



# **City Council Meeting Amended Agenda**

**Tuesday, October 8, 2019**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, 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. 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 <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.**

## • 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

**19-676**

Closed Session Agenda

- **Invocation (District 9)**

American Youth Shakespeare

- **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 Presentation of a Proclamation declaring City of San José's participation in the 2019 Combined Giving Campaign. (Library)

1.2 Presentation of a Proclamation declaring Bully Prevention Month. (Arenas)

## **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.**

**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 19-877 Amendment to the Concession Agreement with ALCLEAR, LLC for Security Screening Services.**

**Recommendation:** (a) Approve the Third Amendment to the Concession Agreement between the City of San José and ALCLEAR, LLC for expedited security screening services, to extend the term for three years to expire on October 21, 2022, modify the concession fee to increase the compensation to the City from 8.5% of total gross revenues received by ALCLEAR to 11% for year one of the amendment, 11.50% for year two, and 11.75% for year three, guarantee annual revenue to the Airport in the amount of \$674,000, revise the concession space, and modify the scope of the concession operations;  
(b) Approve the Second Amendment to the Lease Agreement between the City of San José and ALCLEAR, LLC to extend the term for three years to expire on October 21, 2022 with annual revenue to the City of San José in the amount of approximately \$296,027.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment (Airport)

**2.8 19-878 Membership and Logistics of Retirement Solutions Stakeholder Working Group.**

**Recommendation:** Approve the Retirement Solutions Stakeholder Working Group membership and logistics as part of the formation of the stakeholder group approved by the City Council in the Mayor's March Budget Message to review the City of San José's retirement system challenges.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

**2.9 19-909 Amendment to the Agreement with Flynn Resource Consultants, Inc. for Consulting Services for the Community Energy Department.**

**Recommendation:** Approve a First Amendment to the Master Consultant Agreement with Flynn Resource Consultants, Inc. for professional consulting services provided to the Community Energy Department, increasing the maximum compensation from \$290,000 to \$990,000 through June 30, 2023, subject to the appropriation of funds, with no change in any other term of the Agreement.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

**2.10 19-880 Report on Request for Proposal for PeopleSoft Professional/Technical Services.**

**Recommendation:** Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute master agreements with Graviton Consulting Services, Inc. (Sacramento, CA), Sierra Cedar (Alpharetta, GA), and CherryRoad Technologies (Morris Plains, NJ) for As-Needed PeopleSoft Professional/Technical Services for a five-year term beginning on or about October 9, 2019 and ending October 31, 2024, for a combined maximum compensation not to exceed \$3,000,000, subject to the appropriation of funds; and
- (b) Negotiate and execute amendments as required to adjust funds between agreements or for any unanticipated changes for a combined contingency amount not to exceed \$600,000 during the term of the agreements, subject to the appropriation of funds.

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

**2.11 19-881 Set a Public Hearing for the Cost of Sidewalk Repairs for December 10, 2019.**

**Recommendation:** Adopt a resolution setting a Public Hearing on Tuesday, December 10, 2019 at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301 (c), Existing Facilities. (Finance)

**2.12 19-882 Amendment to the Master Agreement with PGAdesign, Inc. (Verde) for Landscape Architectural Design Services for Various City Facility Projects.**

**Recommendation:** Approve the Second Amendment to the Master Agreement with PGAdesign, Inc. (CPMS Contract No. 8069) extending the term from December 31, 2019 to June 30, 2022 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of Rotary Playgarden Expansion Project.

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

**2.13 19-883 County of Santa Clara Historic Grant Application for the Alviso Historic Survey and the East Santa Clara/Alum Rock Historic Survey Projects.**

**Recommendation:** Adopt a resolution:

(a) Approving applications for County of Santa Clara Historic Grant for the Alviso Historic Survey and the East Santa Clara/Alum Rock Historic Survey Projects; and

(b) Authorizing the City Manager to sign and submit the Grant Applications to the County of Santa Clara and sign the Grant Agreements and administer the Projects on behalf of the City.

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. (Planning, Building and Code Enforcement)

**2.14 19-910 Request for Travel for Mayor's Staff.**

**Recommendation:** Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Khanh Russo, Director of Strategic Partnerships, as the City representative to attend the Melbourne Study Tour from October 26, 2019 to November 1, 2019 in Melbourne, Australia. Source of Fund: 8 80 Cities and Knight Foundation.

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

### **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 19-884 Procurement Card Expenditures Audit Report.**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on September 19, 2019, accept the Procurement Card Expenditures Audit.

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 Auditor)

[Public Safety, Finance and Strategic Support Committee 9/19/19 - Item (d)5]

**3.4 19-885 Status of Open Audit Recommendations as of June 30, 2019.**

**Recommendation:** Accept the Status of Open Audit recommendations as of June 30, 2019. 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 Auditor)

**3.5 19-886 2018-2019 City Manager's Annual Report.**

**Recommendation:** (a) Accept the 2018-2019 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).  
(b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2018-2019 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).  
(c) Approve the following position changes in the Information Technology Department:

(1) Add 6.0 Enterprise Supervising Technology Analyst.

(d) Approve the following position corrections in the Parks, Recreation and Neighborhood Services Department to align with the 2019-2020 Adopted Budget:

(1) Add 2.75 Recreation Leader PT;

(2) Delete 1.0 Senior Geographic Information Systems Specialist;

(3) Delete 1.0 Senior Maintenance Worker;

(4) Delete 1.0 Parks Maintenance Repair Worker II;

(5) Delete 1.0 Office Specialist II;

(6) Delete 2.0 Maintenance Assistant;

(7) Delete 2.0 Groundswoker.

CEQA: Not a Project, Files 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 significant physical impact on the environment. (City Manager)

**RECOMMEND DEFERRAL TO 10/22/19 PER ADMINISTRATION**



**3.6 19-879 Approval of Cyber Liability Insurance Policy with Indian Harbor Insurance Company. DROP**

**Recommendation:** Adopt a resolution authorizing the Director of Finance to select and purchase a cyber liability insurance policy for the period October 9, 2019 to October 9, 2020, for a total cost not to exceed \$185,000, with Indian Harbor Insurance Company, doing business as XL Catlin.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

**DROP**

**3.7 19-887 Actions Related to the Annual Intergovernmental Relations Report.**

**Recommendation:** (a) Accept the Annual Intergovernmental Relations Report;  
(b) Reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log; and  
(c) Adopt updated Intergovernmental Relations Council reporting schedule.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

**3.8 19-888 2020 Legislative Program and Top Legislative Priorities.**

**Recommendation:** Adopt the 2020 Legislative Program and the top legislative priorities for 2020.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

**3.9 19-889 Actions Related to the California Senate Bill 998 and Title 15 of the San José Municipal Code for the San José Municipal Water System.**

**Recommendation:** As recommended by the Transportation and Environment Committee on September 9, 2019, accept the update on the requirements of California Senate Bill 998 and recommend that Council:  
(a) Adopt a resolution repealing Resolution 77004 and revising the Rules and Regulations for operation of the San José Municipal Water System; and  
(b) Approve an ordinance amending Part 2.5 of Chapter 15.08 of Title 15 of the San José Municipal Code to modify provisions related to water utility billing and authorize the City Manager to adopt an administrative policy on billing and disconnection processes.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no change to the physical environment.  
(Finance/Environmental Services)  
[Transportation and Environment Committee 9/9/19 - Item 2]

**3.10 19-919 Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2018.**

**Recommendation:** Accept the following reports:

- (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2018.
  - (b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2018.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Retirement Services)  
[Deferred from 10/1/19 Item 3.4 (19-862)]

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

**4.1 19-906 City Council Policy Priority #3: Disadvantaged Business Enterprise Program.**

**Recommendation:** As recommended by the Community and Economic Development Committee on September 23, 2019:

- (a) Approve the workplan for the phased implementation of the Public Works Contracting Program report on Council Priority #3- Disadvantage Business Enterprise Program, currently identified as the Public Works Contracting Program;
  - (b) Approve removal of Council Priority #3 - Disadvantaged Business Enterprise Program, from the Council Priority list at the next priority setting session.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)  
[Community and Economic Development Committee referral 9/23/19 - Item (d) 4]

**4.2 19-907 2019 California Building Standards Code Adoption. - DEFERRED**

**Recommendation:** As recommended by the Community and Economic Development Committee on September 23, 2019:

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

(1) Adopt the 2019 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, California Existing Building Code.

(2) Find that the City of San José 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 to amend Chapter 17.12 of the San José Municipal Code to:

(1) Adopt the 2019 edition for the California Fire Code, and the Standards referenced in 2019 California Fire Code; and

(2) Adopt local amendments regarding the design and installation requirements for fire sprinkler systems, fire standpipe and hose systems, centrifugal fire pumps, private fire service mains, fire alarm systems, clean agent extinguishing systems, fire protection systems in clean rooms, and other fire safety requirements.

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

[Community Economic Development Committee referral 9/23/19 - Item (d) 5]

**DEFERRED TO 10/22/19 PER ADMINISTRATION**

**4.3 19-911 Actions Related to Mobile Vendors.**

**Recommendation:** (a) Approve an ordinance amending Chapter 6.54 of Title 6 of the San Jose Municipal Code (The Peddler Permit Ordinance) to conform to State law.

(b) Adopt a resolution amending the Administrative Citation Schedule of Fines to establish and revise existing fines in accordance with State law for certain violations of Chapter 6.54 of Title 6 of the San José Municipal Code (The Peddler Permit Ordinance), and repealing Resolution No. 78934.

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

**PENDING RULES AND OPEN GOVERNMENT COMMITTEE (ROGC) APPROVAL ON 10/2/19**

## **5. NEIGHBORHOOD SERVICES**

### **5.1 19-892 Actions Related to the Reconstruction of Columbus Park Located at Coleman Avenue.**

**Recommendation:** (a) Approve the use of Parks, Recreation, and Neighborhood Services funding to design the reconstruction of Columbus Park to accommodate soccer and other uses.

(b) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund:

(1) Establish the Columbus Park Soccer Facility Design appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$3,000,000; and

(2) Decrease the Soccer Facility Reserve by \$3,000,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action, and 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. (Parks, Recreation and Neighborhood Services/City Manager)

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

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

### **7.1 19-893 Actions Related to the California Electric Vehicle Infrastructure Project.**

**Recommendation:** Adopt a resolution:

- (a) Approving the implementation of the California Electric Vehicle Infrastructure Project in San José;
- (b) Approving participation of San José Clean Energy in the California Energy Commission's current round of funding of the California Electric Vehicle Infrastructure Project for load-serving entities in San Mateo and Santa Clara counties; and
- (c) Authorizing the Director of Community Energy or designee, in consultation with the City Attorney, to negotiate and execute an agreement with the Center for Sustainable Energy to administer San José Clean Energy funds as part of the implementation of the California Electric Vehicle Infrastructure Project in an amount not to exceed \$4,000,000 through December 31, 2023, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

**RECOMMEND DEFERRAL TO 10/22/19 PER ADMINISTRATION**

### **7.2 19-894 Actions Related to the San José Clean Energy Residential Transition to Time-of-Use Electric Rates.**

**Recommendation:** Adopt a resolution approving:

- (a) A transition of eligible residential San José Clean Energy customers, on a default, "opt-out" basis, to the existing Time-of-Use electric rate E-TOUC in November 2020; and offer bill protection to customers for one year to ensure that at the end of one year of service on new rates, no participating customer will have paid more on the new rate; and
- (b) A rate design allowing San José Clean Energy to match any rate structure from Pacific Gas & Electric Company's standard rates; provided that, notwithstanding any changes to the rate structure, San José Clean Energy's GreenSource product will be at a one percent (1%) below Pacific Gas and Electric Company's generation rates after accounting for the franchise fee surcharge and the Power Charge Indifference Adjustment.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Community Energy)

## **8. PUBLIC SAFETY**

### **8.1 19-921 Fireworks Ordinance Workplan Status Report.**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on August 15, 2019, accept the status report on the implementation of the Fireworks Ordinance Workplan Post Fourth of July 2019.

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

[Public Safety, Finance and Strategic Support Committee referral 8/15/19 - Item (d)1]

[Deferred from 9/10/19 - Item 8.1 (19-771) and 10/1/19 - Item 8.1 (19-866)]

**RECOMMEND DEFERRAL TO 10/29/19 PER ADMINISTRATION**

## **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, 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**

- (a) **19-891**      **Amendment to Title 20 of the San José Municipal Code for Sidewalk Café and Minor Encroachment Permits.**

**Recommendation:** Approve an ordinance amending various sections of the San José Municipal Code to: amend Part 12 (Sidewalk Café) in Chapter 20.100 to repeal the provisions for a sidewalk café permit issued by the Director of Planning and add a reference to the Minor Encroachment Permit process set forth in Chapter 13.37; Amend Section 20.100.140 (Concurrent review) in Chapter 20.100 (Administration and Permits) to remove Sidewalk Café and add Major Encroachment Permits regulated by Chapter 13.37, Development Agreements regulated by Chapter 18.02, and Street and Easement Vacations governed by the Government Code State of California Streets and Highways Code Section 8300 concurrent review process; Amend Section 20.100.220 in Chapter 20.100 (Administration and Permits) to remove Sidewalk Café Permit from the Appeal - Hearing Body list, Amend Section 20.200.270 to no longer include Sidewalk Café Permit in the definition of Development Permit; Amend Section 9.44.019 of Chapter 9.44 (Regulation of Smoking) to add a reference to sidewalk seating authorized through a Minor Encroachment Permit; and, Amend Section 10.10.030 of Chapter 10.10 (Pedestrian Facilitation Ordinance) to add a reference to sidewalk seating authorized through a Minor Encroachment Permit, including the following change recommended by the commission: the words “pursuant to” in the first sentence of section 20.100.1400 entitled “Sidewalk Seating and Parklets” shall be changed to “set forth in.”

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR), (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, File No. PP17-081. Planning Commission recommends approval (5-1-0-0, Yesney opposed). (Planning, Building and Code Enforcement)

**TO BE HEARD AT 1:30 P.M. IMMEDIATELY AFTER REGULAR  
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 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. 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 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.