



CITY COUNCIL AGENDA

AUGUST 21, 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**
- * 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall
- 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 7)**
- * Venerable Soeur Sochin, Venerable Son Yeong Ratana, Venerable Kann Sophannrith, Venerable Pok Ngeth – San Jose Cambodian Buddhist Society

- **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 Marybel and Pedro Jimenez, proud and loving parents, who passed away on Monday, July 23, 2012. (Liccardo)

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Morrill Middle School's Boys Basketball Team for their championship. (Chu)
TO BE HEARD IN THE EVENING
- 1.2 Presentation of a commendation to the Silicon Valley Chiefs for winning the California State Lacrosse Club Cup Championship. (Pyle)
* **TO BE HEARD IN THE EVENING**
- 1.3 Presentation of a commendation to District 8 resident, Nathan Ganeshan, for his outstanding notary work and his commitment to giving back to our community through his free notary services to senior citizens. (Herrera)
* (Rules Committee referral 8/15/12)
- 1.4 Presentation of commendations to Steven Beitashour, Chris Wondolowski, Ramiro Corrales, and Justin Morrow of the San José Earthquakes for being named to the 2012 Major League Soccer All-Star squad, and for their contributions and continued commitment to serving our community through excellence both on and off the soccer pitch. (Pyle)
* (Deferred from 8/7/12 – Item 1.4)
- 1.5 Administer Oaths of Office to Citywide Youth Commissioner Tara Pichumani, District 1 Youth Commissioner Kimberly Tan, District 2 Youth Commissioner Thuy Phuong, District 3 Youth Commissioner Christian Dale Sanchez, District 8 Youth Commissioner Francis Nguyen, and District 10 Youth Commissioner Alexander Polussa. (City Clerk)
TO BE HEARD IN THE EVENING
* [Rules Committee referral 8/15/12 – Items F(1)(a) – F(1)(f)]

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. 29118 – Rezoning certain real property situated at the southeast corner of Winchester and Stevens Creek Boulevards (commonly referred to as Santana Row), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC12-009

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Extension of Open Purchase Order with Essential Staffing.](#)

Recommendation: Authorize the City Manager to amend the existing Open Purchase Order 46929 with Essential Staffing, (Walnut Creek, CA), to encumber an additional \$130,745 for a revised total amount not-to-exceed \$380,744 for continued temporary employment services of six Workers' Compensation Claim Adjusters for the term ending December 31, 2012. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

2.8 [Award of Purchase Order to Ascent Elevator Services, Inc. for Elevator Retrofit.](#)

Recommendation: Report on bids for the retrofit of five passenger elevators with the following recommended actions:

- (a) Authorize the City Manager to execute a Purchase Order with the low bidder, Ascent Elevator Services, Inc. (San Francisco, CA), , in the amount of \$622,245; and
- (b) Approve a 10% contingency for a not-to-exceed amount of \$62,225 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.

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

2.9 [Second Amendment to the Agreement with Turbo Data Systems, Inc.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Second Amendment to the Agreement with Turbo Data Systems, Inc. to:

- (a) Provide an on-line appeal process and support new handheld citation writing equipment currently on order.
- (b) Revise the compensation rate to reduce fees for special collections and increase discounts for citation processing.
- (c) Extend the term of the Agreement by six months from December 31, 2013 to June 30, 2014 and add three additional one-year options to renew the agreement, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Professional Services. (Finance/Transportation)

2. CONSENT CALENDAR

2.10 Actions Related to the Route 85/Cottle Road Interchange Improvement Project.

Recommendation:

- (a) Approval of the [Freeway Agreement](#) between the City of San José and the State of California for that portion of State Highway Route 85 from Miyuki Drive to 0.4 miles east of Route 87 and authorizing the construction or reconstruction of City streets as part of the highway project in accordance with California Streets and Highways Code Section 100.2.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute all right-of-way certifications, utility agreements and related Caltrans-required documents associated with the implementation of the Route 85/Cottle Road Interchange Improvement Project.

CEQA: Resolution No. 72772. Council District 2. (Transportation)

2.11 Councilmember Campos' Travel to Fresno, CA.

Recommendation: Approve travel by Councilmember Campos to Fresno, CA on August 15 – 17, 2012 to attend the League of California Cities “California Civic Leadership Institute.” Source of Funds: District 5 Funds and the League of California Cities. (Campos)

* (Rules Committee referral 8/15/12)

2.12 Youth Commission Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on August 15, 2012, approve the following appointments to the Youth Commission all to two-year terms, expiring May 31, 2014:

- (a) Citywide Youth Commissioner Tara Pichumani. (Mayor)
- (b) District 1 Youth Commissioner Kimberly Tan. (Constant)
- (c) District 2 Youth Commissioner Thuy Phuong. (Kalra)
- (d) District 3 Youth Commissioner Christian Dale Sanchez. (Liccardo)
- (e) District 8 Youth Commissioner Francis Nguyen. (Herrera)
- (f) District 10 Youth Commissioner Alexander Polussa. (Pyle)

* [Rules Committee referral 8/15/12 – Items F(1)(a) – F(1)(f)]

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 9:00 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 [Revisions to Council Policy 1-17, “Donation, Sponsorship and Fundraising Policy.”](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012, adopt a [resolution](#) approving revisions to Council Policy 1-17, “Donation, Sponsorship and Fundraising Policy.” (City Manager’s Office)
[Rules Committee referral 8/1/12 – Item G(8)]

* (Deferred from 8/14/12 – Item 3.4)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Outdoor Special Events Ordinance.](#) [Attachment – Memorandum from Councilmember Liccardo](#)

Recommendation: Approve an [ordinance](#) to add Chapter 13.14, repeal Chapters 13.12, 13.16, and 13.22, and amend Chapter 13.44 of Title 13 of the San José Municipal Code, in order to establish comprehensive regulations pertaining to outdoor special events on or at City streets, parks, paseos and plazas. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments involving no changes to the physical environment. (City Attorney's Office)

4.2 [Actions Related to Special Event Permit Fees: Parque de los Pobladores.](#)

Recommendation: Adopt a [resolution](#) amending the 2012-2013 Fees and Charges (Resolution No. 72737) to:

- (a) Establish a Paseo/Plaza Single-Use Permit fee of \$60 to partially recover the costs associated with the application review and coordination for a one to three day event at Parque de los Pobladores (also known as Gore Park);
- (b) Establish a Paseo/Plaza Series Permit fee of \$100 to partially recover the costs associated with the application review and coordination for a series of up to four events or activities held within a three month period at Parque de los Pobladores (also known as Gore Park); and
- (c) Establish a Paseo/Plaza Permit Amendment fee of \$30 to partially recover the costs associated with amending and coordinating a previously approved permit application for use of Parque de los Pobladores (also known as Gore Park).

CEQA: Categorically Exempt, File No. PP12-037. (Economic Development/City Manager’s Office)

5. NEIGHBORHOOD SERVICES

5.1 [Consultant Agreement with Tetra Design for Services Related to the Southeast Branch Library Project.](#)

[Attachment – Memorandum from Councilmember Herrera](#)

Recommendation: Approve a consultant [agreement](#) with Tetra Design / BFGC-IBI GROUP Joint Venture for project design, preparation of construction documents, and construction administration services for the Southeast Branch Library project from the date of execution to August 31, 2016, in an amount not to exceed \$1,098,900. CEQA: Addendum to the Evergreen Specific Plan EIR, Resolution No.63719, File No. PP10-008. Council District 8. (Public Works/Library)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Hedding and Ocala Bike Lane Projects.](#)

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

* **Recommendation:** Approve the following actions to install two miles of new bike lanes in support of Envision 2040 transportation goals:

- (a) On Hedding Street, authorize the removal of vehicular travel lanes between the Guadalupe River Trail and Seventeenth Street and all on-street parking spaces between First and Fifteenth Street.
- (b) On Ocala Avenue, authorize the removal of vehicular travel lanes between Capitol Expressway and White Road.
- (c) Adopt a [resolution](#) to repeal Resolution No. 76192 and authorize the installation of bicycle lanes on the following streets in accordance with California Vehicle Code section 21207:
 - (1) Hedding Street between the Guadalupe River Trail and Seventeenth Street;
 - (2) Ocala Avenue between Capitol Expressway and White Road.

CEQA: *Hedding Street* - Use of the North San José Development Policies Update EIR, File No. PDC05-114, Resolution No. 72768, and Use of the San José Flea Market General Plan Amendment & Planned Development Rezoning EIR, File Nos. GP06-04-01/GPT06-04-01, Resolution No. 73738, and an Addendum thereto, File No. 12-068.

Ocala Avenue - Categorically Exempt, File Number PP12-067. Council District: 3, 5 & 8 (Transportation)

TO BE HEARD IN THE EVENING

6. TRANSPORTATION & AVIATION SERVICES

6.2 [Actions Related to the I-280/I-880/Stevens Creek Boulevard Interchange Improvement Project.](#)

* **Recommendation:** Approve actions to support the I-280/I-880/Stevens Creek Boulevard interchange improvement project:

- (a) Adopt a resolution, as a responsible agency for the project under [CEQA](#), in accordance with the provisions of Section 15096(h) of the CEQA Guidelines, with the following findings:
 - (1) That the City Council has read and considered the Environmental Impact Report for the project and concurs with the Lead Agency's (Caltrans') analysis;
 - (2) That changes have been incorporated into the project that lessen the significant environmental effects of the project; and
 - (3) That the changes required to lessen the effects of the project are the responsibility of Caltrans, and that Caltrans has adopted those changes.
- (b) Approve the [Freeway Agreement](#) between the City of San José and the State of California for the Highway 17 (from Downing Ave. to Highway 280), Highway 280 (from South Bascom Avenue to South Winchester Avenue) and Highway 880 (Highway 280 to Forest Avenue) authorizing the construction or reconstruction of certain City streets as part of the highway interchange project in accordance with California Streets and Highways Code Section 100.2.

CEQA: Adopted under Item 6.2(a) above. Council Districts 1 and 6. (Transportation)

6.3 [Agreement with Mark Thomas & Company, Inc. for Engineering Consultant Services for the Route 101/Mabury Road Interchange Project.](#) [Attachment – Memorandum from Councilmember Liccardo](#)

Recommendation: Approve an [agreement](#) with Mark Thomas & Company, Inc. for engineering consultant services for the Route 101/Mabury Road interchange project for a term from date of full execution to June 30, 2014, with the City's option to extend for up to two additional one year periods, and in the amount not to exceed \$1,604,420. CEQA: Exempt, File No. PP10-066(d), Consultant Services. Council District 3 and 4. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Agreement with Law Enforcement Psychological Services, Inc.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Law Enforcement Psychological Services, Inc. related to providing psychological services to the San José Police Department for the period of July 1, 2012 to June 30, 2013 in an amount not to exceed \$231,875; and
- (b) Negotiate and execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$1,159,375.

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

8.2 [Actions Related to Bay Area Urban Areas Security Initiative Grant.](#)

Recommendation: Approve the following actions:

- (a) Adopt a [resolution](#) authorizing the City Manager to execute an [Agreement](#) between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative Grant, to accept the 2011 UASI grant allocation in the amount of \$1,748,879 and to negotiate and execute additional amendments and related documents without further Council action.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in fiscal year 2012-2013:
 - (1) Establish a city-wide appropriation to the Police Department for the 2011 UASI Grant - Police in the amount of \$1,143,879;
 - (2) Establish a city-wide appropriation to the Fire Department for the 2011 UASI Grant - Fire in the amount of \$605,000; and,
 - (3) Increase the estimate for Revenue from the Federal Government by \$1,748,879.

CEQA: Not a Project, File No. PP10-066(a), Agreements and contracts. (Police/City Manager's Office)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Approval of the January-June 2013 Administrative Budget.](#)

Recommendation: Adopt resolutions:

- (a) By the City Council, acting in its capacity as the Successor Agency of the Redevelopment Agency of the City of San José, approving the Administrative Budget for January-June 2013 and directing staff to present it to the Oversight Board for approval. [Resolution](#)
- (b) By the City Council approving the January-June 2013 Administrative Budget. [Resolution](#)

(Deferred from 8/7/12 – Item 9.1)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.2 Recognized Obligation Payment Schedules.

Recommendation: Adopt a resolution by the City Council acting in its capacity as the Successor Agency to the Redevelopment Agency Board approving the Recognized Obligation Payment Schedules (ROPS) for July 1 - December 31, 2012 (ROPS 2) and January 1 – June 31, 2013 (ROPS 3).

* **RECOMMEND DEFERRAL TO 8/28/12 PER ADMINISTRATION**

- **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 ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

(a) [Consideration of an ordinance rezoning the real property located on the northwest corner of Oakland Road and Atteberry Lane \(2215 Oakland Road from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District to allow Combined Industrial/Commercial uses on an approximately 1.76 gross acre site \(JJJ Properties LLC, Owner/Playing at Learning, Applicant\). CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041, File No. C12-013. C12-013 – District 4 \[Ordinance\]\(#\)](#)
TO BE HEARD IN THE EVENING

(b) [Consideration of an ordinance rezoning the real property located on the west side of North 13th Street, approximately 260 feet southerly of East Mission Street \(761 North 13th Street\) from the CP – Commercial Pedestrian Zoning District to the A\(PD\) Planned Development Zoning District to allow a 7,700 square foot retail use \(AutoZone\) on a 0.53 gross acre site \(Fernandez Jesus and Virginia, Owner\). SNI: 13th Street. CEQA: Exempt. Planning commission recommends approval \(6-0-1\). PDC11-022 – District 3 \[Ordinance\]\(#\)](#)
TO BE HEARD IN THE EVENING

* (c) [Consideration of an ordinance rezoning the real property located at the southeast corner of Yerba Buena Road and Highway 101 \(3800 Dove Hill Road\) from the A\(PD\) Planned Development Zoning District to the A\(PD\) Planned Development Zoning District to allow for the development of 16 single-family detached residential units and a religious assembly use with up to 200 seats on a 7.24 gross acre site \(Lo, Joey and Frances, Owner\). \[CEQA\]\(#\): Mitigated Negative Declaration Resolution to be Adopted. Planning commission recommends approval \(7-0-0\). PDC11-003 – District 8 \[Ordinance\]\(#\)](#)
TO BE HEARD IN THE EVENING

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 [ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission's Decision to Deny a Conditional Use Permit to Allow the Off-Sale of Alcohol and 24-Hour Use for an Existing Gas Station.](#)

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's decision to deny a Conditional Use Permit to allow the off-sale of alcohol and 24-hour use for an existing gas station and approve the conversion of 938 square feet of vending use to a retail mini-market on a .39-gross-acre site, in the CP Commercial Pedestrian Zoning District. Located at the southwest corner of Woodard Road and Union Avenue (3707 Union Avenue) (BMZ Investment, Owner).

CEQA: Exempt.

CP11-059 – District 9

(Continued from 6/19/12 – Item 11.5)

TO BE HEARD IN THE EVENING

11.3 [Rezoning Real Property Located on the Southeast Corner of Airport Parkway and Matrix Boulevard.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the southeast corner of Airport Parkway and Matrix Boulevard (1887 Matrix Boulevard) from IP(PD) to IP(PD) to allow banquet facilities and meeting rooms in conjunction with the cardrooms and tower in the existing Cardroom and Hotel development on an approximately 6.08 gross-acre site (Pete Lunardi, Eric Swallow, Owner; Trans Global Development Brian Turpin, Developer). CEQA: Envision San José 2040 EIR Resolution No. 76041.

PDC12-019 – District 3

TO BE HEARD IN THE EVENING

11.4 [Rezoning Real Property Located on the South Side of Montecito Vista Drive.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the south side of Montecito Vista Drive, approximately 800 feet westerly of Monterey Road (80 Montecito Vista Drive) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to amend previously approved development standards to allow 100 single-family attached units with an at grade parking configuration for the subject 1.73 gross acre site (City of San José Financing Authority, Owner). CEQA: Use of EIR.

PDC12-011 – District 7

* **DROP, TO BE RENOTICED FOR 9/11/12**

- **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>
10026	Easterly corner of Berryessa Road and Jackson Avenue	4	Pulte Home Corporation	50 Lots/ 162 Units	MFA	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 Marybel and Pedro Jimenez, proud and loving parents, who passed away on Monday, July 23, 2012. (Liccardo)

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.