



City Council Meeting Agenda

Tuesday, December 1, 2020

1:30 PM

Virtual Meeting <https://sanjoseca.zoom.us/j/91325378626>

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.
- **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 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 <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. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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 the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will 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 913 2537 8626. 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/91325378626>
 - 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.

For Closed Captions, please visit the City’s YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream

<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.” Click the language you would like to hear.

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch).

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Call to Order

20-1525 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session – **RECOMMEND CANCELLATION**

- **Pledge of Allegiance**
- **Invocation (Mayor)**
- **Orders of the Day**

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

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 20-1526 Amendment to the Agreement with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. for Brokerage Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Tenth Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for ongoing insurance brokerage and property loss and loss control services to increase the compensation from \$105,000 to \$113,000 for the term from July 1, 2020 through June 30, 2021, with a total maximum compensation not to exceed \$744,000, 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)

2.8 20-1527 Report on Request for Bids for Citywide Purchase Orders for Desktops, Laptops, Tablets, and Monitors.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with ComputerLand of Silicon Valley (San José, CA) for desktops and Chromebook laptops, Saitech, Inc. (Fremont, CA) for android tablets, SHI International Corp. (Somerset, NJ) for desktops, Apple iOS tablets, and Apple MacBook Pro laptops, and Granite Data Solutions (Sacramento, CA) for monitors for a combined maximum not-to-exceed compensation of \$1,345,000 for the initial one-year term ending September 30, 2021, subject to the appropriation of funds;
- (b) Amend purchase orders with Saitech, Inc. for 2-in-1 laptops to increase by up to \$217,000 for a maximum compensation of \$347,000, and SHI International Corporation for standard, large screen, and ruggedized laptops to increase by up to \$750,000 for a maximum compensation of \$1,600,000 for the initial one-year term, subject to the appropriation of funds;
- (c) Approve a contingency of \$800,000 for all purchase orders as required to meet unanticipated increases in demand during the initial term, subject to the appropriation of funds; and
- (d) Execute purchase orders for these products for up to four additional one-year options through September 30, 2025, 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)

2.9 20-1528 Amendment to the Master Agreement with Placeworks for Landscape Architectural Design Services for Various City Facility Projects.

Recommendation: Approve the Third Amendment to the Master Agreement with Placeworks (CPMS Contract No. 8069) extending the term from December 31, 2020 to December 31, 2022 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of the Kelley Park Master Plan Update Project. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

2.10 20-1529 Amendment to the Agreement with Cal Engineering & Geology, Inc. for Consultant and Professional Engineering Services for 8721 - FEMA - San José Family Camp Project (SCSJG89/PW1138).

Recommendation: Approve the First Amendment to the agreement for professional engineering services with Cal Engineering & Geology, Inc. for the San José Family Camp Project, increasing the total compensation by \$128,000 for a total agreement amount of \$673,222 and extending the term of the agreement from December 31, 2020 to December 31, 2022. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

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 20-1531 Retirement Board Interviews.

Recommendation: PLACEHOLDER (City Clerk)

3.4 20-1535 Pension Obligation Bonds.

Recommendation: As recommended by the Rules and Open Government Committee on October 21, 2020:

(a) Initiate the process for possible issuance of pension bond obligation to fund unfunded actuarial liability of the Federated and Police and Fire Retirement Plans, including:

(1) Develop a workplan of required validation actions, documentation, and filings along with an estimated timeline for achieving key milestones;

(2) Secure needed advisory and legal services; and

(3) Develop required bond documentation for City Council approval to initiate the validation process which would allow the City to move quickly if it decides to issue POBs at a future date.

(b) Conduct other preparatory work that will enable the Council in 2021 to make a fully informed decision about the merits and risks of this option as a means of reducing our multi-billion-dollar unfunded actuarial liability with an arbitrage strategy in a very low interest rate environment, including:

(1) Complete research on the prevalence and performance of pension obligation bonds in other municipalities that includes contextual information on structures, sizing, risk considerations, credit implications, fiscal impact, and market conditions contributing to success or failure;

(2) Study and report on the impact on the City's credit ratings in consultation with our advisors and review of rating metrics;

(3) Perform a sensitivity analyses on the potential size of the bond issuance, assessing various risk tolerance levels and the projected cost-benefit to the City, including potential for series of bonds issued over time;

(4) Assess the impact of different strategies for recognizing and applying the savings from the pension obligation bond strategy;

(5) Conduct a public study session with the Council to fully vet questions and issues, and invite relevant consultants and experts to testify; and

(6) If Council offers a favorable response after that study session, develop the required documentation for City Council to consider proceeding with the validation and subsequent authorization for the issuance of pension obligation bonds.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting no changes to the physical environment.

(Mayor)

[Rules Committee referral 10/21/2020- Item G.5]

3.5 20-1537 Implementation of Service Fees on Credit Card Payments.**Recommendation:** Adopt a resolution:

(a) Approving credit card service fees (commonly referred to as convenience fees) on certain eligible transactions as included in the 2020-2021 Adopted Operating Budget and set forth in the staff memorandum to Council; and

(b) Authorizing the Director of Finance to negotiate and execute an addendum to the existing Merchant Card Services Agreement (as amended) with Wells Fargo Bank, NA for the collection of service fees at rates sufficient to cover all associated fees the City would otherwise pay.

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

3.6 20-1538 Amendment to the Solar Power Agreement for the Central Service Yard to Accommodate Construction of the Fire Training and Emergency Operations Center Relocation Project.

Recommendation: (a) Adopt a resolution adopting the Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, ("CEQA"), as amended.

(b) Approve a first amendment to the Solar Power and Services Agreement with SunE J10 Holdings, LLC for the removal of a portion of the solar photovoltaic system at the Central Service Yard and the payment of a removal fee in the amount of \$1,131,418.

CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. (Public Works)

4. PUBLIC SAFETY SERVICES

4.1 20-1536 Actions Related to the Purchase Orders with AXON Enterprise, Inc. for the Purchase of Taser 7 Evidence.com Access Licenses and Equipment.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with AXON Enterprise, Inc. for the purchase of Taser 7 Evidence.com Access software subscription licenses and Conducted Electrical Weapons (CEWs) including related accessories, training, and installation, subject to the pricing obtained from NPPGov contract number PS20270 for an initial five-year term starting on or about December 2, 2020 and ending on or about December 1, 2025, for an amount not to exceed \$4,612,055, subject to the appropriation of funds; and
 - (b) Execute amendments and change orders not-to-exceed \$350,000 to purchase additional CEWs, related accessories and software subscription license as required, 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)

4.2 20-1539 Agreement with City and County of San Francisco for the 2020 Bay Area Urban Areas Security Initiative Grant Allocation.

Recommendation: (a) Adopt a resolution authorizing the City Manager to execute an agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2020 UASI grant allocation in the amount of \$1,560,786, and to negotiate and execute additional amendments and related documents without further City Council action.
(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2020 in the amount of \$554,500;
- (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2020 in the amount of \$331,286; and
- (3) Increase the estimate for Revenue from Federal Government by \$885,786.

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

4.3 20-1540 Actions Related to the 2020 Internet Crimes Against Children Task Force Invited Awards Grant Agreement.

Recommendation: (a) Adopt a resolution accepting the 2020 Internet Crimes Against Children Task Force Invited Awards in the amount of \$521,869 and authorizing the City Manager to execute the Grant Agreement and to execute additional amendments and all related documents, including online certifications at time of reimbursement request, without further City Council action.

(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish a City-Wide Expenses appropriation to the Police Department for the Internet Crimes Against Children (ICAC) Task Force Invited Awards - Police 2020 in the amount of \$521,869; and

(2) Increase the estimate for Revenue from Federal Government by \$521,869.

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

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance.

Recommendation: Approve an ordinance amending Chapter 17.845 of Title 17 of the San José Municipal Code to amend Sections 17.845.010, 17.845.020, 17.845.030, 17.845.040, 17.845.050, and 17.845.060 and add Section 17.845.045 to prohibit natural gas infrastructure in newly constructed buildings effective on August 1, 2021 to:

(a) Cover all new construction building types;

(b) Add an exception for Hospitals; and

(c) Allow limited exemptions on or before December 31, 2022 for:

(1) Food Service Establishments; and

(2) Manufacturing and Industrial Facilities.

CEQA: Categorically Exempt, File No. ER20-202, CEQA Guideline Section 15308 Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

[Deferred from 11/17/2020 - Item 6.3 (20-1445)]

7. NEIGHBORHOOD SERVICES

7.1 20-1543 College and Career Readiness Quality Standards.

Recommendation: As recommended by the Neighborhood Services and Education Committee on November 12, 2020:

- (a) Accept the staff report on the development of College and Career Readiness Quality Standards for all City funded, operated, or endorsed programs.
- (b) Adopt a resolution approving the College and Career Readiness Quality Standards.

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

[Neighborhood Services and Education Committee referral 11/12/2020 - Item (d)1]

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1544 Actions Related to the Grant Agreement and Grant Extensions for Multiple Homeless Programs.

Recommendation: (a) Adopt a resolution authorizing the Director of Housing to negotiate and execute one grant agreement and six grant amendments serving homeless populations:

(1) Grant agreement with the County of Santa Clara in the amount of \$2,000,000 to implement the Housing for Homeless Veterans program retroactive to July 1, 2019 through June 30, 2023;

(2) Fifth Amendment to the grant agreement with the County of Santa Clara increasing the maximum total amount of compensation by \$1,025,000 from \$5,337,000 to \$6,362,000 to continue to implement the Care Coordination Project and the UPLIFT Transit Pass program retroactive to July 1, 2020 through June 30, 2021;

(3) Sixth Amendment to the grant agreement with Project WeHope increasing the maximum total amount of compensation by \$500,000 from \$1,265,350 to \$1,765,350 to continue to implement the Dignity on Wheels Program retroactive to July 1, 2020 through June 30, 2021; and

(4) Four grant agreement amendments for Rapid Rehousing Rental Subsidy Administrator and Rehousing Supportive Services Administrator, retroactive to July 1, 2020 to operate through December 31, 2020 while a Request for Proposals for new contracts is completed:

(i) Fifth Amendment to the grant agreement with The Health Trust increasing the maximum total amount of compensation by \$450,000 from \$7,752,235 to \$8,202,235 to continue to serve as the Rental Subsidy Administrator.

(ii) Third Amendment to the grant agreement with The Health Trust without increasing compensation to continue to serve as a Supportive Service Administrator.

(iii) Third Amendment to the grant agreement with Bill Wilson Center without increasing compensation to continue to serve as a Supportive Service Administrator.

(iv) Third Amendment to the grant agreement with People Assisting the Homeless (PATH) without increasing compensation to continue to serve as a Supportive Service Administrator.

(b) Adopt the following Appropriation Ordinance Amendments in the Multi-Source Housing Fund (448):

(1) Decrease the City Housing Authority Reserve by \$2,000,000; and

(2) Increase the VA Rental Subsidy Program appropriation to the Housing Department by \$2,000,000.

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

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) **20-1545** **HL20-002 - Historic Landmark Nomination for Real Property Located at 1516 Newport Avenue.**

Recommendation: Adopt a resolution designating “The George A. Fleming House” as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature for a single-family residence (George A. Fleming House) on a 1.07-gross acre site located at 1516 Newport Avenue.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 6. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

- (b) **20-1546** **HL20-003 & MA20-001 - Historic Landmark Nomination and Historical Property Contract for Real Property Located at 546 South 3rd Street.**

Recommendation: (1) Adopt a resolution designating the “Somavia-Anderson House” as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature for a single family residence (Somavia-Anderson House) on a 0.14 gross acre site located at 546 S. Third Street.

(2) Adopt a resolution approving a Historical Property (Mills Act) Contract between the City of San José and the property owner for the subject property located at 546 S. Third Street on a 0.14-gross acre site. CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 3. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda**10.2 20-1547 PDC17-046, PD19-022 & PT17-047 - Planned Development Rezoning, Planned Development Permit and Tentative Map for Certain Real Property Located at 907 North Capitol Avenue.**

Recommendation: (a) Approve an ordinance rezoning certain real property located at the west side of North Capitol Avenue, approximately 240 feet northerly of Penitencia Creek Road (907 North Capitol Avenue) from the R-M Multi-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District to allow up to six single-family attached residences on an approximately 0.46-gross acre site.

(b) Adopt a resolution approving, subject to conditions, a tentative map to allow the subdivision of one parcel into seven parcels consisting of six residential parcels and one common area parcel on an approximately 0.46-gross acre site located at 907 North Capitol Avenue.

(c) Adopt a resolution approving, subject to conditions, a planned development permit to demolish an existing single-family residence, two-car garage, and shed totaling 2,400 square feet, the removal of five ordinance-size trees, and allow the construction of six single-family attached residences on an approximately 0.46-gross acre site located at 907 North Capitol Avenue.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15303(b) New Construction or Conversion of Small Structures.

Planning Commission recommends approval/denial (xx-xx). Council District 4. (Planning, Building and Code Enforcement)

- **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.