



# **City Council Meeting Amended Agenda**

**Tuesday, October 31, 2017**

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, 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.
- **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.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

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 your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- 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 amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- 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. 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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

On occasion the City Council may consider agenda items out of order.

[17-325](#)**Closed Session Agenda****Attachments**[Closed Session Agenda - October 31, 2017](#)

- **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

- **Invocation (District 9)**

Camden Line Dancers

- **Pledge of Allegiance**

- **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     [17-180](#)     Presentation of a commendation to San Jose State University Beyond Football.  
(Davis)
- 1.2     [17-254](#)     Presentation of a proclamation recognizing October as Disability Awareness Month in  
the City of San José to celebrate all individuals with differing abilities that continue to  
enrich our community every day. (Jones)
- 1.3     [17-261](#)     Presentation of a commendation to Farm Drive Neighborhood Center. (Davis)

## **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, staff, or public 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.**

[17-232](#)      **Approval of City Council Minutes.**

**Recommendation:**      (a) Regular Minutes of May 23, 2017.  
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 Clerk)  
(Deferred from 10/31/17 to 11/7/17)

**Attachments**      [Regular Minutes of May 23, 2017](#)

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

[17-264](#)      **Final Adoption of Ordinances.**

**Recommendation:**      ORDINANCE NO. 30015 - An ordinance of the City of San José amending Chapter 10.32 of Title 10 of the San José Municipal Code to add a new Part 5 to require Safe Storage of Firearms in a residence, as defined. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual reports, and Informational Memos that involve no approvals of any City action. (City Manager/City Attorney)

ORDINANCE NO. 30019 - An ordinance of the City of San José amending Section 12.06.910 of Chapter 12.06 of Title 12 of the San José Municipal Code regarding campaign disclosure statements and repealing Section 12.06.920 of Title 12 related to the duties of the City Clerk. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Clerk)

**Attachments**      [Memo from City Attorney - Ordinance No. 30015](#)  
[Ordinance No. 30015](#)  
[Letters from the Public - Ordinance No. 30015](#)

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

[17-231](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Rules and Open Government Committee Minutes: (Mayor)
    - (1) September 27, 2017.
    - (2) October 4, 2017.
    - (3) October 11, 2017.
  - (b) Neighborhood Services and Education Committee Minutes of September 14, 2017. (Rocha)
  - (c) Public Safety, Finance and Strategic Support Committee Minutes of September 21, 2017. (Perez)
  - (d) Community and Economic Development Committee Minutes of September 25, 2017. (Khamis)
  - (e) Transportation and Environment Committee Minutes of October 2, 2017. (Carrasco)
- 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 Clerk)

**Attachments**

[NSE Minutes - September 14, 2017](#)  
[PSFSS Minutes - September 21, 2017](#)  
[CED Minutes - September 25, 2017](#)  
[ROGC Minutes - September 27, 2017](#)  
[T&E Minutes - October 2, 2017](#)  
[ROGC Minutes - October 4, 2017](#)  
[ROGC Minutes - October 11, 2017](#)

**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     [17-218](#)     Agreement with Paradigm Environmental for Green Infrastructure Planning and Reasonable Assurance Analysis.**

**Recommendation:**     Approve a Master Consultant Agreement with Paradigm Environmental to provide services related to green infrastructure planning and reasonable assurance analysis from the date of execution through October 31, 2020, in an amount not to exceed \$500,000, subject to the appropriation of funds. CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies; and Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

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

**2.8     [17-219](#)     Amendment to the Lease with Allied Housing Inc. for the Plaza Hotel.**

**Recommendation:**     Approve a Second Amendment to the Lease with Allied Housing Inc. (aka Abode Services) to modify the monthly rental subsidy amounts per room at the City-owned Plaza Hotel located at 96 South Almaden Avenue from \$1,225 to \$1,525 for 47 rooms. CEQA: Exempt, File No. PP15-078, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Housing)

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

**2.9     [17-200](#)     Actions Related to the Energy Service Company Program.**

**Recommendation:**     Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:  
(a) Establish the estimate for Financing Proceeds in the amount of \$2,234,000; and  
(b) Increase the Energy and Utility Conservation Measures Program City-Wide Appropriation to the Public Works Department in the amount of \$2,234,000.  
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Public Works/City Manager)

**Attachments**     [Memorandum](#)

**2.10    [17-318](#)            Mayor's Staff Travel to Boston, MA.**

**Recommendation:**    Approve travel payments and authorize travel for Mayor's staff, Henry Tsai, to Boston, MA, from November 6, 2017 to November 8, 2017 for the Civic Analytics Network Convening and the Harvard Summit on Data-Smart Government. Source of Funds: Harvard Kennedy School Ash Center's Civic Analytics Network (cost of travel, food, and lodging). CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Mayor)

**Attachments**    [Memorandum](#)

**2.11    [17-319](#)            Ice Cream Social.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on October 25, 2017:  
(a) Retroactively approve the Ice Cream Social held on October 13, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.  
(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. (Carrasco)  
[Rules Committee referral 10/25/17 - Item G.1.a.]

**Attachments**    [Memorandum](#)

**2.12    [17-320](#)            Arbuckle Neighborhood Dumpster Day.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on October 25, 2017:  
(a) Retroactively approve Arbuckle Neighborhood Dumpster Day held on October 21, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.  
(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. (Carrasco)  
[Rules Committee referral 10/25/17 - Item G.1.b.]

**Attachments**    [Memorandum](#)



**2.13    [17-321](#)            District 5 Faith Leaders Breakfast.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 25, 2017:

(a) Approve District 5 Faith Leaders Breakfast scheduled on November 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(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. (Carrasco)  
[Rules Committee referral 10/25/17 - Item G.1.c.]

**Attachments**    [Memorandum](#)

**2.14    [17-322](#)            Halloweentown at Welch Park.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 25, 2017:

(a) Retroactively approve Halloweentown at Welch Park scheduled on October 28, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(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. (Arenas)  
[Rules Committee referral 10/25/17 - Item G.1.d.]

**Attachments**    [Memorandum](#)

**2.15    [17-323](#)            Crossgate and Jeffrey Fontana Park Neighborhoods Beautification Day.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 25, 2017:

(a) Retroactively approve the Crossgate and Jeffrey Fontana Park Neighborhoods Beautification Day held on October 21, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(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. (Khamis)  
[Rules Committee referral 10/25/17 - Item G.1.e.]

**Attachments**    [Memorandum](#)

**2.16    [17-324](#)            Senior Winter Walk and Resource Fair.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 25, 2017:

(a) Approve the Senior Winter Walk and Resource Fair scheduled on Friday, February 23, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.

(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. (Khamis)

[Rules Committee referral 10/25/17 - Item G.1.f.]

Attachments    [Memorandum](#)

**3. STRATEGIC SUPPORT****3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update. Accept Labor Negotiations Update.**

TO BE HEARD AT 9:30 A.M.

**3.3     [17-042](#)     Towing Services Agreement.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute amendments to the Agreements for City Generated Tow Services for a term commencing on or around January 1, 2018 and ending on or around June 30, 2019 with the following tow operators:

- Alongi Brothers, Inc. (San José, CA)
- Century Tow (San José, CA)
- City Towing, Inc. (San José, CA)
- Courtesy Tow Services, Inc. (San José, CA)
- Matos Auto Towing & Transport (San José, CA)
- Motor Body Company, Inc. (San José, CA)

The proposed amendments include the following terms and conditions and would revert to the original terms and conditions after June 30, 2019 absent future Council action:

(1) Decrease the contract fee that the operators remit to the City from \$80 per tow to \$59 per towed vehicle to offset increased labor costs.

(2) Credit the tow operators for lost profits and expenses related to disposing of vehicles that have no value, against the \$59 contract fee that is required to be remitted to the City.

(3) Reduce each tow operator's security deposit by \$20,000, from \$25,000 to \$5,000.

(b) Report back to the City Council, on or before March 2019, the results of an independent audit and assessment of the current tow program as discussed in the staff memorandum, with recommendations for any program restructuring or further changes to compensation, as appropriate.

CEQA: Not a Project, File No. PP17-033, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Planning, Building and Code Enforcement) [Rules Committee referral 6/21/17 - Item G.4]

(Deferred from 8/22/17 - Item 3.3; 9/26/17 - Item 3.3; and 10/17/17 - Item 3.4)

**Attachments**     [Memorandum](#)

[Memo from CM Rocha to Rules Committee 6/21/17](#)

[Letters from the Public](#)

**3.4     [17-220](#)            Actions Related to the Federal Emergency Management Agency Disaster Mitigation Applications.**

**Recommendation:**     (a) Adopt a resolution to authorize staff to apply for Federal Emergency Management Agency Disaster Mitigation Grants.  
                                      (b) Approve commitment to provide City contribution to support the proposed mitigation projects and ongoing maintenance.  
                                      CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (City Manager)

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

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1     [17-170](#)            Team San José Performance Measures Revisions.**

**Recommendation:**     As recommended by the Community and Economic Development Committee on September 25, 2017, accept the report and adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Team San José contract to revise its performance measures and enhance its reporting requirements in accordance with the recommendations outlined in the memorandum to Council. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical change to the environment. (Economic Development)  
                                      [Community and Economic Development Committee referral 9/25/17 - Item (d)(4)]

**Attachments**     [Memorandum](#)  
                                 [Memorandum from Mayor Liccardo and CM Peralez](#)

**4.2     [17-221](#)            Acquisition of the Real Property Located at 525 West St. John Street.**

**Recommendation:**     Adopt a resolution to authorize the City Manager to negotiate and execute all documents, including any amendments or modifications, necessary for the acquisition of the property located at 525 West St. John Street, San José, California, which property can be further identified as Assessor's Parcel Number 259-29-001, -002, in an amount not to exceed \$2,966,436 from the Francia Family Trust. CEQA: Determination of Consistency with the San Jose Downtown Strategy 2000 Final Environmental Impact Report, (Resolution No. 72767), and addenda thereto; the Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), and addenda thereto; and the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617), and addenda thereto; File No. PP17-065. Future redevelopment would be subject to subsequent environmental review. Council District 3. (Economic Development/Transportation)

**Attachments**     [Memorandum](#)

**4.3     [17-222](#)     **Actions Related to the Real Property Located at 130 & 150 North Autumn Street and 405, 407, and 447 West St. John Street.****

**Recommendation:** (a) Adopt a resolution to authorize the City Manager to negotiate and execute all documents necessary for the acquisition of the property located at 130 & 150 North Autumn Street and 405,407, and 447 West St. John Street (former Milligan News property), Assessor's Parcel Numbers 259-29-033, -102, -072, -071, -032, in an amount not to exceed \$11,724,750 from the Milligan Family Trust including any amendments or modifications.

(b) Approve the Relocation Plan for commercial and residential tenants as in compliance with California Code of Regulations Section 6038. CEQA: Determination of Consistency with the Coleman Avenue/Autumn Street Improvement Project Final Integrated Focused Environmental Impact Report (Resolution No. 74870); the San Jose Downtown Strategy 2000 Final Environmental Impact Report, (Resolution No. 72767), and addenda thereto; the Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), and addenda thereto; and the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617), and addenda thereto; File No. PP17-066. Future redevelopment would be subject to subsequent environmental review. Council District 3. (Economic Development/Transportation)

**Attachments**     [Memorandum](#)

**4.4     [17-266](#)     **Evergreen Senior Homes Ballot Initiative.****

**Recommendation:** Discussion of staff analysis in response to Councilmember Rocha's Evergreen Ballot Initiative direction, set forth in his memorandum to Council dated October 13, 2017. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development) (Council referral from 10/17/17 - Item 4.1)

**Attachments**     [Councilmember Rocha's Memorandum dated October 13, 2017](#)  
[Supplemental Memorandum](#)  
[Memorandum from Councilmember Rocha](#)

**4.5     [17-205](#)     Memorandum of Understanding with Adobe Systems Incorporated for the Headquarters Expansion and Pedestrian Bridge Project.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to execute a non-binding Memorandum of Understanding with Adobe Systems Incorporated addressing Adobe's contemplated headquarters expansion project and pedestrian bridge. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Economic Development)  
(Deferred from 10/24/17 - Item 4.1 to 10/31/17 - Item 4.5)  
TO BE HEARD IMMEDIATELY AFTER CONSENT

**Attachments**     [Memorandum](#)  
                          [Memorandum from Mayor Liccardo](#)  
                          [Agreement](#)  
                          [Letter from Sharks Sports & Entertainment](#)  
                          [Letter from The Silicon Valley Organization](#)  
                          [Letter from SPUR](#)

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

**6.1     [17-210](#)     Actions Related to the Amendment to the Agreement with Santa Clara Valley Transportation Authority (VTA) for the U.S. 101/Zanker Road Interchange Project.**

**Recommendation:** (a) Approve a First Amendment to the Funding Agreement between the City of San José and the Santa Clara Valley Transportation Authority (VTA) to initiate preliminary engineering and obtain environmental clearance for the U.S. 101/Zanker Road Interchange Project to increase City's share of the funding and the total not to exceed amount from \$1,500,000 to \$4,100,000 and to extend the term of the Agreement to December 31, 2020.

(b) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Construction Excise Tax Fund:

(1) Increase the North San José Improvement - 101/Zanker appropriation in the amount of \$2,600,000; and

(2) Decrease the North San José Traffic Impact Fees Reserve in the amount of \$2,600,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical change to the environment, 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.

(Transportation/City Manager)

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

## **7. ENVIRONMENTAL & UTILITY SERVICES**

## **8. PUBLIC SAFETY**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

- 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



**• JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA**

1:30 p.m.

October 31, 2017

CHAMBERS

1. Call to Order and Roll Call

2.     [17-317](#)           **Agreement with SJSC Properties LLC, for Lateral Tie-Back and Crane Easement for the Property Located at 43 N. 5th Street.**

**Recommendation:**     City of San José Financing Authority Board adopt a resolution to authorize its Executive Director to consent to the proposed Lateral Tie-Back Agreement and Crane Easement with SJSC Properties LLC, for subterranean tie-back anchors and two cranes to operate non-live loads over the City's Parking Garage located at 43 North Fifth Street, in connection with the construction of two 28-story residential towers at North Fourth Street and East Santa Clara Street directly adjacent to the City's Parking Garage, subject to the consent of Wells Fargo Bank, National Association, as trustee for the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project) and the City. CEQA: Addendum to the Downtown Strategy 2000 EIR, the Envision San José 2040 General Plan and the Envision San José 2040 General Plan Supplemental EIR, Planning File No. SP17-009. Council District 3. (Finance/Economic Development)

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

3. Open Forum

4. Adjournment

## CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### 1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### 2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business 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.