



CITY COUNCIL AGENDA

APRIL 29, 2014

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
JOHNNY KHAMIS

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 Successor Agency to the Redevelopment Agency. 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 <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 [City Council Closed Session Agenda](#)
 - See [Successor Agency to the Redevelopment Agency Closed Session Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 4)**
Pastor Dick Bernal, Jubilee Christian Church

- **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 former Mayor Janet Gray Hayes, who passed away on April 21, 2014. She was the first woman to be elected Mayor of San José, an inspiring role model, and a tremendous public servant. (Mayor)

- 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 John Hogan and his organization, TeenForce, for helping teens and young adults find employment in the City of San José. (Liccardo)
- 1.2 Presentation of the commendation to Judge Teresa Guerrero-Daly for her ground-breaking work as the first Independent Police Auditor. (Mayor)
 - * **DROP**
- 1.3 Presentation of a commendation to Luis Omar Villalobos Beltrán in recognition of his selection as “Consul for a Day” as part of the Día de Los Niños celebration. (Campos)
 - * (Rules Committee referral 4/23/14)
- 1.4 Presentation of a proclamation declaring April 30, 2014 as “Dia de los Niños” in the City of San José. (Campos)
 - * (Rules Committee referral 4/23/14)

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. 29398 – Amending Chapter 12.04 of Title 12 of the San José Municipal Code relating to the San José Ethics Commission and amending Section 12.16.040 of Chapter 12.16 of Title 12 to make a technical correction to the date to file disclosure reports for fundraising solicitations by elected city officials on a quarterly basis.

(Item continued on the next page)

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation:

- (b) ORD. NO. 29399 - Rezoning certain real property situated on the south side of Turturici Way, approximately 1,200 feet northeast of Turturici Court on a 3.13 gross-acre site from the A Agricultural and A(PD) Planned Development Zoning Districts to the R-1-2 Single Family Residence Zoning District.
- (c) ORD. NO. 29400 - Rezoning certain real property situated on the east side of Klein Road, approximately 160 feet southerly of Murillo Avenue (2510 Klein Avenue) from the A Agricultural Zoning District to the R-1-5 Single-Family Residence Zoning District.
- (d) ORD. NO. 29401 - Rezoning certain real property situated on the north side of Blossom Hill Road approximately 1000 feet easterly of Snell Avenue on a 4.05 gross-acre site (393 Blossom Hill Road) to the CN Commercial Neighborhood Zoning District.
- (e) ORD. NO. 29402 - Rezoning certain real property situated on the northwest corner of North Almaden Boulevard and West St. John Street on a 0.61 gross-acre site from the LI Light Industrial District to the DC Downtown Primary Commercial Zoning District.
- (f) ORD. NO. 29403 - Rezoning certain real property situated on the northwest corner of Highway 237 and North 1st Street on a 3.5 gross-acre site from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Transportation and Environment Committee Report of April 7, 2014.](#) (Liccardo)
[Supplemental](#)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2. CONSENT CALENDAR

2.7 Housing and Community Development Commission Appointments.

Recommendation:

- (a) Determine that a change to the term end dates of the Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, and Citywide seats on the Housing and Community Development Commission is in the best interest of the Commission to realign with the City Clerk's Office recruitment schedule to establish staggered term end dates and ensure continuity of membership on the Commission;
- (b) Realign term end dates as follows:
 - (1) District 1 Seat: term end date realigned from 12/31/17 to 6/30/17;
 - (2) District 2 Seat: term end date realigned from 12/31/17 to 6/30/15;
 - (3) District 3 Seat: term end date realigned from 12/31/17 to 6/30/17;
 - (4) District 4 Seat: term end date realigned from 12/31/17 to 6/30/15;
 - (5) District 5 Seat: term end date realigned from 12/31/17 to 6/30/17;
 - (6) District 6 Seat: term end date realigned from 12/31/17 to 6/30/15;
 - (7) District 8 Seat: term end date realigned from 12/31/17 to 6/30/15;
 - (8) District 9 Seat: term end date realigned from 12/31/17 to 6/30/17;
 - (9) District 10 Seat: term end date realigned from 12/31/17 to 6/30/15;
 - (10) Citywide Seat: term end date realigned from 12/31/17 to 6/30/17;
- (c) Approve the following appointments to the Housing and Community Development Commission:
 - (1) District 1 Seat: Martha O'Connell;
 - (2) District 2 Seat: Jaime Angulo;
 - (3) District 3 Seat: Robert Gill;
 - (4) District 4 Seat: Nicole Ruiz;
 - (5) District 5 Seat: Patrick Ngo;
 - (6) District 6 Seat: Winona Nash;
 - (7) District 8 Seat: Quincy Virgilio;
 - (8) District 9 Seat: Star Dormanesh;
 - (9) District 10 Seat: Kassa Abay;
 - (10) Citywide Seat: Amanda Montez;

CEQA: Not a Project. (City Clerk)

2.8 District 10 SAP Grant to Kiwanis Club of Almaden.

Recommendation: As recommended by the Rules and Open Government Committee on April 16, 2014, approve a grant of \$1,000 to Almaden Kiwanis TAS Scholarship Fund to be paid from the budgeted District 10 SAP Center at San José allocation, which is funded by the Arena Community Fund City-Wide appropriation. (Khamis)

[Rules Committee referral 4/16/14 – Item G(4)]

2. CONSENT CALENDAR

2.9 [“Free for All: Inside the Public Library”](#).

Recommendation: As recommended by the Rules and Open Government Committee on April 16, 2014:

- (a) Approve “Free for All: Inside the Public Library” event scheduled for May 5, 2014 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. (Oliverio)

[Rules Committee referral 4/16/14 – Item G(2)]

2.10 [Initiate Proceedings for Annexation/Reorganization of Alum Rock No. 15.](#)

- * **Recommendation:** Adopt a [resolution](#) initiating proceedings and setting May 13, 2014 at 1:30 p.m. for a Public Hearing to order the reorganization of territory designated as Alum Rock No. 15, which involves the annexation to the City of San José of approximately 1.78 gross acres of land generally located on the south side of Alum Rock Avenue, approximately 150 feet east of Sunnyslope Avenue, and the detachment of the same from the appropriate special districts including County Sanitation District No. 2-3, Central Fire Protection, County Lighting, and Area No. 01 (Library Services) County Service. CEQA: Exempt, File No. ALUM ROCK 15. Council District 5. (Planning, Building and Code Enforcement)

2.11 [Master Agreements for Environmental Consulting Services for Various City Facility Capital Improvement Projects.](#)

Recommendation: Approve master agreements with [David J. Powers & Associates, Inc.](#), [Denise Duffy & Associates, Inc.](#) and [URS Corporation Americas](#) from the date of execution through December 31, 2018 in an amount not to exceed \$500,000 for each agreement. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)

2.12 [Councilmember Chu’s Travel to Sacramento, CA.](#)

Recommendation: Approve travel by Councilmember Chu to Sacramento, CA on April 23 – 24, 2014 to attend the League of California Cities Legislative Action Day and League Board of Director’s Meeting. Source of Funds: League of Cities. (Chu)

- * (Rules Committee referral 4/23/14)

2.13 [Councilmember Herrera’s Travel to Sacramento, CA.](#)

Recommendation: Approve travel by Councilmember Herrera to Sacramento, CA on April 23, 2014 to attend the California League of Cities Legislative Action Day/Women’s Caucus Meeting. Source of Funds: Mayor and Council Travel Fund. (Herrera)

- * (Rules Committee referral 4/23/14)

2. CONSENT CALENDAR

2.14 Setting Public Hearings on the Hotel Business Improvement District.

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

- (a) Set a Public Meeting on June 3, 2014 at 1:30 p.m. to consider the adoption of a resolution of intention to levy increased assessments in the Hotel Business Improvement District for Fiscal Year 2014-2015;
- (b) Set a Public Hearing on June 17, 2014 at 1:30 p.m. on the levy of increased assessments for FY 2014-15; and
- (c) Direct the City Clerk to publish the required notice of the public meeting and public hearing.

CEQA: Exempt, File No. PP08-048. (Economic Development)

* (Rules Committee referral 4/23/14)

2.15 Bottle Bill Funding Elimination in Governor's 2014 – 15 Budget.

Recommendation: As recommended by the Rules and Open Government Committee on April 23, 2014, approve an opposition to the budget proposal eliminating Bottle Bill Funding to cities and counties. (Herrera)

* [Rules Committee referral 4/23/14 – Item G(3)]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 Police and Fire Department Retirement Plan Board of Administration Public Member Interviews.

[Supplemental](#) [Conflict of Interest](#) [Code Enforcement Review](#)
[Brennan's Application](#) [Chandra's Application](#)

Recommendation:

- (a) Interview applicants for appointment to the Board of Administration of the Police and Fire Department Retirement Plan;
- (b) Appoint one (1) member to the Board of Administration of the Police and Fire Department Retirement Plan to the remainder of a term expiring November 30, 2014; and
- (c) At Council's discretion, re-appoint the one (1) member to the Board of Administration of the Police and Fire Department Retirement Plan to a consecutive term expiring November 30, 2018.

(City Clerk)

* **TO BE HEARD NO EARLIER THAN 3:00 PM**

3. STRATEGIC SUPPORT SERVICES

3.4 Actions Related to the Agreement with Google Fiber for Future Installation of Google Fiber Network.

Recommendation:

- (a) Accept status report on the City's efforts to submit information requested by Google Fiber for its consideration of selecting San José for the future installation of a Google Fiber network; and
- (b) Adopt a resolution authorizing the City Manager or his designee to execute a master Network Hut License Agreement with Google Fiber, and to execute Network Hut Site Terms thereunder for individual sites following environmental review and City Council approval of such individual sites.

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

* **DEFERRED TO 5/6/14 PER ADMINISTRATION**

3.5 [Terms of an Agreement with the International Union of Operating Engineers, Local No. 3.](#)

Recommendation: Adopt a [resolution](#) to approve the terms of a collective bargaining agreement between the City and the International Union of Operating Engineers, Local No. 3 (OE#3), and authorizing the City Manager to execute an agreement with a term from July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Greenhouse Gas Reduction Strategy.

Recommendation: Adopt a resolution establishing a new City Council Policy: Greenhouse Gas Reduction Strategy Implementation. The proposed policy will further implement the Greenhouse Gas Reduction Strategy, which was adopted with the Envision San José 2040 General Plan, for new private sector development projects. This policy would establish a procedure to determine whether new private development is consistent with the City's adopted Greenhouse Gas Reduction Strategy by requiring applicants to identify measures, which will help to reduce greenhouse gas emissions, in the application and design of projects. CEQA: Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041. Planning Commission recommends approval (6-1). (Planning, Building and Code Enforcement)

(Deferred from 3/11/14 – Item 4.3 and 3/18/14 – Item 4.4)

DEFERRED TO 8/12/14 PER ADMINISTRATION

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Actions Related to the Extension of the Business Cooperation Program.](#)

Recommendation:

- (a) Approve an [ordinance](#) amending Chapter 4.86 of Title 4 of the San José Municipal Code to extend the use tax allocation incentive under the Business Cooperation Program for an additional five years through October 15, 2019, and extending its application to businesses that establish points of sale in San José by changing their business operations for business-to-business transactions;
- (b) Approve the [Consultant Agreement](#) with Municipal Revenue Advisors extending the length of the contract to December 31, 2019 and increasing the amount of the agreement from \$250,000 to \$1,500,000 for reimbursement services related to technical assistance under the Business Cooperation Program subject to the appropriation of funds.

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

4.3 [Public Hearing and Approval of the 2014-2015 Annual Action Plan.](#) [2014 – 2015 Annual Action Plan](#) [Supplemental](#)

Recommendation:

- (a) Conduct a final Public Hearing regarding the approval of the City’s 2014-2015 Annual Action Plan and take public comment;
- (b) Adopt the 2014-2015 Annual Action Plan, including the FY 2014-2015 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program;
- (c) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City; and
- (d) Authorize the Housing Department to submit the 2014-2015 Annual Action Plan to the U.S. Department of Housing and Urban Development.

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)

4.4 [Amendment to the Citizen Participation Plan.](#)

Recommendation:

- (a) Conduct a Public Hearing and take final public comment on a proposed amendment to the Citizen Participation Plan to allow the Housing Director, or Housing Director designee, to hold a public hearing related to approval of the Consolidated Plan, Annual Action Plan, or Substantial Amendment, if the Housing and Community Development Commission is unable to hold such a hearing due to a lack of quorum or time constraint; and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Amendment to the Citizen Participation Plan. (Cont'd.)

Recommendation:

(b) Adopt a [resolution](#) approving the Citizen Participation Plan amendment. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Housing)

4.5 [Workplan for the Rule 20A and Rule 20B \(In-Lieu Fee\) Underground Utility Program and the Fiscal Year 2012-2013 Rule 20B Undergrounding Master Plan.](#)

Recommendation: Approve the proposed Fiscal Year 2013/14 - 2018/19 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and the Fiscal Year 2012-2013 Rule 20B Undergrounding Master Plan. CEQA: Exempt, File No. PP13-034. (Public Works)

5. NEIGHBORHOOD SERVICES

5.1 [Annual Report on the 2012-2013 Park Trust Fund.](#)

Recommendation: Accept the Park Trust Fund annual report for 2012-2013. CEQA: Not a Project, File No. PP10-069(a), Annual Reports and Assessments. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Wholesale Recycled Water Rates for FY 2014-2015.](#)

* **Recommendation:** As recommended by the Transportation and Environment Committee on April 7, 2014, adopt a [resolution](#) to establish the wholesale recycled water service rates for the South Bay Water Recycling Program effective July 1, 2014, superseding Resolution No. 75430. CEQA: Not a Project, File No. PP10-067(a), Fares, Rates & Fees. (Environmental Services)
[Transportation and Environment Committee referral 4/7/14 – Item D(3)]

8. PUBLIC SAFETY SERVICES

8.1 [Revisions to Title 16 \(Gaming\).](#)

[Memo from Councilmember Liccardo](#)

* **Recommendation:**

- (a) Approve an [ordinance](#) amending various sections of Title 16 of the San José Municipal Code to provide for the City Attorney to respond to requests for advisory opinions regarding Title 16 within thirty days; provide non-key employees the option of applying for dual State and City work permits; incorporate a process for the utilization of an enforcement advisor to participate in several of the regulatory processes described in Title 16; establish a schedule for providing notice of a final decision to impose a monetary penalty for a minor violation and notice of regulatory action; provide that the name(s) of the person(s) who committed violations leading to monetary fines and regulatory actions be disclosed; incorporate revisions recommended by WhiteSand Gaming; substitute use of the term “business day” for “work day” and provide a definition of “business day;” eliminate the twenty-one day waiting period for recommendations regarding specified key employee licenses to become final; and make minor corrections; and
- (b) Accept the Administration’s report regarding alternate-level gaming, occupancy for non-gaming related events and civilianization of the Division of Gaming Control.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 16. (City Manager/City Attorney)

8.2 [2013 Independent Police Auditor Year End Annual Report.](#)

[Memo from Councilmembers Liccardo and Herrera](#)

[Memo from Councilmembers Campos and Chu](#)

[Memo from Councilmember Rocha](#)

Recommendation: Accept the 2013 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Independent Police Auditor)

* **TO BE HEARD JOINTLY WITH ITEM 8.3 IMMEDIATELY FOLLOWING CONSENT CALENDAR**

8.3 [San José Police Department Internal Affairs Department Initiated Investigation Report.](#)

Recommendation: Accept the San José Police Department’s Internal Affairs Unit (IA) report on Department Initiated Investigations for CY 2013. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Police)

* **TO BE HEARD JOINTLY WITH ITEM 8.2 IMMEDIATELY FOLLOWING CONSENT CALENDAR**

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Agreement with San Francisco Bay Regional Water Quality Control Board for the Expedited Payment Program.](#)

Recommendation: Adopt a resolution authorizing the Managing Director to execute letter agreements with the San Francisco Bay Regional Water Quality Control Board (“Regional Board”) pursuant to the Regional Board’s Expedited Payment Program to resolve wastewater discharge and reporting violations under a National Pollutant Discharge Elimination System Permit issued for Adobe [Tower I](#) and [Tower II](#) located at 345 Park Avenue in San José at a total cost of \$69,000. CEQA: Exempt, File No. PP14-034. Council District 3. (Successor Agency)

9.2 **Actions Related to the Agreement and General Release and New Lease of Patty’s Inn.**

Recommendation:

- (a) Approve a Second Amendment to Settlement Agreement and General Release with Kenneth Solis and Bonnie Torrez, doing business as Patty’s Inn (Tenant), to extend the date for Tenant to vacate the property located at 102 South Montgomery Street in San José (Property) and to allow for monthly rent payable by Tenant to be offset against the remaining relocation payment owed to Tenant;
- (b) Approve a five (5) year lease (Lease) with Tenant for the Property with the provision that each party shall have the right to terminate the Lease upon not less than ninety (90) days written notice to the other party.

CEQA: Not a Project, File No. PP10-066(h), Settlement Agreements. (Successor Agency)

DEFERRED TO 5/13/14 PER ADMINISTRATION

- **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 receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10233	East side of Almaden Rd approx 200 feet north of Fleetwood Drive	10	Vui M Ly	7 Lots/6 units	SFD

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

* This meeting will be adjourned in memory of former Mayor Janet Gray Hayes, who passed away on April 21, 2014. She was the first woman to be elected Mayor of San José, an inspiring role model, and a tremendous public servant. (Mayor)

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.