



# CITY COUNCIL AGENDA

**OCTOBER 1, 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 or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://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, 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

- **Invocation (District 9)**
  - Gabrielle Antolovich, Voices United

- **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 proclamation recognizing the month of October as Disability Awareness Month in the City of San José. (Constant)
- 1.2 Presentation of a proclamation declaring City of San José's participation in the 2013 Combined Giving Campaign from October 1 through November 15, 2013. (Public Works)
- 1.3 Presentation of a proclamation declaring September 30 - October 4 as "Silicon Valley Manufacturing Week" in the City of San José.  
\* (Rules Committee referral 9/25/13)

# 2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final Adoption of Ordinances.**

**Recommendation:** Final adoption of ordinances.

- \* (a) ORD. NO. 29306 – An ordinance of the City of San José amending San José Municipal Code Section 2.04.020 of Chapter 2.04 of Title 2 and Section 4.16.010 of Chapter 4.16 of Title 4 to revise the duties and functions of the department of finance and to designate the director of public works as the department head responsible for the disposition of unclaimed and personal surplus property. CEQA: Not a Project, File No. PP 10-068(c), Code or policy change that involves no physical changes to the environment.
- \* (b) ORD. NO. 29307 - An ordinance of the City of San José amending Section 15.08.820 of Chapter 15.08 of Title 15 and Section 19.32.070 of Chapter 19.32 of Title 19 of the San José Municipal Code related to the installation of fire hydrants for private developments. CEQA: Not a Project, File No. PP 10-068(c), Code or policy change that involves no physical changes to the environment.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

#### **Recommendation:**

- \* (c) ORD. NO. 29312 - An ordinance of the City of San José amending Title 20 of the San José Municipal Code (The Zoning Ordinance) to amend Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts) to add enumerated uses in the Industrial Zoning Districts including Neighborhood Agriculture as a permitted use, Aquaponics/Aquaculture as a Special Use, Warehouse Indoor Sale of Passenger Vehicles, Pick-up Trucks not Exceeding 25 feet in length, and Motorcycles as a Conditional Use, Outdoor Commercial Recreation as a Conditional Use, Stadiums with up to 2,000 seats as a Conditional Use, and Stadiums with more than 2,000 seats as a Conditional Use requiring City Council approval as the initial decision-making body; to amend Section 20.50.110 to clarify the method of calculation of commercial support uses in the IP Industrial Park District; to add Section 20.50.140 to establish criteria for issuing a Conditional Use Permit for Warehouse Indoor Sale of Passenger Vehicles, Pick-up Trucks not exceeding 25 feet in length, and Motorcycles; to amend Section 20.50.270 to clarify that allowances for minor projections into setback areas of up to twenty (20) percent of building length apply independently and not cumulatively to Subsections B and C of this Section; to amend Section 20.50.300 to change the permit requirement from a Conditional Use Permit to a Special Use Permit for exceedance of decibel levels in table 20-135; to amend Section 20.85.030 of Chapter 20.85 (Specific Height Restrictions) to change the maximum allowable height for communication towers and other similar non-building structural uses; to amend Section 20.100.220 of Chapter 20.100 (Administration and Permits) to identify the City Council as the initial decision making body for Stadiums with more than 2,000 seats; to amend Section 20.170.300 of Chapter 20.170 (Residential Condominium and Community Apartment Project Regulations) to delete additional parking requirements for residential condominium and community apartment projects beyond the parking requirements for residential uses enumerated in Chapter 20.90; and to amend Chapter 20.200 (definitions) to add new sections defining “Plant Nursery” and “Aquaponics/Aquaculture”; all to further implement the urban agriculture, economic development, and zoning 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. CEQA: Envision 2040 General Plan Final Program EIR, Resolution No. 76041.

### 2.3 Approval of Council Committee Reports.

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

- (a) [Rules and Open Government Committee Report of September 11, 2013.](#) (Mayor)  
(b) [Neighborhood Services and Education Committee Report of September 12, 2013.](#) (Nguyen)

### 2.4 Mayor and Council Excused Absence Requests.

## 2. CONSENT CALENDAR

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### 2.5 City Council Travel Reports.

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

### 2.7 [Settlement in Montiel v. City of San José, et al.](#)

- \* **Recommendation:** Approve a [settlement](#) in the case of Jermaine Montiel v. City of San José, et al. in the amount of \$102,000 and authorize the City Attorney to execute a Settlement Agreement to settle the lawsuit and claim of Jermaine Montiel against the City of San José and various individual police officers, including claims for attorneys' fees and costs. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)

### 2.8 [Open Purchase Order with Davey Resource Group for Street Tree Inventory Services.](#)

- \* **Recommendation:** Authorize the City Manager to:
- (a) Execute a Purchase Order with Davey Resource Group, a division of The Davey Tree Expert Company (Atascadero, CA), for street tree inventory services in a geographical area defined as Area C, covering portions of Cambrian, Almaden Valley, and South San José, in an amount not-to-exceed \$154,126;
  - (b) Amend the Purchase Order to complete street tree inventory for the entire City, subject to the appropriation of funds, at the following fixed prices:
    - (1) Area A: \$58,666 (Median islands and roadside landscape areas)
    - (2) Area B: \$113,763 (Northwestern Quadrant; portions of West San José and Willow Glen)
    - (3) Area D: \$60,810 (Northeastern Quadrant; portions of Penitencia Creek, Piedmont foothills, and East San José)
    - (4) Area E: \$83,194 (Southeastern Quadrant; portions of Evergreen, Silver Creek and South San José)

CEQA: Not a Project, File No. PP10-066(a), Purchase Order for Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)

### 2.9 [Amendment to the Contract with AmeriNational Community Services, Inc. for Loan Servicing and Funds-Disbursement Services.](#)

**Recommendation:** Approve the [Fifth Amendment](#) to the Agreement with AmeriNational Community Services, increasing the amount of the agreement by \$75,000, from \$300,000 to \$375,000, and extending the term from September 30, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Housing)

## 2. CONSENT CALENDAR

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### 2.10 Amendments to the City Pay Plan for Various Classifications.

- \* **Recommendation:** Adopt a resolution to:
- (a) Amend the City of San José Pay Plan effective October 1, 2013, to create the following classification:
    - (1) Assistant Director and Chief Investment Officer U (7506)
  - (b) Amend the City of San José Pay Plan effective October 1, 2013, to delete the following obsolete classes:
    - (1) Heavy Diesel Equipment Operator/Mechanic (3642)
    - (2) Senior Heavy Diesel Equipment Operator/Mechanic (3643)
    - (3) Heavy Diesel Equipment Supervisor (3644)
    - (4) Contract Employee (8888)
- CEQA: Not a Project, File No. PP10-068(b), Municipal Code change to Title 3 (Personnel). (Human Resources)

### 2.11 Initiate Proceedings for the Annexation of Burbank No. 42.

- \* **Recommendation:** Adopt a [resolution](#) initiating proceedings and setting October 22, 2013 at 1:30 p.m. for Council consideration of the reorganization of territory designated as Burbank No. 42, which involves the annexation to the City of San José of approximately 1.2 gross acres of land located at the southwest corner of West San Carlos Street and Leigh Avenue and the detachment of the same from the appropriate Santa Clara County service areas and special districts including Central Fire Protection District, Library Service Area No. 01, Burbank Sanitary District, and County Lighting Service Area. CEQA: Envision 2040 General Plan Final Program EIR Resolution, No. 76041. (Planning, Building and Code Enforcement)

### 2.12 Actions Related to Councilmember Herrera's Travel to Dublin, Ireland. Supplemental from Councilmember Herrera

- Recommendation:**
- (a) Approve travel by Councilmember Herrera to Dublin, Ireland on October 12-20, 2013, to attend the Dublin Sister City Delegation. Source of Funds: District 8 Council Office Budget. (Herrera)
  - (b) Request for an excused absence for Councilmember Herrera from the Study Session on October 15, 2013 and the Joint City-County Meeting on October 18, 2013 due to Authorized City Business: Dublin Sister City Delegation. (Herrera)
- \* (Rules Committee referral 9/25/13)

## 2. CONSENT CALENDAR

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### 2.13 [Appointment of City Staff to Implementation Board of the Santa Clara Valley Habitat Agency.](#)

**Recommendation:** Adopt a [resolution](#) appointing Laurel Prevetti, Assistant Director of Planning, Building and Code Enforcement, to serve as the non-elected City member on the Implementation Board of the Santa Clara Valley Habitat Agency and appointing Salifu Yakubu, Division Manager in the Planning Division, to serve as the non-elected alternate member on the Implementation Board. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)

\* (Rules Committee referral 9/25/13)

### 2.14 [AB 841 \(Torres\) – Junk Dealers and Recyclers: Nonferrous Materials: Payments.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on September 25, 2013, approve a support position for AB 841(Torres) – Junk Dealers and Recyclers: Nonferrous Materials: Payments. (Transportation)

\* [Rules Committee referral 9/25/13 – Item G(2)]

## 3. STRATEGIC SUPPORT SERVICES

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### 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.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Amendment to the City of San José’s Sign Ordinance.

\* **Recommendation:** Conduct a Public Hearing and consider an ordinance amending Title 23 of the San José Municipal Code (the Sign Code) as follows:

- (a) Amending various sections of Chapter 23.02, Part 1, Definitions, including to revise Section 23.02.102 Commercial Speech; to add sections 23.02.355 non-commercial speech and 23.02.494 shopping center corner sign; to revise section 23.02.410 programmable electronic sign; and to add new section 23.02.505 sign ordinance; and

*(Item continued on the next page)*



## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Amendment to the City of San José's Sign Ordinance. (Cont'd.)

**Recommendation:**

- (b) Amending various sections of Chapter 23.02, Part 2, General Provisions, including to add Section 23.02.805 Authority, revise Section 23.02.820 Conformity Required, add new Section 23.02.825 Message Substitution, revise Section 23.02.870 Administrative Authority; Appeals, delete Sections 23.02.1130 Master Sign Program and 23.02.1190 No Limitation on Message, and revise Section 23.02.1370 Sign Variances; and
- (c) Amending various sections of Chapter 23.04, Part 1, CO, CP, CN, CG, IP, LI, and HI commercial and industrial zoning districts and neighborhood business districts, including to amend Section 23.04.020, Attached Signs, to allow shopping center corner signs at or above the top of a roof on corner buildings located within shopping center sites; and
- (d) Making other nonsubstantive, ministerial, technical, or typographical changes to various sections of said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP13-067. (Planning, Building and Code Enforcement)

(Deferred from 8/27/13 – Item 4.3 and 9/17/13 – Item 11.3)

**RECOMMEND DEFERRAL TO 10/22/13 PER ADMINISTRATION**

### 4.2 [Historic Landmark Nomination and Mills Act Historical Property Contract for the "Absalom and Elizabeth Frier House"](#)

**Recommendation:** Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the "Absalom and Elizabeth Frier House" located at 483 South 6<sup>th</sup> Street (City Landmark No. HL13-209 and California Mills Act No. MA13-002).

- (a) Conduct a public hearing and adopt a [resolution](#) designating the "Absalom and Elizabeth Frier House" as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature; and
- (b) Conduct a public hearing on the Historic Property [contract](#) (California Mills Act) between the City of San José and the property owners of the "Absalom and Elizabeth Frier House" (Michael Hoffinger and George Lartey, Owners) and adopt a [resolution](#) approving the contract.

CEQA: Exempt. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

HL13-209/MA13-002 – District 3

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 [Mills Act Historic Property Contract for the Ken Ying Low Chinese Restaurant.](#)

**Recommendation:** Conduct a public hearing on the Mills Act Historic Property [Contract](#) (California Mills Act No. MA13-001) between the City of San José and the owner of the Ken Ying Low Chinese Restaurant, a Historic Landmark (City Landmark No. HL09-180) located on the west side of North 6th Street, 170 feet north of Jackson Street at 625 North 6th Street, and adopt a [resolution](#) approving the contract. (Chen Xiao Xiao, Owner). CEQA: Exempt. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)  
[MA13-001](#) – District 3

## 5. NEIGHBORHOOD SERVICES

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### 5.1 [Vending Machine Guidelines.](#)

- \* **Recommendation:** As recommended by the Neighborhood Services and Education Committee on September 12, 2013, approve the Department of Parks, Recreation and Neighborhood Services change to the City’s vending machine guidelines at City of San José community centers to 75% healthy food and drink options. CEQA: Not a Project, File No. PP10-068(c), Policy change that involves no changes in the physical environment. (Parks, Recreation and Neighborhood Services)  
[Neighborhood Services referral 9/12/13 – Item D(4)]

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Report on Bids and Award of Contract for Transportation Incident Management Center \(TiMC\) Facility Improvements Project.](#)

- \* **Recommendation:** Report on bids and award of contract for the 5591 - TiMC Facility Improvements (REBID) Project to the low bidder, Lyncon Construction, Inc. in the amount of \$2,460,000, and approve a contingency in the amount of \$369,000. CEQA: Negative Declaration, Exempt, File No. PP09-108. (Public Works/Transportation)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- 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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10160	N/S Berryessa Road, 980’ e/o Commercial	4	KB Home South Bay	140 Lots/242 Units	SFR	Approval

\* 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>
10160	N/S Berryessa Road, 980’ e/o Commercial	4	KB Home South Bay	140 Lots/242 Units	SFR

- 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

**JOINT CITY OF SAN JOSE CITY COUNCIL/  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**1:30 P.M.**

**TUESDAY, OCTOBER 1, 2013**

**CHAMBERS**

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- 1. Call to Order and Roll Call**
- 2. North San Pedro Housing Project.**

**Recommendation:**

- (a) It is recommended that the Successor Agency:
  - (1) Approve an Amended and Restated Disposition and Development [Agreement](#) with North San Pedro Townhomes LLC (“Developer”) amending and restating in its entirety an existing Disposition and Development Agreement dated June 19, 2007, as amended by that certain First Amendment to Amended and Restated Disposition and Development Agreement dated December 14, 2010, between Developer and the Successor Agency to amend, among other things, the Schedule of Performance and to modify the Phases; and
  - (2) Approve an Amended and Restated Disposition and Development [Agreement](#) with San Pedro Life I, LLC (“SPL”) amending and restating in its entirety an existing Amended and Restated Disposition and Development Agreement dated June 26, 2007, as amended by that certain First Amendment to Amended and Restated Disposition and Development Agreement dated December 14, 2010 to amend, among other things, the Schedule of Performance and to modify the Phases;
- (b) It is recommended that the City Council:
  - (1) Approve a \$1,600,000 loan (“Loan”), plus capitalization of up to \$100,000 of accrued but unpaid construction period interest, to First Community Housing, or a related legal entity, for construction of an affordable housing project required as a condition to the State Infill Infrastructure Grant for the North San Pedro Housing Project;
  - (2) Approve, in substantially final form, the [Loan Agreement](#), [Note](#), and [Deed of Trust](#), and additional documents (collectively, “Loan Documents”) for the Loan; and

*(Item continued on the next page)*

## **JOINT CITY COUNCIL/SUCCESSOR AGENCY**

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### **2. North San Pedro Housing Project. (Cont'd.)**

#### **Recommendation:**

- (b) (3) Adopt a resolution authorizing the Director of Housing to negotiate and execute: (i) any additional documents as may be necessary to effectuate and finalize this transaction, including any subordination agreements required to subordinate the City's Deed of Trust to a senior lender, and (ii) amendments to the Loan Documents as may be reasonably required to finalize this transaction, provided such amendments do not increase the amount of the Loan, including any capitalized interest.

CEQA: Brandenburg Mixed Use Project/North San Pedro Housing Sites Project, File Nos. GP03-03-01a and GP03-03-01b. (Housing/Successor Agency)

### **3. Open Forum**

### **4. Adjourn the Joint City Council/Successor Agency to the Redevelopment Agency**

## **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.