



CITY COUNCIL AGENDA

MAY 15, 2012

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.

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**

- 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall
- 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 5)**

- * Rev. Jon Talbert from Beautiful Day

- **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.

- * ADJOURNMENT: This meeting will be adjourned in memory of Randy Ritchie, who served as a waiter at Original Joe's for 30 years. (Oliverio)

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of the accreditation plaque to Happy Hollow Park & Zoo by the Association of Zoos and Aquariums. (Parks, Recreation and Neighborhood Services)
- 1.2 Presentation of a proclamation declaring the Month of May 2012 as “Foster Care Month” in the City of San José. (Mayor)
- 1.3 Presentation of commendations to Daniel Sanchez and Corazon Tomalinas for being recognized as Champions of Change by the White House in honor of their work to prevent youth violence in San José. (Mayor)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a commendation to Song That Radio for their advocacy and efforts to educate the community on issues related to the Vietnamese lesbian, gay, bisexual, and transgender community. (Nguyen/Herrera/Rocha)
- 1.5 Presentation of a commendation to local businesses for their generous contributions towards Operation Prom Dress. (Nguyen)
- 1.6 Presentation of a commendation to the San Jose Chapter of Jack and Jill of America, Inc for hosting an anti-bullying forum to not only bring awareness to the situation but also present strategies and solutions to stop the cycle of bullying. (Pyle)
* (Rules Committee referral 5/9/12)
TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final Adoption of Ordinances.**
- 2.3 **Approval of Council Committee Reports.**
- 2.4 **Mayor and Council Excused Absence Requests.**

Recommendation:

- (a) [Request for an excused absence for Councilmember Liccardo from the Regular Meeting of the Community and Economic Development Committee on May 21, 2012 due to pre-arranged travel for nephew’s graduation.](#) (Liccardo)
* (Rules Committee referral 5/9/12)

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Agreement with Ricondo & Associates, Inc. for Airport Financial Consultant Services.](#)

* **Recommendation:**

(a) Approve an [agreement](#) with Ricondo & Associates, Inc. for airport financial consultant services for an initial three year term from July 1, 2012 to June 30, 2015, providing compensation not to exceed a maximum of \$500,000;

(b) Adopt a [resolution](#) authorizing the City Manager to exercise up to two one-year options to extend the agreement at the City's sole discretion.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/ Inspection. (Airport)

2.8 [Easement Agreement with Harjinder & Balwinder Mundh for the Installation and Usage of a Storm Drain on the Site of Fire Station No. 19.](#)

Recommendation: Adopt a resolution to authorize the City Manager or her designee to execute the [storm drain easement agreement](#) with Harjinder & Balwinder Mundh for the installation and usage of a storm drain on the site of Fire Station No. 19 together with all other documents needed to conclude the transaction. CEQA: Exempt File No. PP 00-02-023. Council District 4. (Economic Development)

2.9 [Report on Bids and Award of Construction Contract for the Water Pollution Control Plant Administration Building Standby Generator Project. Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Report on bids and award of construction contract for the Water Pollution Control Plant Administration Building Standby Generator project to the low bidder, Guerra Construction, Inc., in the amount of \$147,620, and approval of a contingency in the amount of \$14,800. CEQA: Exempt, File No. PP11-019. (Environmental Services/Public Works)

2.10 [Report on Bids and Award of Construction Contract for the Nortech – Zanker Service Lateral Project. Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Report on bids and award of construction contract for the Nortech – Zanker Service Lateral Project to the low bidder, Platinum Pipelines, Inc., in the amount of \$578,960, and approval of a contingency in the amount of \$115,000. CEQA: Exempt, File No. PP11-054. (Environmental Services/Public Works)

2. CONSENT CALENDAR

2.11 [Amendment to the 911 Emergency Medical Services Agreement.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute the First Amendment to the “[911 Emergency Medical Services Agreement](#) between the City of San José and the County of Santa Clara Emergency Medical Services Agency” to add Annex C, “Authorized Funding Provided to 911 Emergency Medical Services Provider Organizations.” CEQA: Not a Project, File No. PP10-066(e), Agreements and contracts. (Fire)

2.12 [Workplan for the Rule 20A and Rule 20B \(In-Lieu Fee\) Underground Utility Program.](#)

Recommendation: Approval of the proposed Fiscal Year 2011/12- 2016/17 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. CEQA: Exempt, File No. PP12-049. (Public Works)

2.13 **SB 1191 (Simitian) Foreclosure: Landlord-Tenant Relations.**

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2012, approve a support position for SB 1191 (Simitian) Foreclosure: Landlord-Tenant Relations. (City Manager’s Office)
[Rules Committee referral 5/2/12 – Item G(2)]

* **DROP**

2.14 [Appointment of a Police Department Employee Member to the Police and Fire Retirement Board.](#)

Recommendation:

- (a) The City Council accepts the certification of results of an election conducted among active sworn Police Department employees by the City Clerk for the nomination of a Police Department employee representative to fill an unscheduled vacancy on the Board of Administration of the Police and Fire Department Retirement Plan.
- (b) Appoint James Mason, an active Police Department employee, to the Board of Administration of the Police and Fire Department Retirement Plan for the balance of an unexpired term ending November 30, 2013.

* (Rules Committee referral 5/9/12)

2.15 [Actions Related to the Bascom Community Center and Fair Swim Center.](#)

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

- (a) Increase the Personal Services Appropriation for the Parks, Recreation and Neighborhood Services Department by \$58,600;

(Item continued on the next page)

2. CONSENT CALENDAR

2.15 Actions Related to the Bascom Community Center and Fair Swim Center. (Cont'd.)

Recommendation:

- (b) Increase the Non-Personal/Equipment Appropriation for the Parks, Recreation and Neighborhood Services Department by \$7,500;
 - (c) Increase Departmental Charges Revenue for the Parks, Recreation and Neighborhood Services Department by \$9,000; and
 - (d) Decrease the City Manager's Office Personal Services appropriation by \$57,100.
- CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Parks, Recreation and Neighborhood Services/City Manager's Office)

* (Rules Committee referral 5/9/12)

2.16 [AB 1692 \(Wieckowski\) Municipal Bankruptcy.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 9, 2012, approve an opposition position for AB 1692 (Wieckowski) Municipal Bankruptcy. (City Manager's Office)

* [Rules Committee referral 5/9/12 – Item G(3)]

2.17 [Santos Family Car Show.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 9, 2012:

- (a) Approve the Santos Family Car Show 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 5/9/12 – Item G(5)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 [Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year 2012-2013 Including the Proposed Departmental Fees and Charges for the City of San José.](#)

Recommendation: Public Hearing on the City’s Proposed Operating and Capital Budgets for the Fiscal Year 2012 -2013, the Proposed Five-Year Capital Improvement Program for 2013-2017, and the Proposed Fees and Charges Report for the Fiscal Year 2012-2013. (City Manager’s Office)

TO BE HEARD FIRST IN THE EVENING

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to the County Children’s Shelter.](#)

* **Recommendation:** Adopt a resolution authorizing the City Attorney to execute a [settlement agreement](#) with the County of Santa Clara releasing the City’s claims and agreeing to remove the City’s affordability restrictions from the County Children’s Shelter property and authorizing the Director of Housing to negotiate and execute all agreements and documents needed to implement the settlement. CEQA: EIR Resolution No. 72767 and addendum thereto (File No. H09-004). (City Attorney's Office)

4.2 [Downtown High Rise Incentives.](#) [Memo from Mayor Reed and Councilmember Liccardo](#)

Recommendation: Accept staff’s recommended set of incentives to encourage high rise office and residential tower construction in the next two years including:

- (a) Direct the City Attorney to draft an ordinance to delete from the Municipal Code the requirements for breathing air tank replenishment systems.
- (b) Approve staff’s proposed schedule of expedited processing of high rise development citywide.

CEQA: Use of the Downtown Strategy 2000 EIR, Resolution No. 72767. (Planning, Building and Code Enforcement)

4.3 [Rezoning Real Property Located on the North Side of Story Road.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the north side of Story Road, approximately 150 feet westerly of McCreery Avenue (1841 Story Road) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District to allow commercial uses and facilitate the reconstruction of a fast food restaurant and drive-through use on a 0.73 gross acre site (Richard R. Anderson, Deborah M. Anderson, and Jeffery M. Filice, Sr., trustees, owners). SNI: East Valley/680 Communities. CEQA: EIR Resolution No. 76041. [C12-008](#) – District 5

* **RECOMMEND CONTINUANCE TO 6/5/12 PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 [Actions Related to the Expansion and Renovation of Parque de los Pobladores by 1st ACT Silicon Valley.](#)

[Memo from Councilmember Liccardo](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with 1st ACT Silicon Valley to design and construct the expansion and renovation of Parque de los Pobladores with a City contribution of up to \$98,000; and
- (b) Adopt a [resolution](#) approving the closure of First Street between Williams Street and Reed Street in accordance with California Vehicle Code Section 21101(a)(1) on the ground that, that portion of First Street is no longer needed for vehicular traffic.
- (c) Adopt Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 3 (Fund 380):
 - (1) Establish the Parque de los Pobladores Pavement-to-Plaza project to the Parks, Recreation and Neighborhood Services Department for \$78,000; and
 - (2) Decrease the Ending Fund Balance by \$78,000

CEQA: Exempt, File No. PP12-037. (Economic Development/Public Works/Transportation/Parks, Recreation and Neighborhood Services/City Manager's Office)

* (Deferred from 5/8/12 – Item 4.1)

4.5 [Public Hearing to Vacate a Portion of S. Monroe Street.](#)

[Memo from Mayor Reed](#)

Recommendation: Conduct a public hearing and adopt a resolution to vacate a portion of S. Monroe Street, 300 feet north of Tisch Way. CEQA: Mitigated Negative Declaration, File No. PDC10-018. Council District 6. (Public Works)

* (Deferred from 5/1/12 – Item 4.3 and 5/8/12 – Item 4.2)

4.6 [Sale of a Portion of City-Owned Property on South Monroe Street.](#)

[Memo from Mayor Reed](#)

Recommendation: Adopt a [resolution](#):

- (a) Declaring 4,313 square feet of vacated street on South Monroe, 300 feet north of Tisch Way surplus to the needs of the City;
- (b) Approving an [agreement](#) between the City and KB HOME South Bay, Inc., for sale of the property in the amount of \$300,000; and
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction.

CEQA: Exempt, File No. PDC10-018. (Economic Development)

* (Deferred from 5/8/12 – Item 4.3)

5. NEIGHBORHOOD SERVICES

5.1 Agreement with the Roman Catholic Welfare Association of San José (Archbishop Mitty High School) for the Renovation, Operation, Maintenance and Joint Use of John Mise Park.

Recommendation: Approval of an agreement with the Roman Catholic Welfare Association of San José (Archbishop Mitty High School) for the funding, renovation, operation, maintenance, and joint use of John Mise Park with the following terms:

- (a) Term of thirteen years with an automatic extension of 12 years if Mitty complies with all terms of the agreement for a possible total term of twenty-five years;
- (b) Financial contribution in the amount of up to \$3,500,000 from City and up to \$375,000 from Archbishop Mitty High School for renovation of the sports field;
- (c) In-kind contribution from Archbishop Mitty High School for park maintenance in exchange for exclusive use of the sports field and parking spaces during certain hours;
- (d) Financial contribution of up to \$175,000 from Archbishop Mitty High School for replacement of the artificial turf for the sports field; and
- (e) Exempt the agreement from the liquidated damages requirements of the City's Prevailing Wage Policy as set forth in Resolution No. 71584, adopted by the City Council on May 23, 2003.

CEQA: Categorically Exempt, File No, PP12-021. Council District 1. (Parks, Recreation and Neighborhood Services)

RECOMMEND DEFERRAL TO 5/22/12 PER ADMINISTRATION

5.2 [Social Host Ordinance.](#) [Memo from Councilmember Pyle](#)

Recommendation: Approve an [ordinance](#) amending Title 10 of the San José Municipal Code to add a new chapter relating to social host responsibility to deter the service of alcoholic beverages to and consumption of alcoholic beverages by underage persons at certain gatherings. CEQA: Categorically Exempt, File No. PP12-010. (City Manager's Office)

TO BE HEARD IN THE EVENING IMMEDIATELY FOLLOWING ITEM 3.3

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Commercial Solid Waste Fees and Maximum Customer Rates.](#)

Recommendation:

- (a) Approve an [ordinance](#) to amend Chapter 9.10 of Title 9 of the San José Municipal Code to amend Section 9.10.1435 to require the exclusive solid waste franchisee to pay a Source Reduction and Recycling Fee (AB939 Fee).

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Commercial Solid Waste Fees and Maximum Customer Rates. (Cont'd.)

Recommendation:

- (b) Adopt a [resolution](#) to amend the Schedule of Fees and Charges (Resolution No. 72737 as amended) to revise the Source Reduction and Recycling Fee (AB939 Fee) for commercial solid waste collected city-wide for two exclusive franchise districts at \$3,800,000 per fiscal year to be paid by the exclusive franchisee.
 - (c) Adopt a [resolution](#) fixing and determining Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchise Agreements between the City of San José and Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County, including the total processing costs for organic processing services.
- CEQA: Not a Project, File No. PP10-067 (a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/City Manager's Office)
(Deferred from 4/24/12 – Item 7.2)

7.2 [Amendments to Municipal Code, Administration Schedule of Fines and Commercial Franchise Fee.](#)

Recommendation:

- (a) Approve an [ordinance](#) amending Chapter 9.10 of Title 9, and Sections 4.80.3070 and 4.80.3080 of Title 4 of the San José Municipal Code to conform the Code to modifications associated with the new commercial solid waste system, and to existing practice for the use ratepayer revenue in the Integrated Waste Management Fund, effective July 1, 2012.
 - (b) Adopt a [resolution](#) amending the Administrative Citation Schedule of Fines to escalate fines for the unauthorized collection of garbage and rubbish.
 - (c) Adopt a [resolution](#) amending the Commercial Franchise Fee (Resolution No. 75601) to establish an annual supplemental franchise fee in the amount of \$1,000,000 for any franchisee granted both geographic collection districts, and to set the franchise fee at \$0 for construction and demolition debris and residential clean-out material collected by non-exclusive commercial solid waste haulers
- CEQA: Negative Declaration, Resolution No. 75916, File No. PP10-157.
(Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 [Actions Related to the Issuance of Commercial Solid Waste and Recyclables Collection Franchise Agreements for the Non-Exclusive Collection and Transport of Residential Clean-Out Material and Construction and Demolition Debris.](#)

Recommendation: Conduct a public hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises for the non-exclusive collection and transport of Residential Clean-Out Material and Construction and Demolition Debris; approve the [ordinances](#) granting the franchises; and approve the Commercial Solid Waste and Recyclables Collection Franchise [Agreements](#) for the non-exclusive collection and transport of Residential Clean-Out Material and Construction and Demolition Debris for a term from July 1, 2012 to June 30, 2014 with the option of three one-year extensions.

- (a) All Points Roll Off, Inc.
 - (b) Environmental Resource Recovery, Inc. dba Valley Recycling
 - (c) Ferma Corporation
 - (d) GreenWaste Recovery Inc.
 - (e) GreenWaste Recovery Inc. dba \$99.00 Debris Box Service
 - (f) Guadalupe Rubbish Disposal Co., Inc. dba Guadalupe Recycling and Disposal
 - (g) Haul Away Today
 - (h) Lam Hauling, Inc. dba 7 Days Box
 - (i) Mission Trail Waste Systems, Inc. dba Recycle West
 - (j) Jonna Corporation, Inc. dba Premier Recycle Company
 - (k) R & D Mendes Enterprises, Inc. dba Accurate Cleaning Systems
 - (l) Recology South Bay
 - (m) Republic Services, Inc.
 - (n) Revolution Resource Recovery, LLC
 - (o) San José Conservation Corps and Charter School dba San José Conservation Corps
 - (p) Universal Recycling Solutions, Inc.
 - (q) Waste Connections of California, Inc. dba GreenTeam of San José
- CEQA: Exempt; File No. PP08-228. (Environmental Services)

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR 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.
- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearings 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 Northwest Corner of Curtner Avenue and Union Avenue.](#)

[Memo from Councilmember Rocha](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of Curtner and Union Avenue (2073 Curtner Avenue), from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow for commercial uses including a restaurant with a drive-through on the 1.34 gross acres site (Lamb Desert Rose LLC, Owner). CEQA: [Mitigated Negative Declaration](#).

[PDC12-001](#) – District 9

* **RECOMMEND CONTINUANCE TO 6/19/12 PER ADMINISTRATION**

11.3 [Establishing Land Use Regulations Pertaining to Payday Lending Establishments.](#)

[Report from the Planning Department](#) (10.71 MB)

[Supplemental Memo from the Director of Planning, Building and Code Enforcement](#)

[Memo from Councilmembers Kalra, Liccardo, Rocha and Campos](#)

* **Recommendation:** Consideration of an [ordinance](#) amending Section 20.40.100 of Chapter 20.40 (Commercial Zoning Districts), Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts), to add a new Part 12.5 of Chapter 20.80 (Specific Use Regulations), to add a new section 20.200.875 to Chapter 20.200 (Definitions), and rescinding the suspension of the effectiveness of Sections 20.100.1500, 20.100.1510, 20.100.1520, 20.100.1525 and 20.100.220 of Chapter 20.100 (Part 13, Zoning Code Verification Certificate), all of Title 20 of the San Jose Municipal Code (the Zoning Code) to establish land use regulations pertaining to Payday Lending establishments. CEQA: EIR Resolution No. 76041. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends approval (6-0-1; Commissioner Platten absent)

Citywide

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>
10102	West side of Guadalupe Mines Rd, approximately 1,130 feet southerly of Via Campagna	10	Brookfield Brookside, LLC	97 Lots / 89 Units	Single Family Detached	Approve
10100	West side of Monroe Street north of Tisch Way	6	KB Home South Bay Inc.	38 Lots / 104 Units	Multi-Family Attached	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.

- **Adjournment**

* This meeting will be adjourned in memory of Randy Ritchie, who served as a waiter at Original Joe’s for 30 years. (Oliverio)

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.