



# **CITY COUNCIL MEETING**

## **Amended Agenda**

**Tuesday, September 10, 2024**  
**1:30 PM**

**LOCATION:**  
**Council Chambers - 200 E. Santa Clara Street**

For live translations in over 50 languages, please go to <https://attend.wordly.ai/join/FAYU-7105>

**Public Comment in Person Only**

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MATT MAHAN, MAYOR  
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10

*Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.*

**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](mailto: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.

- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Gọi (408) 535-8430
- 應要求提供殘疾人便利設施。電子郵件 [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); 致電 (408) 535-8430

### **THE LEVINE ACT**

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit <https://sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

#### **How to observe the Meeting (no public comment):**

- 1) Cable Channel 26.
- 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>.
- 3) <https://youtube.com/CityofSanJoseCalifornia>.
- 4) By Phone: (888) 475 4499. Webinar ID is 94302037655. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
- 5) Online at: <https://sanjoseca.zoom.us/j/94302037655>  
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.

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

By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 8:00 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 provide spoken Public Comment during the City Council Meeting:**

*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. 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.*

*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)

Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers. 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. You may remain anonymous, but please fill out a card so we may call you. You can put "anonymous speaker" or "no name" on the card. 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. 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.

## • Call to Order and Roll Call

9:30 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  
6:00 p.m. - Evening Session, Council Chambers, City Hall – Cancelled  
\*The previously scheduled Evening Session has been cancelled.

## • 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.**

## • Adjournment Recognition

This meeting will be adjourned in memory of Community Service Officer Long Pham, who tragically lost his life while serving in the line of duty on August 3, 2024. We extend our deepest gratitude for his courageous efforts, tireless dedication, and unwavering commitment to improving our city.

Officer Pham's profound impact on our community is immeasurable, and his sacrifice embodies the highest ideals of public service. As we gather to remember and celebrate his legacy, we are reminded of the bravery and selflessness that define our heroes. His contributions will continue to inspire us, and his memory will be forever cherished in the hearts of those he served and protected.

## • Closed Session Report

To be heard after Ceremonial Items

## 1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring September 7, 2024 as Brazilian Independence Day to celebrate the heritage of the Brazilian-American community in San José. (Ortiz)

1.2 Presentation of a proclamation declaring September 11, 2024 as the September 11th National Day of Service and Remembrance to honor and commemorate the sacrifices made that day by remembering the heroes, armed forces, first responders and countless others' acts of service to defend our nation's freedom. (Doan)

1.3 Presentation of a proclamation for San José Public Library's National Library Card Sign-Up Month and the launch of its "Fines Free Wave" campaign celebrating the elimination of late fines on overdue materials, with kick-off by the inventor of The Wave, Krazy George Henderson. (Mayor)

## 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.**

2.3 **Approval of Council Committee Minutes.**

2.4 **Mayor and Council Excused Absence Requests.**

**Recommendation:**

Request for excused absences for Councilmember Torres from the regular meetings of Community and Economic Development Committee on August 26, 2024 and City Council on August 27, 2024 due to illness.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Torres)

2.5 **City Council Travel Reports.**

2.6 **Report from the Council Liaison to the Retirement Boards.**

2.7 **Amendment to the Food and Beverage Concession Agreement with HMS Host International Inc.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the Food and Beverage Concession agreement between the City of San José and HMS Host International Inc. to waive HMS Host International Inc.'s responsibility to complete demolition at the Shark's Cage restaurant and provide a credit to the City in the amount of \$145,000 for demolition costs.

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

**2.8 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 Appointment of Voting Delegate and Alternate for the 2024 League of California Cities General Assembly.**

**Recommendation:**

Appoint City Councilmember David Cohen as the voting delegate and City Councilmember Pam Foley as the alternate voting delegate to the General Assembly at the October 16-18, 2024, League of California Cities Annual Meeting in Long Beach, California.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

**2.10 Memorandum of Agreement with the County of Santa Clara to Fund an Additional Trusted Response Urgent Support Team.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to execute a Memorandum of Agreement with the County of Santa Clara for an amount not to exceed \$450,000 to fund an additional Trusted Response Urgent Support Team for a one-year period.

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

**2.11 Lease Renewal for Office Space Between the City of San José and 96 North Third Street, LLC.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a First Amendment to the Lease Agreement dated December 1, 2019, and all necessary documents, with 96 North Third Street, LLC. to extend an existing lease for the Independent Police Auditor's continued use of approximately 2,298 square feet of space located at 96 North Third Street, Suite 150 for five additional years at an estimated cost of \$96,516 for the first year, \$99,549.36 for the second year, \$102,306.96 for the third year, \$105,616.08 for the fourth year, and \$108,649.44 for the fifth year, totaling \$512,637.84 for the five-year term.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

**2.12 Actions Related to the 10371 – Aborn Main Replacement Project.****Recommendation:**

(a) Accept the report on bids and award of contract for the 10371 – Aborn Main Replacement project to the lowest, responsive, and responsible bidder, DPI, Inc., in the amount of \$1,568,729.

(b) Approve a 10% contingency in the amount of \$156,873.

CEQA: Exempt, File No. PP17-050, CEQA Guidelines Sections 15301 Existing Facilities and Section 15302 Replacement or Reconstruction. Council District 8. (Environmental Services)

**2.13 Fourth Quarter Financial Reports for Fiscal Year 2023-2024.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on August 15, 2024, accept the Fourth Quarter (period ended June 30, 2024) Financial Reports for Fiscal Year 2023-2024 for the following debt programs:

(a) Debt Management;

(b) Investment Management;

(c) Revenue Management; and

(d) Purchasing and Risk Management.

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

[Public Safety, Finance, and Strategic Support Committee referral 8/15/2024 – Item (d)1]

**2.14 Grant Agreement with Destination: Home SV and Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments.****Recommendation:**

(a) Approve a Grant Agreement between Destination: Home SV and the City of San José for one year, retroactively from July 1, 2024 through June 30, 2025, by \$180,000 to expedite applications for supportive or extremely low-income housing developments.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the Destination: Home SV Grant City-Wide Expenses appropriation to the Planning, Building and Code Enforcement Department by \$180,000; and

(2) Increase the estimate for Other Revenue by \$180,000.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Planning, Building and Code Enforcement/City Manager)

**2.15 Actions Related to the 10430 - Small Trash Capture Device Installation Phase I – Re-Bid.**

**Recommendation:**

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 10430 – Small Trash Capture Device Installation Phase I Re-Bid project to the lowest responsive, responsible bidder in an amount not to exceed \$3,500,000;
  - (b) Decide any timely bid protest(s) and make the City’s final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
  - (c) Approve a contingency in the amount of 15% of the contract amount.
- CEQA: Categorically Exempt, File No. ER24-110, CEQA Guidelines Section 15301, Existing Facilities. (Public Works)

**2.16 Actions Related to the 10128 - Park: Bundle - 9500 Hamann Tot Lot and 10121 Starbird Park Renovations Rebid III.**

**Recommendation:**

- (a) Report on bids and award of construction contract for the 10128 - Park: Bundle - 9500 Hamann Tot Lot and 10121 Starbird Park Renovations Rebid III in the amount of \$1,337,459 to the lowest responsive, responsible bidder Guerra Construction Group.
  - (b) Approve a 10% contingency in the amount of \$133,746.
  - (c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
    - (1) Increase the Hamann Park Tot Lot Renovation to the Parks, Recreation and Neighborhood Services Department appropriation by \$35,000;
    - (2) Establish the Starbird Park Playground Replacement appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$22,000; and
    - (3) Decrease the Future PDO/PIO Projects Reserve by \$57,000.
  - (d) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #1 Fund:
    - (1) Increase the Hamann Park Tot Lot Renovation appropriation to the Parks, Recreation and Neighborhood Services Department by \$14,000;
    - (2) Increase the Starbird Park Playground Replacement appropriation to the Parks, Recreation and Neighborhood Services Department by \$34,000; and
    - (3) Decrease the Unrestricted Ending Fund Balance by \$48,000.
- CEQA: Categorically Exempt, File No. ER23-039, CEQA Guidelines Section 15301, Existing Facilities and Section 15302, Replacement or Reconstruction. Council District 1. (Public Works/Parks, Recreation, and Neighborhood Services/City Manager)

**2.17 Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.**

**Recommendation:**

Approve the proposed Fiscal Years 2023/2024 - 2028/2029 Work Plan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.

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

**2.18 Approval of Flag Raising Ceremony and Lighting Recognizing Ethiopian New Year as 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 28, 2024:

(a) Approve the Ethiopian Flag Raising scheduled on September 6, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve the Tower Lighting scheduled on September 6, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and

(c) 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. (Mayor)

[Rules Committee referral 8/28/2024 - Item B.2]

**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.**

**4. PUBLIC SAFETY**

**5. TRANSPORTATION & AVIATION SERVICES**

**6. ENVIRONMENTAL & UTILITY SERVICES**

**7. NEIGHBORHOOD SERVICES**

**8. COMMUNITY & ECONOMIC DEVELOPMENT**



## 8.1 **Preliminary Actions Required for the Creation of the Tully Road Eastridge Business Improvement District and Levy Assessments for Fiscal Year 2024-2025.**

### **Recommendation:**

(a) Adopt a resolution:

(1) Declaring the City Council's intention to establish the Tully Road Eastridge Business Improvement District.

(2) Setting a public meeting for October 1, 2024 at 1:30 p.m. and a public hearing for November 5, 2024 at 1:30 p.m.

(3) Directing the City Clerk to publish the required notice of the public meeting and public hearings; and

(4) Appointing an Advisory Board to advise the City Council on all issues related to the Tully Road Eastridge Business Improvement District.

(b) Subject to the establishment of the Tully Road Eastridge Business Improvement District:

(1) Preliminarily approve the budget report of the Advisory Board for Fiscal Year 2024-2025; and

(2) Adopt a resolution of intention to levy an assessment for Fiscal Year 2024-2025 and set a public hearing for November 5, 2024 at 1:30 p.m. on the levy of assessments for Fiscal Year 2024-2025.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact on the environment. Council Districts 7 and 8. (Economic Development and Cultural Affairs)

## 9. **REDEVELOPMENT – SUCCESSOR AGENCY**

## 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) **PDC22-078, PD24-002, T22-027 and ER22-156 - Planned Development Rezoning, Planned Development Permit, and a Tentative Map to Allow the Subdivision of Two Residential Lots at 1581 Minnesota Avenue. – DEFERRED**

**Recommendation:**

- (1) Approve an ordinance rezoning the Project Site from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District on an approximately 0.38-gross-acre site.
- (2) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of an approximately 502-square-foot accessory structure for the construction of an approximately 2,612-square-foot two-story single-family residence on an approximately 0.38-gross-acre site.
- (3) Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one approximately 16,607-square-foot residential lot into two residential lots (including a flag lot) on an approximately 0.38-gross-acre site.

CEQA: Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. Council District 6. (Planning, Building and Code Enforcement)

**DEFERRED TO 9/24/2024 PER ADMINISTRATION**

**END OF CONSENT CALENDAR**

## 10. Land Use - Regular Agenda

### 10.2 PDC21-032, PD21-017, PT21-039 and ER21-148 – Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit, on Certain Real Property Located at 1334 and 1348 Miller Avenue. – DEFERRED

#### **Recommendation:**

(a) Adopt a resolution adopting the 1334 and 1348 Miller Avenue Residential Subdivision Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(b) Approve an Ordinance rezoning certain real property on an approximately 1.07-gross-acre site located at 1334 and 1348 Miller Avenue from the R-1-8 Single Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District.

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide two existing parcels into nine parcels, including seven single-family parcels, one multifamily parcel, and one parcel for a private street on an approximately 1.07-gross-acre site.

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of two single-family residences and two accessory buildings, the removal of 11 ordinance-size and seven non-ordinance-size trees, the construction of five detached-single-family residences, two attached single-family residences, and a stacked duplex reserved as affordable to lower-income households, and the granting of State Density Bonus Law waivers (private open space, minimum distance from street to parking, geographic concentration of affordable units, unit size of affordable units, parking equivalence for affordable units, and affordable unit types) on an approximately 1.07-gross-acre site.

CEQA: Mitigated Negative Declaration for the 1334 and 1348 Miller Avenue Residential Subdivision Project. (File No. ER21-148). Planning Commission motion to recommend approval failed (4-4-1; Cantrell, Barocio, Oliverio and Rosario opposed, Bickford absent) (Item 5.a on the 8/14/2024 Planning Commission agenda). Council District 1. (Planning, Building and Code Enforcement)

**DEFERRED TO 9/24/2024 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. Members of the public may only speak at Open Forum once.**

## • Adjournment

This meeting will be adjourned in memory of Community Service Officer Long Pham, who tragically lost his life while serving in the line of duty on August 3, 2024. We extend our deepest gratitude for his courageous efforts, tireless dedication, and unwavering commitment to improving our city.

Officer Pham's profound impact on our community is immeasurable, and his sacrifice embodies the highest ideals of public service. As we gather to remember and celebrate his legacy, we are reminded of the bravery and selflessness that define our heroes. His contributions will continue to inspire us, and his memory will be forever cherished in the hearts of those he served and protected.

**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 online at <https://sanjoseca.primegov.com/public/portal?fromiframe=1> or 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](mailto:CityClerk@sanjoseca.gov).**

## ABOUT THE AGENDA

*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.

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://sanjoseca.primegov.com/public/portal?fromiframe=1>. Council Meetings are televised live and rebroadcast on Channel 26.

## 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.

### 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.