



# CITY COUNCIL AGENDA

**AUGUST 19, 2014**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. 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 [Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 7)**
  - Pastor Danny Sanchez, The City Peace Project

- **Pledge of Allegiance**

- **Orders of the Day**

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

**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 the three six grade classes at Renaissance Academy at Fischer for their beautification of the community through their artwork. (Campos)
- 1.2 Presentation of a commendation to San José PAL Bronco All-Star team for placing third at the 2014 PONY Zone Championships. (Campos)  
(Rules Committee referral 8/13/14)  
\* **TO BE HEARD IN THE EVENING**
- 1.3 Presentation of a commendation for the Job Corps's 50<sup>th</sup> anniversary and 36 years of service in the City of San José. (Kalra)  
\* (Rules Committee referral 8/13/14)
- 1.4 Presentation of a commendation to Stuti Vishwabhan, a student at Presentation High School, for creating a non-profit organization dedicated to teaching seniors how to use computers and smart phones. (Khamis)  
(Rules Committee referral 8/13/14)  
\* **TO BE HEARD IN THE EVENING**

# 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.

**Recommendation:** Approval of minutes.

- (a) [Regular Minutes of May 6, 2014.](#)
- (b) [Minutes of the FY 2014-2015 Budget Study Sessions of May 7, 2014 – May 12, 2014.](#)
- (c) [Regular Minutes of May 13, 2014.](#)
- (d) [Regular Minutes of May 20, 2014.](#)

## 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29446 – Rezoning certain real property of approximately 0.83 acres situated approximately 120 feet northwest of the intersection of Old Piedmont Road and Rowley Drive (2203, 2205, 2207 Old Piedmont Road) from the A Agriculture Zoning District to the R-1-8 Single-Family Residence Zoning District.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:**

- (b) [ORD. NO. 29447](#) – Amending Title 20 of the San José Municipal Code to add new Sections 20.200.342, 20.200.542 and 20.200.578 and amend Section 20.200.1265 of Chapter 20.200; to add a new Part 22 to Chapter 20.80; to amend Section 20.40.100 of Chapter 20.40; to amend Section 20.50.100 of Chapter 20.50; and to amend Section 20.70.100 of Chapter 20.70, all to permit and regulate use of existing hotels and motels for supportive housing for various targeted populations with a Conditional Use Permit until December 31, 2026, to further implement the housing goals and policies set forth within the Envision San José 2040 General Plan, and to make other technical, non-substantive, or formatting changes within those sections of Title 20 including but not limited to Sections 20.40.100 and 20.70.100.

### 2.3 Approval of Council Committee Reports.

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

- (a) [Rules and Open Government Committee Report of July 30, 2014](#). (Mayor)

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

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

### 2.7 Ordinance on Small Model Warships.

**Recommendation:** Approve an ordinance amending Section 10.32.140 of Chapter 10.32 of Title 10 and Section 13.44.200 of Chapter 13.44 of Title 13 of the San José Municipal Code to permit the operation of model warships armed with low-velocity gas or compressed-air projectile launchers at times and locations designated by the City.

CEQA: Exempt, File No. PP14-032. (City Attorney)

(Deferred from 4/15/14 – Item 2.7 and 5/20/14 – Item 2.7)

**DROP**

## 2. CONSENT CALENDAR

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### 2.8 [Agreements with Seabury APG and AviaSolutions for Air Service Development Services.](#)

**Recommendation:**

- (a) Approve Master Agreements with [Seabury APG](#) and [AviaSolutions](#) to provide on-call air service development consultant services for the Norman Y. Mineta San José International Airport in an amount not to exceed \$975,000 with a total budget for both agreements not to exceed \$975,000 and for a term of three years from the date of Council approval, with the City's option to extend each agreement for up to two additional one-year periods.
- (b) Adopt a resolution authorizing the Director of Aviation to exercise options to extend the agreements with Seabury APG and AviaSolutions to provide on-call air service development consultant services for up to two additional one-year periods at no increase in total compensation.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

\* **DEFERRED TO 9/9/14 PER ADMINISTRATION**

### 2.9 [Traffic and Criminal Bail Schedules.](#)

**Recommendation:**

- (a) Approve recommended changes to the City of San José [Traffic](#) and [Criminal Bail Schedules](#) and direct the City Attorney to submit the recommended changes in the Bail Schedules to the Superior Court Bail Committee.
- (b) Approve an [ordinance](#) amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions.

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

### 2.10 [Purchase Order with Murphy Industrial Coatings, Inc. for Clarifier Tanks at the San José-Santa Clara Regional Wastewater Facility.](#) [Supplemental](#)

\* **Recommendation:** Authorize the City Manager to:

- (a) Execute a Purchase Order with Murphy Industrial Coatings, Inc. (Signal Hill, CA) for the coating and rehabilitation of five clarifier tanks at the San José-Santa Clara Regional Wastewater Facility for the period July 1, 2014 through June 30, 2015, in an amount not to exceed \$638,513;
- (b) Approve a 10% contingency for a not-to-exceed amount of \$63,851 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services; and
- (c) Exercise up to four additional one-year options to renew the purchase order through June 30, 2019, to provide coating and rehabilitation services for additional clarifier tanks as required for scheduled maintenance, subject to the annual appropriation of funds.

CEQA: Exempt, File No. PP13-039. (Finance)

## 2. CONSENT CALENDAR

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### 2.11 [Amendment to the City Pay Plan for Various Classifications.](#)

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

- (a) Amend the City of San José Pay Plan effective August 19, 2014, to create the following classifications:
  - (1) Principal Property Manager (3962)
  - (2) Senior Property Manager I (3961)
- (b) Amend the City of San José Pay Plan effective August 19, 2014, to retitle the following classifications:
  - (1) Senior Property Manager II (3960) (formerly Supervising Property Manager)
  - (2) Senior Public Information Representative (6338) (formerly Marketing/Public Outreach Manager)
  - (3) Public Information Representative I/II FT/PT (4231/4234/4233/4235) (formerly Marketing/Public Outreach Representative I/II FT/PT)

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

### 2.12 [Actions Related to Councilmember Khamis' Travel to Copenhagen, Denmark.](#)

**Recommendation:**

- (a) Approve travel by Councilmember Khamis to Copenhagen, Denmark from August 22 – 29, 2014 to participate in the Knight Foundation CPH Study Tour. Source of Funds: The Knight Foundation.
- (b) Request for an excused absence for Councilmember Khamis from the Regular Meeting of the City Council on August 26, 2014 and the City Council Study Session on August 29, 2014 due to Authorized City Business: Research trip to Copenhagen, Denmark.  
(Khamis)

### 2.13 [Amendment to the Parking Premises Agreement with SP6 San José Hotel Owner, LLC at the Convention Center.](#)

**Recommendation:** Approve a [Fourth Amendment](#) to the Parking Premises Agreement between the City of San José and SP6 San José Hotel Owner, LLC as successor in interest to PR SJM Hotel, LLC (Prudential Insurance) that includes the following changes:

- (a) Change the party from PR SJM Hotel, LLC, an affiliate of Prudential Insurance, to SP6 San José Hotel Owner, LLC.
- (b) Authorize the City Manager to amend the agreement when there is an assignment or transfer in ownership.

CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for the same use. Council District 3. (Transportation)

## 2. CONSENT CALENDAR

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### 2.14 [Indian Independence Day Flag Raising.](#)

**Recommendation:**

- (a) Approve the Indian Independence Day Flag Raising as a City Council sponsored Special Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses and community groups to support this event.

CEQA: Not a Project. (Kalra)

\* (Rules Committee referral 8/13/14)

### 2.15 [SB 663 \(LARA\) – Local Government: Redevelopment: Revenues From Property Tax Override Rates; AB 1450 \(Garcia\).](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on August 13, 2014, reaffirm a position to oppose unless amended for SB 663 (LARA) and its Assembly counterpart bill AB 1450 (Garcia). (City Manager)

\* [Rules Committee referral 8/13/14 – Item G(4)]

## 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.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Contract Change Order for Repairs and Installation of Water Services and Mains.

**Recommendation:** Approve a contract change order to add \$450,000 of additional funding to the contract with San José Water Company for a total amount not to exceed \$2,537,117, with no other changes to the contract. CEQA: Exempt, File No. PP12-108. (Environmental Services)

## 8. PUBLIC SAFETY SERVICES

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### 8.1 Actions Related to the Federal Emergency Management Agency's 2013 Assistance to Firefighters Program Grant.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute all documents necessary to accept and administer the Federal Emergency Management Agency's 2013 Assistance to Firefighters Grant (AFG) Program award of \$2,012,035 to purchase P-25 compliant mobile and portable radios for San José Fire Department and the following fire departments: Santa Clara County, Gilroy, and Mountain View;
- (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Services:
  - (1) Establish an appropriation to the Fire Department for the 2013 AFG Regional Radios Grant Project in the amount of \$2,367,100;
  - (2) Increase the estimate for Earned Revenue by \$2,065,930;
  - (3) Increase the Ending Fund Balance by \$53,830; and
  - (4) Decrease the Handheld Radios – AFG Grant Reserve appropriation to the Fire Department by \$355,000.

CEQA: Not a Project, File No PP10-066(a), Purchase of supplies that involve no physical changes to the environment. (Fire/City Manager)

## 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.*

- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS

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(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 [Rezoning the Real Property Located on the Northeast corner of Lorraine Avenue and South Montgomery Street.](#) [Memo from Councilmember Liccardo](#) [Supplemental](#)

**Recommendation:**

(a) Consideration of and vote on a Majority Protest to Rezoning C13-042 filed pursuant to Part 5 of Chapter 20.120 of Title 20 (Zoning Code) to protest a rezoning to the DC - Downtown Primary Commercial Zoning District on a 0.102 gross acre site located on the northeast corner of Lorraine Avenue and South Montgomery Street (565 Lorraine Avenue).

*Please note: To override the Majority Protest in subsection (a) requires 8 or more affirmative votes (2/3)*

(b) Consideration of an [ordinance](#) rezoning the real property located on the northeast corner of Lorraine Avenue and South Montgomery Street (565 Lorraine Avenue) from the LI – Light Industrial Zoning District to the DC – Downtown Core Zoning District on a 0.102 gross acre site (Solari James Trustee, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends denial (5-1-1). (Planning, Building and Code Enforcement)

C13-042 – District 3

(Deferred from 12/17/13 – Item 4.5, 4/15/14 – Item 11.2, and 8/5/14 – Item 4.1)

### 11.3 [Rezoning the Real Property Located at 263 North Autumn Street.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at 263 North Autumn Street from the LI Light Industrial Zoning District to the TEC Transit Employment Center Zoning District to allow office and commercial uses for a property with a General Plan/Transportation Land Use Designation of Transit Employment Center (Zavareh Parviz, Owner). CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C14-029 – District 3

# 11. PUBLIC HEARINGS

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## 11.4 [Rezoning the Real Property Located at 595 South White Road.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at 595 South White Road from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on a 0.107 gross acre site (Jaswant Singh, Owner). CEQA: Reuse of Envision San José 2040 General Plan EIR. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)  
C14-035 – District 5

## 11.5 [Rezoning the Real Property Located at 696 North 6<sup>th</sup> Street.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at 696 North 6<sup>th</sup> Street; which is bordered on the north by Taylor Street, on the east by North 7<sup>th</sup> Street, on the south by Jackson Street, and on the west by North 6<sup>th</sup> Street, from the LI Light Industrial District to RM Residential Zoning District on a 5.25 gross acre site (City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)  
C14-039 – District 3

## 11.6 [Rezoning the Real Property Located on the East Side of Almaden Road, Approximately 180 Feet Southerly of O’Grady Drive.](#)

- \* **Recommendation:**
- (a) Adopt a [resolution](#) adopting a Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program.
  - (b) Consideration of an [ordinance](#) rezoning the real property located on the east side of Almaden Road, approximately 180 feet southerly of O’Grady Drive (18966 Almaden Road) from the R-1-1 Single-Family Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to 10 single-family homes on a 0.87 gross acre site (KCS Properties LLC, Owner). CEQA: Mitigated Negative Declaration resolution to be adopted. Planning Commission recommends approval (voted 6-0-1). (Planning, Building and Code Enforcement)  
PDC13-006 – District 10

## 11. PUBLIC HEARINGS

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### 11.7 [Rezoning the Real Property Located on the North Side of the Alameda, Approximately 315 Feet Westerly of Stockton Avenue.](#)

- \* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the north side of the Alameda approximately 315 feet westerly of Stockton Ave (785 The Alameda) from a recently approved A(PD) Planned Development Zoning District which allowed 70 dwelling units and 22, 651 square feet of commercial to a new A(PD) Planned Development Zoning District which will allow 140 dwelling units and 22,651 square feet of commercial. This change in unit count is a result of decreasing the amount of two (2) and (3) bedroom units and increasing the number of one bedroom and studio units; and consideration of a resolution approving a Planned Development Permit to allow the demolition of an existing building and the construction of a 140 multi-family attached residence building and a 22, 651 square feet of commercial space for a 1.04 gross acre site (785 The Alameda LLC, Owner). CEQA: Addendum to Mitigated Negative Declaration File No. PDC13-007, Resolution No. 76763, adopted 8/20/2013. Planning Commission recommends approval (voted 6-0-1). (Planning, Building and Code Enforcement) [Resolution PDC14-020/PD14-016](#) – District 6

### 11.8 [ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Director’s Adoption of the Subsequent Mitigated Negative Declaration for a Special Use Permit for the Star Concrete Project.](#)

[Final Director’s Determination](#)

[Revised Draft Initial Study and Subsequent Mitigated Negative Declaration](#)

[Supplemental Memorandum to the Planning Director](#)

[Environmental Appeal from Michael D. Burstein of Weinberg, Roger, and Rosenfeld](#)

[Supplemental from Allen Andrade of MH Engineering Co.](#)

[Supplemental from Jeffrey K. Pack of Edward L. Pack Associates, Inc.](#)

[Letter from William J. Kelly, Jr., Esq.](#)

[Supplemental from James A. Reyff of Illington & Rodkin, Inc.](#)

[Planned Development Permit](#)

[Mitigation Monitoring and Reporting Program adopted at the June 18, 2014 Director’s Hearing](#)

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

[Memo from Councilmember Liccardo](#)

- \* **Recommendation:** Conduct an ADMINISTRATIVE HEARING and consideration of an APPEAL of the Planning Director’s adoption of the Subsequent Mitigated Negative Declaration for a Special Use Permit to recognize the expansion of the Star Concrete site to include the collection and recycling of concrete materials into reusable building materials on the northern portion of the site; to allow short-term noise levels in excess of 70 dBA at the project site property lines due to concrete crushing operations; and the construction of a compressed natural gas (CNG) fueling station for on-site refueling of project CNG vehicles on a 7.93 gross acre site. Location: The southeast corner of East Alma Avenue and S. 7th Street at 1404 South Seventh Street (APN 477-09-046). (Planning, Building and Code Enforcement) [SP13-065](#) – District 7

- **Notice of City Engineer’s Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10264	East side of Senter Rd., approximately 280 feet southerly of Nokomis Dr. (4030 Senter Rd.)	2	Mazen Kawadri	6 Lots/5 Units	SFD

- **Notice of Withdrawn Items**

Items 10.2 (Amendment on a 1.4 Gross Acre Site Located on the South East Corner of Goodyear Street and Pepitone Avenue), 11.2 (Conventional Rezoning Real Property Located on the South East Corner of Goodyear Street and Pepitone Avenue) and 11.3 (Agreement with Launchpad Development Company for Construction of Rocketship Tamien Public School) from the November 19, 2013 City Council Agenda were deferred to an August 2014 City Council Meeting and subsequently withdrawn from consideration.

- **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.