



City Council Meeting Amended Agenda

Tuesday, September 13, 2022

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88957084529>**

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, 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** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.

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 Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **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 the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor 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.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o 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 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. 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 <https://www.sanjoselegistar.com/Calendar.aspx>. 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, Tower 14th 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. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

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

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 80628 and 80659, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 889 5708 4529. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88957084529>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

See Separate Agenda

22-1342 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session

*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- **Pledge of Allegiance**

- Invocation (District 8)

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring September 2022 as National Childhood Obesity Awareness Month for families, schools, and communities to educate children on health issues such as obesity. (Davis)

1.2 Presentation of a commendation to Citizens Equity First Credit Union (CEFCU) for their commitment to ensuring equitable access to Parks, Recreation and Neighborhood Services (PRNS) Summer Camps by providing qualifying San José youth with scholarships. (Arenas)

1.3 Presentation of a proclamation recognizing September 16, 2022 as National POW/MIA Recognition Day. (Esparza)

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 requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

22-1346 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30812 - An Ordinance of the City of San José Rezoning 114 Properties from the R-M Multifamily Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 93 Properties from the R-M Multifamily Residential Zoning District to the UR Urban Residential Zoning District, 13 Properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, 12 Properties from the R-M Multifamily Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 11 Properties from the CG Commercial General Zoning District to the MUN Mixed Use Neighborhood Zoning District, 11 Properties from the CG Commercial General Zoning District to the R-1-8 Single Family Residential Zoning District, Nine Properties from the CG Commercial General Zoning District to the UR Urban Residential Zoning District, Seven Properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single Family Residential Zoning District, Seven Properties from the CN Commercial Neighborhood Zoning District to the UR Urban Residential Zoning District, Four Properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, Four Properties from the CO Commercial Office Zoning District to the R-1-8 Single Family Residential Zoning District, Three Properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the R-M Multifamily Residential Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the R-M Multifamily Residential Zoning District to the OS Open Space Zoning District, Three Properties from the R-2 Two-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, Two Properties from the R-2 Two-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Properties from the CG Commercial General Zoning District to the OS Open Space Zoning District, and One Property from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District, Located in Various Locations on those Certain Real Properties within the City of San José.
[Passed for Publication on 8/30/2022 - 10.1(a) (22-1287)]

(b) Ordinance No. 30813 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.85 Gross Acres Situated on the North Side of Cambrianna Drive, Approximately 150 Feet Westerly of Taper Avenue (1975 Cambrianna Drive) (APN: 984-45-006) from the R-1-8 Single-Family Residential Zoning District to the R-1-8(PD) Planned Development Zoning District.

[Passed for Publication on 8/30/2022 - 10.2(b) (22-1288)]

(c) Ordinance No. 30814 - An Ordinance of the City Of San José Rezoning Certain Real Property of Approximately 10.0 Gross Acres Situated on the Southeast Corner of Stevens Creek Boulevard and Lopina Way (4300-4360 Stevens Creek Boulevard) (APN: 296-40-009, 296-38-013 and 296-38-014) from the CP(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District. [Passed for Publication on 8/30/2022 - 10.3(b) (22-1289)]

2.3 Approval of Council Committee Minutes.

22-1359 Approval of Council Committee Minutes.

Recommendation: (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of August 24, 2022.
(b) Regular Neighborhood Services and Education Committee Minutes of August 11, 2022.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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 22-1330 Lease of Airport Premises with General Services Administration Public Building Services for the Transportation Security Administration.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the lease between the City of San José and General Services Administration Public Building Services for leased premises for the Transportation Security Administration at the Norman Y. Mineta San José International Airport to:
(a) Extend the term by four years from December 31, 2022, to December 31, 2026; and
(b) Implement annual rate adjustments and changes in leased space at any time during the term of the Lease.

CEQA: File No. PP17-003 Not a Project, Agreements/Contracts resulting in no physical changes to the environment. (Airport)

2.8 22-1328 Conflict of Interest Code Biennial Update.

Recommendation: Adopt a resolution amending the Conflict of Interest Code for the City of San José.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)

2.9 22-1331 Permanent Public Service Easement Agreement with Pacific Gas and Electric Company for the Coleman Highline Development Project.

Recommendation: Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute all documents necessary for a permanent easement agreement with Pacific Gas and Electric Company, to install and maintain new electrical and/or communication facilities on a portion of APN 230-46-040 to support construction of the Coleman Highline Development Project.

CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (SCH# 1999122059); the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053); the Envision San José 2040 General Plan EIR (SCH# 2009072096), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and addenda thereto. Council District 3. (Economic Development and Cultural Affairs)

2.10 22-1332 Purchase Order with Wattis Construction Co., Inc. for Asphalt Paving Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Wattis Construction Co., Inc. (San José, CA) for Asphalt Paving Services for the Parks, Recreation, and Neighborhood Services Department for an initial one-year term, starting on or about September 13, 2022, and ending on or about September 12, 2023, for an amount not to exceed \$800,000; and
- (b) Exercise up to four additional one-year options to extend the term of the purchase order with the last option ending on or about September 12, 2027, subject to the appropriation of funds.

CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. PP19-013. (Finance)

2.11 22-1334 Amendment to Master Agreement with Callander Associates Landscape Architecture, Inc.; Meyer Studio Land Architects; and Royston, Hanamoto, Alley & Abey for Landscape Architectural Services for Various City Facility Projects.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) First Amendment to the Master Agreement for consultant services with Callander Associates Landscape Architecture, Inc. (CPMS Contract No. 9192), extending the term from December 31, 2022, to December 31, 2024 to complete various ongoing facility projects, at no additional cost to the City;
- (b) First Amendment to the Master Agreement for consultant services with Myer Studio Land Architects (CPMS Contract No. 9192) extending the term from December 31, 2022, to December 31, 2024, to complete various ongoing facility projects, at no additional cost to the City; and
- (c) First Amendment to the Master Agreement for consultant services with Royston, Hanamoto, Alley & Abey (CPMS Contract No. 9192), extending the term from December 31, 2022, to December 31, 2024, to complete various ongoing facility projects, at no additional cost to the City.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

2.12 22-1333 Amendment to the Consultant Agreement with HMM Engineers for the US 101/Blossom Hill Road Interchange Improvement Project.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Third Amendment to the consultant agreement between the City of San José and HMM Engineers for the US 101/Blossom Hill Road Interchange Improvement Project to increase the total compensation amount by \$96,000 from \$5,792,500 to \$5,888,500 and extend the agreement term from July 31, 2023 to December 31, 2025. CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. Council District 2. (Transportation)

2.13 22-1349 Retroactive Approval of Multiple Special Events Sponsored by Council District 5 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation: As recommended by the Rules and Open Government Committee on August 31, 2022:

- (a) Retroactively approve the Children of the Rainbow Park National Night Out event scheduled on August 12, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Mayfair Senior Yoga event scheduled on August 18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Hillview Library Reclaiming event scheduled on August 20, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Retroactively approve the SV PRIDE Parade scheduled on August 28, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (e) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 8/31/2022 - Item B.3]

2.14 22-1353 Retroactive Approval of the Active Adults Program End of Summer Luau Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on August 31, 2022:

- (a) Retroactively approve the Active Adults Program End of Summer Luau scheduled on August 30, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 8/31/2022 - Item B.4]

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 22-1345 Digital Privacy Program Update and Public Camera Use. - RECOMMEND DEFERRAL

Recommendation: (a) Accept the status report on the progress of the Digital Privacy Program.

(b) Approve new and updated data usage cases in the Transportation and Parks, Recreation and Neighborhood Services departments.

(c) Approve the Data Usage Protocol for Automated License Plate Readers to replace the Police Department's existing Data Usage Policy in Police Duty Manual L4207 and to supersede previously approved automated license plate reader related policies.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Information Technology/Police)

[Smart Cities and Service Improvement Committee referral 2/3/2022 - Item (d)3]

RECOMMEND DEFERRAL TO 9/20/2022 PER ADMINISTRATION

4. PUBLIC SAFETY SERVICES**4.1 22-1335 Independent Police Auditor 2021 Year End Report.**

Recommendation: (a) Accept the 2021 Independent Police Auditor Year End Report.

(b) Accept the San José Police Department's response to the recommendations contained in the 2021 Independent Police Auditor Year End Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)

[Deferred from 6/28/2022 - Item 4.2 (22-1047), 8/16/2022 - Item 4.1 (22-1179) and 8/30/2022 - Item 4.1 (22-1281)]

4.2 22-1336 San José Police Department Internal Affairs Unit - 2021 Department Initiated Investigations Report.

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2021.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)

[Deferred from 6/28/2022 - Item 4.3 (22-1048), 8/16/2022 - Item 4.2 (22-1180) and 8/30/2022 - Item 4.2 (22-1282)]

4.3 22-1337 Recommendation on a Process for Random Audits of Officer-Worn Body Camera Footage.

Recommendation: (a) Accept the report regarding audits of body-worn camera (BWC) footage from San José Police Department Officers as part of the Police Reforms Work Plan.

(b) Direct the City Manager to implement random audits of BWC footage through the addition of 1.0 Senior Analyst position in the Police Department, with the first year funding provided by the existing Police Reforms Work Plan appropriation and future year funding included as part of the 2023-2024 General Fund Base Budget.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police/City Manager)

5. TRANSPORTATION & AVIATION SERVICES

5.1 22-1338 Agreement for Professional Consultant Services for On-Call Planning and Environmental Services at Norman Y. Mineta San José International Airport.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute Master Consultant Agreements with Landrum and Brown, Inc. and HNTB Corporation, for On-Call Planning and Environmental Services at Norman Y. Mineta San José International Airport, for a period of five years from execution, in a total amount not to exceed \$3,500,000 per consultant over the term of the agreement.

CEQA: Not a Project, File No. PP17-002, Consultant services for design/study/inspection, or other professional services with no commitment to future action. (Airport)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 22-1339 1343 The Alameda Master Plan and Naming.

Recommendation: (a) Adopt the City of San José 1343 The Alameda Master Plan Report for a public park.
(b) Adopt “The Alameda Park” as the official park name as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process.
CEQA: Categorically Exempt, ER22-0179 CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Council District 6. (Parks, Recreation and Neighborhood Services).

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

If the Regular Session agenda items end after 6:00 p.m., this Open Forum will be held at the end of the full meeting concurrently with the Evening Session 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 6:00 p.m.

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) 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 requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

- (a) **22-1340 C21-002-Conforming Rezoning of Certain Real Property Locate at 0 Dorel Drive.**

Recommendation: Approve an ordinance rezoning an approximately 1.03-gross acre site on that certain real property located on the south side of Suncrest Avenue, approximately 520 feet southeasterly of Perie Lane (0 Dorel Drive) from the A(PD) Planned Development Zoning District to the R-1-2 Single-Family Residence Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

- 10.2 22-1341 Cambrian No. 37 - Annexation of two unincorporated parcels and portions of Camden Avenue and Union Avenue totaling 19.92 acres from the County of Santa Clara into the City of San José (14200 Union Avenue).**

Recommendation: Adopt a resolution ordering the annexation of territory designated as Cambrian No. 37 which involves the annexation to the City of San José of approximately 19.92-gross acres of land located on the southeast corner of Union Avenue and Camden Avenue (APNs 419-08-012 and 419-08-013) and adjacent streets including 735.44 feet of Union Avenue and 948.32 feet of Camden Avenue along the project frontage, and the detachment of the same from the appropriate special districts including County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa Clara County Library District. CEQA: Determination of Consistency with the Cambrian Park Mixed-Use Village Project Final Environmental Impact Report (City Council Resolution No. 80647). Council District 9. (Planning, Building and Code Enforcement)

- **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**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting.
This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum 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.