



CITY COUNCIL AGENDA

AUGUST 2, 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 item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**
 - 9:00 a.m. - Closed Session, Call to Order in Council Chambers
 - Open Session, Labor Negotiations Update (See Item 3.2)
 - Adjourn to Closed Session in Council Chambers Conference Room, W133
 - [See Separate Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 7)**
 - Pastor Williams –Maranatha Christian Center
- **Pledge of Allegiance**
- **Orders of the Day**
- * Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.
- * **ADJOURNMENT:** This meeting will be adjourned in memory of Fred DeFuniak, who passed away in June. Mr. DeFuniak served for nearly 7 years on the San Jose Elections Commission, and as Chair for the last 3 years, was a member of the Santa Clara County Grand Jury, and was a dedicated educator serving as an administrator with the East Side Union High School District. (City Clerk)

- Orders of the Day (Cont'd.)

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

- * **SEE NEW ITEMS 2.14 – 2.17 REFERRED BY THE RULES AND OPEN GOVERNMENT COMMITTEE ON JULY 27, 2011 TO BE ADDED UNDER ORDERS OF THE DAY**

- * **ITEM 4.4 RENUMBERED TO ITEM 2.18**

- * **ITEM 3.3 IS RECOMMENDED FOR DEFERRAL TO 8/30/11 PER ADMINISTRATION**

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring August 7, 2011 as “Assyrian Martyrs Remembrance Day” in the City of San José. (Chu/Oliverio)

1.2 Presentation of a proclamation declaring August 7 – 13, 2011 as National Farmers Market Week in the City of San Jose. (Chu)

- * (Rules Committee referral 7/27/11)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 28935 – Amending Ordinance No. 28178 to extend the ending date of the pilot for the Neighborhoods Commission to December 31, 2011.

(b) ORD. NO. 28936 – Granting a Commercial Solid Waste and Recyclable Material Collection Franchise for the South District to Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation:

- (c) [ORD. NO. 28937](#) – Granting a Commercial Solid Waste and Recyclable Material Collection Franchise for the North District to Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County.
- (d) [ORD. NO. 28939](#) – Rezoning certain real property situated on the east side of Monterey Road, approximately 300 feet southerly of Alma Avenue, from the LI-Light Industrial and HI-Heavy Industrial Zoning Districts to the CG(PD) Planned Development Zoning District. PDC10-026
- (e) [ORD. NO. 28940](#) – Rezoning certain real property situated at the northeast corner of Toy Lane and Kettman Road (2605 Toy Lane), from A(PD) Planned Development Zoning District to R-1-8 (PD) Planned Development Zoning District. PDC07-052

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of June 1, 2011. (Mayor)
[Deferred from 6/21/11 – Item 2.3(a)]
- (b) [Neighborhood Services and Education Committee Report of June 9, 2011.](#) (Pyle)
[Deferred from 6/21/11 – Item 2.3(b)]
- (c) Rules and Open Government Committee Report of May 18, 2011. (Mayor)
[Deferred from 6/14/11 – Item 2.3(a) and 6/21/11 – Item 2.3(c)]
- (d) Rules and Open Government Committee Report of May 25, 2011. (Mayor)
[Deferred from 6/14/11 – Item 2.3(b) and 6/21/11 – Item 2.3(d)]
- (e) Rules and Open Government Committee Report of May 11, 2011. (Mayor)
[Deferred from 6/7/11 – Item 2.3(a), 6/14/11 – Item 2.3(c) and 6/21/11 – Item 2.3(e)]
- (f) [Rules and Open Government Committee Report of May 4, 2011.](#) (Mayor)
[Deferred from 5/24/11 – Item 2.3(c), et al, and 6/21/11 – Item 2.3(f)]
- (g) [Rules and Open Government Committee Report of April 27, 2011.](#) (Mayor)
[Deferred from 5/17/11 – Item 2.3(a), et al, and 6/21/11 – Item 2.3(g)]
- (h) [Transportation and Environment Committee Report of June 6, 2011.](#) (Liccardo)
- (i) Rules and Open Government Committee Report of June 8, 2011. (Mayor)
- (k) Rules and Open Government Committee Report of June 15, 2011. (Mayor)
- (l) [Public Safety, Finance and Strategic Support Committee Report of June 16, 2011.](#)
(Constant)
- (m) Rules and Open Government Committee Report of June 22, 2011. (Mayor)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2. CONSENT CALENDAR

2.7 [Acceptance of Gift for O'Donnell's Garden's Park Project.](#)

- * **Recommendation:** Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:
- (a) Increase the estimate for Earned Revenue by \$35,000; and
 - (b) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for O'Donnell's Garden's Park by \$35,000.
- CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance (Parks, Recreation and Neighborhood Services/City Manager's Office).

2.8 [Agreement with Signatures Technology Inc., dba Com-Net Software to Expand the Public Address System at the Airport.](#)

Recommendation: Adopt a resolution to repeal Resolution No. 75898 and authorize the Director of Finance to execute the Second Amendment to the Public Address System [Agreement](#) with Signatures Technology Inc., dba Com-Net Software, to expand the public address system into the Federal Inspections Services International Terminal at the Norman Y. Mineta San José International Airport and to increase the compensation by an amount not to exceed \$50,438, from \$2,671,231 to \$2,721,669, including all hardware, software, sales tax, and the first year of support and professional services and warranty. CEQA: Not a Project, File No. P10-066(c), Purchase Order/Cooperative Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)

2.9 [Castellano Family Foundation Matching Grant Agreement for Independent Police Auditor's Teen Leadership Council](#)

Recommendation: Approve a matching grant [agreement](#) with the Castellano Family Foundation in an amount up to \$5,000 to support the Independent Police Auditor's Teen Leadership Council. CEQA: Not a Project; File No. PP10-066, Services that involve no physical changes to the environment. (Independent Police Auditor)

2.10 [Amendment to the City of San Jose Pay Plan.](#)

Recommendation: Adopt a [resolution](#) to amend the City of San Jose Pay Plan effective August 2, 2011, to create the following classification:

- (a) Principal Engineer/Architect (3820)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

2. CONSENT CALENDAR

2.11 Initiate Proceeding for Annexation/Reorganization of Downer No. 11.

Recommendation: Adopt a resolution initiating proceedings and setting August 16, 2011 at 1:30 p.m. for a public hearing on the reorganization of territory designated as Downer No. 11 which involves the annexation to the City of San José of approximately 8.6 gross acres of land generally located at the northwest corner of Blossom Hill Road and Southcrest Way, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration (Related approved Rezoning File No. PDC10-007). Council District 10. (Planning, Building and Code Enforcement)
RECOMMEND CONTINUANCE TO 8/9/11 PER ADMINISTRATION

2.12 [Intent to Form Community Facilities District No. 14 at the Hitachi Complex.](#)

Recommendation: Adopt a resolution of intention to form Community Facilities District No. 14 (Raleigh/Charlotte) to authorize the levy of special tax pursuant to the City of San José Community Facilities District Financing Procedure, to set a public hearing on September 20, 2011 at 1:30 p.m., regarding the formation of the District, to hold an election immediately following the close of the public hearing and authorizing other related actions. CEQA: Resolution No. 72772, Hitachi Mixed Use Project Final EIR. Council District 2. (Public Works)

2.13 [Summary Vacation of Sewer Easements on the Property Owned by Win Time @ First.](#)

Recommendation: Adopt a resolution summarily vacating three sanitary sewer easements lying on the property owned by Win Time @ First, LLC, a California limited liability company (APN 097-14-094) between Holger Way (private street) and State Route 237, east of North First Street. CEQA: Addendum to the North San Jose Development Policies Update Final EIR, EIR Resolution No. 72768, File No. CP10-059. Council District 4. (Public Works)

2.14 [AB 341 \(Chesbro\) Solid Waste: Diversion.](#)

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011, approve a support position for AB 341 (Chesbro) Solid Waste: Diversion. (Environmental Services)

* [Rules Committee referral 7/27/11 – Item D(1)(b)]

2.15 [AB 723 \(Bradford\) Public Goods Charge for Energy Efficiency.](#)

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011, approve a support position for AB 723 (Bradford) Public Goods Charge for Energy Efficiency. (Environmental Services)

* [Rules Committee referral 7/27/11 – Item D(1)(c)]

2. CONSENT CALENDAR

2.16 [Appointment and Reappointments to Board, Commissions and Committees.](#)

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011:

- (a) Appoint Jonathan I. Clough, Donna Garcia-Cowsert, Kevin P. Klink, and Dr. Charles Whitcomb to the San José Arena Authority Board. (Mayor)
- (b) Reappoint Jean Lee and Harish Chinai to the Library Commission. (Oliverio)
- (c) Reappoint Ramiro Torres and Steven Cohen to the Historic Landmarks Commission. (Oliverio)

* [Rules Committee referral 7/27/11 – Item G(1)(a) – G(1)(c)]

2.17 [National Night Out.](#)

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011:

- (a) Approve National Night Out, to be held at various locations throughout the City on August 2, 2011, 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 7/27/11 – Item H(4)]

2.18 [Amendment to a Development Agreement with Cisco Technology, Inc.](#)

* **Recommendation:** Consideration of an ordinance approving an amendment to a Development Agreement with Cisco Technology, Inc. to remove a requirement that 1/2 of the square footage entitled be constructed on the subject property within 12 years of the executed date of the Agreement. The subject property is located in the A(PD) Planned Development Zoning District, said area bounded by Highway 237, North First Street, Grand Boulevard, and Disk Drive (75 Nortech Parkway)(Cisco Technology, Owner).
CEQA: EIR Resolution No. 69636 and addendum thereto.

DA08-004 – District 4

* **RENUMBERED FROM ITEM 4.4**

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

[Presentation](#)

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 [Ordinance to implement new Health Care Trusts for Police and Fire Retirement Plan.](#)

Recommendation: Consider an [ordinance](#) amending Title 3 of the San José Municipal Code to add new Chapter 3.54 and 3.56, and to amend Sections 3.36.575, 3.36.1925, 3.36.1930, 3.36.2030 and 3.36.2050 for the purposes of establishing a new trust pursuant to Section 115 of the Internal Revenue Code related to retiree health care benefit funding and payment of retiree health care benefits. CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)

(Rules Committee referral 05/25/11)

(Deferred from 6/7/11 – Item 3.6)

RECOMMEND DEFERRAL TO 8/30/11 PER ADMINISTRATION

3.4 [Public Hearing on the Sewer Service and Use Charges and Storm Sewer Services Charges.](#)

Recommendation: Hold a public hearing on the Sewer Service and Use Charges and Storm Sewer Services Charges report filed by the Director of Finance with the City Clerk's Office and adopt a [resolution](#) to approve the placement of recommended charges on the 2011-2012 Santa Clara County assessment roll, with such modifications as the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069(a) City Organizational & Administrative Activities. (Finance)

3.5 [Discussion of Ballot Measure Polling Results, Updates on State Budget Impacts, Updates on Discussions of Ballot Measure Language and Retirement Reform Negotiations, Deferral of Declaration of Fiscal and Public Safety Emergency and Deferral of Discussion of Possible Draft Ballot Language.](#)

[Powerpoint Presentation \(Converted to PDF\)](#)

[Fiscal Reform Plan](#)

[All Memo's from previous council agendas for Fiscal Reform](#)

[Blue Memo from Councilmember Liccardo](#)

[Presentation](#)

[Presentation #2](#)

* **Recommendation:**

(a) (1) Subject to approval under Orders of the Day, Council by motion waive the 10-day noticing requirement for Item 3.5(a)(2).

(2) [Discussion regarding ballot measure polling results and direction on revenue measures.](#)

(b) Update on state budget impacts.

(c) Update regarding status of discussions on ballot measure language and retirement reform negotiations with the City's bargaining units.

TO BE HEARD AT 9:00 a.m.

(d) Defer to September 20th, discussion and consideration of declaration of a Fiscal and Public Safety Emergency.

(e) Defer discussion of possible draft ballot language for ballot measures allowing the residents of San José to vote on proposed changes to the Charter.

CEQA: Not a Project, File No. PP10-068(b), General Procedure and Policy Making, Municipal Code Title 3.

(Deferred from 6/24/11 – Item 3.1)

3. STRATEGIC SUPPORT SERVICES

3.6 [Audit of Supplemental Military Pay and Benefits.](#) [Attachment - Report](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support on June 16, 2011, accept the audit of Supplemental Military Pay and Benefits. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Staff Report. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 6/14/11 – Item D(4)]

RECOMMEND DEFERRAL TO 8/9/11 PER COUNCIL DISTRICT 1

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to Novellus/Vista Montana Development, Parkland and Environmental Agreements.](#)

* **Recommendation:**

- (a) Approve a Parkland [Agreement](#) for Tentative Maps No. PT07-083 and PT07-084 with Novellus Systems, Inc., Vista Montana Park Homes, LLC, and Equity-Tasman Apartments, LLC (collectively “Developer”) under the Parkland Dedication Ordinance for the development of a one acre and five acre park and to provide certain extraordinary park benefits to the City.
- (b) Approve an Environmental [Agreement](#) related to the Parkland Agreement for Tentative Maps No. PT07-083 and PT07-084 with Developer for the completion of certain soil remediation required by the California Department of Toxic Substances Control for the one acre and five acre parks.
- (c) [Approve an ordinance approving the Second Amendment to the Development Agreement with Developer setting forth the terms, conditions and obligations of the Developer in order to satisfy the Developer’s Parkland Dedication Obligation and provide certain extraordinary park benefits to the City.](#) [Staff Report Ordinance](#)
[DA11-001 – District 4](#)
- (d) Adopt the following 2011-2012 Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
 - (1) Establish an appropriation to the Parks Recreation and Neighborhood Services Department in the amount \$3,000,000 for the Vista Montana Turnkey Park Improvements;
 - (2) Decrease the Reserve: Vista Montana Turnkey Park by \$2,800,000; and
 - (3) Decrease the Reserve: Future PDO/PIO Projects by \$200,000

CEQA: North San José Development Policies Updated Final EIR, EIR Resolution No 72768. Council District 4. (Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services/City Manager’s Office)

ITEM 4.1 TO BE HEARD CONCURRENTLY WITH ITEMS 4.2 AND 4.3

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Rezoning real property located on the northwesterly corner of Vista Montana and W. Tasman Drive and westerly and southerly corners of N. First Street and Vista Montana respectively.](#)

[Staff Report](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the northwesterly corner of Vista Montana and W. Tasman Drive (81 Vista Montana) and westerly and southerly corners of N. First Street and Vista Montana respectively from A(PD) Planned Development Zoning District to IP(PD) Planned Development Zoning District to modify the zoning provision in each of the zonings related to parkland development and maintenance. CEQA: Addendum to the North San José Development Policies Update Finale EIR, EIR Resolution No. 72768.

[PDC11-006](#) – District 4

ITEMS 4.2 AND 4.3 TO BE HEARD CONCURRENTLY WITH ITEM 4.1

4.3 [Rezoning real property located on the northwesterly corner of Vista Montana and W. Tasman Drive and westerly and southerly corners of N. First Street and Vista Montana respectively.](#)

[Staff Report](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the northwesterly corner of Vista Montana and W. Tasman Drive (81 Vista Montana) and westerly and southerly corners of N. First Street and Vista Montana respectively from A(PD) Planned Development Zoning District to IP(PD) Planned Development Zoning District to modify the zoning provision in each of the zonings related to parkland development and maintenance. CEQA: Addendum to the North San José Development Policies Update Finale EIR, EIR Resolution No. 72768.

[PDC11-007](#) – District 4

ITEMS 4.2 AND 4.3 TO BE HEARD CONCURRENTLY WITH ITEM 4.1

4.4 [Amendment to a Development Agreement with Cisco Technology, Inc.](#)

* **Recommendation:** Consideration of an [ordinance](#) approving an amendment to a Development Agreement with Cisco Technology, Inc. to remove a requirement that 1/2 of the square footage entitled be constructed on the subject property within 12 years of the executed date of the Agreement. The subject property is located in the A(PD) Planned Development Zoning District, said area bounded by Highway 237, North First Street, Grand Boulevard, and Disk Drive (75 Nortech Parkway)(Cisco Technology, Owner). CEQA: EIR Resolution No. 69636 and addendum thereto.

[DA08-004](#) – District 4

* **RENUMBERED TO ITEM 2.18**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 [Agreement with the City of Campbell for Actions Related to the Reorganization of the Cambrian No. 36 Area.](#)

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

* **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the City of Campbell (1) to allow financial adjustments between the City of Campbell and the City of San José to account for costs and proceeds flowing from the possible future annexation of the Cambrian No. 36 pocket area to the City of Campbell; (2) to establish a process to calculate and reconcile such costs and proceeds during the term of the agreement; and (3) that reflects and is consistent with the key terms and provisions as described to City Council in memoranda from the Administration;
- (b) Adopt a [Resolution](#) to accomplish all of the following:
 - (1) Extend until November 30, 2011 the time to work with the City of Campbell on an alternative reorganization proposal for the Cambrian No. 36 pocket area; and
 - (2) Express support for consideration of the City of Campbell's actions to annex the Cambrian No. 36 pocket including LAFCO consideration of detachment of the Central Park Drive, Oak Park Lane and Highland Park Lane area from the City of San Jose; and
 - (3) Suspend City's prior reorganization action for Cambrian No. 36; and
 - (4) Authorize the Director of Planning, Building and Code Enforcement to take certain actions to facilitate the alternative reorganization of the Cambrian No. 36 pocket area pursued by the City of Campbell or, alternatively, to complete the City's Cambrian No. 36 reorganization if certain actions do not occur, whichever is appropriate.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts; and San Jose 2020 General Plan Final EIR, Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement/Finance)

4.6 **Actions Related to Medical Marijuana Collectives.**

Recommendation: Consideration of an ordinance amending Title 1 of the San José Municipal Code by amending Section 1.13.050 of Chapter 1.13 to exempt a lawful Medical Marijuana Collective from the definition of a public nuisance and amending Title 20 of the San José Municipal Code by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40, amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.5 to Chapter 20.80, adding a new Part 13 to Chapter 20.100, and amending Section 20.100.200 of Chapter 20.100, all to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a related Zoning Verification Certificate process. CEQA: Negative Declaration, File No. PP11-039.

Citywide

* **RECOMMEND DEFERRAL TO 8/9/11 PER ADMINISTRATION, AND
SUBSEQUENTLY TO 9/13/11 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT 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>
10064	Between W. Campbell Avenue and Via Cristobal 750 feet westerly of Via D'Este	1	Edenbridge Castilla, LP	7/6	SFD	Approve

- 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

* This meeting will be adjourned in memory of Fred DeFuniak, who passed away in June. Mr. DeFuniak served for nearly 7 years on the San Jose Elections Commission, and as Chair for the last 3 years, was a member of the Santa Clara County Grand Jury, and was a dedicated educator serving as an administrator with the East Side Union High School District. (City Clerk)

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.