



# **City Council Meeting Amended Agenda**

**Tuesday, May 2, 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](mailto: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](mailto:ADA@sanjoseca.gov) or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

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](mailto: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](mailto: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

[23-627](#) Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

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

- Pledge of Allegiance
- Invocation (District 5)

Ensamble Folcórico Colibrí – Dance Performance

- 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 Maria Elena Rodriguez who passed away on March 2, 2023. Maria was a mother, a grandmother and a community leader who embodied the Latino, immigrant experience of East San José.

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring April 29, 2023, as Arbor Day in the City of San José to encourage the planting of trees and educate the community about the importance of trees. (Cohen)

1.2 Presentation of a proclamation declaring May 5, 2023 as National Murdered and Missing Indigenous Women Awareness Day to recognize, honor and bring awareness in the City of San José to the killings and abductions of indigenous women and girls across the United States. (Ortiz)

1.3 Presentation of a proclamation declaring May 2023 as Stroke Awareness Month to promote public awareness and reduce the incidence of stroke in the City of San José. (Batra)

1.4 Presentation of a proclamation declaring May 2023 as National Pet Month to celebrate the animals in our lives and raising awareness of responsible pet ownership in the City of San José. (Mayor & 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.**

[23-649](#)      **Approval of City Council Minutes.**

**Recommendation:** (a) City Council Special Meeting Minutes of June 28, 2022.  
(b) City Council Study Session Meeting Minutes of August 15, 2022.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

**Attachments**    [\(a\) 6/28/2022 CC SM Minutes](#)  
[\(b\) 8/15/2022 CC SS Minutes](#)

### **2.2 Final Adoption of Ordinances.**

### **2.3 Approval of Council Committee Minutes.**

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

[23-647](#)      **Mayor and Council Excused Absence Requests.**

**Recommendation:** Request for an excused absence for Councilmember Ortiz from the Regular Meeting of Community and Economic Development Committee on April 24, 2023 due to illness.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Ortiz)  
[Rules Committee referral 4/26/2023 - Item A.1.a]

**Attachments**    [Memorandum](#)

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 [23-612](#) Extension of Other Transaction Agreement with Transportation Security Administration for Law Enforcement Officers at the Airport.**

**Recommendation:** Adopt a resolution authorizing the City Manager to extend Other Transaction Agreement Award Number 70T02021T6114N108 with the Transportation Security Administration to reimburse the Airport Department for eligible costs of approximately \$900,000 for deployment of law enforcement officers at each airport passenger-screening location at the San José Mineta International Airport from January 1, 2023 to December 31, 2025.

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

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

**2.8 [23-613](#) Amendments to Agreements for Legal Services relating to Implementation of the Alternative Pension Reform Settlement Framework.**

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of Measure F, the Alternative Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:

- (a) A Fifteenth Amendment with Hanson Bridgett LLP for legal services in connection with the City's retirement plans and other benefit plans and programs, extending the term from June 30, 2023 through June 30, 2024, with no increase in the amount of compensation; and
- (b) A Fourteenth Amendment with Ice Miller LLP for legal services in connection with retiree health and dental benefits and related tax issues, extending the term from June 30, 2023 through June 30, 2024, with no increase in the amount of compensation.

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

**Attachments** [Memorandum](#)

**2.9**    [23-637](#)            **Amendment to Agreement with Richards, Watson & Gershon for Legal Services related to Complex Real Estate Development and Planning.**

**Recommendation:**    Adopt a resolution authorizing the City Attorney to negotiate and execute an Eighth Amendment to the Agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term of the Agreement from June 30, 2023 to June 30, 2024, with no increase in the maximum amount of compensation.

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

**Attachments**    [Memorandum](#)

**2.10**    [23-614](#)            **Retirement Board Stipends.**

**Recommendation:**    Adopt a resolution increasing the monthly stipend for non-city employee, members of the boards of administration, for the Federated City Employees Retirement System and the Police and Fire Retirement Plan, as recommended by the Salary Setting Commission.

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

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



**2.11**    [23-615](#)                    **Establishment of 2023 San José Clean Energy Rates and Expansion of SJ Cares Program.**

**Recommendation:**

Adopt a resolution to:

(a) Establish San José Clean Energy rates, inclusive of the Power Charge Indifference Adjustment and Franchise Fee Surcharge, for GreenSource, TotalGreen, and SJ Cares according to the rate schedule set forth in Attachments A, B, and C in the staff memorandum, effective May 15, 2023; and

(b) Expand the SJ Cares program, which is open to San José Clean Energy customers eligible for California Alternate Rates for Energy or Family Electric Rate Assistance, to include customers on non-residential rates, according to the rate schedule set forth in Attachment C in the staff memorandum, effective May 15, 2023.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates, and Fares without changes to or expansion of services; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy)

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

**2.12**    [23-616](#)                    **Purchase Order with Asbestos Management Group of California, Inc. for Lead and Asbestos Abatement and Disposal Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the term of the purchase order with Asbestos Management Group of California, Inc. (Oakland, CA) for lead and asbestos abatement and disposal services, with the last option ending on or about June 26, 2027, subject to the appropriation of funds.

CEQA: File No. PP15-012, Lead and Asbestos Testing and Removal in City Facilities. (Finance)

**Attachments**    [Memorandum](#)

**2.13 [23-682](#) Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 5 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 April 26, 2023:

- (a) Retroactively approve the Fuerza y Unión Grammercy Egg Hunt event scheduled on April 8, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Clean California Community Day Highway Cleanup event scheduled on April 15, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Poco Way Día del Niño event scheduled on April 20, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Great American Litter Pickup events scheduled on April 22, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Fuerza y Unión Grammercy Día del Niño Celebration event scheduled on April 29, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the Mount Pleasant Neighborhood Association One ComUNITY event scheduled on April 29, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Approve the Mexican Heritage Plaza Poetry event scheduled on May 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Approve the Indian Health Center of Santa Clara Valley American Indian Graduation event scheduled on May 10, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Ortiz)  
[Rules Committee referral 4/25/2023 - Item B.3]

**Attachments** [Memorandum](#)

### **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 [23-633](#) Federated City Employees' Retirement Board Public Member Interview.

**Recommendation:**

- (a) Interview five applicants for appointment to the Public Member Seat of the Federated Retirement Board;
  - (b) Appoint one applicant as a Public Member of the Board of Administration for the Federated Retirement Plan Board to a term ending November 30, 2026; and
  - (c) If a vacancy remains, direct the City Clerk to continue recruitment for any vacant positions.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**Attachments** [Memorandum](#)  
[Memorandum - Conflicts of Interest](#)  
[Applications](#)

- 3.4 [23-617](#) **Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Notes and the Loan of the Proceeds Thereof and Approving Related Documents for the 1860 Alum Rock Apartments Project and an Increase to the Commitment for the City Council Approved Construction-Permanent Loan.**

**Recommendation:**

(a) Adopt a resolution:

(1) Authorizing the issuance of a: (i) tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (1860 Alum Rock Apartments), Series 2023A-1 (Tax-Exempt)” in a principal amount not to exceed \$29,468,877 (the 2023A-1 Note) and; (ii) taxable multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (1860 Alum Rock Apartments), Series 2023A-2 (Taxable)” in a principal amount not to exceed \$4,000,000 (the 2023A-2 Note and with the 2023A-1 Note, the 2023A Notes);

(2) Approving the loan of 2023A Note proceeds to Alum Rock, L.P., 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 60-unit multifamily development known as 1860 Alum Rock Apartments located at 1860 Alum Rock Avenue in San José (the Development);

(3) Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Contingency Draw-Down Agreement and related documents (collectively, the 2023A 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 2023A Note Documents together with any documents ancillary to the 2023A Note Documents.

(b) Adopt a resolution:

(1) Approving the Relocation Plan for the preexisting commercial tenants at the Development, prepared by Autotemp dated October 2022; and

(2) Authorizing an increase of up to \$587,753, from \$7,500,000 to \$8,087,753 using Measure E Funds, to the City Council approved construction-permanent loan commitment to Alum Rock, LP., a California limited partnership, to provide funds to complete tenant improvements to the commercial space for the community-based non-profit Amigos de Guadalupe.

(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 \$587,753, and

(2) Increase the Measure E - 30% Low-Income Households

appropriation by \$587,753.

CEQA: The 1860 Alum Rock project is Exempt from CEQA 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. (Housing/Finance/City Manager)

**Attachments** [Memorandum](#)

[\(a\) Resolution](#)

[\(a\) Agreement - Borrower Loan Agreement](#)

[\(a\) Agreement - Contingency Draw Down Agreement](#)

[\(a\) Agreement - Funding Loan Agreement](#)

[\(a\) Agreement - Regulatory Agreement](#)

[\(b\) Resolution](#)

[Presentation - est. 5 minutes](#)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1**     [23-618](#)            **Amendments to the San José Municipal Code Title 2 and Title 26, and Council Policy No. 1-23 Energy Risk Management Policy.**

**Recommendation:**     (a) Approve an ordinance amending Section 2.04.4620 of Chapter 2.04 of Title 2, and 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.

                                      (b) Adopt a resolution approving revisions to Council Policy 1-23, “Energy Risk Management Policy” to specify the delegated contract authority for the purchase and sale of power products; and establish the procurement procedures for the purchase of power products.

                                      CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates, and Fares without changes to or expansion of services and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy)

**Attachments**     [Memorandum](#)  
                                  [Ordinance](#)  
                                  [Resolution](#)  
                                  [Presentation - est. 10 minutes](#)

**6.2**     [23-619](#)            **Amendment to the San José Municipal Code to Establish a Climate Advisory Commission.**

**Recommendation:**     Approve an ordinance 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 effective January 1, 2024.

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

**Attachments**     [Memorandum](#)  
                                  [Memorandum from Cohen, 5/2/2023](#)  
                                  [Ordinance](#)  
                                  [Presentation - est. 10 minutes](#)  
                                  [Letters from the Public](#)

**6.3**    [23-624](#)                    **Climate Smart San José Plan Semi-Annual Report.****Recommendation:**

As recommended by the Transportation and Environment Committee on April 3, 2023, accept the semi-annual report on the Climate Smart San José plan from September 2022 through February 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. (Environmental Services)

[Transportation and Environment Committee referral 4/3/2023 - Item (d)4]

**Attachments**

[Memorandum](#)

[Attachment](#)

[Presentation, est. 10 minutes](#)

**6.4**    [23-625](#)                    **Climate Smart San José Natural and Working Lands Element.****Recommendation:**

Accept the Natural and Working Lands Element and direct staff to incorporate into the Climate Smart San José plan.

CEQA: Exempt, File No. PP17-001, Statutory Exemption for feasibility and planning studies with no commitment to future actions.

(Environmental Services)

**Attachments**

[Memorandum](#)

[Presentation - est. 10 minutes](#)

[Letters from the Public](#)



**6.5**    [23-626](#)            **Reach Code Ordinance Update for Electric Vehicle Infrastructure in New Multifamily Developments. - DROP**

**Recommendation:**

(a) Adopt findings related to local modifications of the state codes based upon local geographical, topographical, and climatic conditions.

(b) Approve an ordinance of the City of San José Amending Sections 24.10.110 and 24.10.200 of Chapter 24.10 of Title 24 (Technical Codes) of the San José Municipal Code as a Reach Code to Increase Requirements Related to Electric Vehicle Charging Stations for Multifamily Residential.

CEQA: Categorically Exempt, File No. PP19-067, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

[Deferred from 3/28/2023 - Item 6.1 (23-436)]

DROP

**Attachments**    [Memorandum, rev. 3/27/2023](#)  
[Supplemental Memorandum, 3/27/2023](#)  
[Ordinance](#)  
[Letters from the Public](#)

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

## **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 Maria Elena Rodriguez who passed away on March 2, 2023. Maria was a mother, a grandmother and a community leader who embodied the Latino, immigrant experience of East San José.

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## 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.

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**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.