



CITY COUNCIL AGENDA

OCTOBER 26, 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. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
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 9)**
Ida Price Middle School Saxophone Quartet, Catherine Lorigan, Band Director

- **Pledge of Allegiance**
- **Orders of the Day**

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

* ADJOURNMENT: This meeting will be adjourned in memory of Diane Perovich, a longtime San Jose resident and beloved member of the Almaden community. (Pyle)

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 Microsoft Corporation for its support of the Mineta San Jose International Airport's Art + Technology Program. (Economic Development)
- 1.2 Presentation of a commendation recognizing Lynbrook High School Student Cynthia Day for placing silver in the Ninth Annual China Girls Mathematical Olympiad. (Constant)
TO BE HEARD IN THE EVENING
- 1.3 Presentation of a commendation to El Observador, the South Bay's only bilingual newspaper, for 30 years of producing Spanish-language publications and serving the Latino community in San José. (Mayor/Campos)
- 1.4 Presentation of a commendation to the District 5 Neighborhood Action Coalition (NAC) leaders for their years of dedication to the City of San José and District 5 community. (Campos)
* (Rules Committee referral 10/20/10)
- 1.5 Presentation of commendations to business leaders for their commitment to preserving the vitality of the District 5 business community and for their unyielding support of the recreational and educational needs of the residents in the City of San José. (Campos)
* (Rules Committee referral 10/20/10)
- 1.6 Presentation of a commendation to the Dr. Martin Luther King, Jr. Association of Santa Clara Valley Board for their continued efforts to honor Dr. King's memory by furthering his legacy of non-violent social and political activism. (Chu)
TO BE HEARD IN THE EVENING
* (Rules Committee referral 10/20/10)

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 will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of October 6, 2010. (Mayor)
* **RECOMMEND DEFERRAL TO 11/2/10 PER CITY CLERK**
- (b) [Neighborhood Services and Education Committee Report of October 14, 2010.](#)
(Campos)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 [Agreements to Submeter Dwellings at Mobilehome Parks.](#)

Recommendation:

- (a) Approve an [agreement](#) with Moss Creek Mobile Home Community, L.P. to submeter dwellings at Moss Creek Mobile Home Park, and
 - (b) Approve an [agreement](#) with Brandenburg, Staedler and Moore-Woodbridge, L.P. to submeter dwellings at Woodbridge Mobile Home Park.
- CEQA: Exempt, File No. PP10-161. (Environmental Services)

2.7 [Contract Change Order #3 for the Nisich Park Development Project.](#) [Supplemental – Memo from Public Works, PRNS and the City Manager’s Office](#)

* **Recommendation:**

- (a) Approve a Contract Change Order Number 3 in the amount of \$320,865 for a total contract amount of \$1,388,193 with Star Construction, Inc. for the Nisich Park Development Project and adoption of a resolution authorizing the Director of Public Works to execute the [Contract](#) Change Order No. 3.
- (b) Approve an increase in the contingency budget for the Nisich Park Development Project in the amount of \$30,000 for a total contingency budget of \$83,000.
- (c) Approve an increase in the project delivery budget for the Nisich Park Development Project in the amount of \$21,000 for a total project delivery budget of \$506,000.
- (d) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 7 (Fund 385):
 - (1) Decrease the appropriation to the Parks, Recreation and Neighborhood Services Department for the Nisich Park Development Project by \$27,000; and
 - (2) Increase the Ending Fund Balance by \$27,000.
- (e) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Nisich Park Development Project by \$171,000; and
 - (2) Decrease the Reserve: Future PDO/PIO Projects by \$171,000.

CEQA: Statement of Exemption, File No. PP06-164, dated November 2, 2006. Council District 7. SNI: Tully/Senter. (Public Works)

2. CONSENT CALENDAR

2.8 [2010 National League of Cities Voting Delegate and Alternate at the Annual Business Meeting.](#)

Recommendation: As recommended by the Rules and Open Government Committee on October 20, 2010, approve the proposed designation of Councilmember Pete Constant as the voting delegate and Councilmember Kansen Chu as the alternate voting delegate at the December 4, 2010 Annual Business Meeting for the National League of Cities (NLC). (City Manager's Office)

* [Rules Committee referral 10/20/10 – Item H(3)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 [Pension Sustainability Audit.](#) [Presentation](#) [Attachment – Pension Sustainability Report](#) (84 Page PDF)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on October 21, 2010, accept the Pension Sustainability Audit. (City Auditor)

* [Public Safety, Finance and Strategic Support Committee referral 10/22/10 – Item D(4)]

3.3 [Suspension of Supplemental Retiree Benefit Reserves Payments.](#) [Supplemental – Memo from the City Manager](#)

Recommendation: As recommended by the Rules and Open Government Committee on October 20, 2010, discuss and consider action to amend the San José Municipal Code to temporarily suspend bonus payments from the retirement plans' Supplemental Retiree Benefit Reserves (SRBR). (Mayor)

* [Rules Committee referral 10/20/10 – Item H(2)]

3.4 [Actions Related to Airport Operations Staff Consolidation.](#)

Recommendation:

(a) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund (Fund 523):

- (1) Decrease Personal Services by \$225,000
- (2) Decrease Non-Personal/Equipment by \$25,000
- (3) Increase the Operating Contingency by \$250,000

(b) Authorization for the addition of three (3.0) FTE Senior Airport Operations Specialist positions to support a new Airport Operations Center.

(c) Authorization for the elimination of nine (9.0) FTE Communications Services Operator positions.

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

* (Deferred from 10/19/10 – Item 3.3)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Ordinance Amendments to Chapters 20.70 and 20.90 of Title 20.](#)

[Supplemental – Memo from the Planning Commission Presentation](#)

- * **Recommendation:** Conduct a public hearing and consider an [ordinance](#) of the City of San José amending Chapters 20.70 and 20.90 of Title 20 of the San José Municipal Code to revise and add parking requirements for bicycles and clean air vehicles, and to make other related, technical and nonsubstantive conforming amendments to said Chapters 20.70 and 20.90 of Title 20. CEQA: Exempt, File No. PP10-168. The Planning Commission voted 6-0-1 (Commissioner Cahán absent) to recommend that the City Council approve the proposed ordinance per Planning Staff's recommendation with a modification to Table 20-210 to require one bicycle parking space for each multiple-family unit. (Planning, Building and Code Enforcement)
Citywide

4.2 [Ordinance Amendments to Title 9 – Construction and Demolition Diversion Deposit Program.](#)

[Supplemental – Memo from General Service and PBCE](#)

- * **Recommendation:** As recommended by the Transportation and Environment Committee on October 4, 2010, approve an [ordinance](#) amending Chapter 9.10 of Title 9 of the San José Municipal Code to allow for construction debris diversion in accordance with the provisions of California Green Building Standards Code. CEQA: Exempt, File No. PP10-168. (Planning, Building and Code Enforcement)
[Transportation and Environment Committee referral 10/4/10 – Item D(2)]

4.3 [Ordinance Implementing 2010 California Building Standards.](#)

- * **Recommendation:** As recommended by the Community and Economic Development Committee and Public Safety, Finance and Strategic Support Committee, accept Staff's report to:
 - (a) Approve an [ordinance](#) amending Title 24 of the San José Municipal Code to:
 - (1) Adopt the 2010 editions of the California Building Code (CBC), California Residential Code (CRC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Historical Building Code (CHBC), California Existing Building Code (CEBC), California Green Building Standards Code (CALGreen) and the 2009 edition of the International Existing Building Code Appendix Chapters A2, A3 and A4; and [Supplemental Memo](#)
 - (2) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements.
 - (b) Approve an [Ordinance](#) amending Chapter 17.12 of the San José Municipal Code to:
 - (1) Adopt the 2010 edition of the California Fire Code (CFC), and the
 - (2) Standards referenced in 2010 CFC; and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Ordinance Implementing 2010 California Building Standards. (Cont'd.)

Recommendation:

- (b) (3) Adopt local amendments regarding fire sprinkler requirements, firefighter elevator requirement for high-rise buildings, firefighter access requirements on roofs with photovoltaic panels, and the requirements relating to the design and installation of fire protection and special systems and hazardous material systems. [Supplemental Memo](#)

CEQA: Exempt, File No. PP10-168.

[Community and Economic Development Committee referral 9/27/10 – Item D(8)]

- * [Public Safety, Finance and Strategic Support Committee referral 10/21/10 – Item D(1)]

4.4 [Accept the Staff Report on Environmental Mitigation Monitoring or Reporting Program \(MMRP\).](#)

- * **Recommendation:** As recommended by the Transportation and Environment Committee on October 4, 2010, accept the Staff Report on Environmental Mitigation Monitoring or Reporting Program (MMRP). CEQA: Not a Project, File No. PP10-069(a), Staff Reports and Assessments. (Planning, Building and Code Enforcement) [Transportation and Environment Committee referral 10/4/10 – Item D(3)]

4.5 [Revisions to the Public Entertainment Ordinance.](#)

Recommendation:

- (a) Approve an [ordinance](#) amending Chapter 6.60 of the San José Municipal Code to amend the definition of public entertainment to limit the application of the ordinance to venues with occupancy greater than 100, limit the discretion of the Chief of Police in approving applications for permits and licenses and in setting conditions on permits and licenses, more clearly outline the application process for permits and licenses, specify time lines by when an application for a permit or license must be acted upon, adjust requirements for security, extend the term of permits, create a renewal process for permits and licenses, provide for managers to move between public entertainment venues without being required to re-apply for a new license, and clarify various provisions to ensure consistency throughout the Code.
- (b) Adopt a [Resolution](#) to amend the 2010-2011 Schedule of Fees and Charges (Resolution No. 72737, as amended), to:
- (1) Change the Public Entertainment Business Permit Fee from \$1,145 per 2 years to \$1,321 per 4 years;
 - (2) Add a Public Entertainment Business Permit Renewal Fee and establish the fee at \$744 per 4 years;
 - (3) Change the Public Entertainment Ownership License Fee from \$1,145 per 2 years to \$674 per 4 years;
 - (4) Add a Public Entertainment Ownership License Renewal Fee and establish the fee at \$374 per 4 years;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Revisions to the Public Entertainment Ordinance. (Cont'd.)

Recommendation:

- (b) (5) Change the Public Entertainment Management License Fee from \$1,145 per 2 years to \$674 per 2 years;
- (6) Add a Public Entertainment Management License Renewal Fee and establish the fee at \$374 per 2 years;
- (7) Add a Public Entertainment Management License Change of Venue Fee for Managers only and establish the fee at \$162 per venue change.
- (8) Add a Public Entertainment Identification Card Fee and establish the fee at \$48 per 2 years.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (Economic Development/City Manager's Office)

* (Deferred from 10/19/10 – Item 4.1)

5. NEIGHBORHOOD SERVICES

5.1 [Grant Application for the Hetch-Hetchy Trail Ramp/Staircase Project.](#)

Recommendation: Adopt a [resolution](#) that:

- (a) Authorizes the City Manager, or designee, to submit a grant application in the amount of \$1,500,000 to the Metropolitan Transportation Commission (MTC) under the Community Design and Transportation (CDT) Capital Grant program for the Hetch-Hetchy Trail Ramp/Staircase Project (Project);
- (b) Certifies that the City will have available, prior to commencement of any work on the Project included in the application, the required local match of \$645,000 and any additional sufficient funds to complete the Project;
- (c) Certifies that the City has or will have sufficient funds to operate and maintain the Project;
- (d) Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines for the Project; and
- (e) Delegates the authority to the City Manager, or designee, to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Project.

CEQA: Mitigated Negative Declaration, File No. PP04-323. (Parks, Recreation and Neighborhood Services)

5. NEIGHBORHOOD SERVICES

5.2 [Joint Use Agreement with Alum Rock Union Elementary School District and Related Funding Actions.](#)

[Supplemental – Memo from Parks, Recreation and Neighborhood Services](#)
[Attachment – Memo from Councilmember Campos](#)

* **Recommendation:**

- (a) Adopt a [resolution](#) that:
- (1) Authorizes the City Manager to negotiate and execute a joint use agreement with Alum Rock Union Elementary School District (“District”) for a 25 year term from project acceptance for the design, construction, operation, maintenance, joint use and funding of an artificial turf soccer field, a synthetic running track and support amenities (“Project”) on William L. Sheppard Middle School property in an amount not to exceed \$1,500,000; and
 - (2) Authorizes the City Manager to execute an amendment to the Agreement, subject to the completion of CEQA review by the District, to include lights to illuminate the soccer field as a part of the Project and to increase the City’s contribution to the Project by \$500,000 for a total of \$2,000,000; and
 - (3) Authorizes the City Manager to terminate the Agreement on behalf of the City for any reason deemed prudent by the City Manager, including without limitation if the Project does not include lights to illuminate the soccer field; and
- (b) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund, Parks Purposes Council District 5 (Fund 382):
- (1) Increase the Alum Rock School District Sports Field Partnership (Sheppard Middle School) project by \$500,000; and
 - (2) Decrease the Ending Fund Balance by \$500,000.

CEQA: File No. PP10-175, Categorical Exemption, CEQA Guidelines Section 15314. Council District 5. SNI: Alum Rock. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

5.3 [Neighborhoods Commission Pilot 2009-2010 Annual Report and Pilot Work Plan 2010-2011.](#)

- * **Recommendation:** As recommended by the Neighborhood Services and Education Committee on September 21, 2010, accept the Neighborhoods Commission Pilot 2009-2010 Annual Report and approve the Neighborhoods Commission Pilot Work Plan 2010-2011. CEQA: Not a Project, File No. PP10-069(a), Staff Reports and Assessments. (City Manager’s Office)

[Neighborhood Services and Education Committee referral 9/9/10 – Item D(6)]

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

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Municipal Water System's Water Supply Assessment for Envision San José 2040 General Plan Update.](#)

[Presentation](#)

[Attachment 1 – Water Supply Assessment for Envision 2040 GP Update \(57 pages\)](#)

[Attachment 2 – Appendix A – Additional Supply and Demand Tables \(120 pages\)](#)

Recommendation: Approve the San José Municipal Water System's Water Supply Assessment for Envision San José 2040 General Plan Update. CEQA: Statutorily Exempt, File No. PP10-066 (d), Planning and Feasibility Studies; CEQA Guidelines Section 15262. (Environmental Services)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 “City Council and Redevelopment Agency Board approval of the Mayor’s Redevelopment Budget Message”, 8.2 “Approval of the Agency’s FY 2010-11 Capital and Operating Budgets” and 8.3 “Authorization to execute an Amended Reimbursement Agreement with JP Morgan Chase Bank, NA” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

- **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.

- **Continue RDA Board Meeting**

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

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar.

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

[Attachment – Staff Report](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Presentation](#)

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: 13th 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, et al and 9/21/10 – Item 11.2)

11.3 **Prezoning Real Property Generally Bounded by Central Park Way, Union Avenue, and Camden Avenue.**

[Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#)

[Presentation](#) [Presentation 2](#)

Recommendation:

- (a) Consideration of and vote on a Majority Protest to Prezoning C10-010 filed pursuant to Part 5 of Chapter 20.120 of the City's Zoning Code to protest a prezoning to the R-1-5 Single-Family Residence Zoning District as to approximately 94.5 acres and CN Commercial Neighborhood Zoning District as to approximately 8.5 acres for an approximately 103 gross acre County pocket.

[Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#)

[Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#)

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

(Item continued on the next page)

11. PUBLIC HEARINGS

11.3 **Prezoning Real Property Generally Bounded by Central Park Way, Union Avenue, and Camden Avenue. (Cont'd.)**

Recommendation:

- (b) [Consider an ordinance prezoning 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. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval \(5-0-1-1\). C10-010 – District 9 \[Staff Report\]\(#\) \[Ordinance\]\(#\)](#)

[Continued from 9/21/10 – Item 11.1(b) and 10/5/10 – Item 11.3]

11.4 **[Initiation of the Annexation/Reorganization of Cambrian No. 36.](#)** [Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#) [Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#) [Attachment – Memo from Vice Mayor Chirco](#) [Attachment – Memo from Councilmember Constant](#) [Presentation](#)

- * **Recommendation:** Adopt a [resolution](#) initiating proceedings and setting December 7, 2010 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Cambrian No. 36 which involves the annexation to the City of San José of approximately 103 gross acres of land generally bounded by Central Park Drive to the north, State Highway 17 to the west, Camden Avenue to the south and Union Avenue to the east, and the detachment of the same from the appropriate special districts, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service and maintain the area within the Central Fire District with the Santa Clara County Fire Department providing first response as currently occurs. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: The environmental impacts of this project were addressed by a Final EIR entitled, “San José 2020 General Plan,” and certified on August 16, 1994, by the City of San José City Council. Council District 9. (Planning, Building and Code Enforcement)
(Continued from 10/5/10 – Item 11.4)

* **TO BE HEARD BEFORE ITEM 11.3**

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

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission’s decision to approve a Conditional Use Permit to demolish existing gas station buildings, construct a new 3,200 square foot pump canopy and 2,400 square foot retail building with 24-hour use, but without the off-sale of alcohol on a 1.28 gross acre site in the CP Commercial Pedestrian Zoning District, located at 4610 Pearl Avenue (Aujla Gurvinder, Owner). CEQA: Exempt. The Director of Planning, Building and Code Enforcement recommends the City Council approve the subject Conditional Use Permit to allow the demolition of an existing gas station and construction of a new gas station facility with a 2,400 square foot retail building, without 24-hour operation and without the off-sale of alcohol. [CP09-042](#) – 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**

* This meeting will be adjourned in memory of Diane Perovich, a longtime San Jose resident and beloved member of the Almaden community. (Pyle)

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.