



CITY COUNCIL AGENDA

FEBRUARY 28, 2012

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

- **Invocation (District 2)**
 - * Founder and Chief Priest, Sri Maha Kaleshwar Shrine at Sambha Sathashiva Vidya Peetham, Santa Clara, CA

- **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 Catholic missionary and social justice icon Father Donald McDonnell, who passed away on February 20, 2012, and who dedicated his life to service to the Catholic Church and to his community. (Mayor)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Orders of the Day (Cont'd.)
 - * See New Item 1.5, “Presentation of a proclamation declaring the Month of February 2012...” to be added under Orders of the Day.
 - * **Notice of Participation of Vice Mayor Madison Nguyen by Teleconference**
 Vice Mayor Madison Nguyen intends to participate in the discussion of item 3.4 (Fiscal Year 2011-12 Priority Policies and Ordinances) of the City Council Meeting on February 28, 2012 at 1:30 p.m. by teleconference from 2988 Grassina Street, #324, San Jose, CA 95136.
- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation celebrating Lunar New Year in the City of San José. (Chu/Nguyen)
(Deferred from 01/24/12 – Item 1.1 and 2/7/12 – Item 1.1)
- 1.2. Presentation of a commendation to YouthBuild San José for its support of low-income youth in achieving career and postsecondary success, and for its efforts to develop new young leaders to transcend poverty in America’s poorest communities. (Mayor)
- 1.3 Presentation of a proclamation declaring the Week of February 27 – March 2, 2012 as “SEARCH WEEK” in the City of San José. (Constant)
- 1.4 Presentation of a proclamation to Steve Brown for exemplary bravery and heroism while assisting in the apprehension of a suspected bank robber. (Kalra)
TO BE HEARD IN THE EVENING
 * (Rules Committee referral 2/22/12)
- 1.5 Presentation of a proclamation declaring the Month of February 2012 as “African American History Month” in the City of San José. (Kalra/Chu)
 * (Orders of the Day)

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.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29035 – Amending Section 3.28.1030 of Chapter 3.28 and Section 3.36.080 of Chapter 3.36 of Title 3 of the San José Municipal Code to allow voluntary deductions from pension payments for payment to a third party organization if permitted by rules and regulations adopted by the City’s retirement boards.
- (b) ORD. NO. 29037 – Repealing Ordinance No. 28960 (Chapter 6.88 of Title 6 of the San José Municipal Code) establishing regulations pertaining to medical marijuana collectives and to the individual cultivation and use of medicinal marijuana.
- (c) ORD. NO. 29038 – Amending Sections 15.14.270, 15.14.405, 15.14.465, 15.14.545, 15.14.575, 15.14.590, 15.14.695 and 15.14.745 of Chapter 15.14 of Title 15 of the San José Municipal Code to update definitions, allow issuance of permits to discharge stormwater to the sanitary sewer system, and clarify requirements for reports submitted to the City from regulated facilities.
- (d) ORD. NO. 29039 – Amending Sections 16.06.050 and 16.06.060 of Chapter 16.06 of Title 16 of the San José Municipal Code to provide for review and approval of administrative regulations by the Chief of Police before they become final; amending Section 16.32.020 of Chapter 16.32 of Title 16 to require the Chief of Police to issue a city key employee license for all key employee positions that are licensable by the California Gambling Control Commission; amending Section 16.30.060 of Chapter 16.30 to create a cardroom regulation fee in place of the cardroom table fee; amending Section 16.32.110 of Chapter 16.32 to specify that if investigation of a cardroom license takes longer than 180 days the administrator shall provide a written explanation of the reasons for delay and an estimated date for completion of the investigation, which will be updated every two months until the application is granted, withdrawn or denied; amending Section 16.32.620 of Chapter 16.32 to require the administrator to issue a temporary key employee license to each applicant for a key employee license who is issued an interim state key employee license by the California Gambling Control Commission; adding a new Section 16.32.630 providing for notice and an opportunity for an administrative review hearing prior to revocation of a temporary key employee license; adding a new Section 16.32.640 to make certain city key employee licenses retroactive to the date that the California Gambling Control Commission issued a state key employee license; making technical, and conforming amendments regarding licensing to Sections 16.32.190 and 16.32.610 of Chapter 16.32; and making technical clarifying and conforming amendments regarding minor violation procedure by adding Sections 16.33.020 and 16.33.030 and amending Section 16.33.010 of Chapter 16.33.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Award of Open Purchase Orders for Concrete Removal, Replacement and Repairs.](#)

Recommendation: Authorize the City Manager to:

- (a) Execute four purchase orders for the purchase of Citywide concrete removal, replacement and repairs in the public right-of way with Golden Bay Construction (Hayward, CA), Wilson's Concrete (San José, CA), Duran Hogan Construction (Campbell, CA) and CB Concrete Construction (Los Gatos, CA) for a total amount not-to-exceed amount of \$1,970,000 for all four contractors, for the period January 23, 2012 through January 22, 2013.
- (b) Transfer funds between the four purchase orders as required based on usage and contractor capacity.
- (c) Exercise options to extend the purchase orders for four additional twelve month terms without further Council action other than the appropriation of funds.

CEQA: File No. PP08-186 and PP11-090. (Finance)

2.8 [Amendments to the City Pay Plan for Various Classifications.](#)

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

- (a) Amend the City of San José Pay Plan effective February 28, 2012 to change the salary ranges and titles for the following classifications:
 - (1) Plant Operator I/II/III (3612/3652/3653) (formerly titled Plant Operator)
 - (2) Senior Plant Operator I/II (3613/3655) (formerly titled Senior Plant Operator)
 - (3) Plant Shift Supervisor I/II (3614/3618) (formerly titled Plant Shift Supervisor)
 - (4) Plant Assistant Operations Manager I/II (3617/3619) (formerly titled Plant Assistant General Operations Supervisor)
- (b) Amend the City of San José Pay Plan effective February 28, 2012 to create the following classification:
 - (1) Retirement Investment Officer (7505)

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

2.9 [Agreement with The Health Trust for the Senior Wellness Initiative.](#)

Recommendation: Adopt a resolution authorizing the City Manager or designee to execute an [agreement](#) with The Health Trust in the amount of \$350,000 for the administration and disbursement of the funding for the Senior Wellness Initiative.

CEQA: Not a Project, File PP10-066(e), Services that involve no change to the environment. (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.10 [Report on Bids and Award of Contract for the Sanitary Sewer Condition Assessment Fall 2011 Project.](#)

Recommendation: Report on bids and award of contract for the Sanitary Sewer Condition Assessment Fall 2011 project to the low bidder, Coastline Water Resources, Inc., in the amount of \$1,449,000 and approval of a contingency in the amount of \$145,000. CEQA: Exempt, File No. PP11-084, dated September 7, 2011. (Public Works)

2.11 [Amendment of Fair Political Practices Commission Regulation 18705.5.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 15, 2012, support the amendment of the Fair Political Practices Commission Regulation 18705.5. (City Attorney)
[Rules Committee referral 2/15/12 – Item H(2)]

2.12 [African American History Month Flag Raising.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 15, 2012:

- (a) Approve the African American History Month Flag Raising as a City Council sponsored Special Event; and
- (b) Approve expending funds and accept donations from various individuals, businesses, or community groups in support of the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 2/15/12 – Item H(2)]

2.13 [Silicon Valley Workforce Investment Network Appointment.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 22, 2012, appoint Fernando Sepulveda, founding partner and CEO of the Impulsa Group in San José, California, to serve as a private sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (Mayor)

* [Rules Committee referral 2/22/12 – Item G(1)(a)]

2.14 [Mid-Autumn Festival and Resource Fair.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 22, 2012:

- (a) Approve the Mid-Autumn Festival and Resource Fair as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups in support of the event.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 2/22/12 – Item H(3)]

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 IBM Operations Efficiency Diagnostic Report.

Operations Efficiency Diagnostic Report

Attachment – Memo from Mayor Reed

Supplemental – Memo from the City Auditor

Attachment – Memo from Councilmembers Campos, Chu and Kalra
Presentation

* **Recommendation:** As recommended by the Rules and Open Government Committee on February 8, 2012:

(a) Refer the Operations Efficiency Diagnostic report from IBM to the City Auditor and City Manager for review, comment and development of recommendations to be brought to the Council through Council Committees;

(b) (1) Accept City Manager's report and workplan related to the IBM Operations Efficiency Diagnostic Report.

(2) Accept the City Auditor's comments related to the IBM Operations Efficiency Diagnostic Report.

Supplemental Memo from the City Manager

(Mayor)

[Rules Committee referral 2/8/12 – Item H(3)]

3.4 Fiscal Year 2011-2012 Priority Policies and Ordinances.

Attachment – Memo from Councilmembers Liccardo, Campos and Kalra

Attachment – Memo from Councilmember Rocha

Supplemental – Memo from the City Manager

Supplemental – Memo from the City Manager
Presentation

Recommendation: Establish a future list of priority policies and ordinances, with items on this list to be moved to the Top Ten list as top priorities are completed between now and August 2012. CEQA: Not a Project, File No. PP10-069(a), staff reports. (City Manager's Office)

(Deferred from 2/14/12 – Item 3.9)

* **TO BE HEARD LAST**

* *Vice Mayor Madison Nguyen intends to participate in the discussion of item 3.4 (Fiscal Year 2011-12 Priority Policies and Ordinances) of the City Council Meeting on February 28, 2012 at 1:30 p.m. by teleconference from 2988 Grassina Street, #324, San Jose, CA 95136.*

3. STRATEGIC SUPPORT SERVICES

3.5 June/November 2012 Tax Measure and General Obligation Bond Measure and Alternative Election Dates.

Attachment – Memo from Councilmember Pyle

Attachment – Memo from Councilmember Constant

Supplemental – Memo from the City Attorney

Supplemental – Memo from the Director of Transportation

Attachment – Memo from Mayor Reed and Councilmember Pyle

Recommendation:

- (a) Follow-up discussion and possible direction regarding the advantages/disadvantages of a Sales Tax increase ballot measure at a June or November election;
- (b) Discussion and possible direction regarding a general obligation bond measure to fund street repairs and improvements. (City Attorney and DOT)
- (c) Discussion regarding legal requirements for calling an election for voter approval of tax measures. (City Attorney)

Supplemental – Memo from the City Attorney

[Rules Committee referral 1/25/12 – Item H(3)]

(Continued from 2/14/12 – Item 3.11)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Streamlining Real Estate Process to Sell Surplus Properties.](#)

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

[Attachment – Memo from Mayor Reed](#)

Recommendation: As recommended by the Community and Economic Development Committee on January 23, 2012: Accept this report on streamlining real estate actions to sell surplus property and direct Staff to work with the City Attorney’s Office to amend relevant ordinances. (Office of Economic Development)

[Community and Economic Development Committee referral 01/23/12 – Item D(3)]

(Deferred from 2/7/12 – Item 4.1)

4.2 [Public Hearing on a Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan.](#)

[Attachment – Memo from Councilmember Liccardo](#)

Recommendation: Hold a public hearing on a Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan to:

- (a) Allocate \$550,000 of Community Development Block Grant funds to pay 50% of the cost of a new fire truck to serve Low-Moderate Income neighborhoods.
- (b) Amend the City’s Tenant Based Rental Assistance Program financed with HOME Investment Partnership Program funds to expand the eligible special needs population to include chronically homeless families and individuals with substance abuse problems, giving preference to those in and around St. James Park.
- (c) Adopt a [resolution](#) approving the Substantial Amendment and authorizing the Director of Housing, on behalf of the City, to:
 - (1) Submit the Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD).
 - (2) Negotiate and execute with HUD all agreements and documents for the expenditure of these federal funds.

CEQA: Not a Project, PP10-067(b), Appropriation. Council Districts 3, 4 and 5. SNI: Mayfair and East Valley/680 Communities. (Housing)

4.3 [Reallocation of Affordable Housing Units Under the North San José Area Development Policy](#)

Recommendation: Adopt a [resolution](#) amending the North San José Area Development Policy to:

- (a) Allow reallocation of up to 450 of the remaining affordable housing units in Phase 1 as market-rate housing units to enable a shovel-ready market-rate housing project to proceed in Phase 1 if such project developer ensures by written agreement with the City a substantial benefit to the City towards the provision of new affordable housing to balance the reduction of affordable housing allocation in Phase 1, and
- (b) Shift the number of reallocated affordable housing units originally reserved for Phase 1 to Phase 2, and correspondingly decrease the number of market-rate housing units in Phase 2, to ensure the vision of a mixed-income community.

CEQA: Resolution No.72768, Addendum to the North San José Policy Update EIR. Council Districts 3 and 4. (Housing/Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 [Anti-Graffiti and Litter Program Semi-Annual Report.](#) [Attachment – Memo from Councilmember Campos](#) [Presentation](#)

Recommendation: As recommended by the Neighborhood Services and Education Committee on February 9, 2012, accept the Anti-Graffiti and Litter Program Semi-Annual Report. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 2/9/12 – Item D(1)]

5.2 [Graffiti Enforcement and Abatement Restitution Rates.](#)

Recommendation: As recommended by the Neighborhood Services and Education Committee on February 9, 2012:

- (a) Adopt a [resolution](#) to establish restitution rates for graffiti abatement program costs and expenses; and
- (b) Direct the City Clerk to cause a certified copy of the resolution to be forwarded to the Clerk of Santa Clara County Juvenile Court and to the Santa Clara County Chief Probation Officer.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 2/9/12 – Item D(1)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 [15 MPH School Zone Program – Phase 1.](#)

Recommendation: Adopt a [resolution](#) to repeal Resolution No. 75868 and update the Master Speed Limit Resolution to:

- (a) Establish a 15 mph school zone speed limit on the following roadways, in accordance with California Vehicle Code Section 22358.4.
 - (1) In the vicinity of Dorsa Elementary School:
 - (a) Bal Harbor Way between Everglade Ave. and Mandarin Way
 - (b) Decatur Dr. between Bal Harbor Way and Cathay Dr.
 - (2) In the vicinity of Booksin Elementary School:
 - (a) Booksin Ave. between Dry Creek Rd. and Georgetta Dr.
 - (b) Dry Creek Rd. between Booksin Ave. and 250 feet east of Marques Ave.
 - (c) Georgetta Dr. between Booksin Ave. and Marques Ave.
 - (d) Marques Ave. between Dry Creek Rd. and 275 feet south of Georgetta Dr.
 - (3) In the vicinity of Montgomery Elementary School and Silver Creek High School:
 - (a) Daniel Maloney Dr. between Silver Creek Rd. and 325 feet west of Nieman Blvd.

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 15 MPH School Zone Program – Phase 1. (Cont'd.)

Recommendation:

- (a) (3) (b) Camperdown Way between Heathcot Ct. and 200 feet west of Toryglen Way.
- (b) Reestablish 30 mph speed limit on Daniel Maloney Rd. between Silver Creek Rd. and Nieman Blvd.

CEQA: Exempt, File No. PP10-113. Council Districts 5, 6 and 8. (Transportation)

6.2 City Generated Zone Towing Annual Rate Review.

Recommendation: As recommended by the Transportation and Environment Committee on February 6, 2012:

- (a) Adopt a [resolution](#) setting a new Fee Schedule for Tow Services Agreements to become effective February 29, 2012 as follows:
 - (1) Basic Tow Service, \$185.00 per tow
 - (2) Service call:
 - (a) Class “A” regular duty tow-trucks \$ 46.25 per quarter hour
 - (b) Class “B” medium duty tow trucks \$ 78.25 per quarter hour
 - (c) Class “C” and “D” heavy duty tow trucks \$ 112.50 per quarter hour
 - (3) Extraordinary Service Tows:
 - (a) Class “A” regular duty tow-trucks \$ 92.50 per hour
 - (b) Class “B” medium duty tow-trucks \$ 315.00 per hour
 - (c) Class “C” and “D” heavy duty tow trucks \$ 450.00 per hour
 - (4) After Hours Gate Fee –\$ 80.00 (One hour after close SJPD Desk Hours until 6:00 a.m.)
 - (5) Vehicle Storage fee:
 - (a) \$65.00 per day, per space outside
 - (b) \$75.00 per day per space indoors
 - (6) Maintain contractual rates of compensation to the City of San José at the current levels of:
 - (a) \$ 75.25 per tow
 - (b) \$ 7.00 per dispatch
- (b) Accept direction from the Committee to staff to reduce the current flat rate security deposit from \$40,000 to \$25,000.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

[Transportation and Environment Committee referral 2/6/12 – Item D(1)]

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Resolutions Authorizing Investment of Monies in Local Agency Investment Fund.

Recommendation:

- (a) Adopt a [resolution](#) of the City Council of the City of San José (the “City”) authorizing the Director of Finance and other authorized officers of the City, who routinely conduct investment management activity on behalf of the City, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the City.
- (b) Adopt a [resolution](#) of the City Council acting in its capacity as Successor Agency to the Redevelopment Agency of the City of San José (the “Successor Agency”) authorizing the Chief Financial Officer of the Successor Agency and the Director of Finance and other authorized officers of the City, as Successor Agency, who routinely conduct investment management activity on behalf of the Successor Agency, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the Successor Agency.

CEQA: Not a Project, PP10-069, City organizational and administrative activities.
(Finance)

9.2 Resolution Approving the Recognized Obligation Payment Schedule.

Recommendation: Adopt a [resolution](#) of the City Council, acting in its capacity as Successor Agency to the Redevelopment Agency, approving the Recognized Obligation Payment Schedule, which details the obligations of the Successor Agency, in order to comply with the provisions of Section 34169 of the Health and Safety Code. CEQA: Exempt, File No. PP12-008. (Housing/Successor Agency to the Redevelopment 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.
- **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 at this time.

11.2 [Rezoning Real Property Located on the East Side of Morse Street.](#) [Supplemental – Memo from the Planning Commission](#) [Presentation](#)

- * **Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Morse Street, approximately 320 feet north of McKendrie Street (980 Morse Street), from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow for the development of four single-family detached residences on a 0.61 gross acre site (Barry Swenson Builder, Owner). [CEQA](#): Mitigated Negative Declaration to be adopted. The Planning Commission voted 4-1-2 (Commissioner Platten opposed, Commissioners Yob and Kamkar absent) to recommend that Council approve the proposed Planned Development Rezoning as recommended by staff with an added requirement that at least two (2) of the units have a different architectural style. [Ordinance](#)
[PDC11-010](#) – District 6
(Deferred from 1/24/12 – Item 11.2)

11.3 [Rezoning Real Property Located on the North Side of Tully Road.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the north side of Tully Road, approximately 1,200 feet easterly of Senter Road (705 Tully Road, from the IP-Industrial Park Zoning District to the LI-Light Industrial Zoning District to allow light industrial uses on a 3.45 gross acre site (Van Tuyl Family Partnership). SNI: Tully-Senter. CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041, File No. C11-013.
[C11-013](#) – District 7

11. PUBLIC HEARINGS

11.4 [Ordinance Amending Chapter 20.70 to Streamline the Permit Process for the Operation of Office and Financial Services Uses in the Downtown Area.](#)

Recommendation: Consideration of an [ordinance](#) amending Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) of Title 20 of the San José Municipal Code (the Zoning Code) to streamline the permit process for the operation of office and financial services uses within the DG Overlay Area (Downtown Ground-Floor Space) of the DC (Downtown Core) and DC-NT1 (Downtown Code – Neighborhood Transition 1) Zoning Districts. The proposed amendments affect the Downtown Area of the City. CEQA: Reuse of the Envision San José 2040 General Plan Environmental Impact Report. (Planning, Building and Code Enforcement)

* **RECOMMEND DEFERRAL TO THE 03/13/12 AFTERNOON SESSION PER ADMINISTRATION**

11.5 [Ordinance Amending Chapters 20.40 and 20.50 to Allow for More Flexibility for the Development of Specific Commercial and Industrial Uses in the CIC, IP, LI, and HI Zoning Districts.](#)

* **Recommendation:** Consideration of an [ordinance](#) amending Section 20.40.100 of Chapter 20.40 (Commercial Zoning Districts) and Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts), all of Title 20 of the San José Municipal Code (the Zoning Code), in order to allow more flexibility for the development of specific commercial and industrial uses in the CIC, IP, LI and HI Zoning Districts, including: deletion of medical clinic/out-patient facility as an enumerated use and deletion of an outdated reference to Part 13.6 related to leasing of passenger vehicles in the CP, CP, CN and CG districts and addition of public elementary and secondary schools as a permitted use in the CIC, IP, LI and HI districts, addition of private elementary and secondary schools as a conditional use in the CIC district, addition of drinking establishments interior to a winery or brewery as a conditional use in the CIC, IP, LI and HI districts, the enumeration of wineries and breweries as a permitted use in the CIC, IP, LI and HI districts, the addition of Hospitals/in-patient facilities as a conditional use in the CIC and IP districts, the addition of vehicle sales as a conditional use in the CIC and LI districts, and the addition of sale of vehicle parts as a permitted use in the CIC district and as a permitted use or special use in the LI district depending upon the size of the retail sales area. All proposed amendments have Citywide implications in all City Council Districts and in all Strong Neighborhoods Initiative areas. CEQA: Reuse of the Envision San José 2040 General Plan Environmental Impact Report. The Planning Commission voted 6-0-1 (Commissioner Cahan absent) to recommend the City Council approve the ordinance changes outlined in this memorandum to amend Title 20 of the San José Municipal Code to streamline industrial and commercial development activities. (Planning, Building and Code Enforcement)

11. PUBLIC HEARINGS

11.6 [Ordinance Amending Chapters 6.84 and 20.80 to Modify the General Process for Making a City-wide Determination of Public Convenience and Necessity and the Conditional Use Permit Process in Connection with the Off-Sale of Alcoholic Beverages.](#)

Recommendation: Consideration of an [ordinance](#) amending Chapter 6.84 of Title 6 of the San José Municipal Code to add a new Section 6.84.015 and to amend Section 6.84.030 and amendments to Chapters 20.80 and 20.100 of Title 20 of the San José Municipal Code to amend Sections 20.80.900 and 20.100.220, all to modify the general process for making a City-wide determination of public convenience and necessity and to modify the conditional use permit process in connection with the off-sale of alcoholic beverages. The proposed amendments have Citywide implications in all City Council Districts and in all Strong Neighborhoods Initiative areas. CEQA: Exempt, File No. PP12-016. (Planning, Building and Code Enforcement)

* **RECOMMEND DEFERRAL TO THE 03/13/12 AFTERNOON SESSION PER ADMINISTRATION**

- **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**

* This meeting will be adjourned in memory of Catholic missionary and social justice icon Father Donald McDonnell, who passed away on February 20, 2012, and who dedicated his life to service to the Catholic Church and to his community. (Mayor)"

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 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.