



CITY COUNCIL AGENDA

MARCH 24, 2015

AMENDED AGENDA

CHAPPIE JONES	DISTRICT 1	PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2	TAM NGUYEN	DISTRICT 7
RAUL PERALEZ	DISTRICT 3	SAM LICCARDO MAYOR	DISTRICT 8
MARJORIE MATTHEWS	DISTRICT 4	ROSE HERRERA VICE MAYOR	DISTRICT 9
MAGDALENA CARRASCO	DISTRICT 5	DONALD ROCHA	DISTRICT 10
		JOHNNY KHAMIS	

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 Successor Agency to the 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, the Mayor 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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 3)**
Kevin Jensen

- **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 Nguyen Xuan Hoang, community activist and Editor in Chief of Van Magazine, Nguoi Viet, San José Viet Mercury News, and Viet Tribune, who passed away on September 13, 2014. (Nguyen)

- * **TO BE HEARD IN THE EVENING**

- 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.

- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Downtown College Prep Alum Rock High School students who participated in the Samsung Solve for Tomorrow education contest. (Herrera)
- 1.2 Presentation of a proclamation recognizing March 2015 as Women's Veteran's Month in the City of San José. (Herrera)
- 1.3 Presentation of a commendation to the Macias Family for their support of the Veteran's Parade in San José each year and to our service members. (Herrera)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a commendation to Robert Lopez for lifelong commitment to public safety and outstanding leadership in coordinating the annual Freedom Train. (Rocha)
TO BE HEARD IN THE EVENING
- 1.5 Presentation of a commendation for SK Panda, president of the Downtown Residents Neighborhood Association for his leadership and efforts to create a greater sense of community among Downtown San José residents. (Mayor)
* (Rules Committee referral 3/18/15)
- 1.6 Presentation of a commendation to Gurdeep Kaur Chawla in recognition of her work in the community through her professional interpretation and translation services. (Kalra)
* (Rules Committee referral 3/18/15)
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. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of January 6, 2015.](#)
- (b) [Regular Minutes of January 13, 2015.](#)
- (c) [Study Session Minutes of January 20, 2015 on the General Fund Structural Budget Deficit History and Service Restoration Priorities and Strategies.](#)
- (d) [Regular Minutes of January 27, 2015.](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Transportation and Environment Committee Report of March 2, 2015.](#) (Kalra)
[Supplemental](#)
- (b) [Rules and Open Government Committee Report of March 4, 2015.](#) (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.

2.7 Naming of the New Library Located at 4001 Evergreen Village Square. - *DEFERRED*

* **Recommendation:** As recommended by the Library and Early Education Commission, name the new library at 4001 Evergreen Village Square, as John J. Montgomery Village Square Library. CEQA: Not a Project, File No. PP10-069(c) Organizational Activities. (City Clerk)

(Deferred from 12/16/14 – Item 2.16 and 1/13/15 – Item 5.1)

DEFERRED TO APRIL 2015 PER CITY CLERK

2.8 [National Night Out.](#)

Recommendation: As recommended by the Rules and Open Government Committee on March 11, 2015:

- (a) Approve the National Night Out scheduled for August 4, 2015 as a City Council sponsored Special Event and approve the expenditure of funds; 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 3/11/15 – Item G(1)(a)]

2. CONSENT CALENDAR

2.9 Actions Related to Mayor Liccardo's Travel to Washington, D.C.

* **Recommendation:**

- (a) Approve travel by Mayor Liccardo to Washington, D.C. on March 17 – 19, 2015 to represent the City at the Silicon Valley Leadership Group Spring Silicon Valley Advocacy Trip. Source of Funds: Mayor and Council Travel Fund.
- (b) Request for an excused absence for Mayor Liccardo from the Closed Session and the Regular Meeting of the City Council on March 17, 2015 and the Regular Meeting of the Rules and Open Government Committee on March 18, 2015 due to Authorized City Business: Silicon Valley Leadership Group Advocacy Trip. CEQA: Not a Project, File No. PP10-069(c), Organizational Activities. (Mayor)

2.10 Amendment to the Agreement with Timothy Knea and Tena Caprista Knea, and William Caprista to Defer Assessment Payments for Improvement District No. 99-218SJ (Hellyer-Piercy).

- * **Recommendation:** Approve the [First Amendment](#) to the Agreement with Timothy Knea and Tena Caprista Knea, and William Caprista, Trustee for the hardship deferral of assessment payments in the amount of \$429,189 for Improvement District 99-218SJ in order to transfer the lien for the assessments from the parcel currently subject to the assessment lien (APN 678-93-008) located near the intersection of Piercy Road and Hellyer Avenue to a parcel resulting from a reconfiguration of the property. CEQA: Exempt, File No. PP15-031. Council District 2. (Public Works)

2.11 District 9 SAP Grants for District 9 Schools.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on March 11, 2015, approve grants for the following schools for their general fund to support student programs and activities:
- (a) Ida Price Middle School \$1000; and
 - (b) Branham High School \$500.
- CEQA: Not a Project, File No. PP10-067(c), Grant Disbursement that Would Not Result In a Physical Change in the Environment. (Rocha)
[Rules Committee referral 3/11/15 – Item G(3)]

2.12 Districts 1 and 6's Annual West Valley Senior Walk.

Recommendation: As recommended by the Rules and Open Government Committee on March 18, 2015:

- (a) Approve the 10th Annual West Valley Senior Walk as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Jones/Oliverio)

- * [Rules Committee referral 3/18/15 – Item G(1)(a)]

2. CONSENT CALENDAR

2.13 [District 7's Community Events.](#)

Recommendation: As recommended by the Rules and Open Government Committee on March 18, 2015:

- (a) Retroactively approve the Tully Community Branch Library 10th Anniversary Celebration on January 13, 2015 as a City Council sponsored Special Events and approve the expenditure of funds;
- (b) Approve the District 7 Photography Contest, District 7 Town Hall Meeting on March 19, 2015 as City Council sponsored Special Events and approve the expenditure of funds;
- (c) Approve the 40th Annual Black April Commemoration on April 30, 2015 as City Council sponsored Special Events and approve the expenditure of funds;
- (d) Asian Pacific American Heritage Month Celebration on May 9, 2015; as City Council sponsored Special Events and approve the expenditure of funds;
- (e) 2nd Annual Eastside Narratives Youth Leadership Summit on Saturday, March 28, 2015 as City Council sponsored Special Events and approve the expenditure of funds;

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities.

- (f) Retroactively approve the District 7 Clean Up at Yerba Buena High School on February 21, 2015 as a City Council sponsored Special Events and approve the expenditure of funds;

- (g) Approve the District 7 Clean Up at Tully Ballfields on March 28, 2015 as a City Council sponsored Special Events and approve the expenditure of funds, and

CEQA: Exempt, File No. PP13-056, Public Project exemption for activities associated with citywide litter clean-up activities.

- (h) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project. (Nguyen)

* [Rules Committee referral 3/18/15 – Item G(1)(b)]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Interim City Manager, Norberto Dueñas (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

* **TO BE HEARD AT 9:30 A.M.**

3.3 [Approval of the FY 2015-2016 Mayor's March Budget Message.](#)

Recommendation: Approve the FY 2015-2016 Mayor's March Budget Message.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Mayor)

3. STRATEGIC SUPPORT SERVICES

3.4 Public Works Municipal Code Revisions.

Supplemental

- * **Recommendation:** City Council take the following actions as discussed at the March 2, 2015 Transportation and Environment Committee:
 - (a) Accept the staff report;
 - (b) Discuss and provide direction on various capital project delivery streamlining measures; and
 - (c) Direct staff to return to Council for consideration of an ordinance codifying previously discussed modifications to the San José Municipal Code regarding the procurement and administration of public works construction contracts.
- CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Public Works)
[Transportation and Environment Committee referral 3/2/15 – Item D(6)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendment to Title 20 Zoning Code Ordinance for Wireless Towers and Base Stations.

- * **Recommendation:** Consideration of an [ordinance](#) amending Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) to add new Section 20.80.1915 of Part 20 of Chapter 20.80, and to amend Sections 20.20.100 of Chapter 20.20, 20.30.100 and 20.30.140 of Chapter 20.30, 20.40.100 of Chapter 20.40, 20.50.100 of Chapter 20.50, 20.70.100 of Chapter 20.70, 20.75.200 of Chapter 20.75 and 20.100.1230 of Chapter 20.100 related to the issuance of administrative permits for certain modifications to existing wireless towers and base stations consistent with federal law, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and Federal Communications Commission Report and Order FCC-14-153, and to make other technical, non-substantive, or formatting changes within Title 20. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments that involve no changes to the physical environment. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)
Title 20 - Citywide

4.2 **Friends of Levitt Pavilion Exploratory Committee. - DEFERRED**

Recommendation: As recommended by the Community and Economic Development Committee on February 23, 2015:

- (a) Receive a verbal report on the Friends of Levitt San José Exploratory Committee regarding the feasibility of a performance venue in Saint James Park; and
CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Friends of Levitt Pavilion Exploratory Committee. (Cont'd.)

Recommendation:

- (b) Accept the *Levitt Pavilions Exploratory Committee: Building Community Through Music Report* and endorse the community moving forward with its business planning, fundraising and entity formation.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

(Economic Development/Parks, Recreation and Neighborhood Services)

[Community and Economic Development Committee 2/23/15 – Item D(2)]

(Deferred from 3/17/15 – Item 4.2)

* **DEFERRED TO 4/7/15 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Actions Related to the Airport Disadvantaged Business Enterprise Program for Airport Development Projects.](#)

[Memo from Mayor Liccardo, Councilmembers Kalra, Peralez and Matthews](#)

[Memo from Councilmember Jones](#)

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

- (a) Approving a proposed overall Disadvantaged Business Enterprise (DBE) participation race-neutral goal of 10.28% for development projects at the Norman Y. Mineta San José International Airport for Federal Fiscal Years 2014-2016;
- (b) Authorizing the City Manager to submit the three-year DBE participation plan to the Federal Aviation Administration (FAA); and
- (c) Authorizing the City Manager to make revisions as requested by the FAA.

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

(Deferred from 2/3/15 - Item 6.1 and 3/3/15 - Item 6.1)

6.2 [Audit of Street Pavement Maintenance.](#)

Recommendation: As recommended by the Transportation and Environment Committee on March 2, 2015, accept the Audit of Street Pavement Maintenance. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Auditor)

[Transportation and Environment Committee referral 3/2/15 – Item D(2)]

TO BE HEARD JOINTLY WITH ITEM 6.3

6. TRANSPORTATION & AVIATION SERVICES

6.3 [Pavement Maintenance Status Report and Funding Strategy Update.](#)

Recommendation: As recommended by the Transportation and Environment Committee on March 2, 2015, accept the status report on San José pavement maintenance program and an update on current funding strategies to improve Citywide pavement conditions. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Transportation) [Transportation and Environment Committee referral 3/2/15 – Item D(3)]

TO BE HEARD JOINTLY WITH ITEM 6.2

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Report on the San José-Santa Clara Regional Wastewater Facility Ten-Year Funding Strategy. - *DEFERRED*

Recommendation: Accept the staff report on the San José-Santa Clara Regional Wastewater Facility Ten-Year Funding Strategy. CEQA: Not a Project, File PP10-069(a), Staff Reports. (Environmental Services)

* **DEFERRED TO 4/21/15 PER ADMINISTRATION**

7.2 [Project Delivery and Procurement Strategy for the San José-Santa Clara Regional Wastewater Facility.](#) [Supplemental](#)

* **Recommendation:** As referred by the Transportation and Environment Committee on March 2, 2015:

- (a) Accept the staff report on the proposed project delivery and procurement strategy for the San José-Santa Clara Regional Wastewater Facility's Capital Improvement Program; and
- (b) Adopt a [resolution](#) that approves the use of low bid design-build and progressive design-build as potential delivery methods for project in the San José-Santa Clara Regional Wastewater Facility's Capital Improvement Program and that delegates authority to the Director of Environmental Services and Public Works, or their designees, to make a determination on the appropriate delivery method for each project.

CEQA: San José/Santa Clara Plant Master Plan EIR, Resolution 76858, adopted 11/19/2013. (Environmental Services/Public Works)
[Transportation and Environment Committee referral 3/2/15 – Item D(4)]

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

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(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.

Recommendation:

- (a) **Conditional Use Permit for the Real Property Located at 2270 Camden Avenue. - DROP**

Recommendation: Consideration of a Conditional Use Permit to allow the addition of an automated carwash at an existing smog test facility on a 0.40 gross acre site in the CN Neighborhood Commercial Zoning District, located at 2270 Camden Avenue (Akbar and Mary Nazemian Et Al, Owner). CEQA: Mitigated Negative Declaration, to be adopted. (Planning, Building and Code Enforcement)
CP10-010 – District 9

* **DROP**

- (b) **Rezoning of the Real Property Located at the Southwest Corner of Saratoga Avenue and Williams Road. - DROP**

Recommendation: Consideration of an ordinance rezoning the real property located at the southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue) from the CP-Commercial Pedestrian Zoning district to the CP(PD) Planned Development Zoning District to allow for a gas station and convenience store use; and A Planned Development Permit to allow the demolition of an existing gas station, including the removal and replacement of existing underground gas tanks, and the construction of a new gas station with a 3,200 square foot convenience store with the off-sale of alcohol; and a determination of a Public Convenience or Necessity on a 0.64 gross acre site (Robinson Oil Corporation, Owner). CEQA: Negative Declaration. (Planning, Building and Code Enforcement)
PDC14-009/PD14-039/ABC14-008 - District 1
DROP – TO BE RENOTICED

11. PUBLIC HEARINGS

11.2 **Rezoning of the Real Property Located on the Westerly Side of Monterey Road, Approximately 969 Feet Northeasterly of Lewis Road. - *DROP***

Recommendation: Consideration of an ordinance rezoning the real property located on the westerly side of Monterey Road, approximately 969 feet northeasterly of Lewis Road from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District to allow industrial uses on a 2.93 gross acre site (John and Jan Sun, Owners).

CEQA: Exempt pursuant to Section 15270. (Planning, Building and Code Enforcement) C14-063 - District 7

DROP – TO BE RENOTICED

11.3 **Conditional Use Permit for the Real Property Located at 400 South First Street.**

Recommendation: Consideration of a Conditional Use Permit to allow after-midnight use and a drinking establishment (for over 250 people), the Spectrum, in the DC Downtown Primary Commercial Zoning District on a 0.15 gross acre site located at 400 South First Street (Berg, Richard P. and Made S. Trustee & Et. Al., Owner). CEQA: Exempt. Planning Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement) [Resolution](#)

CP15-004 – District 3

11.4 **Rezoning of the Real Property Located on the North Side of Branham Lane, Approximately 250 Feet East of Glenmont Drive.**

[Supplemental](#)

[Memo from Councilmember Rocha](#)

Recommendation:

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration for the Branham Lane Residential Planned Development Zoning Project and the related Mitigation Monitoring and Reporting Program;
- (b) Consider an [ordinance](#) rezoning the real property located on the north side of Branham Lane, approximately 250 feet east of Glenmont Drive (955 Branham Lane) from A Agricultural to A(PD) Planned Development Zoning District to allow up to 24 multi-family units on an approximately 1.19 gross acre site (Ulla 1997 Fmly Ltd Ptsp I, Ltd Ptsp, Owner).

CEQA: Mitigated Negative Declaration (MND) to be adopted. Planning Commission recommends approval (5-1-0). (Planning, Building and Code Enforcement)

PDC14-042 – District 9

11.5 **Rezoning of the Real Property Located on the West Side of Almaden Road, Approximately 600 Feet South of Willow Glen Way. - *DEFERRED***

* **Recommendation:**

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the 1821 Almaden Road Residential Project and the related Mitigation Monitoring and Reporting Program;

(Item continued on the next page)

11. PUBLIC HEARINGS

11.5 Rezoning of the Real Property Located on the West Side of Almaden Road, Approximately 600 Feet South of Willow Glen Way. (Cont'd.)

Recommendation:

- (b) Consider an ordinance rezoning the real property located on the west side of Almaden Road, approximately 600 feet south of Willow Glen Way (1807 Almaden Road) from the R-1-5 Single Family Residence Zoning District to the RM(PD) Planned Development Zoning District to allow development of up to 96 residential units in a 5-story building on an approximately 1.8 gross acre site (Dias, Ludd J, Owner).

CEQA: Mitigated Negative Declaration to be adopted. (Planning, Building and Code Enforcement)

PDC13-034 – District 6

DEFERRED TO 5/12/15 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.

- **Adjournment**

This meeting will be adjourned in memory of Nguyen Xuan Hoang, community activist and Editor in Chief of Van Magazine, Nguoi Viet, San José Viet Mercury News, and Viet Tribune, who passed away on September 13, 2014. (Nguyen)

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.