



CITY COUNCIL MEETING

Amended Agenda

Tuesday, January 30, 2024
1:30 PM

LOCATION:

In person - Council Chambers-200 E Santa Clara Street, and
Virtually - <https://sanjoseca.zoom.us/j/94558095100>

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)

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.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
 - Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; Gọi (408) 535-8430
- 應要求提供殘疾人便利設施。電子郵件 ADA@sanjoseca.gov; 致電 (408) 535-8430

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>, or
- 3) <https://youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

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)

- 1) **By Phone:** (888) 475 4499. Webinar ID is 94558095100. 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/94558095100>. 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.
 - a. 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.
 - b. 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.
 - c. When called, please limit your remarks to the time limit allotted.

- 3) **In person:** 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.

Please note: As a courtesy and technology permitting, members of the public may continue to provide live remote oral public comment via the City’s Zoom Platform. However, the City cannot guarantee that the public’s access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue

• 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 1)

Pastor Finny Abraham, WestGate Church

• Orders of the Day

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

• Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring February 2024 as Black History Month in the City of San José. (Kamei)

1.2 Presentation of a commendation to Jesus Flores recognizing his leadership as President of the Latino Business Foundation and advocacy for the small business community in San José. (Ortiz)

1.3 Presentation of a commendation to the Department of Transportation Pavement Maintenance Team for paving over 242 miles Citywide in 2023 and for continuing to improve the Pavement Condition Index (PCI) score making residents commutes smoother. (Candelas)

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 **Amendment to the Master Consultant Agreement Between the City of San José and Jviation, Inc., Woolpert Company for Airport On-Call Professional Consulting Services.**

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the Third Amendment to the Master Consultant Agreement between the City of San José and Jviation, Inc., a Woolpert Company for on-call professional consulting services, extending the expiration of the current term from June 30, 2025 to December 31, 2025, and increasing the maximum compensation by \$300,000.

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

2.8 Acceptance of the California Public Utilities Commission Grant for Community Wi-Fi Assessment.

Recommendation:

Adopt a resolution accepting the California Public Utilities Commission Local Agency Technical Assistance Grant award in the amount of up to \$500,000; and authorizing the City Manager or her designee to negotiate and execute any grant agreements and all other documents related to the grant and its implementation, including online certifications at time of award acceptance and reimbursement requests, without further City Council action. CEQA: Categorically Exempt, File Nos. ER20-016, ER20-100, and ER22-134, CEQA Guidelines Section 15301, Existing Facilities; and 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. (Library/Information Technology)

2.9 Cost Sharing Agreement with the County of Santa Clara for Pavement Maintenance Improvements.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Cost Sharing Agreement with the County of Santa Clara for pavement maintenance improvements on Laswell Avenue, Leigh Avenue, Richmond Avenue, Scott Street, and White Road in the amount of \$367,698. CEQA: Categorically Exempt, CEQA Guidelines Section 15301(c) for Existing Facilities, File No. ER23-009. Council Districts 5 and 6. (Transportation)

2.10 Approval of Community Leaders Networking Breakfast Sponsored by Council District 9 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 January 17, 2024:
(a) Approve the Community Leaders Networking Breakfast held at the Camden Community Center scheduled on February 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. (Foley)
[Rules Committee referral 1/17/2024 - Item B.5]

2.11 Approval of Black History Month 2024 Flag Raising Ceremony Sponsored by Council District 1 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 January 17, 2024:

- (a) Approve the Black History Month 2024 Flag Raising Ceremony scheduled on February 2, 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. (Kamei)
[Rules Committee referral 1/17/2024 - Item B.6]

2.12 Boards and Commissions Appointment.

Recommendation:

Approve the following Boards and Commissions appointments:

(a) Parks and Recreation Commission:

(1) District 4 Seat: Appoint Joann Nguyen for a term ending June 30, 2027.

(b) Climate Advisory Commission:

(1) At Large Representative Seat: Appoint Ruth Merino for a term ending December 31, 2025.

(2) At Large Representative Seat: Appoint Victor Niemeyer for a term ending December 31, 2025.

(3) At Large Representative Seat: Appoint Glen Garfunkel for a term ending December 31, 2025.

(4) At Large Representative Seat: Appoint Anthony Strawa for a term ending December 31, 2025.

(5) At Large Representative Seat: Appoint Karen Nelson for a term ending December 31, 2025.

(6) At Large Representative Seat: Appoint William Devincenzi for a term ending December 31, 2027.

(7) At Large Representative Seat: Appoint Tracy Wang for a term ending December 31, 2027.

(8) At Large Representative Seat: Appoint Linda Hutchins-Knowles for a term ending December 31, 2027.

(9) At Large Representative Seat: Appoint Lucia Marquez for a term ending December 31, 2027.

(10) At Large Representative Seat: Appoint Mani Bekele for a term ending December 31, 2027.

(11) At Large Representative Seat: Appoint Phillip Remaker for a term ending December 31, 2027.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Rules Committee referral 1/24/2024 - Item A.1.a]

2.13 Approval of Tower and Rotunda Lighting for American Heart Month Sponsored by Council District 8 as a City Council Sponsored Special Event.

Recommendation:

As recommended by the Rules and Open Government Committee on January 24, 2024, approve the American Heart Month Tower and Rotunda Lighting scheduled on February 20-27, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Candelas)
[Rules Committee referral 1/24/2024 - Item B.4]

2.14 Retroactive Approval and Contingent Approval of a Lighting Ceremony Recognizing the 49ers Sponsored by the Mayor's Office 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 January 24, 2024:
(a) Retroactively approve the 49ers Divisional Championship game acknowledgement Tower Lighting scheduled on January 20-21, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(1) Retroactively approve the 49ers National Football Championship game acknowledgement Tower Lighting scheduled on January 28, 2024, as a City Council sponsored Special Event and approve the expenditure of funds contingent upon the 49ers advancing to the National Football Championship.

(2) Approve the 49ers Super Bowl Championship game acknowledgement Tower Lighting scheduled on February 11, 2024, as a City Council sponsored Special Event and approve the expenditure of funds contingent upon the 49ers advancing to the Super Bowl.

(b) Approve and accept donations from various individuals, businesses or community groups to support the event, and approve and accept donations from various individuals, businesses, or community groups to support the upcoming events contingent upon the 49ers advancing to the National Football Championship and the Super Bowl Championship Game.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 1/24/2024 - Item B.6]

2.15 Request to Travel and Excused Absence.

Recommendation:

As recommended by the Rules and Open Government Committee on January 24, 2024:

(a) Authorize travel for Councilmember Davis to attend a study trip to the Regional Transportation District (RTD) in Denver, Colorado from February 7-10, 2024. (Source of Funds: Personal funds by Joint Powers Board – Caltrain, a local public agency)

(b) Request for an excuse absence from the Rules and Open Government Committee Meeting on February 7, 2024.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 1/24/2024 - Item B.7]

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.**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****6.1 Reach Code Ordinance Update for Electric Vehicle Infrastructure in New Multifamily Developments.****Recommendation:**

Approve an ordinance of the City of San José making certain findings related to local modifications to State Codes based upon local, geographical, topographical, and climatic conditions and amending Parts 1 and 2 of Chapter 24.10 of Title 24 (Technical Codes) of the San José Municipal Code to amend requirements related to electric vehicle charging stations in new multifamily developments, to be effective on July 1, 2024.

CEQA: Categorically Exempt, File No. ER24-006, CEQA Guidelines, Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building, and Code Enforcement)

[Deferred from 1/23/2024 – Item 6.1 (24-68246)]

6.2 Actions Related to the Issuance of Non-Exclusive Franchise Agreements.**Recommendation:**

(a) Conduct a public hearing on the applications of the 27 companies listed below for non-exclusive franchises for the collection, transport, and delivery of residential clean-out material and construction and demolition debris.

(1) R&D Mendes Enterprises, Inc. dba Accurate Cleaning Systems

(2) All Points Roll Off, Inc.

(3) Allied Waste Services of North America, LLC dba Republic Services of Santa Clara County

(4) American Debris Box Service, Inc.

(5) Bernardini Enterprises, Inc. dba Chip It Recycling/JD Services

(6) City-wide Fibers, Inc.

(7) David Jaimes dba D&L Hauling and Demolition Services

(8) Eco Box Recycling, Inc.

(9) Environmental Resource Recovery, Inc. dba Valley Recycling

(10) Evergreen Waste Services

(11) Ferma GreenBox, Inc.

(12) Toca Debris Box, LLC

(13) G W Debris Services, LLC

(14) Garden of Eden Landscapes, Inc. dba Ground Force Enterprises

(15) Guadalupe Rubbish Disposal Co., Inc. dba Guadalupe Recycling & Disposal Facility

(16) United Recycle Services, LLC

(17) Jonna Corporation, Inc. dba Premier Recycle Company

(18) Lam Hauling, Inc. dba 7 Days Box

(19) Pacific Coast Recycling, Inc.

- (20) Peninsula Debris Box Service, LLC
 - (21) Phi Ta dba TA Trucking
 - (22) Recology South Bay dba Recology Silicon Valley
 - (23) Redwood Services, Inc. dba Redwood Debris Box Service Trucking, Inc.
 - (24) Superior Demolition Services, Inc.
 - (25) Uriel Del Toro dba Del Toro Haul
 - (26) Waste Connections of California, Inc. dba GreenTeam of San José; and
 - (27) Yellowsack, Inc.
- (b) Approve ordinances granting the non-exclusive franchises to the 27 companies listed above.
- (c) Approve the non-exclusive franchise agreements with the 27 companies for the collection, transport, and delivery of residential clean out material and construction and demolition debris, from the effective date of the ordinance granting the non-exclusive franchises through December 31, 2024, with an option for the City San José to extend the term for up to two one-year terms through December 31, 2026, and authorize the Director of Environmental Services or her designee to negotiate and execute amendments to the non-exclusive franchise agreement during the term to conform with any changes to the requirements for the construction and demolition debris program.
- CEQA: Categorically Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment, File No: ER23-279. (Environmental Services)

7. **NEIGHBORHOOD SERVICES**

7.1 **Animal Care Services Annual Report. – REFERRED**

Recommendation:

As recommended by the Neighborhood Services and Education Committee on December 14, 2023, accept the annual report on Animal Care and Services Division's accomplishments for Fiscal Year 2022-2023.

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

[Neighborhood Services and Education Committee referral 12/14/2023 – Item (d)1]

REFERRED TO MARCH NEIGHBORHOOD SERVICES AND EDUCATION COMMITTEE MEETING PER 1/24/2024 RULES AND OPEN GOVERNMENT COMMITTEE

8. **COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 **Regulating Oversized Vehicles Citywide. – NOT TO BE HEARD BEFORE 3:30 P.M.**

Recommendation:

(a) Accept the staff report and recommendations on strategies, concepts, and related operational and legal considerations associated with a citywide approach to regulating oversized vehicles.

(b) Consider the recommendations included in this report during the City Council's deliberation and approval of the Mayor's March Budget Message for Fiscal Year 2024-2025, as appropriate, along with other critical community priorities.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and

Informational Memos that involve no approvals of any City action. (Transportation/City Manager)

NOT TO BE HEARD BEFORE 3:30 P.M.

8.2 Addressing Encampments and Oversized Vehicles Around Schools. – NOT TO BE HEARD BEFORE 3:30 P.M.

Recommendation:

(a) Accept the report and recommendations addressing encampments and oversized vehicles around schools.

(b) Update the direction from August 9, 2023, Rules and Open Government Committee for a draft ordinance prohibiting encampments and lived-in vehicles within 150 feet of licensed preschools, daycares, and kindergarten through grade 12 schools to instead direct the City Manager or her designee to conduct an engineering assessment identifying safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles on public roadways within 150 feet of impacted kindergarten through grade 12 schools.

(c) Direct the City Manager or her designee to:

(1) Work with the City Attorney's Office to prepare a resolution prohibiting the parking and authorizing the towing of oversized vehicles on public roadways within a certain area surrounding kindergarten through grade 12 schools where an engineering assessment has identified safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles exist;

(2) Work with the City Attorney's Office to review, and if appropriate, prepare a resolution prohibiting the parking and authorizing the towing of vehicles parked within 150 feet of kindergarten through grade 12 schools between the hours of 10:00 p.m. and 6:00 a.m.;

(3) Identify funding within the existing Fiscal Year 2023-2024 budget to conduct a small-scale pilot to establish, enforce, and support the No Oversized Vehicle and/or No Overnight parking-tow away zones at three kindergarten through grade 12 schools most impacted by oversized vehicle parking to inform the consideration of a more substantial investment as part of the Fiscal Year 2024-2025 budget development process; and

(4) In lieu of codifying the Encampment Management Policy that prohibits non-vehicular encampments within 150 feet of a school zone, continue enforcement of the existing Encampment Management Policy.

(d) Consider the recommendations included in this report during the City Council's deliberations and approval of the Mayor's March Budget Message for Fiscal Year 2024-2025, as appropriate, along with other critical community priorities.

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

NOT TO BE HEARD BEFORE 3:30 P.M.

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) **C23-121, C23-122 & C23-123 – City-Initiated Rezoning of 8 Parcels to Align a Property’s Zoning Designation to its General Plan Land Use Designation in Response to Senate Bill 1333. – TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

Approve an ordinance of the City of San José rezoning five properties from the A(PD) Planned Development Zoning District to MUC Mixed Use Commercial Zoning District, one property from LI Light Industrial Zoning District to MUC Mixed Use Commercial Zoning District, one property from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, and one property from R-1-5 Single-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, located in various locations on those certain real properties 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). (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

- (b) **C23-119 – Approve an Ordinance Repealing the Application of Affordable Housing Overlay, Amending the Zoning District Map, and Amending Section 20.65.200 (HERO Affordable Housing Development Requirements). – TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

Approve an ordinance:

- (1) Repealing the application of the Affordable Housing Overlay on six sites in North San José from the Envision San José 2040 General Plan Land Use/Transportation Diagram and Zoning District Map;
- (2) Amending the Zoning District Map to apply the Housing Element Residential Overlay on 12 sites citywide; and
- (3) Amending Section 20.65.200 (HERO Affordable Housing Development Requirements) of Chapter 20.65 of Title 20 of the San José Municipal Code requiring the six sites in North San José to allow residential use by right and to only allow residential uses on those sites where at least 20 percent of the units are affordable to lower income households.

CEQA: Determination of Consistency with the San José 2023-2031 Housing Element Update Supplemental Environmental Impact Report (Resolution No. RES2023-262) and Addenda thereto. Planning Commission recommends approval (11-0) (Item 5.a. on the 1/24/24 Planning Commission agenda). (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**

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.