



CITY COUNCIL MEETING

Amended Agenda

Tuesday, June 4, 2024
1:30 PM

LOCATION:
Council Chambers - 200 E. Santa Clara Street

Attachments and related materials can be viewed [HERE](#)

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.” Click the language you would like to hear. (Zoom only)

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). (Zoom solo)

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). (Zoom chỉ một)

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Public Comment in Person Only

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.

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- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
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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 94558095100. 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/94558095100>
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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 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

• Pledge of Allegiance

• Invocation (District 6)

Gabrielle Antolovich - Billy DeFrank LGBTQ+ Community Center

• 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

• Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to Mimi Hernandez for her service to business owners and underserved communities in San José as Executive Director of Prosperity Lab. (Ortiz)

1.2 Presentation of a commendation to Yu-Ai Kai Japanese-American Community Senior Center for their 50th year anniversary and 50 years of unrivaled services empowering seniors and their families in the City of San José. (Torres)

1.3 Presentation of a proclamation declaring June 2024 as Pride Month to recognize the City of San José's vibrant and diverse LGBTQ+ community. (Foley, Davis, and Torres)

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.

Recommendation:

(a) Ordinance No. 31076 - An Ordinance of the City of San José Amending Chapter 2.04 of Title 2 of the San José Municipal Code to Add a New Part 43 Establishing the Office of Racial and Social Equity.

[Passed for Publication on 5/14/2024 - Item 3.5(a) (24-88307)]

(b) Ordinance No. 31078 - An Ordinance of the City of San José Amending Chapter 8.08 of Title 8 of the San José Municipal Code to Clarify Roles and Responsibilities, Define Key Terminology, and Add Continuity of Government as a New Component of the Ordinance.

[Passed for Publication on 5/21/2024 - Item 3.4 (24-90592)]

(c) Ordinance No. 31079 - An Ordinance of the City of San José Amending Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code, Section 20.40.520 of Chapter 20.40 of Title 20 of the San José Municipal Code, Section 20.50.210 of Chapter 20.50 of Title 20 of the San José Municipal Code, Section 20.55.201 of Chapter 20.55 of Title 20 of the San José Municipal Code, Section 20.75.320 of Chapter 20.75 of Title 20 of the San José Municipal Code, and Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code Related to Outdoor Dining or Other Outdoor Uses Associated with an On-Site Business.

[Passed for Publication on 5/21/2024 - Item 10.1(a) (24-90596)]

(d) Ordinance No. 31080 - An Ordinance of the City of San José Rezoning 212 Properties from R-M Multi-Family Residential Zoning District to UR Urban Residential Zoning District, 73 Properties from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, 57 Properties from R-1-8 Single-Family Residential Zoning District to Public/Quasi-Public Zoning District, 39 Properties from R-1-8 Single-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, 20 Properties from R-M Multi-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 17 Properties from R-2 Two Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 16 Properties From A Agriculture Zoning District to OS Open Space Zoning District, 12 Properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residential Zoning District, Eight Properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District, Six Properties from R-1-5 Single-Family Residential Zoning District to Public/Quasi-Public Zoning District, Five Properties from R-1-1 Single-Family Zoning District to Public/Quasi-Public Zoning District, Four Properties from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, Four Properties from CO Commercial Office Zoning District to OS Open Space Zoning District, Three Properties from CG Commercial General Zoning District to OS Open Space Zoning District, Three Properties from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, Three Properties from R-1-5 Single-Family Residential Zoning District to OS Open Space Zoning District, Three Properties from A Agriculture Zoning District to Public/Quasi-Public Zoning Districts, Three Properties from CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, Two Properties from R-1-8 Single-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, Two Properties from CP Commercial Pedestrian District to PQP Public/Quasi-Public Zoning District, One Property from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, One Property from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, One Property from R-M Multi-Family Residential Zoning District to CP Commercial Pedestrian District, One Property

from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, One Property from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, One Property from R-M Multi-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, One Property from A Agriculture Zoning District to Mun Mixed Use Neighborhood Zoning District, One Property from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, One Property from HI Heavy Industrial Zoning District to OS Open Space Zoning District, One Property from LI Light Industrial Zoning District to OS Open Space Zoning District, One Property from R-1-2 Single-Family Residential Zoning District to OS Open Space Zoning District, One Property from R-2 Two Family Residential Zoning District to OS Open Space Zoning District, One Property from CN Commercial Neighborhood Zoning District to PQP Public/Quasi-Public Zoning District, One Property from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District, One Property from R-2 Two Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, One Property from R-2 Two Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, One Property from R-M Multi-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, One Property from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, and One Property from R-1-8 Single-Family Residential Zoning District to CIC Combined Industrial/Commercial Zoning District, All Located on those Certain Real Properties Situated within the City of San José.
[Passed for Publication on 5/21/2024- Item 10.1(b) (24-90597)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

Request for an excused absence for:

(a) Councilmember Torres from the Regular Meeting of City Council on April 30, 2024 due to illness.

(b) Councilmember Foley from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on May 29, 2024 due to authorized City business (Sister Cities International All American Summit).

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

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 Establish a Temporary Hiring Incentive Program for Associate Engineers and Senior Engineers in the Planning Building and Code Enforcement Department.

Recommendation:

Adopt a resolution establishing a hiring incentive program for eligible new hires in the Associate Engineer and Senior Engineer classifications in the Planning, Building and Code Enforcement Department who are hired after February 12, 2024 through December 31, 2024.

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

2.8 California Community Choice Association 2024-2025 Membership.

Recommendation:

Adopt a resolution authorizing the Director of the Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2024-2025 at a cost not to exceed \$600,000.

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. (Energy)

2.9 Master Consultant Agreement with Arup US, Inc. for Consultant Services to Procure, Negotiate, and Monitor a Public-Private Partnership Biosolids Facility Agreement.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a master consultant agreement with Arup US, Inc. for consultant services to procure, negotiate and monitor a public-private partnership for the development of a biosolids processing facility at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2026, with options to extend through June 30, 2033, in a total amount not to exceed \$1,000,000, subject to the appropriation of funds.

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

2.10 First Amendment to the Master Consultant Agreement with Black & Veatch for Engineering Services for the Yard Piping Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

Approve the First Amendment to the Master Consultant Agreement with Black & Veatch for engineering services for the Yard Piping Improvements project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$2,500,000, for a total agreement amount not to exceed \$12,250,000; and extending the term of the agreement from June 30, 2026 to December 31, 2027.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858) for the Yard Piping and Road Improvements Project, File No. PP19-063. (Environmental Services)

2.11 Non-profit Charitable Reuser Agreements.

Recommendation:

Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, each with a term from July 1, 2024, through June 30, 2025.

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

2.12 San José Building Reach Code Administrative Update for Accessory Dwelling Units.**Recommendation:**

(a) Make findings related to the local geographical, topographical, climatic conditions and cost effectiveness, which are necessary to make modifications to the State of California's Building Energy

Efficiency Standards.

(b) Approve an ordinance amending Section 24.12.600 of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code to modify provisions of the 2022 California Building Energy Efficiency Standards to reduce certain City-imposed requirements for accessory dwelling units (as well as other single-family residential construction under 1,200 square feet).

(c) Authorize the City Manager or her designee to submit a reach code submittal package to the California Energy Commission for its approval as required by law.

CEQA: Categorically Exempt, File No. ER23-175, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment (Environmental Services/Planning, Building, and Code Enforcement)

2.13 Amendments to the San José Municipal Code, Council Policy 6-29, 6-35, 6-36, and 6-37, and Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements.**Recommendation:**

(a) Approve an ordinance amending Section 5.09.500 of Chapter 5.09 of Title 5; amending Chapter 15.14 of Title 15 to add Sections 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, and 15.14.773; amending Section 20.95.020 of Chapter 20.95 and Section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code related to compliance with the Municipal Regional Stormwater Permit.

(b) Adopt a resolution amending Council Policy No. 6-29, Post Construction Urban Runoff Management;

(c) Adopt a resolution establishing a new Council Policy No. 6-35, Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices.

(d) Adopt a resolution establishing a new Council Policy 6-36, Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices.

(e) Adopt a resolution establishing a new Council Policy No. 6-37, Projects Disturbing Less than One Acre: Best Management Practices.

(f) Adopt a resolution amending the Administrative Citation Schedule of Fines to update fines for violations of San José Municipal Code Chapter 15.14, Sections 15.14.771 and 15.14.772 to create a new fine for violations pertaining to Council Policy 6-36; Section 15.14.773 to create a new fine for violations pertaining to Council Policy 6-35; Section 15.14.770 to update the fine for violations pertaining to best management practices as applied to stormwater control; and repealing Resolution No. RES2024-24.

CEQA: Categorically Exempt, File No. ER24-105, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Planning Commission recommends approval (11-0) (Item 5.b on the 5/22/2024 Planning Commission agenda). (Environmental Services/Planning, Building and Code Enforcement)

2.14 Actions Related to the 10165 – Ammonia Pumps Replacement Project at the San José - Santa Clara Regional Wastewater Facility.

Recommendation:

(a) Adopt a resolution adopting the Addendum to the Environmental Impact Report for the San José-Santa Clara Regional Water Pollution Control Plant Master Plan, Ammonia Pumps Replacement Project, File No. ER21-306, in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Accept the report on bids and award of a construction contract for the 10165 – Ammonia Pumps Replacement Project to the lowest responsive, responsible bidder, Mountain Cascade, Inc., in the amount of \$2,220,250.

(c) Approve a 10% contingency in the amount of \$222,025.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858), for the Ammonia Pumps Replacement Project, Project File No. ER21-306. (Environmental Services/Public Works)

2.15 Report on Bids and Award of Construction Contract for 9911 – New Headworks Access Road Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

(a) Accept the report on bids and award of contract for the construction contract of 9911 – New Headworks Access Road Project to the lowest responsive, responsible bidder, O.C. Jones and Sons, Inc. in the amount of \$1,501,366; and

(b) Approve a 10% construction contingency in the amount of \$150,137.

CEQA: Addendum to the Environmental Impact Report for the San José-Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858), for the Yard Piping and Road Improvements Project, File No. PP19-063 (Resolution No. 79932). (Environmental Services/Public Works)

2.16 Third Quarter Financial Reports for Fiscal Year 2023-2024.

Recommendation:

As recommended by the Public, Safety, Finance, and Strategic Support Committee on May 16, 2024:

(a) Accept the Third Quarter (period ending March 31, 2024) Financial Reports for the Fiscal Year 2023-2024 in the following areas:

- (1) Debt Management;
- (2) Investment Management;
- (3) Revenue Collection; and
- (4) Purchasing and Risk Management.

(b) Adopt a resolution authorizing the Director of Finance to write off uncollectible debts in an amount up to \$859,363.61.

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 5/16/2024 – (c)1]

2.17 Actions Related to the Purchase Order with ACCO Engineered Systems, Inc. for Mechanical Maintenance and Repair Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to exercise up to three additional one-year options to extend the term of the purchase order term with ACCO Engineered Systems, Inc. (Pasadena, CA) for mechanical maintenance and repair services, with the last option ending on June 30, 2027, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.18 Actions Related to the Purchase Orders with Rentokil North America, Inc. for Pest and Rodent Control Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

- (a) Execute three purchase orders with Rentokil North America, Inc. (Wyomissing, PA) for pest and rodent control services, for a one-year term beginning on or about July 1, 2024, ending on or about June 30, 2025, for a total not-to-exceed amount of \$500,000; and
 - (b) Exercise up to six one-year options to extend the term of the purchase orders with the last option year ending on or about June 30, 2031, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.19 Actions Related to the Purchase Order with Resa Power, LLC for Transformer Testing and Repair Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Resa Power, LLC (Houston, TX) for transformer testing and repair services, with the last option ending on or about October 4, 2030, subject to the appropriation of funds.

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

2.20 Agreements with ABB, Inc. DBA ABB DE, INC., for On-Site Engineering Support and Ongoing Maintenance and Support at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

- (a) Negotiate and execute an agreement with ABB Inc., dba ABB DE, Inc. (Wickliffe, OH) for on-site engineering support at the San José-Santa Clara Regional Wastewater Facility, beginning June 1, 2024 and ending May 31, 2025, for a maximum not-to-exceed compensation of \$365,000, subject to the appropriation of funds;
- (b) Negotiate and execute amendments to the on-site engineering support agreement for additional professional and technical services as required for a contingency not to exceed \$20,000, subject to the appropriation of funds; and
- (c) Negotiate and execute the Water Care Enhanced Agreement with ABB DE, Inc., and issue annual purchase orders pursuant to the terms and conditions of the five-year Water Care Enhanced Agreement for ongoing support and maintenance for as-needed parts replacement, repair, and rebuilding services for a maximum compensation not to exceed \$650,000 for the first year beginning June 1, 2024 and ending May 31, 2025, subject to the appropriation of funds.

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

[Deferred from 4/30/2024 – Item 2.8 (24-84722)]

2.21 Third Amendment to the Agreement for Information Technology Infrastructure Refresh Project with SHI International Corporation.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the Third Amendment to the Agreement with SHI International Corporation (Somerset, NJ) for Information Technology Infrastructure Refresh Project to:

- (a) Retroactively extend the initial term for an additional nine months through September 30, 2024;
- (b) Increase the compensation by \$92,561 for a revised maximum compensation of \$3,798,435; and
- (c) Exercise up to five one-year options to extend the Agreement for ongoing support, maintenance, and related professional services through September 30, 2029, subject to the appropriation of funds.

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

2.22 Actions Related to the Purchase Orders with The Sourcing Group, LLC and E&J ValuePlus DBA SendNLink for Mailing and Printing Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

(a) Amend purchase orders OP 64565 with The Sourcing Group, LLC (Aliso Viejo, CA) and OP 64583 with E&J ValuePlus dba SendNLink (San José, CA) for mailing and printing services, subject to the appropriation of funds for the period ending December 31, 2024; and

(b) Exercise up to two additional one-year options to extend the term of the purchase orders, with the last option ending on or about December 31, 2026, subject to the appropriation of funds.

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

2.23 Actions Related to the Purchase Order with Window Innovations, Inc. for Anti-Graffiti Film Products and Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to exercise up to three one-year options to extend the term of the purchase order with Window Innovations, Inc. (Brentwood, CA), with the last option ending on or about May 19, 2027, subject to the appropriation of funds.

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

2.24 Report on Request for Proposal for a Business Tax System.

Recommendation:

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager or her designee to:

(a) Negotiate and execute an agreement with GovOs, Inc. (Austin, TX) for a Business Tax System with an initial three-year term beginning on or about July 1, 2024, and ending on or about June 30, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$2,527,875;

(b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$505,575 during the initial term; and
(c) Exercise up to seven one-year options to extend the term of the agreement for a possible maximum term of ten years, subject to the appropriation of funds.

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

2.25 Approval of the Terms of Side Letter Agreement with the Association of Maintenance Supervisory Personnel and Amendments to the City Pay Plan.

Recommendation:

Adopt a resolution to:

(a) Approve the terms of a side letter agreement between the City and the Association of Maintenance Supervisory Personnel (AMSP), IFPTE, Local 21 to provide employees in the Air Conditioning Supervisor (3161) classification with an approximate 9.00% pensionable pay increase effective the first full pay period after this agreement is signed by all parties and has been approved by the City Council.

(b) Amend the City of San José Pay Plan effective June 4, 2024 to create the following classifications:

(1) Heating, Ventilation, Air Conditioning (HVAC) Controls Technician (3165) with a pensionable salary range of \$111,342.40 - \$135,470.40 annually; and

(2) Senior Crime and Intelligence Data Technician (1192) with a pensionable salary range of \$73,798.40 - \$89,918.40 annually.

(c) Amend the City of San José Pay Plan effective June 23, 2024 to increase the annual salary range of the classification of Air Conditioning Supervisor (3161) to \$118,435.20 - \$144,352.00.

(d) Approve the following position changes in the Public Works Department, effective June 4, 2024:

(1) Delete 1.0 Network Engineer; and

(2) Add 1.0 HVAC Controls Technician.

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

2.26 Animal Care and Services Contract Agreement with the City of Saratoga.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement between the City of Saratoga and the City of San José for animal care and services for an initial term beginning July 1, 2024, through June 30, 2027, for an initial total compensation to the City of \$558,391.81, with a mutual option to extend the agreement for two additional three-year terms, potentially through June 30, 2033, for a total compensation of \$1,893,050.43.

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

2.27 Animal Care and Services Contract Agreement with the City of Cupertino.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement between the City of Cupertino and the City of San José for animal care and services for an initial term beginning July 1, 2024, through June 30, 2027, for an initial total compensation to the City of \$1,032,406.77, with a mutual option to extend the agreement for two additional three-year terms, potentially through June 30, 2033, for a total compensation of \$3,500,047.89.

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

2.28 Agreement with San José Water Company for Water Services at Fire Station No. 8.**Recommendation:**

Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute an agreement with San José Water Company to install water facilities at Fire Station No. 8, at a cost not to exceed \$110,530.

CEQA: Mitigated Negative Declaration for the Fire Station No. 8 Project, File No. ER-22-063. Council District 3. (Public Works)

2.29 Actions Related to the 9703 - Large Trash Capture Device Installation Project Phase VII.**Recommendation:**

(a) Approve a \$1,568,571 increase to the construction contingency amount of \$1,123,200 for a revised total contingency amount of \$2,691,771 for the 9703 – Large Trash Capture Device Installation Project Phase VII.

(b) Adopt the following 2023-2024 Appropriation Ordinance Amendments in the Storm Sewer Capital Fund:

(1) Decrease the Unrestricted Ending Funding Balance by \$500,000; and

(2) Increase Large Trash Capture Devices appropriation to the Public Works Department by \$500,000.

CEQA: Categorically Exempt, File No. ER21-299, CEQA Guidelines Section 15301, Existing Facilities, adopted on March 17, 2022. Council Districts 4, 5, 6, 8, 10. (Public Works/City Manager)

[Deferred from 5/21/2024 – Item 2.18 (24-90584)]

2.30 Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2024-2025.**Recommendation:**

(a) Adopt a resolution:

(1) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners' Association for Fiscal Year 2024-2025, as filed or modified by City Council;

(2) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by City Council; and

(3) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(b) Approve an uncodified ordinance to approve the Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2024-2025, as filed or modified by the City Council, and to confirm and levy the individual assessments specified in the resolution.

CEQA: Categorically Exempt File No. ER23-096, Citywide Downtown Property Based Improvement District CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3 and 6. (Transportation/Public Works)

2.31 Request for Travel Authorization for Mayor Mahan.**Recommendation:**

As recommended by the Rules and Open Government Committee on May 22, 2024, authorize travel, accept travel payments to the City of San José, and designate Mayor Mahan as the City representative to participate in a mayoral convening organized and funded by Bloomberg Philanthropies from June 26 - 28, 2024 in Baltimore, Maryland. Source of Fund: Bloomberg Philanthropies (Costs associated with travel, lodging, and meals).

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 5/22/2024 - Item B.2]

2.32 Approval of Pride and Transgender Flag Raisings and Lighting for Pride Week Sponsored by Council District 3, Council District 6, and Council District 9 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 May 22, 2024:

- (a) Approve the Progressive Pride and Transgender Flag Raisings scheduled on August 19-25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the 2024 Silicon Valley Pride Lighting Ceremony scheduled on August 19-25, 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 event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley, Davis, and Torres)
[Rules Committee referral 5/22/2024 - Item B.3]

2.33 Bay Area Affordable Housing Bond.**Recommendation:**

As recommended by the Rules and Open Government Committee on May 22, 2024, adopt a resolution taking a position in support of the Bay Area Regional Housing Bond on the November 5, 2024 ballot.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor, Kamei, and Davis)
[Rules and Open Government Committee referral 5/22/2024 – Item C.1.1]

2.34 Approval of the San José Earthquakes 50th Anniversary Event 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 29, 2024:

- (a) Approve the San José Earthquakes 50th Anniversary event scheduled on June 8, 2024, 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 5/29/2024 - Item B.3]

2.35 Retroactively Approval and Approval of Special Events Sponsored by Council District 10 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 May 29, 2024:

- (a) Retroactively approve the Talk with Batra scheduled on May 18, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Fraud Prevention Workshop scheduled on May 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Approve the Talk with Batra scheduled on June 22, 2024 and July 20, 2024, as City Council sponsored Special Events and approve the expenditure of funds;
- (d) Approve the All-Inclusive Playground Groundbreaking Event scheduled on June 24, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Approve the Santa Teresa Dumpster Day scheduled on June 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (f) Approve the 4th of July Fireworks Festival scheduled on July 4, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (g) 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. (Batra)

[Rules Committee referral 5/29/2024 - Item B.4]

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 **Renewal of the Willow Glen Community Benefit Improvement District.**

Recommendation:

(a) Conduct a public hearing for the expansion and renewal of the Willow Glen Community Benefit Improvement District and authorize the City Clerk to tabulate the ballots.

(b) Adopt a resolution by the City Council, as the property owner of parcels within the proposed district, authorizing the execution of a ballot in favor of the expansion and renewal of the Willow Glen Community Benefit Improvement District and the imposition of an assessment in the amount of \$15,138 with annual increases of up to 7% over the next 15 years.

(c) Direct the City Clerk to report the results of the tabulation of ballots.

(d) In the event that the Willow Glen Community Benefit Improvement District is approved by a majority of weighted assessments of property owners, adopt a resolution by the City Council:

(1) Approving the Willow Glen Community Benefit Improvement District Management Plan and Engineer's Report;

(2) Approving and imposing the respective assessments; and

(3) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(e) Approve an uncodified ordinance to approve the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2024-2025, as filed or modified by the City Council, and confirming and levying the individual assessments specified in the resolution.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment 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. Council District 6. (Public Works)

3.4 **Maintenance District Budget Reports for Fiscal Year 2024-2025.**

Recommendation:

(a) Adopt resolutions:

(1) Approving the Annual Budget Reports for Fiscal Year 2024-2025 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and confirming and levying the individual assessments for each Maintenance District, as filed or modified by the City Council; and

(2) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(b) Approve an uncodified ordinance approving the Annual Budget Reports for Fiscal Year 2024-2025 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and to confirm and levy the individual assessments for each Maintenance District specified in the resolutions.

CEQA: Categorically Exempt, File No. ER24-086, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 4, 8, and 10. (Public Works)

4. **PUBLIC SAFETY**

5. TRANSPORTATION & AVIATION SERVICES**6. ENVIRONMENTAL & UTILITY SERVICES****6.1 Actions Related to the 9895 – Regional Wastewater Facility Main Entrance Improvements Project at the San José-Santa Clara Regional Wastewater Facility.****Recommendation:**

(a) Adopt a resolution adopting the Addendum to the Environmental Impact Report for the San José - Santa Clara Water Pollution Control Plant Master Plan, File No. ER23-142, RWF Main Entrance Improvements Project, and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

(b) Accept the report on bids and award of a construction contract for the 9895 – Regional Wastewater Facility Main Entrance Improvements Project to the lowest responsive, responsible bidder, W.E. Lyons Construction Co., for the base bid and Bid Alternates Nos. 1, 2 and 3 in the amount of \$8,996,937.

(c) Approve a 10% construction contingency in the amount of \$899,693.

CEQA: Addendum to the Environmental Impact Report for the San José-Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858) for the RWF Main Entrance Improvements Project File No. ER23-142. (Environmental Services/Public Works)

6.2 Sewer Service and Use Charges and Storm Sewer Service Charges Effective July 1, 2024.**Recommendation:**

(a) Hold a public hearing on the proposed Sewer Service and Use Charge rates effective July 1, 2024.

(b) Adopt a resolution to change the Sewer Service and Use Charge rates effective July 1, 2024, as identified in Attachment A to the staff memorandum.

(c) Adopt a resolution to maintain the Storm Sewer Service Charge rates at the 2023-2024 levels, effective July 1, 2024, as identified in Attachment B to the staff memorandum.

(d) Approve an uncodified ordinance affirming City Council action, if any, taken on Sewer Service and Use Charge rates effective July 1, 2024.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

6.3 Public Hearing on Residential Garbage and Recycling Services Rates for Single-Family and Multi-Family Residential Solid Waste Services.

Recommendation:

(a) Hold a public hearing on the proposed Residential Garbage and Recycling rates and charges effective July 1, 2024.

(b) Adopt a resolution, effective July 1, 2024:

(1) Increasing residential solid waste service rates for single-family households up to 4%; and

(2) Increasing residential solid waste service rates for multi-family households up to 2%.

(c) Approve an uncodified ordinance, effective July 1, 2024:

(1) Increasing residential solid waste service rates for single-family households up to 4% specified in the resolution; and

(2) Increasing residential solid waste service rates for multi-family households up to 2% specified in the resolution.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

6.4 San José Municipal Water System Potable (Drinking) and Recycled Water Rates and Charges.

Recommendation:

(a) Hold a public hearing on San José Municipal Water System potable and recycled water rates and charges effective July 1, 2024.

(b) Adopt a resolution to increase the current San José Municipal Water System potable water rates and charges effective July 1, 2024.

(c) Adopt a resolution to increase the current San José Municipal Water System recycle rates and charges effective July 1, 2024.

(d) Approve an uncodified ordinance affirming City Council action, if any, taken on the San José Municipal Water System potable and recycled water rates and charges effective July 1, 2024.

CEQA: Statutorily Exempt, File No. PP17-005, Statutory Exemption for Adjustment to Fees, Rates and Fares without changes to or expansion of services. Council Districts 2, 4, 7, 8. (Environmental Services)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Public Hearing on the Downtown Business Improvement District Report and Budget and Assessments for Fiscal Year 2024-2025.

Recommendation:

(a) Conduct a public hearing and adopt a resolution approving the Downtown Business Improvement District Report and Budget for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2024- 2025.

(b) Approve an uncodified ordinance approving the Downtown Business Improvement District Report and Budget for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2024- 2025, specified in the resolution.

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 District 3. (Economic Development and Cultural Affairs)

8.2 Public Hearing on the Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2024-2025.

Recommendation:

(a) Conduct a public hearing and adopt a resolution approving the Japantown Business Improvement District Budget Report for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2024-2025.

(b) Approve an uncodified ordinance approving the Japantown Business Improvement District Budget Report for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2024-2025, specified in the resolution.

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 District 3. (Economic Development and Cultural Affairs)

8.3 Approval of the San José Hotel Business Improvement District Annual Report for Fiscal Year 2024-2025.

Recommendation:

(a) Adopt a resolution approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council.

(b) Approve an uncodified ordinance to approve the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council.

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. (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 - TO BE HEARD IMMEDIATELY AFTER CONSENT

- (a) **City Initiated Rezoning of Parcels to Align a Property’s Zoning District to its General Plan in Land Use Designation in Response to Senate Bill 1333 - C24-024, C24-025, C24-026, C24-027, C24-028, C24-030. – TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

Approve an ordinance of the City of San José rezoning 25 properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 properties from A(PD) Planned Development Zoning District to CG Commercial General Zoning District, 10 properties from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District, six properties from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, four properties from LI(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, three properties from CO(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from R-1-8(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District, two properties from IP(PD) Planned Development Zoning District to TEC Transit Employment Center Zoning District, one property from R-2(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, one property from CO(PD) Planned Development Zoning District to CG Commercial General Zoning District, and one property from R-1-8(PD) Planned Development Zoning District to CG Commercial General Zoning District, all located on those certain real properties situated within the City of San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT

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**
- **Notice of City Engineer's Pending Decision on Final Maps**

FOR RECEIPT

Tract: 10616

Location: Southwest corner of Stevens Creek Boulevard and Lopina Way

District: 1

Lots/Units: 5/580

Type: MFA

Developer: Miramar Capitol

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.

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.