



CITY COUNCIL AGENDA

DECEMBER 10, 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 (Mayor)**
Pat Mitchell, Executive Director, Silicon Valley FACES

- **Pledge of Allegiance**

- **Orders of the Day**

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

* **THE SAN JOSE FINANCING AUTHORITY JOINT SESSION TO BE HEARD IMMEDIATELY FOLLOWING THE CEREMONIAL ITEMS.**

- Orders of the Day (Cont'd.)

- * **ITEM 1.2 TO BE HEARD IN THE EVENING – PENDING ORDERS OF THE DAY APPROVAL**

- * **ITEM 4.3 RENUMBERED TO 2.10.**

ADJOURNMENT: This meeting will be adjourned in memory of Odette Morrow, who passed away on September 17, 2013. She was very active in the Coyote Creek neighborhood and also served as a lay chaplain with her church, where she ministered to people in convalescent homes and trained volunteers to do the same. (Kalra)

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 the Santa Visits Alviso Foundation” in recognition of their commitment to serving the Alviso community for the past 30 years through its annual holiday program, scholarship program, and support of community events. (Chu)
* (Rules Committee referral 12/4/13)

1.2 Presentation of a commendation to Michael Burns for his dedicated service as the general manager of the Santa Clara Valley Transportation Authority. (Kalra)
(Rules Committee referral 12/4/13)
* **TO BE HEARD IN THE EVENING – PENDING ORDERS OF THE DAY APPROVAL**

1.3 Presentation of a commendation to Ken and Farrell Podgorsek for their work in organizing the annual Bark in the Park festival, one of the largest outdoor celebrations dedicated to dogs in the Bay Area, and raising funds for the Campus Community Association, the Humane Society of Santa Clara Valley and the San Jose Animal Care Center. (Liccardo)
* (Rules Committee referral 12/4/13)

1.4 Presentation of a commendation to Katrina Loera and Steve Gordy for organizing the 13th Street Chalk Art festival, thereby contributing to a vibrant and thriving City while promoting and assisting in raising funds for art programs in our public schools. (Liccardo)
* (Rules Committee referral 12/4/13)
TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

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

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Study Session Minutes on Service Restoration and Revenue Measures of September 03, 2013](#)
- (b) [Regular Minutes of September 10, 2013](#)
- (c) [Minutes of the Joint Council/Successor Agency to the Redevelopment Agency of September 10, 2013](#)
- (d) [Regular Minutes of September 17, 2013](#)
- (e) [Regular Minutes of September 24, 2013](#)

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- * (a) [ORD. NO. 29348](#) - Amending Section 20.85.020 of Chapter 20.85 of Title 20 of the San José Municipal Code to adopt maximum allowable building height restrictions within geographical employment centers including the Norman Y. Mineta San José International Airport, and to make other technical, non-substantive or formatting changes.
- * (b) [ORD. NO. 29349](#) - Amending Chapter 17.12 of Title 17 of the San José Municipal Code to adopt the 2013 California Fire Code with local amendments relating to fire flow, sprinkler and fire alarm systems and standards, access control devices, large battery charging systems and continuous gas detection systems and to maintain existing fire protection and regulatory authority.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of November 13, 2013](#). (Mayor)
- (b) Neighborhood Services and Education Committee Report of November 14, 2013. (Nguyen)
[Deferred from 12/3/13 – Item 2.3(c)]
- * **DEFERRED TO 12/17/13 PER CITY CLERK**
- (c) Community and Economic Development Committee of November 18, 2013. (Herrera)
[Deferred from 12/3/13 – Item 2.3(d)]
- * **DEFERRED TO 12/17/13 PER CITY CLERK**

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence](#) for Councilmember Constant from the Closed Session and Regular Meeting of the City Council on December 3, 2013 and the Regular Meeting of the Rules and Open Government Committee on December 4, 2013, due to the death of a close family member. (Constant)

* (Rules Committee referral 12/4/13)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [City Manager Designee's Travel to Fort Lauderdale, Florida.](#)

Recommendation: Authorize City Manager Designee Ed Shikada's travel to Fort Lauderdale, Florida on January 16 – 17, 2014, to participate in the Large Cities Executive Forum. City Manager's Non Personal Services Appropriation. (City Manager's Office)

2.8 [Actions Related to the 2014-2015 Hazardous Vegetation Commencement Report.](#)

Recommendation: Adopt a [resolution](#):

- (a) Accepting the 2014-2015 Hazardous Vegetation Commencement Report compiled by the Santa Clara County Department of Agriculture and Environmental Management;
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the report are a nuisance; and
- (c) Directing the Santa Clara County Department of Agriculture and Environmental Management to mail notices of a public hearing before the City Council, on January 14, 2014 at 1:30 p.m., on the report to property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP13-097. (Planning, Building and Code Enforcement)

2.9 [Beautiful Neighborhoods Initiative.](#)

Recommendation: As recommended by the Rules and Open Government Committee on December 4, 2013:

- (a) Approve the District 10 Beautiful Neighborhoods Initiative as a City Council sponsored Special Event and authoring expenditure of City Funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Khamis)

* [Rules Committee referral 12/4/13 – Item G(2)]

2. CONSENT CALENDAR

2.10 [Satellite Housing Inc. Loans for the Development of the Willow Glen Woods Affordable Housing Site Located At 2900 Evans Lane.](#)

Recommendation: Adopt a [resolution](#) approving forgiveness of predevelopment loans totaling \$100,000 made to Satellite Housing Inc. for the development of the Willow Glen Woods affordable housing site owned by the City, located at 2900 Evans Lane. CEQA: Not a Project, File No. PP10-066, Contracts/Agreements. Council District 6. (Housing)

* **RENUMBERED FROM ITEM 4.3**

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 [Audit of Indirect Cost Allocation.](#)

* **Recommendation:** As recommended by Public Safety, Finance, and Strategic Support Committee on November 21, 2013, accept the Audit of Indirect Cost Allocation. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 11/21/13 – Item d(4)]

3.4 [Terms of an Agreement with the San José Police Officers' Association.](#) [Memo from Councilmember Rocha](#)

Recommendation: Approve the following actions:

- (a) Adopt a [resolution](#) to approve the terms of a tentative agreement between the City and the San José Police Officers' Association (POA), and authorizing the City Manager to execute an agreement with a term of July 1, 2013, through December 31, 2015.
- (b) Adopt the following Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the Police Department Personal Services appropriation in the amount of \$6,507,777;
 - (2) Increase the City Attorney's Office Personal Services appropriation in the amount of \$13,817;

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Terms of an Agreement with the San José Police Officers' Association. (Cont'd.)

Recommendation:

- (b) (3) Increase the 2014-2015 Future Deficit Earmarked Reserve in the amount of \$4,567,406; and
- (4) Decrease the San José Police Officers' Association Employee Compensation Planning Earmarked Reserve in the amount of \$11,089,000.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3.5 2013 Revenue Ballot Measures Public Opinion Survey.

[Memo from Mayor Reed, Vice Mayor Nguyen and Councilmember Herrera](#)

[Memo from Councilmember Rocha](#)

[Supplemental Presentation](#)

Recommendation: Accept the report on the results of the 2013 Revenue Ballot Measures Public Opinion Survey. (City Manager's Office)
(Rules In-Lieu referral 11/26/13)

3.6 Ordinance Related to Officeholder/Candidate Legal Defense Funds.

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2013, approve an ordinance amending Chapter 12.06 of Title 12 of the San José Municipal Code to amend Section 12.06.810 and to add a new Part 11 related to Officeholder/Candidate Legal Defense Funds. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (City Attorney)
[Rules Committee referral 10/30/13 – Item G(4)]
(Deferred from 11/19/13 – Item 3.3 and 12/3/13 – Item 3.4)

* **DROPPED – TO BE RENOTICED**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 TEFRA Hearing and Consideration of the Approval of Conduit Financing for Si Se Puede Academy, Brilliant Minds Elementary, and RS-Jackson Avenue School.

* **Recommendation:**

- (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing for the issuance of \$35,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Municipal Finance Authority (“CMFA”) on behalf of Launchpad Development Company, for the Si Se Puede Academy, Brilliant Minds Elementary and RS-Jackson Ave. School Project;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 TEFRA Hearing and Consideration of the Approval of Conduit Financing for Si Se Puede Academy, Brilliant Minds Elementary, and RS-Jackson Avenue School. (Cont'd.)

Recommendation:

- (b) Consider a [resolution](#) approving the issuance of tax-exempt revenue bonds, by the CMFA, on behalf of Launchpad Development Company, in an aggregate principal amount not to exceed \$35,000,000 (the “Bonds”), allocated as such:
- (1) Approximately \$10,000,000 in Bonds to finance and refinance the acquisition, construction, improvements, and equipping of certain charter school educational facilities in San José, identified as the Si Se Puede Academy (2249 Dobern Avenue); pay certain expenses incurred in connection with the issuance of the Bonds; and fund all or a portion of a reserve fund deposit and capitalized interest.
 - (2) Approximately \$14,000,000 in Bonds to finance and refinance the acquisition, construction, improvements, and equipping of certain charter school educational facilities in San José, identified as the Brilliant Minds Elementary (2962 Story Road); pay certain expenses incurred in connection with the issuance of the Bonds; and fund all or a portion of a reserve fund deposit and capitalized interest.
 - (3) Approximately \$11,000,000 in Bonds to finance and refinance the acquisition, construction, improvements and equipping of certain charter school educational facilities in San José, identified as the RS-Jackson Avenue School (70 S. Jackson St.); pay certain expenses incurred in connection with the issuance of the Bonds; and fund all or a portion of a reserve fund deposit and capitalized interest.

CEQA: Not a Project, File No. PP10-069, Organizational and administrative activities. Council District 5. (Finance)

4.2 Actions Related to the Charlotte Drive Apartments Project.

Recommendation: Adopt a resolution of the City Council in connection with the issuance of multifamily housing revenue bonds:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as City of San José Multifamily Housing Revenue Bonds, Series 2013B-1 and Series 2013B-2 (“Charlotte Drive Apartments”) in an aggregate principal amount not to exceed \$31,643,000 (the “Bonds”);
- (b) Approving a loan of Bond proceeds to Charlotte Drive Apartments, L.P., a California limited partnership created by Eden Housing, Inc., to finance the construction of the Charlotte Drive Apartments located at 5600 Cottle Road in San José (the “Project”), immediately south of Charlotte Drive;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Actions Related to the Charlotte Drive Apartments Project. (Cont'd.)

Recommendation:

- (c) Approving in substantially final form an Indenture of Trust, a Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (the “Documents”); and
- (d) Authorizing and directing the City Manager, Director of Finance, Assistant Director of Finance and Director of Housing, or their designees, to execute and deliver these Documents and other related Bond documents as necessary.

CEQA: EIR Resolution No. 72772, adopted June 21, 2005, File No. PDC04-031, as cited in the Project’s Planned Development Permit, PD12-039. Council District 2. (Finance/Housing)

* **DROPPED PER ADMINISTRATION**

4.3 Satellite Housing Inc. Loans for the Development of the Willow Glen Woods Affordable Housing Site Located At 2900 Evans Lane.

Recommendation: Adopt a resolution approving forgiveness of predevelopment loans totaling \$100,000 made to Satellite Housing Inc. for the development of the Willow Glen Woods affordable housing site owned by the City, located at 2900 Evans Lane. CEQA: Not a Project, File No. PP10-066, Contracts/Agreements. Council District 6. (Housing)

* **RENUMBERED TO ITEM 2.10**

4.4 [Report on Bids and Award of Construction Contract for the 5939 - Del Monte Park Project.](#)

[Supplemental](#)

Recommendation: Report on bids and award of contract for the 5939 – Del Monte Park Project to the low bidder, Calstate Construction, Inc., in the amount of \$2,219,000, and approval of a contingency in the amount of \$177,520. CEQA: Exempt, File No. PP08-094. Council District 6. (Public Works)

* (Deferred from 12/3/13 – Item 4.9)

5. NEIGHBORHOOD SERVICES

5.1 [Actions Related to the Kelley House Fire Insurance Settlement.](#)

Recommendation:

- * (a) Direct City staff to: (i) Accept the property insurance claim settlement of \$1,960,594 from the City of San José’s property insurance carrier, Lexington, which assumes the demolition of the remaining Kelley House structure; and (ii) Develop a plan for re-use of this location which references the Kelley House significance.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Kelley House Fire Insurance Settlement. (Cont'd.)

Recommendation:

- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
- (1) Increase the revenue estimate for Other Revenue by \$1,960,594;
 - (2) Establish a capital improvements appropriation to the Parks, Recreation and Neighborhood Services Department for the Kelley House Demolition project in the amount of \$425,000;
 - (3) Increase the 2014-2015 Future Deficit reserve by \$1,535,594.
- CEQA: Exempt, File No. PP13-107. Council District 7. (Finance/Parks, Recreation and Neighborhood Services/City Manager's Office)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Ordinance Suspending License and Permit Requirements for Certain Taxicab Businesses and Drivers who Drop Off Passengers at the Airport and Any Other Location in San José.](#)

[Memo from Rules and Open Government Committee 11/20/13](#)

Recommendation: Approve an [ordinance](#):

- (a) Amending Chapter 6.64 of Title 6 of the San José Municipal Code to amend Sections 6.64.130, 6.64.150, and 6.64.465 to suspend the license and permit requirements for taxicab businesses and persons whose principal place of business is located outside the City of San José that only drop off passengers in the City; and
- (b) Amending Chapter 25.08 of Title 25 of the San José Municipal Code to amend Sections 25.08.700 and 25.08.750 to suspend the permit requirements for ground transportation providers of taxicab services whose principal place of business is located outside the City of San José that only drop off passengers at the Norman Y. Mineta San José International Airport.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or policy change that involves no changes in the physical environment. (Airport)

* [Rules Committee referral 11/20/13 – Item G(3)]

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Actions Related to Medical Marijuana Establishments.](#)

[Supplemental](#)

[Memo from Mayor Reed](#)

[Memo from Councilmember Chu](#)

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Campos](#)

[Memo from Councilmember Oliverio](#)

[Memo from Councilmember Herrera](#)

Recommendation: Direct the Administration to:

- (a) Expand the priority enforcement areas to address Medical Marijuana establishments operating in San José as follows:
 - (1) Within 1,000 feet of public and private schools, child daycare centers, churches with child daycare centers, community/recreation centers, parks, libraries and other Medical Marijuana establishments;
 - (2) 500 feet from substance abuse rehabilitation centers;
 - (3) 150 feet from residential uses; and
- (b) Either:
 - (1) Return within 90 days with a complete Medical Marijuana regulatory program; or
 - (2) Return in 30 days with a ban prohibiting the operation of Medical Marijuana establishments in San José.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (City Manager's Office)

* **TO BE HEARD IN THE EVENING, NO EARLIER THAN 8 P.M.**

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Amendment to the José Theater Lease for the San José Improv.](#)

Recommendation: Approve the [First Amendment to the Amended and Restated Lease](#) (Lease) with the Comedy Club of San José, LLC (“Improv”) for the use of the José Theater located at 62 South Second Street. CEQA: Resolution No. 67721. (Successor Agency to the Redevelopment 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 ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(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.

No Public Hearings on Consent Calendar at this time.

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

Recommendation: The following projects being considered are located on an 8.0 gross acre site, at southwest corner of West San Carlos and Sunol Streets and extending to Auzeais Avenue (860 W. San Carlos Street):

- (a) A rezoning from A(PD) to the A(PD) Planned Development Zoning District to allow the following changes: (1) range of multi-family units from 680-800 to 600-800 units; (2) range of commercial square footage from 24,000-30,000 sf; and (3) building height on Block C from 140-150 ft to 50-80 ft.
- (b) Consideration of an ordinance to approve a Development Agreement with Green Republic, LLLP VTA, G. Figone Trust, 861 Auzeais Investment, Green Valley Corp., and Carolyn Pahle Trust, to develop up to 800 MFA residential units and a min. of 14,000 sf of ground floor commercial space on three blocks with a min. of two tower structures and one structure with a min. height of 70 ft, consistent with the purposes Planned Development Zoning, 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.

CEQA: EIR Resolution No. 09-064, File No. PDC08-061. (Planning, Building and Code Enforcement)

PDC13-004/DA13-002 – District 6

(Deferred from 8/20/13 – Item 11.3, 9/17/13 – Item 11.2, 10/22/13 – Item 11.5 and 11/5/13 – Item 11.2)

DROP – TO BE RENOTICED

11. PUBLIC HEARINGS

11.3 [Rezoning the Real Property Located on the North Of Minnesota Avenue.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the north of Minnesota Avenue, approximately 180 feet west of Lupton Avenue (1236 Minnesota Avenue) from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District to allow a single-family residence on a new flag lot behind an existing single family residence on a 0.32 gross acre site (Cyrus L. Colburn III & Et Al, Owner). CEQA: Exempt. (Planning, Building and Code Enforcement)

[PDC13-030](#) – District 6

11.4 **Rezoning the Real Property Located at/on the Easterly Terminus of Skyway Drive, East of Monterey Road, Near the Southeast Corner of the Football Field.**

Recommendation: Consideration of an ordinance rezoning the real property located at/on the easterly terminus of Skyway Drive, east of Monterey Road, near the southeast corner of the football field (100 Skyway Drive) from A(PD) Zoning District to the A(PD) Zoning District to allow: 1) increase student population from 1,300 to 2,300 students; 2) allow inbound school bus access on Diamond Heights Drive; 3) remove a requirement for a transportation mitigation measure at Skyway Drive and Monterey Road; and 4) modify Santa Clara Valley dudleya plant mitigation measures on a 56.2 gross acres site (Valley Christian Schools, Owner). CEQA: Valley Christian Schools EIR. (Planning, Building and Code Enforcement)

[PDC12-012](#) – District 2

DEFERRED TO 1/28/14 PER ADMINISTRATION

11.5 [Actions Related to the Real Property Located on the Eastside of South Jackson Avenue.](#)

[Memo from Councilmember Campos](#)

Recommendation:

- (a) Adopt a [resolution](#) adopting a Mitigated Negative Declaration for the Rocketship Jackson rezoning and conditional use permit project, and a related Mitigation Monitoring and Reporting Program;
- (b) Consideration of an [ordinance](#) rezoning real property located on the eastside of South Jackson Avenue, approximately 350 feet south of Alum Rock Avenue 70 South Jackson Avenue) from R-1-8 Single-Family Residence Zoning District (approximately 1.24 acres) and R-1-8(PD) Planned Development Zoning District (approximately 0.23 acres) to CP Commercial Pedestrian Zoning District.
- (c) Consideration of adoption of a [resolution](#) approving Conditional Use Permit to allow the conversion of an existing post office and the addition of a new 12,295 square foot building for an elementary school use on an approximately 1.47 gross acre site, located on the eastside of South Jackson Avenue, approximately 350 feet south of Alum Rock Avenue at 70 South Jackson Avenue.

CEQA: Mitigated Negative Declaration to be adopted. (To An N, Angela K Et Al, and City of San José, Owner). (Planning, Building and Code Enforcement)

[C13-049/CP13-085](#) – District 5

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 Odette Morrow, who passed away on September 17, 2013. She was very active in the Coyote Creek neighborhood and also served as a lay chaplain with her church, where she ministered to people in convalescent homes and trained volunteers to do the same. (Kalra)

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY AGENDA**

1:30 P.M.

TUESDAY, DECEMBER 10, 2013

CHAMBERS

* **TO BE HEARD IMMEDIATELY FOLLOWING THE CEREMONIAL ITEMS**

1. Call to Order and Roll Call

2. [Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008CDE \(Hayes Mansion Refunding Project and Ice Centre Refunding Project\)](#)

Recommendation:

- (a) It is recommended that the City Council:
- (1) Adopt a [resolution](#) approving and authorizing the negotiation, execution and delivery of a [Continuing Covenant Agreement](#) with U.S. Bank National Association relating to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), approving and authorizing the execution and delivery of a [First Amendment to Project Lease](#) relating thereto, and authorizing other related actions; and
 - (2) Adopt a [resolution](#) approving and authorizing the negotiation, execution and delivery of a [Continuing Covenant Agreement](#) with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project), approving and authorizing the execution and delivery of a [First Amendment to Project Lease](#) and [First Amendment to Site and Facility Lease](#) relating thereto, and authorizing other related actions.

(Item continued on the next page)

JOINT CITY COUNCIL/FINANCING AUTHORITY

2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008CDE (Hayes Mansion Refunding Project and Ice Centre Refunding Project). (Cont'd.)

Recommendation:

(b) It is recommended that the City of San José Financing Authority Board:

- (1) Adopt a [resolution](#) approving and authorizing the negotiation, execution and delivery of a Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), approving and authorizing the execution and delivery of an [Amended and Restated Indenture of Trust](#) and a First Amendment to Project Lease relating thereto, and authorizing other related actions; and
- (2) Adopt a [resolution](#) approving and authorizing the negotiation, execution and delivery of a Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project), approving and authorizing the execution and delivery of an [Amended and Restated Indenture of Trust](#) and a First Amendment to Project Lease and First Amendment to Site and Facility Lease relating thereto, and authorizing other related actions.

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

3. Open Forum

4. Adjourn the San José Joint City Council/Financing Authority.

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.