



CITY COUNCIL AGENDA

SEPTEMBER 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 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. 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**
9:00 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 8)**
Pastor Dennis Hadley, Evergreen Valley Church

- **Pledge of Allegiance**

- **Orders of the Day**

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

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 Rick Holden for 15 years of exceptional service to the Community Leadership Program. (Constant)
- * **RECOMMEND DEFERRAL TO 10/08/13 PER ADMINISTRATION**
- 1.2 Presentation of a proclamation recognizing September 21, 2013 as National Gymnastics Day in the City of San José. (Constant)

2. CONSENT CALENDAR

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

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of April 9, 2013](#)
- (b) [Minutes of the Housing Authority of April 9, 2013](#)
- (c) [Regular Minutes of April 16, 2013](#)
- (d) [Regular Minutes of April 23, 2013](#)
- (e) [Regular Minutes of April 30, 2013](#)

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29282 – Amending Section 12.05.040 of Chapter 12.05 of Title 12, amending sections 12.06.295, 12.06.510, 12.06.910, 12.06.915 and 12.06.1010 of Chapter 12.06 of Title 12, and adding Section 12.06.215 of Chapter 12.06 of Title 12 of the San José Municipal Code relating to elections and municipal campaign and officeholder contributions.
- * **DROP**
- (b) ORD. NO. 29284 – An ordinance of the City of San José granting a commercial solid waste and recyclables collection franchise to Eco Box Recycling, Inc.
- (c) ORD. NO. 29285 – An ordinance of the City of San José granting a commercial solid waste and recyclables collection franchise to Peninsula Debris Box Service LLC.

(Item continued on the next page)

2. CONSENT CALENDAR

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

Recommendation:

- (d) ORD. NO. 29286 – An ordinance of the City of San José granting a commercial solid waste and recyclables collection franchise to Phi Ta, an individual, doing business as TA Trucking.
- (e) ORD. NO. 29287 – An ordinance of the City of San José rezoning certain real property situated at the southeast corner of Mabury Road and Educational Park Drive, from the A-Agriculture zoning district to the A(PD) Planned Development Zoning District. PDC12-010
- (f) ORD. NO. 29288 – An ordinance of the City of San José rezoning certain real property situated on the north side of the Alameda approximately 310 feet west of Stockton Avenue (APN: 261-01-003, -004, -005, -006), from the CG-Commercial General and Li – Industrial Zoning Districts to the A(PD) Planning Development Zoning District. PDC13-007
- (g) ORD. NO. 29297 – Amending Chapter 2.08 of Title 2 of the San José Municipal Code to add a new part establishing a Neighborhoods Commission.
- (h) ORD. NO. 29298 – Amending Chapter 9.10 of Title 9 of the San José Municipal Code to add a new Part 17 to prohibit the use of polystyrene foam disposable food service ware by food vendors.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Ad Hoc Committee on Economic Competitiveness Report of June 3, 2013.](#) (Mayor)
- (b) [Public Safety, Finance and Strategic Support Committee Report of August 15, 2013.](#) (Constant)
- (c) [Community and Economic Development Committee Report of August 26, 2013.](#) (Herrera)
- (d) [Rules and Open Government Committee Report of August 14, 2013.](#) (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. CONSENT CALENDAR

2.7 Ratification of Final Expenditures for 2012 – 2013.

Recommendation:

- (a) Adopt an ordinance ratifying the final 2012-2013 appropriation increases detailed in this report.
- (b) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
 - (1) Increase the Earned Revenue estimate by \$2,797,311;
 - (2) Increase the Transfer to Council District 1 by \$189,907;
 - (3) Increase the Transfer to Council District 2 by \$126,007;
 - (4) Increase the Transfer to Council District 3 by \$110,089;
 - (5) Increase the Transfer to Council District 4 by \$156,865;
 - (6) Increase the Transfer to Council District 5 by \$192,069;
 - (7) Increase the Transfer to Council District 6 by \$239,443;
 - (8) Increase the Transfer to Council District 7 by \$182,236;
 - (9) Increase the Transfer to Council District 8 by \$155,496;
 - (10) Increase the Transfer to Council District 9 by \$163,753;
 - (11) Increase the Transfer to Council District 10 by \$81,360;
 - (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund by \$799,113; and
 - (13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$400,973.
- (c) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
 - (1) Increase the Earned Revenue estimate by \$6,363; and
 - (2) Increase the Transfer to the General Fund – Park Yards Operating and Maintenance Expenses by \$6,363.
- (d) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Convention and Cultural Affairs Fund:
 - (1) Increase the estimate for Earned Revenue by \$1,210,470; and
 - (2) Increase the appropriation to the Office of Economic Development for: Convention Facilities Operations by \$1,210,470.
- (e) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the 1943 Gas Tax Maintenance and Construction Fund:
 - (1) Increase the estimate for Earned Revenue by \$303,604; and
 - (2) Increase the Transfer to the General Fund: Street Maintenance by \$303,604.

(Item continued on the next page)

2. CONSENT CALENDAR

2.7 Ratification of Final Expenditures for 2012 – 2013. (Cont'd.)

Recommendation:

(f) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the 1964 Gas Tax Maintenance and Construction Fund:

- (1) Increase the estimate for Earned Revenue by \$76,685; and
- (2) Increase the Transfer to the General Fund: Street Maintenance by \$76,685.

(g) Adopt the following 2012-2013 Appropriation Ordinance amendments in the Public Works Program Support Fund:

- (1) Increase the appropriation to the Finance Department for: Overhead by \$23,694; and
- (2) Decrease the Ending Fund Balance by \$23,694.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager's Office)

2.8 [Annual Review of the Investment Policy.](#)

Recommendation: Adopt a [resolution](#) approving the City of San José's Investment Policy and staff's recommendation to make no changes to the Investment Policy. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (Finance)

2.9 Report on Request for Proposal for Parking Pay Machines.

Recommendation: Report on Request for Proposal for Parking Pay Machines and adopt a resolution authorizing the City Manager to:

- (a) Execute the Second Amendment to the Agreement with Caracal Enterprises LLC (doing business as VenTek International (Petaluma, CA) for Parking Payment System Hardware and Hosting and Automated Payment Processing Services, to add eleven parking pay machines at various parks that are managed by Parks, Recreation and Neighborhood Services, and increase compensation by \$143,848 for a revised maximum compensation not to exceed \$268,848, for a term ending April 30, 2017;
- (b) Negotiate and execute amendments and change orders to the Agreement to add, delete or relocate parking pay machines as required, subject to the appropriation of funds; and
- (c) Execute up to four two-year options to extend the term of the Agreement through 2025 if all options are exercised, to purchase additional machines as required, maintenance and support, payment processing, and a hosted Web based application for system administration, subject to the appropriation of funds.

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

RECOMMEND DEFERRAL TO 9/17/13 PER ADMINISTRATION

2. CONSENT CALENDAR

2.10 [Agreement with Japantown Associates, LLC, for Plan Development at 825 North 10th Street.](#)

Recommendation:

- (a) Approve a [Parkland Agreement](#) between the City of San José and Japantown Associates, LLC (Japantown Associates), a Delaware Limited Liability Company, regarding Plan Development Permit PD12-036 for a future dedication of land for park purposes pursuant to the City's Park Impact Ordinance (San José Municipal Code Section 14.25);
- (b) Adopt a [resolution](#) authorizing the City Manager or designee to accept an offer of dedication from Japantown Associates for a 12,470 square feet of land for park purposes located at the northwest corner of Tenth and Mission Streets.

CEQA: Mitigated Negative Declaration, File No. PDC06-069. Council District 3. (Parks, Recreation and Neighborhood Services)

2.11 [Resolution Approving the Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Sale of the Full Range of Alcoholic Beverages.](#)

- * **Recommendation:** Adopt a [resolution](#) approving the Conditional Use Permit and Determination of Public Convenience or Necessity to allow the sale of the full range of alcoholic beverages for off-site consumption for an existing full-service grocery store (Cho Senter Market) located on the west side of Senter Road, approximately 150 feet north of Lewis Road (2889 Senter Road). CEQA: Exempt. (Planning, Building and Code Enforcement)

[CP12-040/ABC12-012](#) - Council District 7

(Approved by City Council 8/20/13 – Item 11.5)

2.12 [Actions Related to the Brookwood Terrace Sanitary Sewer Replacement Project.](#)

- * **Recommendation:** Report on bids and award of contract for the 7041-Brookwood Terrace Sanitary Sewer Replacement Project to the low bidder, Pacific Underground Construction, Inc., in the amount of \$1,895,749, and approval of a contingency in the amount of \$189,500. CEQA: Exempt, File No. PP13-014. Council District 3. (Public Works)

2.13 **Actions Related to Councilmember Chu's Travel to Sacramento, CA.**

Recommendation:

- (a) [Approve travel by Councilmember Chu to Sacramento, CA on September 18-20, 2013](#), to attend the League of California Cities 2013 Annual Conference & Expo and Board of Director's Meeting as San José designated representative. Source of Funds: Mayor and Council Travel Funds. (Chu)

(Item continued on the next page)

2. CONSENT CALENDAR

2.13 Actions Related to Councilmember Chu's Travel to Sacramento, CA. (Cont'd.)

Recommendation:

- (b) [Request for an excused absence for Councilmember Chu from the Regular Meeting of the Public Safety, Finance and Strategic Committee on September 19, 2013 due to Authorized City Business: League of California Cities Annual Conference and Board of Directors Meeting.](#) (Chu)
(Rules Committee referral 8/28/13)

2.14 Actions Related to Councilmember Constant's Travel to Washington, D.C.

Recommendation:

- (a) [Approve travel by Councilmember Constant to Washington, D.C. on September 17-18, 2013, to speak at the GOVERNING Magazine's 2013 Cost of Government Summit.](#) Source of Funds: GOVERNING Magazine. (Constant)
- (b) [Request for an excused absence for Councilmember Constant from the Regular and Evening City Council Meeting on September 17, 2013 and the Regular Meeting of the Rules and Open Government Committee on September 18, 2013.](#) (Constant)
(Rules Committee referral 8/28/13)

2.15 [Councilmember Constant's Travel to Savannah, GA and Seattle, WA.](#)

Recommendation:

- (a) Approve travel by Councilmember Constant to Savannah, GA on September 24 – 28, 2013, to represent San José as Chair of the National League of Cities' (NLC) Public, Safety and Crime Prevention (PSCP) Steering Committee. Source of Funds: Mayor and Council Fund. (Constant)
- (b) Approve travel by Councilmember Constant to Seattle, WA on November 13 – 16, 2013, to attend the annual NLC PSCP Steering Committee meeting to assist in developing and researching agenda topics chosen and drafting policy position for the Policy and Advocacy Committee to review. Source of Funds: Mayor and Council Fund. (Constant)
(Rules Committee referral 8/28/13)

2.16 [Vietnamese New Year Flag Raising Ceremony.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 28, 2013:

- (a) Approve the Vietnamese New Year Flag Raising Ceremony as a City sponsored Special Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a project. (Nguyen)

[Rules Committee referral 8/28/13 – Item G(3)]

2. CONSENT CALENDAR

2.17 Mid-Autumn Festival and Resource Fair.

Recommendation: As recommended by the Rules and Open Government Committee on August 28, 2013:

- (a) Approve the Mid-Autumn Festival and Resource Fair as a City Council sponsored Special Event;
- (b) Approve and accept donations from various individuals, businesses or community groups to support the Mid-Autumn Festival and Resource Fair; and
- (c) Approve the expenditure of donations and City Funds to provide incentives for children participants.

CEQA: Not a project. (Nguyen)

[Rules Committee referral 8/28/13 – Item G(5)]

2.18 Operational Area Committee Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on August 28, 2013; appoint Councilmember Pierluigi Oliverio and Councilmember Donald Rocha to serve as the City of San José representatives to the Santa Clara County

Operational Area Committee. CEQA: Not a project. (Mayor)

[Rules Committee referral 8/28/13 – Item G(6)]

2.19 Actions Related to Councilmember Khamis' Travel to Washington, D.C.

Recommendation:

- (a) Approve travel by Councilmember Khamis to Washington, D.C. on October 1-3, 2013, to join the Silicon Valley Leadership Group on its Fall CEO/Senior Officer Trip to advocate for federal policies to support San José job creations and global competitiveness. Source of Funds: District 10 Office Budget. (Khamis)
- (b) Request for an excused absence for Councilmember Khamis from the Regular City Council Meeting on October 1, 2013. (Khamis)

* (Rules Committee referral 9/4/13)

2.20 2013 League of California Cities Resolutions.

Recommendation: As recommended by the Rules and Open Government Committee on September 4, 2013; approve the recommended City positions for two resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in Sacramento, September 18-20, 2013. (City Manager's Office)

* [Rules Committee referral 9/4/13 – Item G(2)]

2. CONSENT CALENDAR

2.21 [Mexican Independence Day Flag Raising.](#)

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

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

* [Rules Committee referral 9/4/13 – Item G(4)]

2.22 [Muslims For Life Blood Drive.](#)

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

- (a) Approve the Muslims for Life Blood Drive as a City Council sponsored Special Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses and community groups to support the event. (Kalra)

* [Rules Committee referral 9/4/13 – Item G(5)]

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 9:00 A.M.

3.3 [2013-2014 Council Priority Policies and Ordinances.](#)

[Memo from Councilmember Rocha](#)

[Memo from Vice Mayor Nguyen](#)

[Memo from Councilmember Khamis](#)

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

Recommendation: Update the future list of priority policies and ordinances, with priorities on this list to be moved to the Top Ten list as top priorities are completed between now and Spring 2014. (City Manager's Office)

TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR

3. STRATEGIC SUPPORT SERVICES

3.4 Ordinances Amending the Municipal Code Relating to Administration of Surplus Property and Fire Hydrant Procurement and Installation Process.

Recommendation:

- (a) Approve an ordinance amending Section 2.04.020 of Chapter 2.04 and Section 4.16.010 of Chapter 4.16 of Title 4 of the San José Municipal Code to transfer the responsibility for management of the City's warehouse operations and responsibility for disposition of unclaimed and surplus personal property from the Finance Department to the Department of Public Works;
- (b) Approve an ordinance 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 to provide for the direct purchase of fire hydrants by developers for installation in private developments that meet the City of San José Fire Hydrant Specifications and Order Information instructions; and
- (c) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Decrease the Estimate for Other Revenue in the amount of \$65,000;
 - (2) Eliminate the city-wide appropriation to the Finance Department for Fire Hydrant Sales in the amount of \$65,000.

CEQA: Not a Project, File No. PP 10-066(e), Services that involve no physical changes to the environment. (Finance/City Manager's Office)
(Deferred from 6/18/13 – Item 3.11 and 8/13/13 – Item 3.3)

RECOMMEND DEFERRAL TO 9/17/13 PER ADMINISTRATION

3.5 [Audit of Consultant Agreements.](#)

[Memo from Councilmember Chu](#)

- * **Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on June 20, 2013, accept the Audit of Consultant Agreements. CEQA: Not a Project; File No. PP10-068(c), Code or Policy change that involves no changes in the physical environment. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 6/20/13 – Item D(5)]

3.6 [Audit of Regional Wastewater Facility Master Agreements.](#)

[Supplemental Memo from Councilmember Chu](#)

- * **Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on June 20, 2013, accept the Audit of Regional Wastewater Facility Master Agreements. CEQA: Not a Project; File No. PP10-068(c), Code or Policy change that involves no changes in the physical environment. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 6/20/13 – Item D(6)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Ordinance Amending Various Sections of Title 20 (Zoning Ordinance).

- * **Recommendation:** Consideration of an ordinance amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to:
- (a) 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 add a new 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 20.100.220 of Chapter 20.100 (Administration and Permits) to identify City Council as the initial decision-making body for Stadiums with more than 2,000 seats; and to amend Chapter 20.200 (Definitions) to add new sections defining “Plant Nursery” and “Aquaponics/Aquaculture”;
 - (b) Amend 20.50.110 of Chapter 20.50 to clarify the method of calculation of Commercial Support uses in the IP Industrial Park District;
 - (c) Amend Section 20.50.270 of Chapter 20.50 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;
 - (d) Amend Section 20.50.300 of Chapter 20.50 to change the permit requirement from a Conditional Use Permit to a Special Use Permit for exceedance of decibel levels in Table 20-135 of the Zoning Code;
 - (e) 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; and
 - (f) 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 make other technical, non-substantive, or formatting changes within Title 20.

CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan, Resolution No. 76041, File No. PP13-077. (Planning, Building and Code Enforcement)

RECOMMEND DEFERRAL TO 9/17/13 PER ADMINISTRATION

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Discussion of the Withdrawn APPEAL of the Planning Director's Adoption of the Addendum to the Cisco Systems, Inc., Site 6 Environmental Impact Report.](#)

- * **Recommendation:** Discussion of the withdrawn APPEAL of the Planning Director's use of an Addendum (File No. PD13-002) to the Cisco Systems, Inc., Site 6 Final Environmental Impact Report (EIR), approved under Resolution No. 69636, as the environmental clearance for the Director's approval of Planned Development Permit File No. PD13-002 to allow the temporary stockpiling of imported soil, approximately ten feet high and 20,000 cubic yards in total, on a vacant 14.27 gross acre site in the A(PD) Planned Development Zoning District, implementing that certain rezoning adopted by the City Council on June 6, 2000 (PDC99-054). CEQA: Not a Project. (Planning, Building and Code Enforcement)
PD13-002 – Council District 4

5. NEIGHBORHOOD SERVICES

5.1 [Agreement with the Rotary Club of San José, Inc. for Design and Construction of a Children's Playgarden and Parking Lot in the Guadalupe River Park and Gardens.](#)

Recommendation:

- (a) Approve an [Agreement](#) with the Rotary Club of San José, Inc. to fund, design, and construct a 4.5 acre children's playgarden and parking lot in the Guadalupe River Park and Gardens in the City of San José for children of all abilities with a City contribution of up to \$1,400,000 for a total project cost of approximately \$6,000,000, with a term ending on December 31, 2015;
- (b) Adopt a [resolution](#) making a finding that requiring the Rotary Club of San José, Inc. to solicit bids and award a construction contract to the lowest responsible bidder for the construction of the 4.5 acres children's playgarden and parking lot in the Guadalupe River Park and Gardens would be an "idle act" pursuant to Section 1217(e)(6) of the City Charter since the Rotary Club of San José, Inc. is funding over \$4,500,000 of the approximate \$6,000,000 project cost through donations and discounted goods, materials and services from its members and the community;
- (c) Adopt a [resolution](#) requesting funding for the Project from the County pursuant to Government Code section 25551 in the amount of \$250,000;
- (d) Approve the [First Amendment to the Agreement](#) with the Guadalupe River Park Conservancy to maintain the future children's playgarden in the Guadalupe River Park and Gardens at no additional cost to the City and for a term until September 30, 2014, and exercise the City's option to extend to September 30, 2016; and

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Agreement with the Rotary Club of San José, Inc. for Design and Construction of a Children’s Playgarden and Parking Lot in the Guadalupe River Park and Gardens. (Cont’d.)

Recommendation:

- (e) Approve the naming of the proposed 4.5 acres children’s playgarden in the Guadalupe River Park and Gardens as the “Rotary Playgarden” to be effective upon completion of the park improvements.

CEQA: Exempt, File No. PP11-032. (Parks, Recreation and Neighborhood Services)
TO BE HEARD NO EARLIER THAN 3 P.M.

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.
- **Adjournment**

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

1:30 P.M.

TUESDAY, SEPTEMBER 10, 2013

CHAMBERS

1. Call to Order and Roll Call

**2. [Long-Term Reimbursement Agreement with the Successor Agency to the Redevelopment Agency.](#)
[Supplemental](#)**

*** Recommendation:** It is recommended that the City Council and the Successor Agency Board:

- (a) Approve the Long Term [Reimbursement Agreement](#) between the City of San José (“City”) and the Successor Agency to the Redevelopment Agency of the City of San José (“Successor Agency”) for the purpose of establishing enforceable obligations to repay the City for expenditures made on behalf of the Successor Agency in an annual amount not to exceed the annual outstanding debt obligations for the City of San José Financing Authority Lease Revenue Bonds, Series 2001F (Convention Center Refunding), City of San José Financing Authority Revenue Bonds, Series 2001A (4th Street & San Fernando Parking Facility Project), Housing and Urban Development (“HUD”) 108 loans and Education Revenue Augmentation Fund payments, and the Successor Agency annual administrative budget, as approved by the Oversight Board; and
- (b) Adopt resolutions authorizing the City Manager on behalf of the City and the Executive Officer on behalf of the Successor Agency, or their designees, to execute amendments to the 2012-2013 Reimbursement Agreement and/or the Long-Term Reimbursement Agreement to incorporate changes necessary to comply with any State Department of Finance direction with respect to the reimbursement of the HUD 108 loans.

(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.