



City Council Meeting Amended Agenda

Tuesday, May 16, 2023

1:30 PM

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

MATT MAHAN, MAYOR
ROSEMARY KAMEI, 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



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.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,

- 2) <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings>, 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 ilegislare 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, 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

23-698 Closed Session Agenda

1:30 p.m.- Regular Session, Council Chambers, City Hall

- **Pledge of Allegiance**

- **Invocation (District 5)**

Muwekma Ohlone Tribe of the San Francisco Bay Area.

- **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**

This meeting will be adjourned in memory of Carlos Diaz, who passed away on April 29, 2023. Carlos, also known as DJ Carlos, was a husband, father, East San José Community Leader and longtime pillar of the California hip-hop community, both as a DJ and through his business, Knight Sounds Entertainment.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring May 2023 as Mental Health Awareness Month to raise awareness about the importance of mental health in our lives and in the City of San José. (Torres & Candelas)

1.2 Presentation of a proclamation declaring May 2023 as Affordable Housing Month in the City of San José to recognize that our communities are stronger and more resilient when we all have a safe, stable, and affordable place to call home. (Foley)

1.3 Presentation of a proclamation declaring May 2023 as Asian American and Pacific Islander Heritage Month in the City of San José to recognize the contributions, culture and heritage of communities in our city from Asia and the Pacific. (Kamei, Doan and Batra)

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.

23-710 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30904 - An Ordinance of the City of San José Amending Section 2.04.4620 of Chapter 2.04 of Title 2 of the San José Municipal Code and Amending Title 26 of the San José Municipal Code to Provide the Community Energy Department the Authority to Efficiently Procure and Contract for the Purchase and Sale of Power Products and to Ensure Timely Collection of Revenues.
[Passed for Publication on 5/2/2023 - Item 6.1(a) (23-618)]

(b) Ordinance No. 30905 - An Ordinance of the City of San José Amending Part 21 of Chapter 2.08 of Title 2 of the San José Municipal Code to Establish the Climate Advisory Commission and Merge it with the Clean Energy Community Advisory Commission.[Passed for Publication on 5/2/2023 - Item 6.2 (23-619)]

(c) Ordinance No. 30907 - An Ordinance of the City of San José Rezoning 15 Properties from the CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, 12 Properties from CP Commercial Pedestrian Zoning District to UV Urban Village Zoning District, Eight Properties from IP Industrial Park Zoning District to TEC Transit Employment Center Zoning District, Six Properties from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, Six Properties from HI Heavy Industrial Zoning District To UV Urban Village Zoning District, Five Properties from R-M Multifamily Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, Four Properties from CG Commercial General Zoning District To UV Urban Village Zoning District, Four Properties from HI Heavy Industrial Zoning District to UR Urban Residential Zoning District, Four Properties from LI Light Industrial Zoning District to MUN Mixed Use Neighborhood Zoning District, Three Properties from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, Three Properties from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, Two Properties from CN Commercial Neighborhood Zoning District to UV Urban Village Zoning District, Two Properties from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, Two Properties from R-1-8 Single-Family Residential Zoning District to UR Urban Residential Zoning District, Two Properties from R-2 Two-Family Residential Zoning District to UV Urban Village Zoning District, Two Properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, Two Properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, One Property from A Agriculture Zoning District to TR Transit Residential Zoning District, One Property from A Agriculture Zoning District to MUN Mixed Use Neighborhood Zoning District, One Property from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, One Property from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, One Property from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, One Property from R-2 Two-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, One Property from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District, One Property from R-1-8 Single-Family Residential Zoning District to CN Commercial

Neighborhood Zoning District, and One Property from R-M Multifamily Residential Zoning District to UV Urban Village Zoning District, Located in Various Locations on those Certain Real Properties within the City of San José.

[Passed for Publication on 5/9/2023 - Item 10.1(a) (23-678)]

2.3 Approval of Council Committee Minutes.

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 23-686 Termination of the Director of Emergency Services' March 6, 2020, Proclamation of the Existence of a Local Emergency for COVID Response.

Recommendation: Adopt a resolution terminating the Director of Emergency Services' March 6, 2020, Proclamation of the Existence of a Local Emergency for COVID Response.

CEQA: Statutory Exempt, Section 15269, Emergency Projects
Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

2.8 23-687 Actions Related to the San José Clean Energy Rates Data Upload and Load Management Standards Compliance Plan.

Recommendation: (a) Adopt a resolution ratifying the Community Energy Department's submittal of a request to the California Energy Commission, for an extension of time of a regulatory requirement obligating San José Clean Energy to upload its rates data into a statewide database.

(b) Approve the interim Load Management Standards Compliance Plan that details the steps San José Clean Energy will take to prepare a Final Compliance Plan by the current completion date of October 31, 2024.

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

2.9 23-688 Appropriation Actions to Purchase Cardiac Monitor - Defibrillator Replacements.

Recommendation: (a) Approve the following 2022-2023 Appropriation Ordinance amendments in the General Fund:
(1) Decrease the Fire Emergency Equipment Reserve by \$500,000; and
(2) Increase the Fire Department’s Non-Personal/Equipment appropriation by \$500,000.
(b) Approve the following 2022-2023 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
(1) Decrease the Fire Emergency Equipment Reserve by \$280,130; and
(2) Establish the Emergency Medical Services Equipment appropriation to the Fire Department in the amount of \$280,130.
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. (Fire/City Manager)

2.10 23-689 Amendment to the Agreement with County of Santa Clara for Homeless Encampment Clean-up Services.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Negotiate and execute the Second Amendment to the Agreement with County of Santa Clara for Homeless Encampment Clean-Up Services to increase compensation by \$1,800,000 for a maximum compensation of \$2,025,000 extending the agreement through May 2027; and
(b) Negotiate and execute additional agreements and amendments with the County of Santa Clara related to Homeless Encampment Clean-Up Services.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

2.11 23-720 Retroactive Approval of Black April Commemoration Sponsored by Council District 7 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 May 3, 2023:
(a) Retroactively approve the Black April Commemoration Event scheduled on April 30, 2023 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. (Doan)
[Rules Committee referral 5/3/2023 - 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.

3.3 23-690 Public Hearing on the 2023-2024 Proposed Operating and Capital Budgets and the 2023-2024 Proposed Fees and Charges for the City of San José, including a One-Time Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues.

Recommendation: Conduct a Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2023 to June 30, 2024, the Proposed Five-Year Capital Improvement Program for 2024-2028, the Proposed Fees and Charges Report for the Fiscal Year 2023-2024, and a One-Time Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues for the Fiscal Year 2023-2024.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

3.4 23-691 Approval of the Issuance of a Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof and Approving Related Documents for the Financing of Tamien Station Affordable and of the Increase to the City Construction-Permanent Loan.

Recommendation: (a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Tamien Station Affordable), Series 2023D” in a principal amount not to exceed \$66,100,000 (the 2023D Note);

(2) Approving the loan of 2023D Note proceeds to Tamien Affordable, L.P., a California limited partnership created by Core Affordable Housing LLC, a California limited liability company, to finance the construction and development of a 135-unit multifamily development known as Tamien Station Affordable located at 1197 Lick Avenue in San José (the Development);

(3) Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, the Contingency Draw Down Agreement and related documents (collectively, the 2023D Note Documents); and

(4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Housing, Assistant Director of Finance, Deputy Director, Debt and Treasury Management, or their designees, to execute and deliver the 2023D Note Documents together with any documents ancillary to the 2023D Note Documents.

(b) Adopt a resolution authorizing an increase of up to \$500,000 from Measure E Funds to increase the City Council approved construction-permanent loan commitment to Tamien Affordable, L.P., a California limited partnership, from \$16,750,000 to \$17,250,000 to provide funds for tenant improvements to the commercial space for a commercial childcare facility.

(c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E - 30% Low-Income Households Reserve by \$500,000; and

(2) Increase the Measure E - 30% Low-Income Households appropriation by \$500,000.

CEQA: Determination of Consistency with the Mitigated Negative Declaration for Tamien Station Transit-Oriented Development Project (Resolution No. 79567), File No. PDC18-025. Council District 3. (Housing/Finance/City Manager)

3.5 23-692 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Notes and the Loan of the Proceeds Thereof for the Financing of the Charles and Approving Other Related Documents and Actions.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance of a: (1) tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (The Charles), Series 2023B-1” in a principal amount not to exceed \$44,562,052 (2023B-1 Note) and (2) taxable multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (The Charles), Series 2023B-2” (Taxable) in a principal amount not to exceed \$12,000,000 (2023B-2 Note and with the 2023B-1 Note, the 2023B Notes);
- (b) Approving the loan of 2023B Note proceeds to Keyes, L.P. (Borrower) a California limited partnership created by Charities Housing Development Corporation of Santa Clara County, a California nonprofit public benefit corporation, to finance the construction and development of a 99-unit multifamily development known as The Charles located at 551 Keyes in San José (the Development);
- (c) Approving in substantially final form the Funding Loan Agreement, the Project Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, and related documents (collectively, the 2023B Note Documents);
- (d) Confirming the eligibility of the 2023B Notes to be structured with related parties under the Bond Policy Pilot Program which allows approval of multifamily housing revenue bond transactions that are subject to a bond fee cap under the applicable Treasury regulations for multifamily housing revenue bond transactions with related parties; and
- (e) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Housing, Assistant Director of Finance, Deputy Director, Debt & Treasury Management, or their designees, to execute and deliver the 2023B Note Documents together with any documents ancillary to the 2023B Note Documents.
- CEQA: Categorical Exemptions per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109.
Council District 3. (Housing/Finance)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 23-694 City Initiatives Roadmap: BeautifySJ Vehicle Blight Status Report.

Recommendation: As recommended by the Transportation and Environment Committee on May 1, 2023, accept the status report on BeautifySJ Vehicle Blight analysis, design, and testing work to improve vehicle complaint case handling, coordinating cross-department response and outcomes as part of the approved City Initiatives Roadmap for 2022-2023.
 CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation/Information Technology/Police/Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement)
 [Transportation and Environment Committee referral 5/1/2023 - Item (d)4]

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 23-695 Long-Term Renewable Energy Agreement with Pacific Gas and Electric Company.

Recommendation: Adopt a resolution authorizing the Director of the Community Energy Department or the Director’s designee to negotiate and execute a long-term agreement with Pacific Gas and Electric Company to buy renewable energy for a term of no more than 20 years from 2023 through 2043, in an amount not to exceed \$7,500,000 annually and \$150,000,000 in aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds.
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

6.2 23-696 Republic Services Commercial Solid Waste Customer Service Rates.

Recommendation: (a) Conduct a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates for 2023-2024 are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.

(b) Adopt a resolution increasing the Maximum Commercial Solid Waste Services Rates in the City of San José for 2023-2024 by 6.31 percent pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services. CEQA: Not a Project, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-697 Future of San Pedro Street Status Report. - DEFERRED

Recommendation: Accept staff’s recommendation on a preferred layout and cost estimate for the potential permanent closure of San Pedro Street to non-emergency vehicular traffic between W. Santa Clara and St. John Streets and to pilot the potential permanent street closure. CEQA: Categorically Exempt, File No. ER23-080, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Economic Development and Cultural Affairs/Public Works/Transportation/Fire) **DEFERRED TO 5/23/2023 PER RULES AND OPEN GOVERNMENT COMMITTEE**

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

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

This meeting will be adjourned in memory of Carlos Diaz, who passed away on April 29, 2023. Carlos, also known as DJ Carlos, was a husband, father, East San José Community Leader and longtime pillar of the California hip-hop community, both as a DJ and through his business, Knight Sounds Entertainment.

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.