoning the Real Property Located on the South Side of Paula Street.](#)

Recommendation: Consider an [ordinance](#) rezoning the real property located on the south side of Paula Street, approximately 200 feet westerly of Race Street (1024, 1044 & 1050 Paula Street) from R-M Residential Zoning District to R-M(PD) Planned Development Zoning District to allow up to eight single-family detached residential units on an approximately .56 gross-acre site (Alison Sowell, Owner; Rockwell Homes, Developer). [CEQA: Mitigated Negative Declaration.](#) The Director of Planning, Building and Code Enforcement and the Planning Commission recommend approval (5-0-2; Kamkar and Kline Absent)
PDC11-002 – District 6

11. PUBLIC HEARINGS

11.4 [Rezoning the Real Property Located at the Southwest Corner of Southwest Expressway and South Bascom Avenue.](#)

Recommendation: Consider an [ordinance](#) rezoning the real property located at the southeast corner of Southwest Expressway and S. Bascom Avenue (2130 Southwest Expressway) from RM Multiple Residence Zoning District to RM(PD) Planned Development Zoning District to allow the conversion of a storage room into two studio apartments at an existing multiple family residential complex on a 3.87 gross acre site. CEQA: Exempt. Planning Director and Planning Commission (5-0-2, Commissioners Kline and Kamkar Absent) recommend approval.
[PDC10-028](#) – District 6

- 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>
10080	N/E corner of River Oaks Parkway & Seely Avenue	4	Essex Cadence Owner, L.P.	4 Lots/ 769 Units	MFA	Approve
10082	N/E Corner of E. Tasman Drive and Baypointe Parkway	4	121 Tasman Apartments, LLC	1 Lot / 174 Units	MFA	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>
10093	S/W corner of Ruby Ave. & Aborn Rd	8	SummerHill Homes, LLC	93 Lots / 107 Units	SFDR/ SFAR
10096	N/W corner of Baton Rouge Drive and N. Capitol Avenue	4	Warmington Residential	7 Lots/ 46 Units	MFA
10100	W/S of S. Monroe St. 400’N of Tisch Way	6	KB Home Southbay Inc.	38 Lots / 104 Units	SFAR
10102	W/S Guadalupe Mines Rd, 1,100’S of Via Campagna	10	Brookfield Brookside LLC	98 Lots / 89 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 or Redevelopment Agency Board.
- **Adjournment**

CITY OF SAN JOSÉ 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 JOSÉ 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.