



CITY COUNCIL AGENDA

NOVEMBER 5, 2013

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. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

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

- **Invocation (District 10)**
 - Brad Abley, Pastor, South Hills Community 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 Philip J. Ringenberg, a City employee since 1996. Phil passed away peacefully on Wednesday, September 18, leaving a large void with his family, friends and colleagues in the City of San José. (Parks, Recreation and Neighborhood Services/Public Works)

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

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.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of June 4, 2013](#)
- (b) [Special Minutes of June 10, 2013](#)
- (c) [Regular Minutes of June 11, 2013](#)
- (d) [Regular Minutes of June 18, 2013](#)
- (e) [Joint Council/San José Diridon Development Authority/Successor Agency to the Redevelopment Agency Minutes of June 18, 2013](#)

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 29324](#) - Amending Title 23 of the San José Municipal Code by adding new Sections 23.02.125 and 23.02.494 and amending Section 23.04.020 to add a new type of allowable sign on corner buildings of large shopping center sites and to allow additional attached signs for second-story retail tenant spaces within certain buildings on large shopping center sites; adding Section 23.02.805 (authority for Title 23); amending Section 23.02.1370 to establish provisions for sign variances for signs on historic buildings; amending Section 23.02.870 to clarify the city departments with administrative authority for implementation of sign regulations; amending Sections 23.02.920 and 23.04.120 to delete references to time and temperature signs; amending definitions in Sections 23.02.160 (Erection of a Sign), 23.02.410 (Programmable Electronic Sign), 23.02.460 (Relocation of a Sign), and 23.02.560 (Traffic Control Device); adding definitions in new Sections 23.02.502 (Sign Area) and 23.02.505 (Sign Ordinance); repealing Section 23.02.1130 (Master Sign Program); and making other nonsubstantive, ministerial, technical, or typographical changes to Title 23 of the San José Municipal Code.
- (b) [ORD. NO. 29327](#) – Rezoning certain real property situated on the southwest corner of Guadalupe Mines Road and Camden Avenue, from R-1-1 single-family residence zoning district to the A(PD) Planned Development Zoning District.
- (c) [ORD. NO. 29328](#) – Rezoning certain real property situated on the easterly side of Camden Avenue, approximately 210 feet northerly of Kooser Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District.
- (d) [ORD. NO. 29329](#) – Rezoning certain real property of approximately 72 acres situated on both sides of Alum Rock Avenue, between King Road and Highway 680 From A(PD) Planned Development, CG Commercial General, CP Commercial Pedestrian, LI Light Industrial, and HI Heavy Industrial Zoning Districts to the MS – C Main Street Commercial and MS – G Main Street Ground Floor Commercial Zoning Districts.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of October 16, 2013](#). (Mayor)
- (b) [Public Safety, Finance, and Strategic Support Committee Report of October 17, 2013](#). (Constant)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2. CONSENT CALENDAR

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Ordinance Requiring Employee Contributions to Police and Fire Retirement Plan while Receiving Supplemental Military Pay.](#)

Recommendation: Approve an [ordinance](#) amending various Sections of Chapter 3.36 of Title 3 of the San José Municipal Code (the 1961 Police and Fire Retirement Plan) to require members to pay the employee's share of contributions when receiving supplemental military pay from the City during military service and to make changes in compliance with federal laws. CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)

2.8 [Amendment to the Agreement with Systems Technology Associates for Maintenance and Support on the Storage Area Network.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute the [Second Amendment](#) to the Storage Area Network Agreement with Systems Technology Associates of Tustin, CA, to extend the term of the agreement by twelve months from November 4, 2013 to November 3, 2014, an amount not to exceed \$282,119, from \$1,984,262 to \$2,266,381 in order to provide maintenance and support on the City's Storage Area Network. CEQA: Not a project, File No. PP10-066(a), Agreements and Contracts. (Finance)

2.9 [Actions Related to the Response to the State of California's Request for Proposals with the Santa Clara Unified School District for the Joint Purchase of the Agnews Property.](#)

Recommendation:

- (a) Adopt a [resolution](#):
- (1) Approving the partnership with Santa Clara Unified School District ("SCUSD") to submit a response to the State of California's Request for Proposals for a joint purchase of 81 acres of land located at 3500 Zanker Road. Santa Clara County Assessor parcel numbers 097-04-028 and 097-04-040;
 - (2) Authorizing the City Manager or designee to execute the purchase agreement and all other documents needed to conclude the transaction with the State of California if this joint proposal is selected by the State;
 - (3) Authorizing the City Manager or designee to commence discussions with SCUSD staff regarding the potential joint use of the Agnews property in the event that the joint proposal is selected by the State; and

(Item continued on the next page)

2. CONSENT CALENDAR

2.9 **Actions Related to the Response to the State of California's Request for Proposals with the Santa Clara Unified School District for the Joint Purchase of the Agnews Property. (Cont'd.)**

Recommendation:

(b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

- (1) Decrease the Future PDO / PIO Projects Reserve by \$150,000; and
- (2) Establish the Agnews Property Preliminary Studies appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$150,000.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager's Office)

2.10 **Vacation of a Portion of Hoppe Street.**

Recommendation: Adopt a [resolution](#) summarily vacating a portion of Hoppe Street adjacent to Assessor's Parcel Number 015-03-013. CEQA: Exempt, File No. PP12-086. Council District 4. (Public Works)

2.11 **Westfield Oakridge Winter Walk.**

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2013:

- (a) Approve the Westfield Oakridge Winter Walk (WOWW) as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Rocha)

* [Rules Committee referral 10/30/13 – Item G(2)]

2.12 **Campaign Contribution Limits and Voluntary Expenditure Limits.**

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2013, adopt the following resolutions:

- (a) A [resolution](#) approving the updated campaign contribution limits in accordance with San José Municipal Code 12.06.210 C; and
- (b) A [resolution](#) approving the updated voluntary campaign expenditure limits in accordance with San José Municipal Code 12.06.530 D.

(City Clerk)

* [Rules Committee referral 10/30/13 – Item G(3)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

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

3.3 2012-2013 Annual Performance Audit of Team San José Management of the City Convention and Cultural Facilities.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on October 17, 2013, accept the 2012 Annual Performance Audit of Team San José Management of the City's Convention and Cultural Facilities. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 10/17/13 – Item D(7)]
DEFERRED TO 12/3/13 PER ADMINISTRATION

3.4 [Report on Request for Proposal For Fuel and Petroleum Products.](#)

Recommendation: Report on Request for Proposal for Various Fuels; and adopt a [resolution](#) authorizing the City Manager to:

- (a) Issue Purchase Orders for the purchase of fuel and petroleum products for a total aggregate amount not to exceed \$6,000,000 for the period August 1, 2013 through July 31, 2014 with the following vendors:
 - (1) Western States Oil (San José, CA) not to exceed \$5,000,000
 - (2) Golden Gate Petroleum (Martinez, CA), not to exceed \$500,000
 - (3) Valley Oil (Mountain View, CA), not to exceed \$500,000
- (b) Amend the not-to exceed amount for each Purchase Order as required based on the City's demand and the volatility in fuel prices, subject to the appropriation of funds.
- (c) Repeal Resolution No. 67770, and issue subsequent Purchase Orders for fuel and petroleum products after the initial period in a manner consistent with the process as described herein, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Purchase order of supplies, equipment and professional services with no changes to the physical environment. (Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Ordinance Implementing 2013 California Building and Fire Code Standards.](#)

[Supplemental](#)

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

Recommendation:

(a) As recommended by the Public Safety, Finance, and Strategic Support Committee on September 19, 2013 and the Community and Economic Development Committee on September 23, 2013, approve an [ordinance](#) amending Title 24 of the San José Municipal Code to:

- (1) Adopt the 2013 editions of the California Building Code (CBC), California Residential Code (CRC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Historical Building Code (CHBC), California Existing Building Code (CEBC), California Green Building Standards Code (CALGreen) and the 2012 edition of the International Existing Building Code Appendix Chapters A2, A3 and A4; and
- (2) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building and fire safety requirements.

CEQA: Exempt, File No. PP13-082.

[Public Safety, Finance, and Strategic Support Committee referral 9/19/13 – Item D(4)(1) and Community and Economic Development Committee referral 9/23/13 – Item D(6)(1)]

(Deferred from 10/8/13 – Item 4.3)

(b) As recommended by Community and Economic Development on September 23, 2013 and referred by the Public Safety, Finance, and Strategic Support Committee on October 17, 2013 without a recommendation, approve an [ordinance](#) amending Chapter 17.12 of the San José Municipal Code to:

- (1) Adopt the 2013 edition of the California Fire Code (CFC), and the Standards referenced in 2013 CFC; and
- (2) Approve an ordinance to adopt the 2013 California Fire Code with the local amendments regarding fire suppression and alarm requirements, firefighter breathing air replenishment system/elevator requirements for high-rise buildings, and the requirements relating to the design and installation of fire protection and special systems and hazardous material systems.

CEQA: Not a Project.

[Community and Economic Development Committee referral 9/23/13 – Item D(6)(2) and Public Safety, Finance, and Strategic Support Committee referral 10/17/13 – Item D(4)]

(Planning, Building and Code Enforcement/Fire)

5. NEIGHBORHOOD SERVICES

- 5.1 [Bond Funded Softball Facility Update.](#)
[Memo from Mayor Reed, Councilmembers Herrera and Liccardo](#)
[Memo from Councilmembers Rocha and Campos](#)
[Memo from Councilmembers Khamis and Constant](#)
[Memo from Councilmember Chu](#)
[Supplemental](#)

Recommendation:

- (a) Accept the Measure P Bond funded Softball Facility Site Selection Study (“Study”); and
- (b) Direct staff to proceed with next steps toward implementing recommendations outlined in the Study as follows:
 - (1) Pursue negotiations with the owners of the Arcadia site for the development of a softball facility at that site with a minimum of three adult sized lighted softball fields; and
 - (2) Return to the City Council in 2014 with recommendations on how to use any remaining reserves in the park bond funds.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Parks, Recreation and Neighborhood Services)

TO BE HEARD FIRST IN THE EVENING

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

- 8.1 [Urgency Ordinance Amending Section 10.32.010 of the San José Municipal Code Pertaining to Shooting of Firearms Prohibited - Exceptions.](#)
[Supplemental](#)

Recommendation: Consideration by the City Council of an [urgency ordinance](#) and regular [ordinance](#) to amend Section 10.32.010 of the San José Municipal Code to exclude any person authorized by the California Department of Fish and Wildlife pursuant to a depredation permit from the prohibition of the shooting of firearm in the City of San José. (Khamis/Constant)

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

* (Rules Committee referral 10/30/13)

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) Consideration of an [ordinance](#) rezoning the real property located at the northeast corner of Klein Road and Groesbeck Hill Drive (2560 Klein Road) from A Agricultural to R-1-5 Zoning District to allow residential use on a .562 gross acre site (Nguyen Dylan Hung T, Owner). CEQA: Envision San José 2040 General Plan Update EIR, Resolution Number 76041. (Planning, Building and Code Enforcement)
[C13-029](#) – District 8

- (b) Consideration of an [ordinance](#) rezoning of a property located on the southeast corner of the intersection of Race Street and Parkmoor Avenue (1290 Parkmoor Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow private elementary and secondary school and ancillary uses, subject to a Planned Development Permit, until such time that the property redevelops (Parkmoor Investors LLC, Owner). CEQA: Addendum to the Final Program EIR for the Race Street General Plan Amendments and Planned Development Rezoning, File No. PDC13-021. (Planning, Building and Code Enforcement)
[PDC13-021](#) – District 6

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Actions Related to the Real Property Located at the Southwest Corner of West San Carlos and Sunol Streets Extending to Auzerais Avenue.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos and Sunol Streets extending to Auzerais Avenue (860 West San Carlos Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District for a previously approved development to allow the following: (1) a change in the range of multi-family residential units from 680-800 to 600-800 units; (2) a change in the range of commercial square footage from 24,000-30,000 to 12,500-30,000 square feet; and (3) a reduction in building height on Block C from 140-150 feet to 50-80 feet, on an 8.0 gross acre site [Santa Clara County Transit District (VTA), Owner]. CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. PDC13-004 – District 6
- (b) Consideration of an ordinance approving a Development Agreement with Green Republic, LLLP, Valley Transportation Authority (VTA), Dianne Ryan Trust, 861 Auzerais Investment, Green Valley Corporation, and Carolyn Pahle Trust, to develop up to 800 multi-family attached residential units and a minimum of 14,000 square feet of ground floor commercial space on three blocks with a minimum of two tower structures and one structure with a minimum height of 70 feet, consistent with the proposed Planned Development Zoning (File No. PDC13-004), and subject to the performance by Green Republic, LLLP for the dedication of parkland, contribution of funds for public transportation improvements serving the development, accelerated construction of street and utility infrastructure, submittal of building permits for the first high rise and commencement of construction and subsequent occupancy per deadlines of performance included in this agreement, on an 8.0 gross acre site, located at the southwest corner of West San Carlos and Sunol Streets extending to Auzerais Avenue (860 W. San Carlos Street). CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. DA13-002 – District 6

(Planning, Building and Code Enforcement)

(Deferred from 8/20/13 – Item 11.3, 9/17/13 – Item 11.2 and 10/22/13 – Item 11.5)

DEFERRED TO 12/10/13 PER ADMINISTRATION

11. PUBLIC HEARINGS

11.3 [Actions Related to the Real Property Located at the Northwest Corner of Fallingtree Drive and North Capitol Avenue.](#)

* **Recommendation:** The projects being considered are located on an approximately 0.79 gross acre site at the northwest corner of Fallingtree Drive and North Capitol Avenue (2577 FALLINGTREE DRIVE), in the A(PD) Planned Development Zoning District (Escobar Nunes Emily Trustee, Owner).

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration prepared for the Planned Development Zoning at Capitol and Falling Tree (File No. PDC13-005) as having been completed in compliance with the California Environmental Quality Act (CEQA) and reflecting the City's independent judgment and analysis, and adopting a mitigation monitoring and reporting program.
- (b) Consideration of an [ordinance](#) to rezone the real property from A(PD) to A(PD) to allow up to seven (7) single-family detached residential units;
- (c) Consideration of a [resolution](#) approving the Planned Development Permit to allow the demolition of three (3) existing buildings and construction of seven (7) single-family detached residential units; and
- (d) Consideration of a [resolution](#) approving a Tentative Map to subdivide one (1) parcel into seven (7) lots to allow seven (7) single-family detached residential units.

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

[PDC13-005/PD13-029/PT13-040](#) – District 4

11.4 [Rezoning the Real Property Located on the Northeast Corner of South De Anza Boulevard and Via Vico.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the northeast corner of South De Anza Boulevard and Via Vico (1090 South De Anza Boulevard) from CP (PD) to CP (PD) to replace an existing gasoline service station with approximately 2,929 square foot retail store (convenience store) in conjunction with an existing carwash structure on a 0.61 gross acre site (Rubnitz James E And Teresa P, Owner). CEQA: Exempt. (Planning, Building and Code Enforcement)

[PDC13-022](#) – District 1

11.5 [Conditional Use Permit and Determination of Public Convenience or Necessary to Allow Off-sale of Alcoholic Beverages at an Existing Neighborhood Market.](#)

Recommendation: Consideration of a Conditional Use Permit and Determination of Public Convenience or Necessary request to all allow off-sale of the full range of alcoholic beverages at an existing neighborhood market (Walmart) situated within a retail center (Westgate Mall) on a nine (9) gross acre site in CG Commercial General Zoning District and located on the north-east corner of Saratoga Avenue and West Campbell Avenue (1600 Saratoga Avenue) (FR Westgate Mall LLC, Owner). CEQA: Exempt. Planning Commission recommends approval (6-1-0). (Planning, Building and Code Enforcement)

[CP13-036/ABC13-004](#) – District 1

11. PUBLIC HEARINGS

11.6 Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcoholic Beverages at an Existing Specialty Retail Food Store.

Recommendation: Consideration of a Conditional Use Permit and Determination of Public Convenience or Necessity request to allow the off-sale of alcoholic beverages (beer and wine) at an existing specialty retail food store (Tana Market) in the CP Commercial Pedestrian Zoning District on a 0.21 gross acre site, located on the east side of South Winchester Boulevard, approximately 650 feet southerly of Payne Avenue (1358 S WINCHESTER BL) (Johnson Faye T Trustee, Owner). CEQA: Exempt. (Planning, Building and Code Enforcement)

CP11-010/ABC13-010 – District 1

DROPPED PER ADMINISTRATION

11.7 ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Director of Planning's Decision to Deny a Tentative Map Application.

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Director of Planning's decision to deny a Tentative Map Application to subdivide one 10.85 gross acres lot into three lots for church and public/quasi-public uses within the R-1-8 Zoning District, the R-1-8 Single-Family Residence Zoning District, located at/on the West side of McLaughlin Avenue, approximately 110 feet northerly of Algiers Avenue (1523 McLaughlin Avenue) (Roman Catholic Bishop of San José, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends denial. (Planning, Building and Code Enforcement)

T13-010 – District 7

DROPPED 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**

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.