

# CITY COUNCIL AGENDA

**DECEMBER 2, 2014**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
VACANT  
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 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 <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, 2<sup>nd</sup> 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](mailto: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 (Mayor)**

- **Pledge of Allegiance**

- **Orders of the Day**

- \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- \* **ITEM 2.17 RENUMBER TO ITEM 4.5 - PENDING ORDERS THE DAY**

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

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- 1.1 Presentation of a Commendation to San José State University Career Center for their innovation in creating the Spartan Staffing Program. (Herrera)

# 2. CONSENT CALENDAR

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**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. 29510 – Amending Title 14 of the San José Municipal Code to add a new Chapter 14.09 to provide that City contracts involving Public Works will follow State Prevailing Wage Law (California Labor Code Sections 1720 – 1815) with certain modifications to allow for City enforcement, and to provide that the City’s Prevailing Wage Policy set forth in Resolution Nos. 61144, 61716, 71584, 72518, 75848 and 76242 no longer applies to any City contract involving public works covered by this ordinance.
- (b) ORD. NO. 29511 – Amending Sections 3.36.020.15, 3.36.808, and 3.36.1020 of Chapter 3.36 of Title 3 of the San José Municipal Code to implement a Tier 2 Pension Plan for New Employees in the Fire Department of the City of San José in the Police and Fire Department Retirement Plan.
- (c) ORD. NO. 29512 – Rezoning certain real property of approximately 73.73 gross acres situated on the east side of Perimeter Road, between Great Oaks Boulevard and Miyuki Drive, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC12-028

## 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) [Transportation and Environment Committee Report of November 3, 2014.](#)  
(Liccardo) [Supplemental](#)

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**RECOMMEND DEFERRAL TO 12/9/14 PER CITY CLERK**

- (b) [Rules and Open Government Committee Report of November 5, 2014.](#) (Mayor)

## 2.4 Mayor and Council Excused Absence Requests.

## 2.5 City Council Travel Reports.

## 2. CONSENT CALENDAR

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### 2.6 Report from the Council Liaison to the Retirement Boards.

### 2.7 [Amendment to the Agreement with AmeriNational Community Services for Loan Servicing and Funds-Disbursement Services for the Housing Department's Single Family Loan Portfolio.](#)

**Recommendation:** Approve a [Seventh Amendment](#) to the Agreement with AmeriNational Community Services, increasing the amount of the agreement by \$100,000 from \$425,000 to \$525,000 and extending the term from December 31, 2014, to December 31, 2015. CEQA: Not a Project, File No. PP10-066(e), Contracts and Agreements for Services. (Housing)  
(Deferred from 11/18/14 – Item 2.11)

### 2.8 [Appointment of a Fire Retiree Representative to the Board of Administration of the Police and Fire Department Retirement Plan.](#) [Supplemental](#)

\* **Recommendation:**

- (a) Acknowledge receipt of the City Clerk's Certification of results of nomination conducted among the retired members of the Police and Fire Department Retirement Plan;
- (b) Acknowledge receipt of the recommendation from the panel convened to interview candidates for the Retiree Representative on the Police and Fire Retirement Board; and
- (c) Appoint one retiree member to the Board of Administration of the Police and Fire Department Retirement Plan to a term expiring November 30, 2018.  
(City Clerk)

### 2.9 [Agreement with Macias Gini & O'Connell LLP for Audit Services.](#)

**Recommendation:** Approve an [Agreement](#) with Macias Gini & O'Connell LLP for audit services for the fiscal year ending June 30, 2015, for a fee not to exceed \$584,159 for fiscal year 2014-2015. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Auditor)

### 2.10 [District 1 Neighborhood Watch Meeting.](#)

**Recommendation:** Approve a Neighborhood Watch Meeting scheduled on Thursday, December 11, 2014 as a City Council sponsored Special Event and approve the expenditure of funds. CEQA: Not a Project. (Constant)  
(Rules Committee referral 11/19/14)

## 2. CONSENT CALENDAR

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### 2.11 [Actions Related to the Federal and State Workforce Investment Act Fund for the Allies Grant Project.](#)

**Recommendation:** Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund:

- (a) Increase the estimate for Earned Revenue by \$158,059; and
- (b) Establish an appropriation to the Office of Economic Development for the Alliance for Language Learners' Integration, Education, and Success (ALLIES) Grant Project in the amount of \$158,059.

CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager)

### 2.12 [Actions Related to the Workforce Investment Act Fund for the Proposition 39 Grant Project.](#)

**Recommendation:** Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund:

- (a) Increase the estimate for Earned Revenue by \$300,000; and
- (b) Establish an appropriation to the Office of Economic Development for the Proposition 39 Pre-Apprenticeship Grant Project in the amount of \$300,000.

CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager)

### 2.13 [Purchase Orders for Landscape Management and Maintenance Services for the Public Right-of-Way Locations in Special District Landscape Areas.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with Landscape Management and Maintenance Services for public right-of way locations in special district landscape areas with Valleycrest Landscape Maintenance, Inc. (San José, CA), Bayscape Landscape Management (San José, CA), Jensen Landscape, Inc. (San José, CA) and Marina Landscape, Inc. (Livermore, CA), for an initial two-year period starting on December 1, 2014 and ending November 30, 2016 for a cumulative compensation not-to-exceed amount of \$4,069,034;
- (b) Execute change orders to add or delete service area locations or change service levels, subject to the appropriation of funds; and
- (c) Exercise five additional one-year options to renew the purchase orders, subject to the annual appropriation of funds.

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

## 2. CONSENT CALENDAR

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### 2.14 [Agreement with Health Trust for Destination: Home to End Homelessness.](#)

**Recommendation:** Approve a [Second Amendment](#) to the Agreement with the Health Trust for Destination: Home to extend the contract to June 30, 2015, expand the scope of services to increase the number of clients served, and increase the compensation by \$490,151, from \$1,045,000, for a total \$1,535,151. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Housing)

### 2.15 [Amendments to City Pay Plan for Various Classifications.](#)

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

- (a) Amend the City of San José Pay Plan effective December 2, 2014, to create the following classifications:
  - (1) Zoo Education Specialist (6171)
  - (2) Zoo Educator (6172)
  - (3) Rides & Attractions Safety Coordinator (6175)
  - (4) Food & Beverage Services Supervisor (6163)
- (b) Amend the City of San José Pay Plan effective December 2, 2014, to change the salary range and title for the following classification:
  - (1) Entertainment Coordinator FT/PT(6863/6864) (formerly Puppet Theatre Coordinator FT/PT)

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

### 2.16 [Amendment to the Agreement with West Yost and Associates, Inc. for the Nordale Pump Station Replacement Project.](#)

**Recommendation:** Approve a [Second Amendment](#) to the Master Agreement with West Yost & Associates, Inc. for the Nordale Pump Station Replacement Project, extending the term of the agreement from December 31, 2014 to December 31, 2015 at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)

### 2.17 [Circle of Palms Plaza Renaming.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on November 12, 2014, rename a plaza located in Downtown San José on Market Street, from Circle of Palms Plaza to The Janet Gray Hayes Circle of Palms Plaza. (City Clerk) [Rules Committee referral 11/12/14 – Item G(2)]

\* **RENUMBER TO ITEM 4.5 – PENDING ORDERS THE DAY**

### 3. STRATEGIC SUPPORT SERVICES

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#### 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 Upcoming Vacancy in District 4.

- \* **Recommendation:** Discuss the options for filling the anticipated vacancy in District 4, and
- (a) Direct the City Clerk to open recruitment for an appointment, or [Resolution](#)
  - (b) Adopt resolutions calling for a Special Election to be held on April 7, 2015, with a runoff, if necessary, on June 23, 2015. [Resolution](#)
- (City Clerk)

#### 3.4 Agreement with Brüel & Kjaer EMS Inc. for Maintenance and Support Services for the Aircraft Noise and Flight Track Monitoring System.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Brüel & Kjaer EMS Inc. (Sacramento, CA) for software and hardware maintenance and support, including flight radar data subscription for the Aircraft Noise and Flight Monitoring System for an initial five-year term ending December 31, 2019, with a maximum compensation not-to-exceed \$501,733 for the initial twelve months of the agreement, and \$1,586,485 for the five-year term, subject to the annual appropriation of funds;
- (b) Execute one-year options to extend the term of the agreement to provide ongoing maintenance and technical support services after the initial five-year term, subject to the appropriation of funds.

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

#### 3.5 First Quarter Financial Reports for Fiscal Year 2014 – 2015.

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on November 20, 2014, adopt a [resolution](#) authorizing the Director of Finance to write off uncollectible Debts in an amount up to \$3,725,263.90. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)

- \* [Public Safety, Finance, and Strategic Support Committee referral 11/20/14 – Item D(8)]



## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Downtown Commercial High-Rise Development Incentives.](#)

#### [Supplemental](#)

**Recommendation:** As recommended by the Community and Economic Development Committee on September 22, 2014, direct the City Attorney to draft an ordinance amending Chapter 4.46 of Title of the San José Municipal Code and Chapter 4.47 of Title 4 of the San José Municipal Code to add sections to suspend the collection of the building and structure constructions tax for a single commercial high rise development project within two years. CEQA: Not a Project, File No. PP10-067(a), Adjustments to Fees, Rates, and Fares. (Economic Development /Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)  
[Community and Economic Development Committee referral 9/22/14 – Item D(2)(a)(3)]  
(Deferred from 10/21/14 – Item 4.1 and 11/18/14 – Item 4.3)

### 4.2 [Actions Related to the Downtown Residential High-Rise and Mid-Rise Park Fee Incentive Program.](#)

#### **Recommendation:**

- (a) Per Council Direction from June 17, 2014, direct the City Attorney to draft a resolution to establish a new Downtown High-Rise and Mid-Rise Park Fee Incentive program to allow high-rise developers to pay 50% of their parkland in-lieu fees at certificate of occupancy, and to make a payment equivalent to the remaining 50% of the fee over a 5 year period; and allow mid-rise developers to pay 75% of their fee at certificate of occupancy and to make a payment equivalent to the remaining 25% of the fees over a 5 year period, with the latter payments to be set aside in a fund for downtown parks operations and maintenance;
- (b) Provide policy direction to staff for the next step to be taken in the development of a potential downtown parks district.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to Fees, Rates, and Fares. Council District 3. (Parks, Recreation and Neighborhood Services)  
(Deferred from 11/18/14 – Item 4.4)

\* **RECOMMEND DEFERRAL TO 12/9/14 PER ADMINISTRATION**

### 4.3 [Historical Landmark Nomination and Mills Act Historical Property Contract for the “Daniel D. Tennyson House.”](#)

**Recommendation:** Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Daniel D. Tennyson House” located at 54 South 14<sup>th</sup> Street.

- (a) Conduct a Public Hearing and adopt a [resolution](#) designating the “Daniel D. Tennyson House” as a landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and
- (b) Conduct a Public Hearing on the Historic Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property (Barry and Maile Del Buono, Owners) and adopt a [resolution](#) approving the contract.

CEQA: Exempt. (Planning, Building and Code Enforcement)  
[HL14-214/MA14-002](#) – District 3

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 [Lease Renewal of Police Response Unit.](#)

**Recommendation:** Approve a five-year [lease](#) with James V. Simoni for the use of approximately 8,500 square feet of office space in San José, at a rental rate of \$156,000 for the first year, \$160,200 for the second year, \$164,400 for the third year, \$168,600 for the fourth year, and \$172,800 for the fifth year. The total rental cost for the five-year term of this lease is \$822,000. The lease agreement begins on September 1, 2014 and ends on August 31, 2019. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space. (Economic Development)

### 4.5 [Circle of Palms Plaza Renaming.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on November 12, 2014, rename a plaza located in Downtown San José on Market Street, from Circle of Palms Plaza to The Janet Gray Hayes Circle of Palms Plaza. (City Clerk)  
[Rules Committee referral 11/12/14 – Item G(2)]

\* **RENUMBERED FROM ITEM 2.17 - PENDING ORDERS THE DAY**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 [Community Center Reuse Program Evaluation Update.](#)

[Memo from Councilmember Herrera](#)

**Recommendation:** As recommended by Neighborhood Services and Education Committee on November 13, 2014:

- (a) Accept the report for the first-phase evaluation of Community Center Reuse Program Satellite Centers;
- (b) Accept the recommended schedule for the second-phase of the Community Center Reuse Program for Neighborhood Centers; and
- (c) Accept the Community Center Priority approach for community center services as resources become available.

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

[Neighborhood Services and Education Committee referral 11/13/14 – Item D(1)]

### 5.2 [Mayor's Gang Prevention Task Force Strategic Work Plan 2015 – 2017.](#)

[Memo from Mayor Reed](#)

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on November 20, 2014, accept the Mayor's Gang Prevention Task Force Strategic Work Plan 2015 – 2017. CEQA: Not a Project, File No. PP10-069(a), Staff Report. (Parks, Recreation and Neighborhood Services)

\* [Public Safety, Finance, and Strategic Support Committee referral 11/20/14 – Item D(11)]

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Downtown Sidewalks Bicycle Riding.](#)

[Memo from Councilmember Herrera](#)

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Liccardo](#)

[Memo from Councilmember Khamis](#)

#### **Recommendation:**

- (a) Approve an [ordinance](#) to prohibit the riding of bicycles on sidewalks in designated areas of Downtown San José, with exceptions for police officers and persons 12 years of age or under, and amending Section 1.08.020 of Chapter 1.08 of Title 1 to Designate a Violation of Section 11.72.190 as an Infraction.
- (b) (Option 1) Define the designated area as:
  - (1) Santa Clara Street between Stockton Avenue and Eleventh Street.
  - (2) San Fernando Street between Cahill Street and Eleventh Street.
  - (3) First Street between St. John Street and San Carlos Street.
  - (4) Second Street between St. John Street and San Carlos Street.
  - (5) Third Street between St. John Street and San Carlos Street.
  - (6) Fourth Street between St. John Street and San Carlos Street.
- (c) (Option 2) Alternatively, the City Council could define the designated area as, consistent with the Downtown Skateboard Prohibition Zone: Beginning at the intersection of Julian Street and Fourth Street and then going west on Julian Street to San Pedro Street, then going south on San Pedro Street to Santa Clara Street, then going west on Santa Clara Street to Route 87, then going south along Route 87 to Woz Way, then going south along Woz Way to Balbach Street, then going east on Balbach Street to Almaden Boulevard, then going north on Almaden Boulevard to Viola Avenue, then going east on Viola Avenue to Market Street, then going south on Market Street to Reed Street, then going east on Reed Street to Second Street, then going north on Second Street to San Carlos Street, then going east on San Carlos Street to Fourth Street, then going north on Fourth Street to Julian Street.

CEQA: Exempt, File No. PP14-087. (Transportation)

[Transportation and Environment Committee referral 10/6/14 – Item D(3) and Rules and Open Government Committee referral 10/15/14 – Item A2 ]

(Deferred from 11/18/14 – Item 6.1)

**TO BE HEARD LAST BUT NO EARLIER THAN 2:30 P.M.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Approval of Proposed Odor Control Strategy at the San José-Santa Clara Regional Wastewater Facility.](#)

[Supplemental](#)

**Recommendation:** Approve the proposed odor control strategy at the San José-Santa Clara Regional Wastewater Facility. CEQA: San José/Santa Clara Water Pollution Control Plant Master Plan EIR, Resolution No. 72768. (Environmental Services)  
(Deferred from 11/18/14 – Item 7.1)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 [Biosolids Transition Strategy for the San José-Santa Clara Regional Wastewater Facility.](#)

[TPAC Supplemental Supplemental from the Director of Environmental Services Final Biosolids Transition Strategy Report](#)

**Recommendation:** Approve the Biosolids Transition Strategy for the San José-Santa Clara Regional Wastewater Facility. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Environmental Services)

### 7.3 [Actions Related to the Commercial Solid Waste and Recyclables Collection Franchise Agreements.](#)

**Recommendation:**

- (a) Conduct a Public Hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris;
- (b) Approve ordinances granting the franchises; and  
[Uriel Del Toro dba Del Toro Trucking](#)      [M&G Hauling Inc](#)
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from January 1, 2015 to June 30, 2016 with the option of three one-year extensions:
  - (1) [M&G Hauling Inc.](#);
  - (2) [Uriel Del Toro dba Del Toro Trucking.](#)

CEQA: Exempt; File No. PP08-228. (Environmental Services)

### 7.4 **Sanitary Sewer Flow Study.**

**Recommendation:** As recommended by the Transportation and Environment Committee on November 3, 2014:

- (a) Accept the staff report regarding the Sanitary Sewer Flow Study; and
- (b) Approve the proposed changes and policy recommendations for future updates to the revenue program for the San José – Santa Clara Regional Wastewater Facility.

CEQA: Not a Project, File No. PP10-067(a), Increases or Adjustments to Fees, Rates and Fares. (Environmental Services)

[Transportation and Environment Committee referral 11/3/14 – Item D(3)]

**DEFERRED TO JANUARY 2015 PER ADMINISTRATION**

## 8. PUBLIC SAFETY SERVICES

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## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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- **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**

## **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.