



City Council Meeting Amended Agenda

Tuesday, October 18, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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.

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

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 80628, 80659 and 80685, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) 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 submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 889 5708 4529. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88957084529>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

• Call to Order and Roll Call

9:30 a.m.- Closed Session

See Separate Agenda

[22-1518](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

- Pledge of Allegiance
- Invocation (District 9)

District 9 Star Recipients.

- 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 October 2022 as Filipino American History Month to honor the history, pursuits, accomplishments and legacy of Filipinos in our city. (Carrasco)

1.2 Presentation of a commendation to the Franklin-McKinley School District in recognition of their partnership and support hosting the City's satellite Eviction Help Center to provide critical housing services to East Side families. (Esparza)

1.3 Presentation of a proclamation declaring October 2022 as National Disability Employment Awareness Month to celebrate the past and present contributions of America's workers with disabilities and showcase supportive, inclusive employment policies and practices. (Foley)

1.4 Presentation of a proclamation declaring October 2022 as National Pedestrian Safety Month to remind drivers to stay alert for pedestrians, cyclists, and other vulnerable road users. (Jones)

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.

[22-1516](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30818 - An Ordinance of the City of San José rezoning 86 properties from CP Commercial Pedestrian Zoning District to MUC Mixed-Use Commercial Zoning District; 44 properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residence Zoning District; 41 properties from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residence Zoning District; 40 properties from CG Commercial General Zoning District to R-1-8 Single-Family Residence Zoning District; 40 properties from CN Commercial Neighborhood Zoning District to MUC Mix-Use Commercial Zoning District; 32 properties from LI Light Industrial Zoning District to R-1-8 Single-Family Residence Zoning District; 27 properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District; 24 properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District; 18 properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residence Zoning District; 18 properties from R-M Multifamily Residential Zoning District to MUN Mixed-Use Neighborhood Zoning District; 15 properties from IP Industrial Park Zoning District to LI Light Industrial Zoning District; 13 properties from R-M Multifamily Residential Zoning District to PQP Public/Quasi-Public Zoning District; 11 properties from LI Light Industrial Zoning District to MUC Mixed-Use Commercial Zoning District; 10 properties from R-2 Two-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District; Nine properties from R-M Multifamily Residential Zoning District to LI Light Industrial Zoning District; Eight properties from R-M Multifamily Residential Zoning District to MUC Mixed-Use Commercial Zoning District; Seven properties from R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District; Six properties from CO Commercial Office Zoning District to MUC Mixed-Use Commercial Zoning District; Six properties from CP Commercial Pedestrian Zoning District to LI Light Industrial Zoning District; Five properties from CN Commercial Neighborhood Zoning District to CIC Combined Industrial/Commercial Zoning District; Five properties from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District; Five properties from R-1-8 Single-Family Residence Zoning District to OS Open Space Zoning District; Five properties from R-1-8 Single-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District; Four properties from R-1-8 Single-Family Residence Zoning District to MUN Mixed-Use Neighborhood Zoning District; Four properties from R-2 Two-Family Residence Zoning District to MUC

Mixed-Use Commercial Zoning District; Four properties from LI Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District; Three properties from LI Light Industrial Zoning District to OS Open Space Zoning District; Three properties from R-2 Two-Family Residence Zoning District to UR Urban Residential Zoning District; Three properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District; Three properties from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District; Two properties from R-1-8 Single-Family Residence Zoning District to LI Light Industrial Zoning District; Two properties from CP Commercial Pedestrian Zoning District to MUN Mixed-Use Neighborhood Zoning District; Two properties from A Agriculture Zoning District to R-1-8 Single-Family Residence Zoning District; Two properties from A Agriculture Zoning District to OS Open Space Zoning District; Two properties from R-M Multifamily Residential Zoning District to OS Open Space Zoning District; One property from CG Commercial General Zoning District to CIC Combined Industrial/Commercial Zoning District; One property from CG Commercial General Zoning District to MUC Mixed-Use Commercial Zoning District; One property from CG Commercial General Zoning District to OS Open Space Zoning District; One property from CO Commercial Office Zoning District to OS Open Space Zoning District; One property from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District; and one property from R-2 Two-Family Residence Zoning District to OS Open Space Zoning District, located in various locations on those certain real properties within the City of San José
[Passed for Publication on 9/20/2022 - 10.1(a) (22-1372)]
[Deferred from 10/4/2022 - Item 2.2(a) (22-1452)]

Attachments [Ordinance](#)

2.3 Approval of Council Committee Minutes.

22-1542**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Transportation and Environment Committee Minutes of August 29, 2022.
 - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 7, 2022.
 - (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 14, 2022.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [\(a\) 8/29/2022 T&E Minutes](#)
- [\(b\) 9/7/2022 ROGC Minutes](#)
- [\(c\) 9/14/2022 ROGC Minutes](#)

2.4 Mayor and Council Excused Absence Requests.22-1517**Mayor and Council Excused Absence Requests.****Recommendation:**

- Request for excused absence for:
- (a) Councilmember Esparza from the Meeting of City Council Study Session on September 29, 2022 due to illness; and
 - (b) Councilmember Foley from the Regular Meeting of Smart Cities and Service Improvements Committee on October 6, 2022 due to family obligation.
 - (c) Councilmember Peralez from the Regular Meetings of Transportation and Environment Committee, City Council, and Rules and Open Government Committee and Committee of the Whole on October 3, 2022, October 4, 2022 and October 5, 2022 respectively due to family emergency.
 - (d) Councilmember Davis from the Meeting of City Council Study Session on September 29, 2022 due to illness.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza, Foley, Peralez and Davis)
- [Rules Committee referral 10/5/2022 - Item A.1.a for (b); 10/12/2022 - Item A.1.a for (c) and (d)]

Attachments

- [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

- 2.7 [22-1519](#) **Adoption of an Ordinance Ratifying Final Expenditures in Various Appropriations for 2021-2022 and Adoption of the Associated Appropriation Ordinance and Funding Sources Resolution amendments in 2021-2022.**

Recommendation:

- (a) Adopt an ordinance ratifying final 2021-2022 expenditures in various appropriations as detailed in this report.
- (b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund to:
 - (1) Increase the Airline Reserve Funds Distribution appropriation by \$7,595,809; and
 - (2) Decrease the Master Trust Agreement Reserve by \$7,595,809.
- (c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund to:
 - (1) Increase the Construction and Conveyance Tax estimate by \$2,853,873;
 - (2) Increase the Needs-Based Allocation Transfer to District 1 by \$235,078;
 - (3) Increase the Needs-Based Allocation Transfer to District 2 by \$103,459;
 - (4) Increase the Needs-Based Allocation Transfer to District 3 by \$95,650;
 - (5) Increase the Needs-Based Allocation Transfer to District 4 by \$76,392;
 - (6) Increase the Needs-Based Allocation Transfer to District 5 by \$247,386;
 - (7) Increase the Needs-Based Allocation Transfer to District 6 by \$227,550;
 - (8) Increase the Needs-Based Allocation Transfer to District 7 by \$219,694;
 - (9) Increase the Needs-Based Allocation Transfer to District 8 by \$155,142;
 - (10) Increase the Needs-Based Allocation Transfer to District 9 by \$180,085;
 - (11) Increase the Needs-Based Allocation Transfer to District 10 by \$76,860;
 - (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$808,646; and
 - (13) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$427,931.
- (d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Emergency Reserve Fund to:
 - (1) Establish the PPE and Janitorial Services appropriation to the City Manager's Office in the amount of \$676,000; and
 - (2) Decrease the Food and Necessities Distribution - Food Services

appropriation to the Parks, Recreation, and Neighborhood Services Department by \$676,000.

(e) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Coronavirus Relief Fund to:

- (1) Establish the Communications and Translation Services appropriation to the City Manager's Office in the amount of \$177,987;
- (2) Increase the COVID-19 Personal Services appropriation to the City Manager's Office by \$637,632;
- (3) Decrease the Food and Necessities Distribution - Food Services appropriation to the City Manager's Office by \$435,503;
- (4) Decrease the Consulting and Planning Support appropriation to the City Manager's Office by \$321,000; and
- (5) Decrease the Facilities Improvements appropriation to the City Manager's Office by \$59,116.

(f) Adopt the following 2021-2022 Appropriation Ordinance amendments in the South Bay Water Recycling Operating Fund to:

- (1) Increase the Personal Services appropriation to the Environmental Services Department by \$466,654;
- (2) Increase the SCVWD - Advanced Water Treatment appropriation by \$278,098; and
- (3) Decrease the Ending Fund Balance by \$744,752.

(g) Adopt the following 2021-2022 Appropriation Ordinance amendments in the General Fund to:

- (1) Increase the Workers' Compensation Claims - Police appropriation by \$359,839;
- (2) Decrease the Workers' Compensation Claims - Fire appropriation by \$185,839;
- (3) Decrease the Workers' Compensation Claims - Other Departments appropriation by \$174,000;
- (4) Increase the Personal Services appropriation to the City Attorney's Office by \$57,692;
- (5) Decrease the Non-Personal/Equipment appropriation to the City Attorney's Office by \$21,481; and
- (6) Decrease the Personal Services appropriation to the City Manager's Office by \$36,211.

(h) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Water Utility Fund to:

- (1) Increase the Personal Services appropriation to the Environmental Services Department by \$185,362; and
- (2) Decrease the Ending Fund Balance by \$185,362.

(i) Adopt the following 2021-2022 Appropriation Ordinance and

Funding Sources Resolution amendments in the 1990 Gas Tax Maintenance and Construction Fund to:

- (1) Increase the Gas Tax estimate by \$177,208; and
- (2) Increase the Transfer to the General Fund for Street Maintenance by \$177,208.

(j) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Neighborhood Security Bond Fund to:

- (1) Increase the Beginning Fund Balance estimate by \$64,328; and
- (2) Increase the Fire Training Center Relocation appropriation by \$64,328.

(k) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the 1964 Gas Tax Maintenance and Construction Fund to:

- (1) Increase the Gas Tax estimate by \$26,037; and
- (2) Increase the Transfer to the General Fund for Street Maintenance by \$26,037.

(l) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes to:

- (1) Increase the Construction and Conveyance Tax estimate by \$8,024; and
- (2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$8,024.

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. (City Manager)

Attachments [Memorandum](#)

2.8 [22-1520](#) Lateral Police Officer Hiring Incentive Pilot Program.

Recommendation: Adopt a resolution approving the Lateral Police Officer Hiring Incentive Pilot Program for lateral Police Officers (2215), effective October 30, 2022 through the term of the successor Memorandum of Agreement between the City and the San José Police Officers' Association, subject to the annual appropriations of funds.

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

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

2.9 [22-1521](#) Adoption of Resolution of Intention to Renew the San José Hotel Business Improvement District.

Recommendation: (a) Accept staff's report and consider preliminary actions required to renew the business owner initiated Hotel Business Improvement District within the City of San José pursuant to Streets & Highways Code Section 36600 et. seq.

(b) Adopt a resolution to:

(1) State Council's intention to renew the San José Hotel Business Improvement District within the City of San José;

(2) Preliminarily approve the San José Hotel Business Improvement District Management District Plan;

(3) Set a public meeting to be held on November 1, 2022, at 1:30 p.m. and a public hearing on December 6, 2022, at 1:30 p.m.; and

(4) Find that San José Hotels, Inc. will continue to serve as the Owners' Association for the San José Hotel Business Improvement District to implement the program described in the Management District Plan and authorizing the City Manager to negotiate and execute an agreement with San José Hotels, Inc. to provide those services, contingent upon the renewal of the San José Hotel Business Improvement District.

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. (Economic Development and Cultural Affairs)

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

2.10 [22-1522](#)

City Initiatives Roadmap - Encampment Services, Outreach, Assistance, and Resources: Agreements for Safe Encampment Resolution Funding Grant from State of California.

Recommendation:

(a) Adopt a resolution authorizing the City Manager or her designee to accept the Encampment Resolution Funding grant award of \$2,085,216 from the State of California to fund outreach, housing options, services resulting in encampment closure, restoration of the site for public use and negotiate and execute related documents to accept grant funds without further City Council action.

(b) Adopt a resolution authorizing the Director of Housing to:

(1) Negotiate and execute a new grant agreement with People Assisting the Homeless in the amount of \$801,000 to provide homeless outreach and case management services retroactive from July 1, 2022 through June 30, 2024;

(2) Negotiate and execute a new grant agreement with HomeFirst Services of Santa Clara County in the amount of \$1,122,000 to expand the capacity of the Rapid Rehousing program, which provides rental subsidies and case management support services retroactive from October 1, 2022, through June 30, 2024; and

(3) Negotiate and execute a new grant agreement with the Guadalupe River Conservancy in the amount of \$199,650 to lead activation and stewardship activities such as creating new murals, educational tours, field trips, and bike rides post encampment closure from January 1, 2023, through June 30, 2024.

(c) Adopt the following 2022-2023 Appropriation Ordinance Amendments and Funding Sources Resolution amendments in the Multi-Source Housing Fund to:

(1) Increase the estimate for Revenue from the State of California by \$2,085,216; and

(2) Establish an Encampment Resolution Funding Grant appropriation to the Housing Department in the amount of \$2,085,216.

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

(Housing/City Manager)

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

2.11 [22-1523](#) Approval of Multifamily Housing Revenue Bond Policy Exception for Affordable Housing Developments at View at Blossom Hill and 2350 S. Bascom.

Recommendation: Adopt a resolution authorizing an exception to the City Council's Multifamily Housing Revenue Bond Policy, number 1-16, for the issuance of Multifamily Housing Revenue Bonds for View at Blossom Hill, and for 2350 S. Bascom due to special circumstances, thereby allowing the California Municipal Finance Authority to issue the bonds. CEQA: View at Blossom Hill, 1007 Blossom Hill Road: Categorically Exempt, File No. H21-020, CEQA Guidelines Section 15332, Infill Development Projects; 2350 S. Bascom Avenue: Exempt from CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Development pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9. (Housing/Finance)

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

2.12 [22-1524](#) Amendment to the City Pay Plan.

Recommendation: Adopt a resolution amending the City of San José Pay Plan effective October 18, 2022, to create the following classifications:
(a) Early Childhood Education Aide PT (6134) with a salary range of \$45,032.00 - \$54,891.20 annually;
(b) Early Childhood Education Instructor PT (6135) with a salary range of \$53,019.20 - \$64,376.00 annually; and
(c) Early Childhood Education Specialist FT/PT (6136/6137) with a salary range of \$61,651.20 - \$74,942.40 annually.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)

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

2.13 [22-1525](#) Amendment to the Administrative Citation Schedule of Fines Resolution.**Recommendation:**

Adopt a resolution:

- (a) Amending the Administrative Citation Schedule of Fines for violations of the San José Municipal Code Chapter 10.32, Part 6, Section 10.32.240, to establish escalating fine amounts for first, second, third, and subsequent violations pertaining to compliance with the Gun Harm Reduction Ordinance; and
 - (b) Repealing fines associated with the now repealed Chapter 11.34 of Title 11 of the San José Municipal Code - Regulation of Cruising.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police/City Manager)

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

2.14 [22-1526](#) 2022 Byrne Discretionary Community Project Grant Program for the Mobile Crisis Assessment Team.**Recommendation:**

- (a) Adopt a resolution accepting the Bureau of Justice 2022 Byrne Discretionary Community Project Grant for the Mobile Crisis Assessment Team in the amount of \$1,000,000; and authorizing the City Manager to execute the Grant Agreement and execute additional amendments and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.
 - (b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund to:
 - (1) Establish the 2022-2023 Byrne Discretionary Community Project Grant City-Wide Expenses appropriation to the Police Department in the amount of \$381,434; and
 - (2) Increase the estimate for Revenue from Federal Government by \$381,434.
- 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. (Police/City Manager)

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

- 2.15** [22-1541](#) **Retroactive Approval of D6 Alameda Park Neighborhood Block Party Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Retroactively approve the D6 Alameda Park Neighborhood Block Party scheduled on October 15, 2022 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. (Davis)
[Rules Committee referral 10/5/2022 - Item A.1.a]

Attachments [Memorandum](#)

- 2.16** [22-1546](#) **Retroactive Approval of Los Paseos (LPNA) Neighbor Day and Shredding Day Sponsored by Council District 10 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

Recommendation: As recommended by the Rules and Open Government Committee on October 5, 2022:
(a) Retroactively Approve the Los Paseos (LPNA) Neighbor Day scheduled on October 8, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Retroactively Approve the District 10 Shredding Day scheduled on October 7, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
(c) 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. (Mahan)
[Rules Committee referral 10/5/2022 - Item B.2]

Attachments [Memorandum](#)

2.17 [22-1580](#) Retroactive Approval of the Pet Spay and Neuter Event Sponsored by Council District 5 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 October 12, 2022:
(a) Retroactively approve the Pet Spay and Neuter event scheduled on September 11, 2022 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. (Carrasco)
[Rules Committee referral 10/12/2022 - Item B.3]

Attachments [Memorandum](#)

2.18 [22-1584](#) Retroactive Approval of Disability Awareness Day 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 October 12, 2022:
(a) Retroactively approve the Disability Awareness Day scheduled on October 13, 2022 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. (Jones)
[Rules Committee referral 10/12/2022 - Item B.4]

Attachments [Memorandum](#)

2.19 [22-1594](#) Request for Travel Authorization for Mayor Liccardo.

Recommendation: As recommended by the Rules and Open Government Committee on October 12, 2022, authorize travel for Mayor Liccardo to attend the 2022 United Nations Climate Change Conference (COP 27) in Egypt, from November 4, 2022 to November 12, 2022. (Source of Funds: Personal Funds)
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo)
[Rules Committee referral 10/12/2022 - Item B.5]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [22-1527](#) 2021-2022 City Manager's Annual Report.

Recommendation: (a) Accept the 2021-2022 City Manager's Annual Report in compliance with City Charter Section 701(F).
 (b) Adopt the Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2021-2022 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment.
(City Manager)

Attachments [2021-2022 Annual Report](#)
 [Supplemental Memorandum from TPAC, 10/17/2022](#)
 [Presentation - est. 15 minutes](#)

3.4 [22-1548](#) Annual Merit Increases and Additional Executive Leave for Council Appointees.

Recommendation: As recommended by the Rules and Open Government Committee on October 5, 2022, adopt a resolution approving a 2.5% merit increase for the City Manager, City Attorney, Independent Police Auditor, City Clerk, and City Auditor effective July 1, 2022, and granting an additional forty (40) hours of executive leave to each of these Council appointees for the payroll calendar year 2023.

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

[Rules Committee referral 10/5/2022 - Item C.1]

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [22-1528](#) City Initiatives Roadmap - Clean Energy Resilience: Power Procurement Agreements.

Recommendation: Adopt a resolution increasing the authority granted to the Director of Community Energy or designee to negotiate and execute agreements five years and under for the procurement of power products by \$405,600,000 from \$1,536,900,000 to an amount not to exceed \$1,942,500,000 in aggregate in Calendar Years 2022 through 2027, to be paid solely from the San José Clean Energy Operating Fund, and subject to the Energy Risk Management Policy and Regulations, the appropriation of funds, and the following annual limits: \$380,200,000 in 2022, \$352,900,000 in 2023, \$337,300,000 in 2024, \$321,600,000 in 2025, \$280,700,000 in 2026, and \$269,800,000 in 2027.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)
[Deferred from 10/4//2022 - Item 6.1 (22-1448)]

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation - est. 5 minutes](#)

6.2 [22-1529](#) Climate Smart San José Plan Semi-Annual Report.

Recommendation: As recommended by the Transportation and Environment Committee on October 3, 2022, accept the semi-annual report on the Climate Smart San José for March 2022 through August 2022.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)
[Transportation and Environment Committee referral 10/3/2022 - Item (d)1]

Attachments [Memorandum](#)
 [Attachment](#)
 [Presentation, 10/3/2022](#)
 [Presentation - est. 10 minutes](#)
 [Letters from the Public](#)

**6.3 [22-1549](#) Amendment to the Building Reach Code Ordinance. - TO BE HEARD
CONCURRENTLY WITH ITEM 8.4**

Recommendation: (a) Adopt findings related to local modifications of the state codes based upon local geographical, topographical, and climatic conditions.
 (b) Approve a building reach code ordinance amending various sections of Title 24 to adopt provisions of the 2022 California Green Building Standards Code with certain exceptions, modifications, and additions including increased requirements related to electric vehicle charging stations and adopting the 2022 California Building Energy Efficiency Standards.

CEQA: Categorically Exempt, File No. ER22-227, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building, and Code Enforcement)

TO BE HEARD CONCURRENTLY WITH ITEM 8.4

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

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 [22-1530](#) **Actions Related to the Land Acquisition for the Lot E Public Parking Facility
Located at 517 West Saint John Street and 150 North Montgomery Street.****

Recommendation:

(a) Adopt a resolution adopting the Lot E Parking Structure Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and a related Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act, as amended.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute all documents and contracts necessary for the relocation of tenants currently occupying 517 West Saint John, including approval of the Final Relocation Plan and disbursement of necessary payments as required by relocation statute, not to exceed \$350,000.

(c) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 517 West Saint John Street, identified as Assessor's Parcel Number 259-29-091 in Attachment A (consisting of ±19,166 square feet and owned by Arlethea K. Thorson, The Trustees of Richard Della Maggiore and Joan Della Maggiore) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with California Code of Civil Procedure Section 1245.220, et. seq., and making the following findings and determinations to declare that:

(1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404;

(2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately and by reference made a part hereof, for the Lot E Parking Facility Project;

(3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;

(4) The acquisition of Property, as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project;

(5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to the owner of record;

(6) All conditions and statutory requirements necessary to exercise the

power of eminent domain to acquire the Property have been complied with by the City;

(7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and

(8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$4,800,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain.

PLEASE NOTE: APPROVAL OF THIS RESOLUTION OF NECESSITY REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3 VOTE OF ALL MEMBERS OF THE COUNCIL). California Code of Civil Procedure Section 1245.240.

(d) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 150 North Montgomery Street, identified as Assessor's Parcel Number 259-29-003 in Attachment B (consisting of approximately ±7060 square feet and owned by Rodolfo Alvarez Duenas, Raul Jimenez and Yolanda Jimenez) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with Cal. Civ. Proc. Code Section 1245.220, et. seq., and making the following findings and determinations to declare that:

(1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404;

(2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment B to the staff memorandum, proposed

resolution of necessity, to be posted separately and by reference made a part hereof, for the Lot E Parking Facility Project;

(3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;

(4) The acquisition of Property, as described in Attachment B to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project;

(5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to the owner of record;

(6) All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property have been complied with by the City;

(7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and

(8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$1,770,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain.

PLEASE NOTE: APPROVAL OF THIS RESOLUTION OF NECESSITY REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3 VOTE OF ALL MEMBERS OF THE COUNCIL). California Code of Civil Procedure Section 1245.240.

CEQA: Lot E Parking Structure Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) (Planning File No. ER20-011). Council District 3. (Economic Development and Cultural Affairs/Transportation)

[Deferred from 10/4/2022 - Item 8.1 (22-1450)]

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(c\) Resolution](#)
[\(d\) Resolution](#)
[Presentation - est. 10 minutes](#)

8.2 [22-1531](#) **First Substantial Amendment to the Fiscal Year 2022-2023 Annual Action Plan for Transfer of Neighborhood Stabilization Program Income Funds to Community Development Block Grant for Eligible Uses.**

Recommendation:

- (a) Hold a public hearing to allow for public comment.
 - (b) Adopt a resolution relating to the following actions regarding a first amendment to the existing Fiscal Year (FY) 2022-2023 Annual Action Plan (Action Plan) that includes changes to the federal Neighborhood Stabilization Program (NSP1) and the Community Development Block Grant (CDBG) to the City of San Jose:
 - (1) Approve the following changes relating to the Substantial Amendment to the FY 2022-2023 Annual Action Plan to:
 - (i) Decrease NSP1 program income funds by \$584,220 and redirect funds to CDBG eligible uses.
 - (ii) Increase CDBG program income funds by \$584,220 and apply funds to other CDBG eligible uses.
 - (2) Authorize the Housing Department to submit the Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD); and,
 - (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in these Annual Action Plan amendments and all related contract amendments, extensions, and changes.
 - (c) Adopt the following Appropriation Ordinance amendments in the Multi-Source Housing Fund:
 - (1) Decrease the Ending Fund Balance by \$584,220; and
 - (2) Establish a Transfer to the Community Development Block Grant Fund in the amount of \$584,220.
 - (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Community Development Block Grant Fund:
 - (1) Establish the revenue estimate for Transfers and Reimbursements in the amount of \$584,220;
 - (2) Increase the Contractual Community Services appropriation to the Housing Department by \$54,398; and
 - (3) Increase the Ending Fund Balance by \$529,822.
- 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; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing/City Manager)

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

8.3 [22-1539](#) **Mobile Home Park Land Use Designation Status Report. - TO BE HEARD
AT 4:00 P.M.**

Recommendation: As recommended by the Community and Economic Development Committee on September 26, 2022, accept the status report, including staff's analysis on mobile home parks at greatest risk for redevelopment and should be prioritized for the General Plan Land Use amendments that apply the Mobile Home Park Land Use Designation to these sites. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Housing) [Community and Economic Development Committee referral 9/26/2022 - Item(d)3]
TO BE HEARD AT 4:00 P.M.

Attachments [Memorandum](#)
[Attachment](#)
[Presentation, 9/26/2022](#)
[Presentation - est. 5 minutes](#)
[Memorandum from Esparza, 9/26/2022](#)
[Memorandum from Esparza, Foley, Jimenez, Peralez and Cohen,](#)
[Letters from the Public - 1 of 4](#)
[Letters from the Public - 2 of 4](#)
[Letters from the Public - 3 of 4](#)
[Letters from the Public - 4 of 4](#)

**8.4 [22-1535](#) 2022 California Building Standards Code Adoption. - TO BE HEARD
CONCURRENTLY WITH ITEM 6.3**

Recommendation:

As recommended by the Community and Economic Development Committee on September 26, 2022:

(a) Approve an ordinance amending Title 24 of the San José Municipal Code to:

(1) Adopt the 2022 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, and the California Existing Building Code;

(2) Find that the City of San José's local climatic, geological and topographical conditions warrant additional protections in the Municipal Code; and

(3) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements.

(b) Approve an ordinance amending Chapter 17.12 and Chapter 17.68 of Title 17 of the San José Municipal Code to:

(1) Adopt the 2022 California Fire Code and the standards referenced in the 2022 California Fire Code;

(2) Find that the City of San José's local climatic, geological, and topographical conditions warrant additional protections in the Code;

(3) Adopt local amendments regarding certain architectural, fire alarm, fire sprinkler, and hazardous materials regulations, and associated standards; and

(4) Adopt local amendments regarding the design and installation requirements for hazardous materials storage and use.

CEQA: Exempt, Section 15308 - Actions by Regulatory Agencies for the Protection of the Environment, File No. ER22-227. (Planning, Building and Code Enforcement); File No. PP19-077 (Fire).

[Community and Economic Development Committee referral 9/26/2022 - Item(d)4]

TO BE HEARD CONCURRENTLY WITH ITEM 6.3

Attachments [Memorandum](#)
[Presentation, 9/26/2022](#)
[Presentation - est. 10 minutes](#)
[\(a\) Ordinance](#)
[\(b\) Ordinance](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

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 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.