



City Council Meeting Amended Agenda

Tuesday, April 24, 2018

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 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.

- 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

[18-619](#)

See Separate Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- Invocation (District 4)

Ande Burns, Children's Musical Theater

- Pledge of Allegiance

- Orders of the Day

ADJOURNMENT: This meeting is adjourned in memory of Richard Kavanagh, who passed on February 27, 2018. Richard was a longtime resident of District 9, and an active force for good in the community where he served as a volunteer firefighter for many years. It was in that role that Richard met his wife, Helen, whom he married and lived with for over 50 years. He cherished life and loved his wife, their three children and a Maltipoo dog named Rosie. Richard was also a gifted handyman who operated a sprinkler and maintenance business to support his family. After a long battle with cancer, Richard passed away with his beloved wife by his side. Richard's courage, fortitude and steady hand will be missed by all of us. (Rocha)

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

- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 [18-524](#) Presentation of a proclamation for "Arbor Day" to demonstrate support for environmental protection and sustainability through the planting of trees in the City of San José. (Arenas)
- 1.2 [18-552](#) Presentation of a proclamation recognizing April 2018 as Month of the Young Child in the City of San José. (Arenas)

- 1.3 [18-553](#) Presentation of a commendation to Tommy Tran for earning a perfect score on his Advanced Placement Calculus Exam in May 2017. (Nguyen)
TO BE HEARD IN THE EVENING
- 1.4 [18-554](#) Presentation of a commendation to Code One Programming for their dedication to inspire young minds to become programmers through their free computer science and coding classes offered to students of all ages. (Khamis)
TO BE HEARD IN THE EVENING
- 1.5 [18-589](#) Presentation of a proclamation recognizing the fourth annual San José Green Trips Challenge, a City staff competition taking place during the month of May that promotes transit, cycling, walking, and carpooling as environmentally-friendly transportation options and helps set an example for the community to follow. (Perez/Transportation)
- 1.6 [18-596](#) Presentation of a commendation to Walter Wilson for his quick actions of pulling a woman from a car seconds before it was hit by a moving train. (Jimenez)
TO BE HEARD IN THE EVENING

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.

[18-556](#) Approval of City Council Minutes.

Recommendation: (a) Regular Council Meeting Minutes of November 7, 2017.
(b) Regular Council Meeting Minutes of November 14, 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.

Attachments [\(a\) Regular Council Meeting Minutes of November 7, 2017](#)
[\(b\) Regular Council Meeting Minutes of November 14, 2017](#)

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 [18-525](#) Ordinance Modifying the Types of Eligible Medical Plans to be Offered to Retirees.**

Recommendation: Approve an ordinance amending Section 3.24.2290 of Chapter 3.24 of Title 3, Sections 3.28.1980 and 3.28.1990 of Chapter 3.28 of Title 3, and Sections 3.36.1930 and 3.36.1940 of Chapter 3.36 of Title 3 of the San José Municipal Code to modify the types of eligible medical plans to be offered to retirees and survivors in the City's retirement plans that provide retiree healthcare to include (1) Medical Plans offered to active City employees, (2) Medicare Medical Plans, and (3) Medical Plans not offered to active City employees.

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

Attachments [Memorandum](#)
[Ordinance](#)

2.8 [18-520](#) Agreement with History San José for Maintenance of City-Owned Historical Facilities.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with History San José, from July 1, 2018 to June 30, 2038, for the operations and maintenance of the City-owned historical facilities within History Park at Kelly Park and the Peralta Adobe - Fallon House Historic Site, as well as management of the City's historic collections for an annual amount not to exceed \$784,000, subject to annual appropriations as approved by City Council.

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

Council Districts 3 and 7. (Economic Development)

RECOMMEND DEFERRAL TO 5/1/18 PER ADMINISTRATION

Attachments [Memorandum](#)

2.9 [18-560](#) **Agreement with the San José Public Library Foundation for the Administration of SJ Learns.**

Recommendation: Adopt a resolution authorizing the City Manager to execute an Agreement with the San José Public Library Foundation to administer the funding of the SJ Learns Program as a fiscal agent from May 1, 2018 through June 30, 2019, in an amount not to exceed \$1,000,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library)

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

2.10 [18-595](#) **Compensation and Benefit Changes for Council Appointees.**

Recommendation: As recommended by the Rules and Open and Government Committee on April 18, 2018, adopt a resolution approving:
(a) Compensation and benefit changes for Council Appointees consistent with compensation and benefit changes to Executive Management (Unit 99) for Fiscal Years 2018-2019, 2019-2020, and 2020-2021. The City of San José Pay Plan shall be amended, if necessary.
(b) A 2.5% merit increase effective July 1, 2018 for the City Manager, City Attorney, City Clerk, and City Auditor.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Mayor)
[Rules Committee referral 4/18/18 - Item A.1.a]

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

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

3.2 Labor Negotiations Update.

3.3 [18-559](#) **Approval of Revised Code of Ethics Policy, Gift Policy, and Council Policy 0-15.**

Recommendation:

Adopt a resolution:

- (a) Approving the revised Code of Ethics Policy;
- (b) Approving the revised Gift Policy; and
- (c) Approving the revised Council Policy 0-15.

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

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-522](#) **Actions Related to the New San José Hotel Business Improvement District and Levy Assessments in the San José Hotel Business Improvement District for Fiscal Year 2018-2019.**

Recommendation:

- (a) Public Hearing to consider the establishment of the San José Hotel Business Improvement District (SJHBID). This is the second of two public comment meetings required under the Property and Business Improvement Law of 1994, Streets and Highways Code Section 36600 et seq., to establish the proposed SJHBID.
- (b) Public Hearing to approve the budget and the levy of assessments for the SJHBID beginning Fiscal Year 2018-2019.
- (c) Adopt a resolution of formation establishing the SJHBID and approving the budget and authorizing the levy of assessments beginning Fiscal Year 2018-2019.

CEQA: Statutorily Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3), CEQA only applies to projects which have potential for causing a significant effect on the environment. (Economic Development)

Attachments [Memorandum](#)
[Attachment](#)
[\(c\) Resolution](#)

4.2 [18-548](#) **Actions Related to the Report on the Downtown Wayfinding System.****Recommendation:**

(a) Accept the report on the Downtown Wayfinding System, which includes findings and recommendations for a wayfinding program for Downtown San José and a commitment to collaborate with the Regional Mapping and Wayfinding Partnership led by the Metropolitan Transportation Commission.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute a Master Consulting Agreement with City ID LLC for wayfinding and placemaking design services for an initial three-year term ending June 2021 for an aggregate maximum compensation not to exceed \$2,000,000, subject to the appropriation of funds; the City has budgeted \$550,000 for work under this agreement, and will need to identify additional funds to complete work beyond that amount.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 3. (Economic Development/Transportation)

Attachments [Memorandum](#)
 [Attachment](#)
 [Presentation](#)

4.3 [18-521](#) **Amendments to Procedures for Removal of Rent Stabilized Units from the Rental Market (Ellis Act Ordinance).**

Recommendation:

- (a) Accept the staff report.
 - (b) Approve an ordinance amending Part 11 of Chapter 17.23 of Title 17 of the San José Municipal Code to:
 - (1) Modify the re-control provisions to subject the greater of either the number of apartments removed from the market, or 50% of new apartments built to the Apartment Rent Ordinance (ARO).
 - (2) Modify the re-control provisions to subject additional apartments beyond the base units to the current annual general increase of 5%.
 - (3) Allow an exemption from the re-control provisions if at least twenty (20) newly constructed rental units are being created. The re-control requirement under this Section will be waived if the property owner:
 - (i) Develops fifteen percent (15%) of the newly constructed units as on-site affordable rental units consistent with the standards and affordability restriction requirements in the Inclusionary Housing Ordinance, Chapter 5.08 of Title 5 of the San José Municipal Code and its implementing guidelines; and
 - (ii) Develops an additional five percent (5%) of the newly constructed units as on-site affordable rental units restricted at 100% of area median income, but otherwise consistent with the standards in the Inclusionary Housing Ordinance and implementing guidelines.
 - (4) Include apartment buildings with three units under the Ellis Act.
 - (5) Allow non-ARO apartments with three units or more built after 1979 to provide 120-day notification to their tenants and the City and to provide relocation consultant services to impacted tenants.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)
TO BE HEARD LAST

- Attachments**
- [Memorandum](#)
 - [Memorandum from CM Rocha](#)
 - [Memorandum from CM Diep](#)
 - [Memorandum from CM Peralez](#)
 - [Memorandum from Mayor Liccardo](#)
 - [Memorandum from CM Jimenez](#)
 - [Attachment](#)
 - [\(b\) Ordinance](#)
 - [Letter\(s\) from the Public](#)
 - [Presentation](#)

4.4 [18-549](#) **Amendments to the Tenant Protection Ordinance - Title 17 for Immigration and Criminal Activity.**

Recommendation:

Accept the staff report and approve an ordinance amending the provisions in Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code to:

(a) Include a provision that prohibits landlords from disclosing or threatening to disclose tenants' and/or associates of tenants' immigration or citizenship status to authorities for the purposes or intent of retaliation, harassment, intimidation, or recovering possession of a rental unit consistent with Civil Code 1940.35(a), as amended; and

(b) Include "Felony Conviction" as a separate just cause basis for eviction to allow a landlord to serve a Notice of Termination of Tenancy when a tenant has been convicted, for a serious felony as defined by Penal Code Section 1192.7(c), as amended, or a violent felony as defined by Penal Code Section 667.5(c), that was committed during his or her tenancy and on the premises. Require that landlords, prior to serving a Notice of Termination of Tenancy, provide tenant households a written notice to remove the tenant who was convicted from the unit or the tenant's name from the lease agreement within a reasonable time, using one of the following methods:

(1) Filing a restraining order or providing evidence of similar steps being taken to remove them from the household; or

(2) Removing the member of the household who was convicted and providing written notice to the landlord that said tenant has been removed.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)
TO BE HEARD LAST

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Replacement Memorandum from Mayor Liccardo](#)

[Memorandum from CM Jimenez](#)

[Memorandum from CM Diep](#)

[Memorandum from CM Jones](#)

[Attachment](#)

[Ordinance](#)

[Letter\(s\) from the Public](#)

[Presentation](#)

4.5 [18-550](#) Amendments to the Apartment Rent Ordinance - Title 17 for Utility Pass Throughs to Tenants.

Recommendation:

- (a) Accept the staff report on submetering, submetering incentives, and pass throughs of utility costs, including Ratio Utility Billing System (RUBS).
- (b) Approve an ordinance amending Part 3 of Chapter 17.23 of Title 17 of the San José Municipal Code to:
- (1) Clarify that the pass through of utility charges to tenants via RUBS or other unmetered allocations is not allowed;
 - (2) Allow landlords with written utility pass through contracts for water, sewer and/or garbage in place prior to January 1, 2018, to petition for a one-time rent increase equal to the lesser of:
 - (i) The average monthly charges for water, sewer and/or garbage passed through to the tenant over the 2017 calendar year; or
 - (ii) An amount equal to the sum of the 2018 Santa Clara County Housing Authority Utility Allowance rates for multifamily water, sewer and garbage costs; and
 - (3) Allow landlords with written gas and/or electric pass through contracts in place prior to January 1, 2018 to petition for a one-time increase if a landlord's units are not separately metered for gas and electricity and the landlord has complied with the requirements of Civil Code Section 1940.9. The increase shall be the lesser of:
 - (i) The average monthly charges passed through to the tenant over the 2017 calendar year; or
 - (ii) An amount equal to the sum of the 2018 Santa Clara County Housing Authority Utility Allowance rates for multifamily gas and electric costs.
- (c) Direct staff to submit the revisions to the Regulations implementing the limited term one-time rent increase petition process to the City Manager for approval.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)
- TO BE HEARD LAST

Attachments [Memorandum](#)
[Memorandum from Mayor Liccardo](#)
[Memorandum from CM Jimenez](#)
[Memorandum from CM Jones](#)
[Supplemental Memorandum](#)
[Attachment](#)
[\(b\) Ordinance](#)
[Letter\(s\) from the Public](#)
[Presentation](#)

4.6 [18-551](#) **Actions Related to the Source of Income Discrimination Ordinance and Fair Housing Ordinance. DROP**

Recommendation:

Accept the staff report, and:

- (a) Direct the City Attorney Office to develop a source of income discrimination ordinance including, but not limited to, staff's recommended provisions on the definition of source of income, prohibited activities, applicability, and enforcement.
- (b) Direct the Housing Department to implement an education and outreach plan in coordination with Santa Clara County Housing Authority that considers process improvements and incentives to increase rental subsidy utilization.
- (c) Direct the Housing Department to explore the feasibility of a local Fair Housing Ordinance and return to the City Council with a recommendation.

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

Attachments [Memorandum](#)
[Letter\(s\) from the Public](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-475](#) Agreement with Black & Veatch for the 8142 - Yard Piping Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve a Master Consultant Agreement with Black & Veatch to provide owner's advisor services for the 8142 - Yard Piping Improvements Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2026, in a total amount not to exceed \$9,750,000, subject to the appropriation of funds. CEQA: Statutorily Exempt, File No. PP18-016, Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action and Section 15061(b)(3), CEQA only applies to projects which have the potential for causing a significant effect on the environment. (Environmental Services/Public Works)

Attachments [Memorandum](#)
[TPAC Supplemental Memorandum](#)
[Agreement](#)
[Presentation](#)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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.

- Council will recess until 6:00 p.m.

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, staff, or public 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

[18-526](#)**C18-002 - Conforming Rezoning for Real Property Located at 0 Wabash Street.****Recommendation:**

Consideration of an ordinance of the City of San José rezoning a 0.14-gross acre site, located on the south side of Wabash Street, approximately 400 feet westerly of Archer Street, located on the south side of Wabash Street (0 Wabash Street) from CN Commercial Neighborhood to R-1-8 Single-Family Residence (Anna Wu, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Impact Report (Resolution No. 76041) and Supplemental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C18-002 - Council District 4

Attachments [Memorandum](#)
[Ordinance](#)

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda****10.2** [18-523](#)**PP18-024 - Amendment to Title 20 (Zoning Ordinance) for the Parklet Program. DROP****Recommendation:**

Approve an ordinance of the City of San José amending Section 20.100.1420 of Chapter 20.100 of Title 20 of the San José Municipal Code (the Zoning Code) to facilitate the City' Parklet Program. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Impact Report (Resolution No. 76041) and Supplemental Impact Report (Resolution No. 77617), and Addenda thereto and does not involve new significant impacts beyond those analyzed in the FEIR or the Supplemental EIR. Pending Planning Commission recommendation (votes 0-0-0). (Planning, Building and Code Enforcement)
PP18-024 - Citywide
DROP - TO BE RENOTICED
[Rules Committee referral 4/18/18 - Item A.1.a]

• 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 is adjourned in memory of Richard Kavanagh, who passed on February 27, 2018. Richard was a longtime resident of District 9, and an active force for good in the community where he served as a volunteer firefighter for many years. It was in that role that Richard met his wife, Helen, whom he married and lived with for over 50 years. He cherished life and loved his wife, their three children and a Maltipoo dog named Rosie. Richard was also a gifted handyman who operated a sprinkler and maintenance business to support his family. After a long battle with cancer, Richard passed away with his beloved wife by his side. Richard's courage, fortitude and steady hand will be missed by all of us. (Rocha)

[18-620](#)

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

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

		Council	Lots/		Prproposed	
<u>Tract</u>	<u>Location</u>	<u>District</u>	<u>Units</u>	<u>Type</u>	<u>Decision</u>	<u>Developer</u>

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

		Council	Lots/		Prproposed	
<u>Tract</u>	<u>Location</u>	<u>District</u>	<u>Units</u>	<u>Type</u>	<u>Decision</u>	<u>Developer</u>
10462	Raleigh Rd/ Great Oaks Blvd (north of HWY 85)	2	22/ 97	MFA		Pulte Group

This notice is to be posted with the City Council's regular agenda for 4/24/18.

**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.