



# CITY COUNCIL AGENDA

**SEPTEMBER 21, 2010**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
JUDY CHIRCO, VICE MAYOR  
NANCY PYLE

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.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any 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 every first and third Tuesday at 7 p.m., 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  
Adjourn to Closed Session in Council Chambers Conference Room, W133

[See Separate Agenda](#) [See RDA Agenda](#)

1:30 p.m. - Regular Session, Council Chambers, City Hall

7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 8)**

\* William C. Overfelt High School Royal Band

- **Pledge of Allegiance**

- **Orders of the Day**

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

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

**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 recognizing Moreland Little League for their Accessibility Project. (Constant)  
**TO BE HEARD IN THE EVENING**  
(Deferred from 8/17/10 – Item 1.3)
- 1.2 Presentation of proclamation declaring September 20-26, 2010 as “Pollution Prevention Week.” (Environmental Services)
- 1.3 Presentation of a commendation to Sacred Heart Community Service for their 2010 Pack-a-Back School Supplies Drive. (Nguyen/Liccardo)
- 1.4 Presentation of a commendation to the District 7 Youth Advisory Commission for winning the 2010 Mayor’s Gang Prevention Task Force Crime and Gang Prevention Summit PSA Development Contest with the theme: “Ignorance Isn’t Bliss.” (Nguyen)  
**TO BE HEARD IN THE EVENING**
- 1.5 Presentation of a commendation to the Friends of the San José Rose Garden and park staff for their commitment to making the historic San José Municipal Rose Garden the “Best Rose Garden in America.” (Oliverio/Parks, Recreation and Neighborhood Services)  
**TO BE HEARD IN THE EVENING**
- 1.6 Presentation of a commendation to the Camelot Summer Institute at William C. Overfelt High School for their dedication to prepare students for academic success and instilling the importance to pursue a higher education. (Herrera)  
**TO BE HEARD IN THE EVENING**  
(Rules Committee referral 9/8/10)
- 1.7 Presentation of a commendation to AchieveKids for their commitment to nurturing and educating children with severe mental and physical disabilities for the past 50 years. (Chu)  
\* (Rules Committee referral 9/15/10)
- 1.8 Presentation of a commendation to the Adobe Foundation for its continued support of the arts in San José through a generous donation to the world-renowned Airport Art + Technology Program public art program. (Mayor)  
\* (Rules Committee referral 9/15/10)

# 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 will be removed from the Consent Calendar and considered separately.

## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes.

### 2.2 Final adoption of ordinances.

### 2.3 Approval of Council Committee Reports.

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

(a) Rules and Open Government Committee Report of September 1, 2010. (Mayor)

(b) Neighborhood Services and Education Committee Report of September 9, 2010. (Campos)

(c) [Rules and Open Government Committee Report of August 25, 2010.](#) (Mayor)

\* [Deferred from 9/21/10 – Item 2.3(c)]

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

### 2.6 [Contract for the Construction of Guadalupe Regional Park and Gardens Community Garden Expansion Project.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

**Recommendation:** Report on bids and award of a contract for the construction of Guadalupe Regional Park and Gardens Community Garden Expansion Project to the lowest bidder, Blossom Valley Construction, Inc., to include the base bid and both add alternates in the amount of \$329,832, and approval of a budget contingency of 10% of the contract amount. CEQA: Resolution No. 64667, File No. PP10-019. (Environmental Services)

### 2.7 [Contract for the SJ-25 Recycled Water San Jose School Extensions – Phase B Project.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

**Recommendation:** Report on bids and award of contract for the SJ-25 Recycled Water San Jose School Extensions – Phase B project to the low bidder, Northern Underground Construction, Inc., in the amount of \$301,322 and approval of a budget contingency of 15% of the contract amount. CEQA: Resolution No. 64667, File No. PP10-018. (Environmental Services)

### 2.8 [Appointments to the Joint Recycled Water Policy Advisory Committee.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

**Recommendation:** Appoint San Jose City Councilmembers Kansen Chu and Pierluigi Oliverio and City of Santa Clara Mayor Patricia Mahan to serve on the joint Recycled Water Policy Advisory Committee established in the recent Recycled Water Facilities and Program Integration Agreement between the City of San Jose and the Santa Clara Valley Water District. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making Public Project. (Environmental Services)

## 2. CONSENT CALENDAR

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### 2.9 [Open Purchase Order for Emergency Repair Services for Fire Apparatus and Fleet Equipment.](#)

**Recommendation:** Approve an open purchase order with Hi Tech Emergency Vehicle Service, Inc. (Oakdale, CA) for the period September 22, 2010 through August 31, 2011, for emergency repair services for fire apparatus and fleet equipment. CEQA: Not a Project PP10-066(a), Purchase Order. (Finance)

### 2.10 [Youth Job Fair.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on September 15, 2010:

- (a) Approve the Youth Job Fair as a City Sponsored Special Event; and
- (b) Approve and accept in-kind donations from businesses to support the event.  
(City Clerk)

\* [Rules Committee referral 9/15/10 – Item H(3)]

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 [Agreements with Kaiser, Blue Shield and United Healthcare to Provide Medical Insurance Plans and Support Services to the City.](#) [Presentation](#)

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute an Agreement or Agreements with Kaiser Permanente to provide medical insurance plans and support services to the City for the period from January 1, 2011 through December 31, 2011, and to exercise up to three (3) one-year options to renew the Agreements through December 31, 2014, for premium costs not to exceed \$64,055,957 for calendar year 2011 and with annual cost adjustments for each subsequent year based on annual premiums as determined by Kaiser Permanente, coverage elected by participants, the number of enrollees in the group insurance plans and pursuant to collective bargaining agreements, for a total amount not to exceed \$306,144,431 for a potential four (4) year term, subject to the appropriation of funds by the City Council:
    - (a) Medical insurance plans for employees, retirees and dependents and beneficiaries residing within the Northern California, Southern California, Pacific Northwest and Hawaii service areas, and

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Agreements with Kaiser, Blue Shield and United Healthcare to Provide Medical Insurance Plans and Support Services to the City. (Cont'd.)

**Recommendation:**

- (a) (1) (b) Medicare coordinating medical insurance plans: Kaiser Permanente Senior Advantage Plan, Medicare Cost Plan and Medicare Out-of-Area Plan for Medicare eligible retirees, dependents and beneficiaries.
- (2) Negotiate and approve premium renewal rates, and negotiate and execute any group health plan or policy contract and any ancillary documents, such as Evidence of Coverage (EOC) documents and Business Associate Agreements, with Kaiser Permanente that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2011 through December 31, 2014; and
- (3) In the event that Kaiser Permanente's proposed renewal rates are not acceptable by the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).
- (b) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute an Agreement or Agreements with Blue Shield of California to provide medical insurance plans and support services to the City for employees, retirees dependents and beneficiaries for the period from January 1, 2011 through December 31, 2011, and to exercise up to three (3) one-year options to renew the Agreements through December 31, 2014, for premium costs not to exceed \$50,702,625 for calendar year 2011 and with annual cost adjustments for each subsequent year based on the annual premiums as determined by Blue Shield of California, number of enrollees in the group insurance plans, coverage elected by participants, and pursuant to collective bargaining agreements, for a total amount not to exceed \$242,324,475 for a potential four (4) year term, subject to the appropriation of funds by the City Council;
  - (b) (2) Negotiate and approve premium renewal rates, and negotiate and execute any group health plan or policy contracts and any ancillary documents, such as Evidence of Coverage (EOC) documents, Business Associate Agreements, with Blue Shield of California that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2011 through December 31, 2014; and
  - (3) In the event that Blue Shield's proposed renewal rates are not acceptable by the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

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### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Agreements with Kaiser, Blue Shield and United Healthcare to Provide Medical Insurance Plans and Support Services to the City. (Cont'd.)

**Recommendation:**

- (c) Adopt a resolution authorizing the City Manager to
  - (1) Negotiate and execute an Agreement or Agreements with United Healthcare (PacifiCare and Secure Horizons) to provide medical insurance plans to coordinate with Medicare benefits and support services to the City for City's Medicare-eligible retirees and beneficiaries, for the period from January 1, 2011 through December 31, 2011, and to exercise up to three (3) one-year options to renew the Agreements through December 31, 2014, for premium costs not to exceed \$719,201 for calendar year 2011 and with annual cost adjustments for each subsequent year based on annual premiums as determined by United Healthcare, coverage elected by participants, and the number of enrollees in the group insurance plans, for a total amount not to exceed \$3,437,298 for a potential four (4) year term, subject to the appropriation of funds by the City Council;
  - (2) Negotiate and approve premium renewal rates, and negotiate and execute plan designs for group medical plan contracts coordinating with Medicare to align with the City's active and early retiree plan designs, including any ancillary documents, such as Evidence of Coverage (EOC) documents and Business Associate Agreements, with United Healthcare (PacifiCare and Secure Horizons) that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2011 through December 31, 2014; and
  - (3) In the event that United Healthcare's proposed renewal rates are not acceptable by the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

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

#### 3.3 [Agreement with Delta Dental of California to Provide the Dental Insurance Group Plans.](#)

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute one or two Agreements with Delta Dental of California to provide the dental insurance group plans listed below for employees, retirees, dependents and beneficiaries and support services for City's dental benefits program, for the period of January 1, 2011 to December 31, 2011, and to exercise up to four (4) one-year options to renew the Agreement or Agreements through December 31, 2015, for total costs for both dental insurance group plans not to exceed \$13,111,950 for the period of January 1 to December 31, 2011 and with annual cost. . .

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### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Agreement with Delta Dental of California to Provide the Dental Insurance Group Plans. (Cont'd.)

**Recommendation:**

- (a) (1) . . . adjustments for each subsequent year based on the number of enrollees in the plans, plan utilization and pursuant to collective bargaining agreements, for a total amount for both dental insurance group plans not to exceed \$68,521,282 for a potential five (5) year term, subject to the appropriation of funds by the City Council:
  - (a) Group Dental Service Contract for DeltaCare USA, a Dental Health Maintenance Organization (DHMO) Program for insurance and service costs not to exceed \$316,250 for the period of January 1 to December 31, 2011 and with annual cost adjustments for each subsequent year based on the number of enrollees in the plan and pursuant to collective bargaining agreements, for a total plan amount not to exceed \$1,652,679 for a potential five (5) year term, and
  - (b) Group Administrative Services Only Contract issued by Delta Dental of California for the Delta Dental Preferred Provider Organization (PPO) Program for insurance and service costs not to exceed \$12,795,700 for the period of January 1 to December 31, 2011 and with annual cost adjustments for each subsequent year based on the number of enrollees in the plan, plan utilization and pursuant to collective bargaining agreements, for a total plan amount not to exceed \$66,868,602 for a potential five (5) year term.
- (b) Negotiate and execute any group plan or policy contracts, EOC documents, Business Associate Agreements, or other ancillary documents necessary to facilitate the above Agreement or Agreements for the period of January 1, 2011 to December 31, 2015; and
- (c) In the event that Delta Dental of California's proposed annual renewal rates are not acceptable by the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

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

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Public Hearing on the Consolidated Annual Performance Evaluation Report, the Analysis of Impediments to Fair Housing Choice and the Citizen Participation Plan.](#)

[Attachment – Draft Consolidated Annual Performance Evaluation Report \(CAPER\)](#)

[Attachment – Draft Analysis of Impediments](#)

[Attachment – Draft Consolidated Plan Citizen Participation Plan](#)

[Supplemental – Memo from the Director of Housing](#)

**Recommendation:** Conduct a Public Hearing on the Consolidated Annual Performance Evaluation Report FY 2009-2010, the Analysis of Impediments to Fair Housing Choice and the Citizen Participation Plan and Approval of the Documents. CEQA: Not a Project. File No. PP10-069, Staff Reports, Assessments, Annual Reports, Informational Memos. (Housing)

### 4.2 [Agreement with the San José Convention & Visitors Bureau.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to execute an Amendment to the existing Second Amended and Restated [Agreement](#) between the City of San José and the San José Convention & Visitors Bureau until December 31, 2010, with a compensation for the extension period not to exceed \$1,100,000. CEQA: Not a Project, File No. PP10-066(e), agreements/contracts. (Economic Development)

\* (Rules Committee referral 9/15/10)

### 4.3 [Agreements for the Former FMC Property Located at 1125 Coleman Avenue.](#)

**Recommendation:** Adopt a [resolution](#) allowing the City Manager to negotiate and execute amendments to the two Amended and Restated Option Agreements with Coleman Airport Partners LLC for the former FMC property located at 1125 Coleman Avenue to allow a 90-day extension of the option period. CEQA: EIR Resolution No 71716, File No. PP08-093. (Economic Development)

\* (Rules Committee referral 9/15/10)

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

#### 9.1 [Actions Related to Major League Baseball.](#)

\* **Recommendation:** It is recommended that the City Council and Redevelopment Agency adopt resolutions:

- (a) Reaffirming the negotiating principles previously established and amended by the City Council; and
- (b) Supporting the efforts of the Oakland Athletics ownership to move the team to San José and the assistance of the Silicon Valley Leadership Group and other local groups in their efforts to bring Major League Baseball to San José.

(General Counsel/City Attorney)

(Rules Committee referral 9/8/10) [City Resolution](#) [Agency Resolution](#)

\* **TO BE HEARD FIRST IN THE EVENING**

- **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 or Redevelopment Agency Board.*

- **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 ON CONSENT CALENDAR

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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.

**Recommendation:**

- (a) [Consideration of an ordinance rezoning the real property located on the south side of Wabash Avenue, approximately 550 feet west of Archer Street from CN Commercial Neighborhood District to R-2 Two-Family Residence District on a 0.21 gross acre site \(Bennie & Linda Schulman, Owner\). CEQA: Use of the Mitigated Negative Declaration \(MND\), File No. PDC06-018. C09-034 – District 4 \[Ordinance\]\(#\) \[Presentation\]\(#\)](#)
  
- (b) Consideration of a ordinance pre zoning the real property generally bounded by Central Park Way, Union Avenue, and Camden Avenue from County of Santa Clara to R-1-5 Single Family Residence Zoning District as to approximately 94.75 acres and CN Commercial Neighborhood Zoning District as to approximately 8.24 acres for an approximately 103 gross acre unincorporated County of Santa Clara pocket consisting of approximately 330 parcels (Owners: Multiple). CEQA: San José 2020 General Plan EIR, Resolution No. 65459. (The proposed zoning would not go into effect until the annexation of the existing unincorporated County island (Cambrian No. 36) which will be considered at a separate City Council hearing for which a separate hearing notice will be provided). C10-010 – District 9 [Presentation](#)  
**RECOMMEND CONTINUANCE TO 10/5/10 PER ADMINISTRATION**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 [Rezoning real property located at/on the west side of N. Third Street.](#)

[Attachment – Staff Report](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at/on the west side of N. Third Street, 340 feet south of Hensley Street (405 N Third Street) in the Hensley Historic District from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to six residential units within the existing structure(s) on a 0.17 gross acre site (Layne Sharon J, Owner; Bill Priest, Developer). SNI: 13<sup>th</sup> Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval of 4 units only (5-2-0, Do and Jensen opposed).

[PDC08-033](#) – District 3

(Continued from 4/27/10 – Item 11.2, 6/15/10 – Item 11.2, and 8/17/10 – Item 11.2)

### 11.3 [Rezoning real property located on the east side of Senter Road.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the east side of Senter Road, approximately 610 feet southerly of Tully Road (2500 Senter Road) to allow for the development of a 102-unit affordable multi-family apartment community on a 3.46 gross acre site (County of Santa Clara, Owner/ Charities Housing, Applicant). CEQA: Mitigated Negative Declaration.

[PDC09-033](#) – District 7

### 11.4 [ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission’s decision to approve a Conditional Use Permit.](#)

[Attachment – Memo from Vice Mayor Chirco](#)

**Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission’s decision to approve a Conditional Use Permit to allow approximately 3,080 square feet of private educational uses within existing Sunday School classrooms at an existing church on a 2.89 gross acre site in the R-1-8 Residence Zoning District located on the southwest corner of Foxworthy Avenue and Quinto Way (1774 Foxworthy Avenue)(Foxworthy So. Baptist Church of L G, Owner/Cambrian Academy, Developer). CEQA: Exempt.

[CP10-026](#) – District 9

- **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 or Redevelopment Agency Board.*

- **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, Redevelopment Agency Board, 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, Redevelopment Agency Board, 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 agenda 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.