



# **City Council Meeting Amended Agenda**

**Tuesday, September 19, 2023**

**1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -**

**<https://sanjoseca.zoom.us/j/88471470054>**

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 884 7147 0054. 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/88471470054>
  - 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.

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)

To request other languages email [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) at least four days in advance of the meeting.

## • 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

[23-1213](#)

Closed Session Agenda

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

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

## • Pledge of Allegiance

## • Invocation (District 8)

Then Tia, Voeng Thach and Tey Thach - Wat Khmer Kampuchea Krom Temple

## • 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 community leader, Dallas Clark, who passed away on August 25, 2023. Dallas was a husband, a father, and an active member and anchor in our Evergreen community.

## • Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a commendation to Danny Garza acknowledging his tireless advocacy for the East Side communities of San José. (Ortiz)

1.2 Presentation of a proclamation declaring September 2023 as National Service Dog Month in the City of San José to recognize the importance of services that task-trained dogs provide to persons with disabilities. (Jimenez)

## **2. CONSENT CALENDAR**

**Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.**

**2.1 Approval of City Council Minutes.**

**2.2 Final Adoption of Ordinances.**

**2.3 Approval of Council Committee Minutes.**

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

**2.5 City Council Travel Reports.**

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

2.7 [23-1226](#) **Amendment to Standard Consultant Agreement with Tullett Prebon Americas Corp. for Power Products.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a First Amendment to the Standard Consultant Agreement with Tullett Prebon Americas Corp. for assisting City staff to identify opportunities for the City to buy or sell required power products, to:

- (a) Increase the maximum compensation from \$320,000 to \$640,000 through June 30, 2027, subject to the appropriation of funds; and
- (b) Adjust the compensation table to become a tiered structure based on the notional value of a resource adequacy transaction.

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

**Attachments** [Memorandum](#)

**2.8**     [23-1227](#)     **Land Exchange Between the City of San José and San José Water Company for Properties Located at Sunol Street, W. Home Street, Emory Street, Harvest Meadow Court and Branham Lane.**

**Recommendation:**

(a) Adopt a resolution:

(1) Declaring 12,800 square feet of land, identified as a portion of Assessor's Parcel Numbers 264-11-024, "exempt surplus land" under Cal. Gov. Code §54221(f)(1)(C) as exchange of land for another property necessary for the City's use;

(2) Approving the sale of 12,800 square feet of City-owned property located at the southeast corner of W. Home and Sunol Streets, to San Jose Water Company in the amount of \$1,090,000, to exchange for the properties identified as Assessor's Parcel Numbers 264-11-034, 259-07-075, 459-02-004, 459-02-008 in fee interest and an approximately 12,000 square foot easement encumbering APN 458-18-012, for the total amount of \$270,000; and

(3) Authorizing the City Manager or designee, to negotiate and execute a Purchase and Sale Agreement and an Easement Agreement between the City of San José and San Jose Water Company for the subject parcels and to execute all other documents necessary to effectuate the property exchange.

(b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #6:

(1) Establish the estimate for Revenue from Other Revenue in the amount of \$820,000; and

(2) Establish the Del Monte Park Phase III Development Reserve appropriation in the amount of \$820,000.

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

Council Districts 6 and 9. (Economic Development and Cultural Affairs/City Manager)

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



**2.9**    [23-1228](#)            **Stormwater Management Annual Report 2022-2023.**

**Recommendation:**    Adopt a resolution authorizing certification and submittal of the Stormwater Management Annual Report 2022-2023 to the San Francisco Bay Regional Water Quality Control Board by September 30, 2023, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

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)

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

**2.10**    [23-1229](#)            **Actions Related to the Purchase Orders with Crime Scene Cleaners, Inc. for Crime Scene Cleaning: Removal and Disposal of Biohazardous Waste.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee to exercise up to four one-year options to extend the term of the purchase orders with Crime Scene Cleaners, Inc. (Orinda, CA) for crime scene cleaning services, with the last option ending on or about September 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)

**Attachments**    [Memorandum](#)

**2.11**    [23-1230](#)            **Parks Recreation and Neighborhood Services Department Staffing.**

**Recommendation:**    Approve the following staffing adjustments to the Parks, Recreation and Neighborhood Services Department in 2023-2024:

- (a) Add 1.00 Assistant to the Director position;
- (b) Delete 1.00 Staff Specialist position; and
- (c) Delete 1.32 Recreation Leader Part-Time Unbenefited position.

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

**Attachments**    [Memorandum](#)

**2.12**    [23-1231](#)            **Amendment to the Agreement with Filco LLC, for Placemaking Activations. - DEFERRED**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the agreement with Filco LLC for public event services support increasing the maximum compensation by \$300,000, from \$1,000,000 to \$1,300,000.

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

(Parks, Recreation and Neighborhood Services)

DEFERRED TO 9/26/2023 PER ADMINISTRATION

**2.13**    [23-1232](#)            **Donation of a Retired Ford Crown Victoria Vehicle.**

**Recommendation:**    Adopt a resolution authorizing the San José Police Department to donate a retired Ford Crown Victoria to the San José Police Historical Society.

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

(Police)

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

**2.14**    [23-1233](#)            **Report on Bids and Award of Contract for the 10080 - Sanitary Sewer Repairs Fiscal Year 2022-2023 Package I Project.**

**Recommendation:**    (a) Report on bids and award of a contract for the construction of 10080 - Sanitary Sewer Repairs Fiscal Year 2022-2023 Package I Project to the lowest responsive, responsible bidder, Southwest Pipeline and Trenchless Corp., in the amount of \$1,425,716; and

(b) Approve a 10% contingency in the amount of \$142,572.

CEQA: Exempt, File No. ER22-048, CEQA Guidelines Sections 15301(b), Existing Facilities, and 15302(c), Replacement or Reconstruction. Council Districts 3, 5, and 7. (Public Works)

**Attachments**    [Memorandum](#)

**2.15** [23-1234](#) **Agreement with Arup, Inc. for the North San José Multimodal Transportation Improvement Plan.**

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consulting services agreement with Arup, Inc. for the North San José Multimodal Transportation Improvement Plan from the date of execution through February 28, 2025, for an amount not to exceed \$1,080,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 3, 4, and 6.  
(Transportation)

**Attachments** [Memorandum](#)

**2.16** [23-1235](#) **Consulting Services Agreement with Mott MacDonald Group, Inc. for the Willow-Keyes Complete Streets Improvement Project.**

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consulting services agreement with Mott MacDonald Group, Inc. for the Willow-Keyes Complete Streets Improvements Project from the date of execution through June 30, 2026, for an amount not to exceed \$1,771,304.

CEQA: Categorically Exempt, File No. ER23-172, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Transportation)

**Attachments** [Memorandum](#)

**2.17**    [23-1290](#)            **Retroactive Approval of Multiple Special Events Sponsored by Council District 3 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 September 13, 2023:

(a) Retroactively approve the Street Vendor Resource Fair scheduled on July 31, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Retroactively approve the Community Safety Meeting scheduled on August 14, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(c) Retroactively approve the Luna Park Business Association Meeting scheduled on August 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Torres)  
[Rules Committee referral 9/13/2023 - Item B.4]

**Attachments**    [Memorandum](#)

**2.18**    [23-1294](#)            **Retroactive Approval of the San José State University Flag Raising Event Sponsored by Council District 3 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 September 13, 2023:

(a) Retroactively approve the San José State University (SJSU) Flag Raising event scheduled on August 23, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Torres)  
[Rules Committee referral 9/13/2023 - Item B.5]

**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 [23-1239](#) **Brilliant at the Basics Infrastructure Strategy Status Report.**

#### **Recommendation:**

As recommended by the Transportation and Environment Committee on June 5, 2023, accept a status report on the Brilliant at the Basics Infrastructure Strategy that addresses meeting our 2030 carbon mitigation goals, municipal regional permit requirements, water supply needs, and strategies to pursue federal and state funding for aligned programs.

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

[Transportation and Environment Committee referral 6/5/2023 - Item (d)5]

**Attachments** [Memorandum](#)  
[Attachment A](#)  
[Presentation - est. 5 minutes](#)

**3.4**    [23-1260](#)            **Fourth Quarter Financial Reports for Fiscal Year 2022-2023.**

**Recommendation:**    As recommended by the Public Safety, Finance and Strategic Support Committee on August 17, 2023, accept the Fourth Quarter (period ended June 30, 2023) Financial Reports for Fiscal Year 2022-2023 for the following programs:

- (a) Debt Management;
- (b) Investment Management;
- (c) Revenue Management; and
- (d) Purchasing and Risk Management.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Public Safety, Finance and Strategic Support Committee referral 8/17/2023 - Item (d)1]

**Attachments**    [Memorandum](#)  
[Attachment A - Financial Report \(Presentation\)](#)  
[Attachment B - Investment Report](#)

**3.5**    [23-1240](#)            **Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Including Approval of the Program Work Plan and the Rule 20B (In Lieu Fee) Underground Master Plan.**

**Recommendation:**    (a) Approve the Fiscal Year 2021-2022 Rule 20B (In-Lieu Fee) Undergrounding Master Plan.

(b) Approve the updated criteria for evaluating underground utility districts.

(c) Approve the proposed work plan for the Rule 20A Underground Utility Program and provide direction to staff for the establishment of additional underground utility districts.

(d) Approve the proposed Fiscal Year 2022-2023 and 2027-2028 work plan for the Rule 20B (In-Lieu Fee) Underground Utility Program.

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

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

**3.6**     [23-1241](#)     **Amendment to the City Pay Plan for Retirement Plans' Executive Officers Classifications. - DEFERRED**

**Recommendation:**

- (a) Accept the Director of Retirement Services and Chief Executive Officer (CEO) compensation study results.
  - (b) Accept the Chief Investment Officer (CIO) and Retirement Investment Officers compensation study results.
  - (c) Adopt a resolution amending the City of San José Pay Plan effective July 1, 2023 to adjust the salary range for the classification of Director of Retirement Services & Chief Executive Officer with a new pay range of \$342,433 to \$376,488 annually.
  - (d) Adopt a resolution amending the City of San José Pay Plan effective July 1, 2023 to adjust the salary range for the classification of Assistant Director & Chief Investment Officer with a new pay range of \$371,388 to \$408,300.
  - (e) Adopt a resolution amending the City of San José Pay Plan effective July 1, 2023 to adjust the salary range for the classification of Senior Retirement Investment Officer with a new pay range of \$235,677 to \$266,409.
  - (f) Adopt a resolution amending the City of San José Pay Plan effective July 1, 2023 to adjust the salary range for the classification of Retirement Investment Officer with a new pay range of \$203,341 to \$231,660.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Retirement Services)
- DEFERRED TO 9/26/2023 PER OFFICE OF RETIREMENT SERVICES

## **4. PUBLIC SAFETY SERVICES**

**4.1**    [23-1242](#)            **Independent Police Auditor 2022 Year End Report.****Recommendation:**

- (a) Accept the 2022 Independent Police Auditor Year End Report.  
(b) Accept the San José Police Department's response to the recommendations contained in the 2022 Independent Police Auditor Year End Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)  
[Deferred from 6/6/2023 - Item 4.1 (23-833)]

**Attachments**

- [\(a\) Memorandum  
Independent Police Auditor 2022 Year End Report  
IPA 2022 Recommendations](#)  
[\(b\) Replacement Memorandum, 9/18/2023  
Presentation](#)

**4.2**    [23-1244](#)            **San José Police Department Internal Affairs Unit - 2022 Department Initiated Investigations Report.****Recommendation:**

- Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 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. (Police)  
[Deferred from 6/6/2023 - Item 4.2 (23-834)]

**Attachments**

- [Memorandum](#)

**4.3**    [23-1245](#)            **Report on Operational Plans for Large Crowd Events. - DEFERRED****Recommendation:**

- Accept the San José Police Department's plan for community outreach regarding its operational plans for planned and unplanned large crowd events that include possible traffic diversions and street closures.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)  
DEFERRED TO 10/3/2023 PER ADMINISTRATION

**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES**



## 6.1 [23-1249](#) Long-Term Trash Reduction Plan Update Approval.

**Recommendation:** As recommended by the Transportation and Environment Committee on September 11, 2023:

(a) Accept the status report on the Long-Term Trash Plan Program called Clean Waterways, Healthy City: Long-Term Trash Load Reduction Plan and Assessment Strategy in conformance with Municipal Regional Stormwater Permit.

(b) Approve the submittal of the Program to the San Francisco Bay Regional Water Quality Control Board by September 30, 2023 and authorize the City Manager or designee to modify the plan as necessary after the Water Board's review.

CEQA: Categorically Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

(Environmental Services)

[Transportation and Environment Committee referral 9/11/23 - Item (d)3]

**Attachments** [Memorandum](#)  
[Attachment](#)  
[Presentation - est. 15 minutes](#)

## **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 community leader, Dallas Clark, who passed away on August 25, 2023. Dallas was a husband, a father, and an active member and anchor in our Evergreen community.

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

FOR RECEIPT:

Tract: 10603

Location: West side of North Capitol Avenue, approximately 240 feet northerly of Penitencia Creek Road (907 N. Capitol Ave)

District: 4

Lots/Units: 7/6

Type: SFA

Developer: Berryessa Homes Development

FOR RECEIPT:

Tract: 10595

Location: Southeast corner of N. Capitol Avenue and Penitencia Creek Road (905 N. Capitol Ave)

District: 4

Lots/Units: 4/32

Type: SFA

Developer: Trumark

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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.