



City Council Meeting Amended Agenda

Tuesday, December 12, 2017

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, 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.
- **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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

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 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.
- 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 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.
- 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. 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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. 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 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.

[17-506](#) **Closed Session Agenda**

Attachments [Closed Session Agenda](#)

- **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

11:00 a.m. Regular Session, Council Chambers, City Hall

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- **Invocation (Mayor)**

The Reverend Deacon Kathleen Crowe, SJSU Episcopal Chaplain and a retiree of the St. Andrew's Episcopal Church

- **Pledge of Allegiance**

- **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 [17-163](#) Presentation of a commendation to Ohana Board Shop. (Davis)
TO BE HEARD IN THE EVENING
- 1.2 [17-482](#) Presentation of a commendation to the Legends 05 Girls Futsal team. (Carrasco)
TO BE HEARD IN THE EVENING
- 1.3 [17-488](#) Presentation of a commendation to the Valley Christian Schools Space Station Program. (Khamis)
TO BE HEARD IN THE EVENING

- 1.4 [17-504](#) A presentation of a commendation to Fr. Jerry Wade, S.J. for all that he was meant to the Bellarmine College Prep and wider community. (Mayor)
TO BE HEARD AT 1:30 P.M.
- 1.5 [17-505](#) Presentation of a commendation to Stonelight Tile honoring their historic tile work and contribution to our local business community and San José for the past 100 years. (Perez)
TO BE HEARD AT 1:30 P.M.

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 City Council Minutes.

2.2 Final Adoption of Ordinances.

[17-352](#)

Final Adoption of Ordinances.

Recommendation:

(a) ORDINANCE NO. 30023 - An ordinance of the City of San José rezoning certain real property of approximately 64.59 acres situated northwest of State Route 237 and McCarthy Boulevard (1657 Alviso-Milpitas Road) from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District. CEQA: 237 Industrial Center Environmental Impact Report. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

C15-054, SP16-053 & V17-004 - Council District 4

(Deferred from 11/7/17)

TO BE HEARD IN THE EVENING AS ITEM 10.7(c)

(b) ORDINANCE NO. 30036 - An ordinance of the City of San José rezoning certain real property of an approximately 0.2-acre portion of a larger 1.13-gross acre site located at the northwest corner of Meridian Avenue and Willow Street (1087 Meridian Avenue) from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C17-042 - Council District 6

(c) ORDINANCE NO. 30037 - An ordinance of the City of San José rezoning certain real property of approximately 5.38 acres located on the northeast corner of West Julian Street and North Autumn Street (Assessor's Parcel Nos. 259-25-061, 259-25-059, 259-25-042, 259-25-063, 259-25-004, 259-25-005, 259-25-007, 259-25-035, 259-25-062, 259-29-104, 259-29-093, 259-29-099) from the LI Light Industrial Zoning District and HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District. CEQA: Determination of Consistency with Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C17-038 - Council District 3

of

(d) ORDINANCE NO. 30038 - An ordinance of the City of San José rezoning certain real property of approximately 0.3 acre located on the northwest corner of Monterey Road and Bellevue Avenue (1593 Monterey Road) from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-001 - Council District 7

(e) ORDINANCE NO. 30039 - An ordinance of the City of San José rezoning certain real property of approximately 0.51 acre located on the southeast corner of Santa Teresa Boulevard and Realm Drive (6970 Santa Teresa Boulevard), from the IP Industrial Park Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-039 - Council District 2

2.3 Approval of Council Committee Minutes.

[17-444](#) **Approval of Council Committee Minutes.**

Recommendation:

- (a) Rules and Open Government Committee Minutes of October 25, 2017. (Mayor)
 - (b) Rules and Open Government Committee Minutes of November 1, 2017. (Mayor)
 - (c) Rules and Open Government Committee Minutes of November 8, 2017. (Mayor)
 - (d) Transportation and Environment Committee Minutes of November 6, 2017. (Carrasco)
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)

- Attachments**
- [ROGC Minutes - October 25, 2017](#)
 - [ROGC Minutes - November 1, 2017](#)
 - [ROGC Minutes - November 8, 2017](#)
 - [T&E Minutes - November 6, 2017](#)

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 [17-425](#) **Boards and Commissions Appointments.****Recommendation:**

Approve the following Board and Commission appointments:

(a) Human Services Commission:

(1) District 1 Seat: Appoint Franklin Elieh for the term 12/12/17 through 12/31/2018; and

(2) District 2 Seat: Appoint Jessica Dickinson Goodman for the term 12/12/17 through 12/31/2018.

(b) Neighborhoods Commission:

(1) District 1 Seat: Appoint Franklin Nguyen for the term 12/12/17 through 6/30/2018;

(2) District 3 Seat: Appoint Nia Celestin for the term 12/12/17 through 6/30/2018;

(3) District 4 Seat: Appoint Alan Hinman, Jr. for the term 12/12/17 through 6/30/2020;

(4) District 7 Seat: Appoint Bruce Sullivan for the term 12/12/17 through 6/30/2018; and

(5) District 9 Seat: Appoint Michael Young for the term 12/12/17 through 6/30/2018.

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

(Deferred from 12/12/17 - Item 2.7 to 12/19/17)

Attachments

[Memorandum](#)

[Application - Franklin Elieh](#)

[Application - Bruce Sullivan](#)

[Application - Alan Hinman Jr.](#)

[Application - Nia Celestin](#)

[Application - Franklin Nguyen](#)

[Neighborhoods Commission - Conflict of Interest](#)

[Human Services Commission - Conflict of Interest](#)

[Neighborhoods Commission - Code Review](#)

[Human Services Commission - Code Review](#)

[Application - Michael Young](#)

[Application - Jessica Dickinson Goodman.pdf](#)

2.10 [17-421](#) **Actions Related to the Office of Juvenile Justice and Delinquency Prevention Program for FY 2017 Internet Crimes Against Children Task Force Invited Awards.**

Recommendation: (a) Adopt a resolution accepting the FY 2017 Internet Crimes Against Children Task Force Invited Awards in the amount of \$425,769 and authorizing the City Manager to execute the Grant Agreement and all related documents and to execute additional amendments and related documents, including online certifications at time of reimbursement request, without further City Council action.

(b) Adopt the following Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund for Fiscal Year 2017-2018:

(1) Increase estimate for Revenue from Federal Government by \$425,769; and

(2) Establish a new City-Wide appropriation to the Police Department for the FY 2017 Internet Crimes Against Children Task Force Invited Awards in the amount of \$425,769.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application; and 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. (Police/City Manager)

Attachments [Memorandum](#)
[Agreement - Part \(a\)](#)
[Resolution - Part \(a\)](#)

2.11 [17-416](#) **Agreement with Pipe and Plant Solutions, Inc. for Technological Services for Sanitary Sewer Siphon Condition Assessment.**

Recommendation: Approve a Master Agreement with Pipe & Plant Solutions, Inc. for technological consultant services for sanitary sewer siphon condition assessment from the date of execution to December 31, 2018, in an amount not to exceed \$500,000. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and Section 15302, Replacement or Reconstruction. (Public Works)

Attachments [Memorandum](#)
[Agreement](#)

2.12 [17-419](#) **Report on Bids and Award of Contract for the 8654 - Sanitary Sewer Repairs 2017-18 Package I Project.**

Recommendation: Report on bids and award of contract for the 8654 - Sanitary Sewer Repairs 2017-18 Package I Project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,068,336 and approval of a contingency in the amount of \$106,834. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council District 6. (Public Works)

Attachments [Memorandum](#)

2.13 [17-498](#) **Mayor Liccardo's Travel to New York, NY.**

Recommendation: Approve travel by Mayor Liccardo to New York, NY, from December 12, 2017 to December 14, 2017 for Cities of Service Mayors Council. Source of Funds: Cities of Service. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)

2.14 [17-499](#) **Mayor Liccardo and Mayor's Staff Travel to Paris, France.**

Recommendation: Retroactively authorize travel for Mayor Liccardo and Khanh Russo, the Mayor's Director of Strategic Partnerships, to Paris, France from October 20, 2017 to October 24, 2017 to attend the Mayor's Innovation Studio and CityLab. Source of Funds: Bloomberg Philanthropies. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)

2.15 [17-500](#) **District 8 Community Events.****Recommendation:**

As recommended by the Rules and Open Government Committee on December 6, 2017:

(a) Retroactively approve the following District 8 events as City Council sponsored special events and approve the expenditure of funds:

(1) Norwood Neighborhood Association Meeting on Tuesday, November 7, 2017.

(2) Cancelled-Norwood Neighborhood Association Meeting on Tuesday, December 5, 2017.

(3) Creekside Neighborhood Holiday Lights Celebration on Friday, December 8, 2017.

(4) Norwood Neighborhood Association Holiday Celebration on Saturday, December 9, 2017.

(5) Holiday Sidewalk Stroll and Celebration on Saturday, December 9, 2017.

(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 12/6/17 - Item G.1.a.]

Attachments [Memorandum](#)

2.16 [17-501](#) **District 8 Community Events.****Recommendation:**

As recommended by the Rules and Open Government Committee on December 6, 2017:

(a) Approve the following District 8 events as City Council sponsored Special Events and approve the expenditure of funds:

(1) Volunteer Recognition Luncheon on Wednesday, December 13, 2017.

(2) Brigadoon Park Beautification Day on Saturday, December 16, 2017.

(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 12/6/17 - Item G.1.b.]

Attachments [Memorandum](#)

2.17 [17-502](#) **Fiesta Navidena Celebration.****Recommendation:**

As recommended by the Rules and Open Government Committee on December 6, 2017:

- (a) Approve Fiesta Navidena Celebration scheduled on December 8, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (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. (Carrasco)
[Rules Committee referral 12/6/17 - Item G.1.c.]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Recommendation: Accept Labor Negotiations Update. TO BE HEARD AT 9:00 A.M.

3.3 [17-405](#) **Appointment to the Civil Service Commission.****Recommendation:**

- (a) Interview applicants for appointment to the Employee Nominated Public Member Seat on the Civil Service Commission; and
- (b) Appoint one (1) candidate to the Civil Service Commission to a term ending November 30, 2021.

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

TO BE HEARD FIRST IN THE EVENING

Attachments [Memorandum](#)
[Application - Robert Gill](#)
[Application - Bill Brill](#)
[Conflict of Interest](#)
[Code Review](#)

3.4 [17-427](#) **Appeals Hearing Board Interviews.****Recommendation:**

Interview applicants to the Appeals Hearing Board and consider appointment to fill two (2) vacant Public Member seats to a term of January 1, 2018 to December 31, 2021. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)
TO BE HEARD IN THE EVENING AFTER ITEM 3.3

Attachments[Memorandum](#)[Conflict of Interest](#)[Code Review](#)[Application - Ronald Cabanayan](#)[Application - Elizabeth Chine-Hale](#)**3.5** [17-417](#) **Amendment to the Agreement with Signature Technologies, Inc. for the Public Address System for the Airport.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Execute the Fifth Amendment to the Public Address System Agreement with Signature Technologies, Inc. (dba Com-Net Software) to expand the existing public address system into Gate 7a in Terminal A+ at the Norman Y. Mineta San José International Airport, and to increase the total compensation by an amount not to exceed \$42,672 for a revised maximum compensation of \$4,300,749, including all hardware, software, professional services, maintenance, support, and sales tax; and
- (b) Execute change order(s) to further expand the system, by an amount not to exceed \$30,000 for a revised maximum compensation of \$4,330,749 subject to the appropriations of funds.

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

Attachments[Memorandum](#)[Agreement](#)

3.6 [17-438](#) **Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2017.**

Recommendation: Accept the Fiscal Year 2016-17 Comprehensive Annual Financial Report for the City of San José. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)
TO BE HEARD JOINTLY WITH ITEM 9.1

Attachments [Memorandum](#)
[Attachment](#)

3.7 [17-439](#) **External Auditor's Reports: Single Audit Report and Report to those Charged with Governance for the Year Ended June 30, 2017.**

Recommendation: Accept the Single Audit Report and Report to Those Charged with Governance for the year ended June 30, 2017 as issued by Grant Thornton LLP, the City's external auditor. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

Attachments [Memorandum](#)
[Attachment 1_Single Audit Report](#)
[Attachment 2_Report to Those Charged with Governance](#)

3.8 [17-437](#) **Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2017.**

Recommendation: Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2016-2017. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

Attachments [Memorandum](#)
[Attachment](#)

3.9 [17-503](#) **Ordinance Related to the Voluntary Employee Beneficiary Association Plan.**

Recommendation: Approve an ordinance amending various sections of Chapters 3.28, 3.36, 3.57 and 3.58 of Title 3 of the San José Municipal Code to clarify the effective date of the election by employees out of the defined retiree healthcare benefit plan to the voluntary employee beneficiary association plan. CEQA: Not a Project; PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)
[Ordinance](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [17-420](#) **Actions Related to the Bridge Housing Community.****Recommendation:**

- (a) Provide input and approve the proposed scoring matrix to create a prioritized list of sites in order of viability and readiness for development of a Bridge Housing Community (BHC);
- (b) Provide input and approve the community engagement plan to implement a City-wide and site-specific community outreach plan for three or fewer sites identified through the proposed scoring matrix;
- (c) Provide input and approve the design, structure, operations, and implementation timeline for BHCs, including the feasibility of alternative program options; and
- (d) Direct staff to return to Council with three or fewer sites for final approval following the completion of community outreach and full environmental review process.

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

NOT TO BE HEARD BEFORE 1:30 P.M.

Attachments

[Replacement Memorandum](#)

[Memorandum from City Attorney](#)

[Memo from Councilmembers Rocha & Khamis](#)

[Memo from Mayor Liccardo, Vice Mayor Carrasco & CMs Jones](#)

[Letters from the Public](#)

[Supplemental Memorandum](#)

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Diep](#)

[Letter from Law Foundation Silicon Valley](#)

[Letters from the Public 2](#)

[Memo from Councilmember Jimenez](#)

[Memorandum from Councilmember Nguyen](#)

[Memorandum from Mayor Liccardo](#)

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES**

6.1 [17-436](#) **Actions Related to the Agreement with Santa Clara Valley Transportation Authority for the I-280/Winchester Boulevard Improvement Project.**

Recommendation:

(a) Approve a First Amendment to the Funding Agreement between the City of San José and the Santa Clara Valley Transportation Authority (VTA) to initiate preliminary engineering and obtain environmental clearance for the I-280/Winchester Boulevard Improvements Project to increase the City's share of the funding and the total not to exceed amount from \$250,000 to \$2,250,000, and to extend the term of the Agreement to December 31, 2020.

(b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Excise Tax Fund:

(1) Increase estimated revenue from Fees, Rates, and Charges in the amount of \$2,242,000 to recognize receipts from the I-280/Winchester Boulevard Transportation Development Policy Traffic Impact Fee in the amount of \$2,242,000; and

(2) Establish an appropriation to the Department of Transportation in the amount of \$2,242,000 for the I-280/Winchester Boulevard Interchange project.

CEQA: Statutory Exemption, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. Council Districts 1 & 6. (Transportation/City Manager)

Attachments [Memorandum Agreement - Part \(a\)](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [17-418](#) **Actions Related to the Non-Exclusive Franchise Agreement for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.**

Recommendation: (a) Conduct a Public Hearing on the application of Eco Box Recycling Inc. for a Non-Exclusive Franchise for the non-exclusive collection, transport, and disposal of residential clean-out material and construction and demolition debris.

 (b) Approve an ordinance granting the franchise.

 (c) Approve the Non-Exclusive Franchise Agreement with Eco Box Recycling Inc. for the collection, transport, and disposal of residential clean-out material and construction and demolition debris, from February 8, 2018 through June 30, 2018, with up to three one-year options to extend the term through June 30, 2021.

 CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Attachments [Memorandum](#)
 [Ordinance - Part \(b\)](#)
 [Agreement - Part \(c\)](#)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- RECESS THE MEETING OF THE CITY COUNCIL AND CONVENE THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 [17-440](#) **Fiscal Year 2016-17 Independent Auditor’s Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency.**

Recommendation: Accept the Fiscal Year 2016-17 Independent Auditor’s Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

 TO BE HEARD JOINTLY WITH ITEM 3.6

Attachments [Memorandum](#)

9.2 [17-443](#) **Amendment to the Lease Agreement with Comedy Club of San José, LLC for the Jose Theatre Located at 62 South Second Street.**

Recommendation: Successor Agency Board approve the Fifth Amendment to the Amended and Restated Lease with the Comedy Club of San José, LLC for the use of the Jose Theater located at 62 South Second Street extending the term for up to five years and increasing the base monthly rent each year. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Successor Agency)

Attachments [Memorandum](#)
[Agreement](#)

- ADJOURN THE MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF AN JOSE AND RECONVENE THE MEETING OF THE CITY COUNCIL

- **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

TO BE HEARD AT 6:00 P.M.

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, staff, or public 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

- CONTINUE GENERAL PLAN HEARING (THIRD CYCLE) FROM NOVEMBER 28, 2017

(a) [17-404](#) **Conforming Rezoning for Real Property Located at 967 Mabury Road.**

Recommendation:

Consideration of an ordinance of the City of San José rezoning a 3.3-gross acre site, located at 967 Mabury Road from the LI Light Industrial Zoning District to HI Heavy Industrial Zoning District (Gerald L. McIntyre 2005 Trustee, Owner). CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-044 - Council District 4

Attachments [Memorandum](#)
[Ordinance](#)

(b) [17-406](#) **Planned Development Rezoning and Planned Development Permit for Real Property Located at 750 West San Carlos Street.**

Recommendation:

(a) Adopt a resolution adopting the Addendum to the Diridon Station Area Plan Final Environmental Impact Report in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 0.41-gross acre site, located on the south side of West San Carlos Street, approximately 500 feet east of Sunol Street from the HI Heavy Industrial Zoning District to the R-M(PD) Planned Development Zoning District (Cotton Stanley A Trustee, Owner).

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to demolish an approximately 8,170 square foot structure, and remove six non-ordinance sized trees, and to construct a 7-story, 56 residential unit building with two-stories of parking, located at 750 West San Carlos Street.

CEQA: Addendum to Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Final Environmental Impact Report (Resolution No. 77617) and Addenda thereto.

(Planning, Building and Code Enforcement)
PDC16-045 & PD16-031 - Council District 6

Attachments [Memorandum](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Resolution - Part \(a\)](#)
[Ordinance - Part \(b\)](#)
[Resolution - Part \(c\)](#)
[Supplemental Memorandum](#)

- (c) [17-407](#) **Planned Development Rezoning, Planned Development, and Tentative Map for Real Property Located at 15980 Carlton Avenue.**

Recommendation:

- (a) Adopt a resolution adopting the 15980 Carlton Avenue Residential Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.
- (b) Consideration of an ordinance of the City of San José rezoning an approximately 0.48 gross acre site, located at 15980 Carlton Avenue from the R-M Multiple Residence District to the R-M(PD) Planned Development Zoning District (Calero Lot #2 Partners G.P., Owner).
- (c) Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to reconfigure one lot into six condominium units and the construction of six residential units, removal of six ordinance size trees and one non-ordinance size tree.
- (d) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of the existing home and the construction of six residential units, removal of six ordinance size trees and one non-ordinance size tree.

CEQA: 15980 Carlton Avenue Residential Project Initial Study/Mitigated Negative Declaration. Planning Commission recommends approval (6-0-1; Ballard absent). (Planning, Building and Code Enforcement)

PDC17-049, PD17-023 & PT17-050 - Council District 9

Attachments

- [Replacement Memorandum](#)
[Planning Commission Staff Report](#)
[Draft Development Standards PDC17-049](#)
[Resolution - Part \(a\)](#)
[Ordinance - Part \(b\)](#)
[Resolution - Part \(c\)](#)
[Resolution - Part \(d\)](#)

(d) [17-380](#) **General Plan Amendment: Land Use/Transportation Diagram.**

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a resolution approving a General Plan Amendment to address Land Use/Transportation Diagram errors at locations within the boundaries of the Rincon South Urban Village, Jackson-Taylor Specific Plan, and Martha Gardens Specific Plan.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0).

(Planning, Building and Code Enforcement)

GP17-014 - Council Districts 3 and 8

(Deferred from 11/28/17 - Item 10.1(h) to 12/12/17)

Attachments [Memorandum](#)
[Resolution](#)
[Supplemental Memorandum](#)

(e) [17-408](#) **General Plan Amendment: South Bascom (North) Urban Village Plan.
DROP**

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a resolution approving a City-initiated General Plan Amendment associated with the adoption of the South Bascom (North) Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village Land Use Plan. This Urban Village Plan will provide a policy framework to guide new job and housing growth within the Urban Village boundaries, as well as, provide a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation. CEQA: Determination of Consistency to the Envision San José 2040 General Plan EIR, Resolution No. 76041, Supplemental EIR to Envision San José General Plan EIR, Resolution No. 77617, and Addendum thereto. (Planning, Building and Code Enforcement)

GP17-012 - Council District 6

DROP - TO BE RENOTICED

(f) [17-409](#)

General Plan Amendment: West San Carlos Urban Village Plan. DROP

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a resolution approving a City-initiated General Plan Amendment associated with the adoption of the West San Carlos Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village land use plan. This Urban Village Plan will provide a policy framework to guide new job and housing growth within the Urban Village boundaries, as well as, provide a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation. CEQA: Determination of Consistency to the Envision San José 2040 General Plan EIR, Resolution No. 76041, Supplemental EIR to Envision San José General Plan EIR, Resolution No. 77617, and Addendum thereto. (Planning, Building and Code Enforcement)

GP17-013 - Council District 3

DROP - TO BE RENOTICED

(g) [17-410](#) **General Plan Amendment for Real Property Located at 120 N. 4th Street.**

Recommendation:

- (a) Adopt a resolution approving the Fourth Street and St. John General Plan Amendment Initial Study/Negative Declaration.
- (b) Adopt a resolution approving a General Plan Amendment to request to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood and Transit Residential to Downtown, and expand the Downtown Growth Area Boundary on an approximately 0.91 gross acre site, located on the northeast corner of N. 4th Street and E. St. John Street (120 N. 4th Street) (Brent Lee, Owner).
- (c) Consideration of an ordinance of the City of San José rezoning an approximately 0.91 gross acre site (120 N. 4th Street) from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District. - DROP PART (c) - TO BE RENOTICED

CEQA: Fourth Street and St. John General Plan Amendment & Rezoning Initial Study/Negative Declaration. Planning Commission recommends approval (6-0-0-1; Ballard abstained). (Planning, Building and Code Enforcement)
GP16-013 & C17-032 - Council District 3

Attachments [Replacement Memorandum](#)
[Replacement Attachment](#)
[Resolution - Part \(a\)](#)
[Resolution - Part \(b\)](#)
[Memorandum from Mayor Liccardo](#)

END OF CONSENT CALENDAR

10.2 [17-207](#)**Appeal Hearing on Conditional Use Permit and Site Development Permit for the Real Property Located at 3702 South Bascom Avenue.****Recommendation:**

(a) Conduct an Administrative Hearing and consider the Permit Appeal of the Planning Commission's approval of the Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels.

(b) Adopt a resolution denying the permit appeal and approving the Conditional Use Permit and Site Development Permit, subject to conditions, to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels on an approximately on a 0.81-gross acre site located at 3702 South Bascom Avenue (southeast corner of South Bascom Avenue and Woodard Road).

CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction and 15332 for Infill Development Projects. Planning Commission approved the Conditional Use Permit and Site Development Permit (4-3-0; Phan, Bit-Badal opposed). (Planning, Building and Code Enforcement)

CP16-035 - Council District 9

(Deferred from 10/24/17 - Item 10.4 and 11/28/17 - Item 10.2)

(Continued from 12/12/17 - Item 10.2)

Attachments [Memorandum](#)
[Memorandum from Councilmember Rocha](#)
[Attachment A - Permit Appeal](#)
[Attachment B - Project Petition](#)
[Attachment C - Planning Commission Packet](#)
[Attachment D - Signed Planning Commission Resolution](#)
[Attachment E - Mitigation Management Plan](#)
[Attachment F - Noise Study](#)
[Attachment G - Plan Set](#)
[Letters from the Public](#)
[Letters from the Public 2](#)
[Letters from the Public 3](#)
[Illingworth & Rodkin, Inc's \(I&R\) Environmental Noise Assessn](#)
[Letters from the Public 4](#)
[Appellant-Onsite Traffic Report](#)
[Appellant-Traffic images and video link](#)
[Supplemental Memorandum](#)
[Noise Report Rebuttal](#)
[Memorandum from Councilmember Rocha](#)
[Letter from Law Office of Benjamin R. Levinson.pdf](#)
[Letter from Smith Engineering & Management](#)

10.3 [17-411](#) **General Plan Amendment, Conforming Rezoning, and Conditional Use Permit for Real Property Located at 1202 Oakland Road.**

Recommendation:

Adopt a resolution denying:

- (a) A General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial on an approximately 1.54 gross acre site, located on the northeast corner of Oakland Road and Commercial Street;
- (b) A rezoning of an approximately 1.54 gross acre site (1202 Oakland Road) from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District;
- (c) A Conditional Use Permit for the removal of existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto retail fueling dispensers, canopies, and card lock fueling dispensers with proposed off sale of alcohol and 24 hour use, on a 1.54 gross acre site. (1202 Oakland Road). (Robinson Oil Corporation, Owner).

CEQA: Rotten Robbie #67 Project Initial Study/Mitigated Negative Declaration. (Planning, Building and Code Enforcement)

GP16-011, C17-008 & CP17-015 - Council District 3

Attachments

[Memorandum](#)

[Resolution](#)

[Letter\(s\) from the Public](#)

[Memorandum from CMs Peralez, Jones, Rocha & Khamis](#)

[Memorandum from Mayor Liccardo and CM Davis](#)

[Memorandum from Councilmember Peralez](#)

[Letter from the Public 2](#)

[Letter from the Public 3](#)

10.4 [17-412](#)**General Plan Amendment: Land Use/Transportation Diagram Located at 2323 Moorpark Avenue.****Recommendation:**

- (a) Adopt a resolution approving the Moorpark and Central General Plan Amendment Initial Study/Negative Declaration.
- (b) Adopt a resolution approving a General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood to Mixed Use Neighborhood on a 1.06-gross acre site, located at/on the north side of Moorpark Avenue, approximately 125 feet westerly of Central Way (2323 Moorpark Avenue) (Bret Hoefler, Owner).
CEQA: Moorpark and Central General Plan Amendment Initial Study/Negative Declaration. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)
GP17-002 - Council District 6

Attachments[Memorandum](#)[Initial Study/Negative Declaration for GP17-002](#)[Resolution - Part \(a\)](#)[Resolution - Part \(b\)](#)

10.5 [17-413](#)**General Plan Amendment, General Plan Text Amendment, and Conforming Rezoning for Real Property Located at 715 West Julian Street.****Recommendation:**

(a) Adopt a resolution approving the Julian Street General Plan Amendment, Diridon Station Area Plan Amendment & Rezoning Project and Addendum to the Diridon Station Area Plan Final Environmental Impact Report (FEIR) (Resolution No. 77096) for the project.

(b) Adopt a resolution approving:

(1) The General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Urban Village on a 1.22-gross acre site, located at the northwest corner of W. Julian Street and Stockton Avenue (715 West Julian Street) (Speno Enterprises Lp, Owner); and

(2) The General Plan Text Amendment to the Diridon Station Area Plan to shift 305 dwelling units from Subarea F to Subarea C in order to facilitate residential development on a 1.22-gross acre site.

(c) Consideration of an ordinance of the City of San José rezoning a 1.07-gross acre site from LI Light Industrial to CP Commercial Pedestrian.

CEQA: Julian Street General Plan Amendment, Diridon Station Area Plan Amendment & Rezoning Project Addendum to the Diridon Station Area Plan FEIR (Resolution No. 77096) and Addendum thereto. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)
GP17-006, GPT17-008 & C17-031 - Council District 6

Attachments

[Memorandum](#)

[Resolution - Part \(a\)](#)

[Resolution - Part \(b\)](#)

[Ordinance - Part \(c\)](#)

[Letters from the Public](#)

10.6 [17-414](#)**General Plan Text Amendment and Amendment to the North San José Area Development Policy.****Recommendation:**

(a) Consider the Determination of Consistency with the Final Program EIR for the North San José Development Policies Update (Resolution No. 72768) and Addenda thereto, and the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a resolution approving a City-initiated General Plan Text Amendment to revise the Industrial Park and Transit Employment Center land use designations to allow additional flexibility for retail and service commercial uses within the North San José Development Policy area and amending the North San José Area Development Policy to establish criteria for commercial support uses in single-use buildings proposed on properties in the IP Industrial Park Zoning District.

(c) Consideration of an ordinance amending Section 20.50.110 of Title 20 of the Zoning Code to add provisions to allow commercial support uses in single-use buildings in the IP Industrial Park Zoning District within the North San José Development Policy area that meet certain criteria and are consistent with the North San José Area Development Policy.

CEQA: Determination of Consistency with the Final Program EIR for the North San José Development Policies Update (Resolution No. 72768) and Addenda thereto, and the Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement) GPT17-007 & PP17-051 - Council Districts 3 & 4
TO BE HEARD AFTER LAND USE CONSENT

Attachments [Memorandum](#)
[Resolution - Part \(b\)](#)
[Ordinance - Part \(c\)](#)

10.7 [17-415](#)

Reconsideration of the 237 Industrial Center Final Environmental Impact Report for a Conforming Rezoning, Special Use Permit and Development Exception for Real Property Located at 1657 Alviso-Milpitas Road.

Recommendation:

(a) Conduct a hearing pursuant to San José Municipal Code Section 21.07.080 to reconsider the City Council's certification of the 237 Industrial Center Final Environmental Impact Report adopted on October 24, 2017 (Resolution No. 78393) for Rezoning File No. C15-054 from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District; Special Use Permit File No. SP16-053 to remove eight ordinance-size trees and 14 non-ordinance size trees, and allow 14 generators and the construction of six buildings for a data center use totaling approximately 376,519 square feet with on-and off-site improvements; and Development Exception File No. V17-004 to allow an exception to the off-street parking requirements on a 64.59 -gross acre site located at 1657 Alviso-Milpitas Road.

(b) Adopt a resolution affirming (i) City Council Resolution No. 78393 certifying the 237 Industrial Center Final Environmental Impact Report adopted on October 24, 2017 (Resolution No. 78393) and (ii) City Council Resolution No. 78394 approving Special Use Permit File No. SP16-053 and Development Exception File No. V17-004, and finding that:

(1) The City Council has read and considered the 237 Industrial Center Final Environmental Impact Report and related administrative record in connection with Rezoning File No. C15-054, Special Use Permit File No. SP16-053, and Development Exception File No. V17-004;

(2) The 237 Industrial Center Final Environmental Impact Report, was prepared and completed in compliance with the California Environmental Quality Act of 1970, as amended, together with state and local implementation guidelines; and

(3) Certification of the 237 Industrial Center Final Environmental Impact Report for Rezoning File No. C15-054, Special Use Permit File No. SP16-053, and Development Exception File No. V17-004 reflects the independent judgment and analysis of the City of San José.

(c) Final adoption of ORDINANCE NO. 30023 - An ordinance of the City of San José rezoning certain real property of approximately 64.59 acres situated northwest of State Route 237 and McCarthy Boulevard (1657 Alviso-Milpitas Road) from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District.

CEQA: 237 Industrial Center Environmental Impact Report, Resolution No. 78393. (Planning, Building and Code Enforcement)

C15-054, SP16-053 & V17-004 - Council District 4
TO BE HEARD AFTER ITEM 10.6

Attachments [Memorandum](#)
[Attachment 1 LECEF - Reconsideration Application - 102617.pdf](#)
[Attachment 2 Epinoza - Reconsideration Application - 102717.pdf](#)
[Attachment 3 Planning Commission Agenda item 5a and associated d](#)
[Attachment 4 City Council Agenda item 17-094 and associated d](#)
[Attachment 5 Final Environmental Impact Report.pdf](#)
[Attachment 6 City Council Resolution No. 78393.pdf](#)
[Attachment 6b - City Council Resolution 78394.pdf](#)
[Attachment 7 237 Industrial Center Construction Air Pollutant Er](#)
[Calpine Letter](#)

- CLOSE GENERAL PLAN HEARING (THIRD CYCLE)

- **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 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.