



CITY COUNCIL AGENDA

JANUARY 27, 2015

AMENDED AGENDA

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MARJORIE MATTHEWS
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
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 Services*** — 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.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — 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:

- **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.
- 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.
- 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.
- 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 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 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**
 - 9:00 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
 - 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 1)**
 - Rabbi Josh Berkenwald - Congregation Sinai - San José

- **Pledge of Allegiance**

- **Orders of the Day**

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- **Orders of the Day**

ADJOURNMENT: This meeting will be adjourned in memory of Kathryn Sedwick, Division Manager and Chief Plan Check Engineer of the Department of Planning, Building and Code Enforcement, who passed away on December 24, 2014. Her colleagues celebrate her distinguished 14-year public service career with the City of San José, and thank Kathryn for her outstanding professional contributions and her friendship. (Mayor/City Manager)

- * **ITEM 3.5 TO BE HEARD LAST IN THE AFTERNOON – PENDING 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

- 1.1 Presentation of a commendation to Commander Krissa A. Baylor, for more than 26 years of outstanding leadership, exceptional service, and commitment to excellence as a member of the United States Navy. (Herrera)
TO BE HEARD IN THE EVENING
- 1.2 Presentation of a proclamation recognizing January 27, 2015 as “International Holocaust Remembrance Day” in the City of San José. (Herrera)

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 Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of October 7, 2014.](#)
- (b) [Regular Minutes of October 21, 2014.](#)
- (c) [Work Force Support and Development Strategy Study Session of October 24, 2014.](#)
- (d) [Regular Minutes of October 28, 2014.](#)

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 29529](#) – Amending Title 23 of the San José Municipal Code (the Sign Code) as follows: to amend Part 1 of Chapter 23.02 to add new Sections 23.02.015 to define Airport Influence Area, 23.02.355 to define Non-Commercial Speech, 23.02.367 to define Large Outdoor Stadium Space, 23.02.485 to define Scoreboard Sign and 23.02.525 to define Sponsorship Marketing Plan; to amend Part 2 of Chapter 23.02 to make minor corrections to Section 23.02.905 Limitations on Programmable Electronic Signs, revise Sections 23.02.910 Computation of Area of Sign, 23.02.1010 Prohibited Signs, Prohibited Displays, and Section 23.1190 No Limitation on Message; and to amend Part 1 of Chapter 23.04 to add new Section 23.04.032, Large Outdoor Stadium Space, to allow more overall signage for large outdoor stadium spaces, including larger and additional attached signs and greater flexibility in placement of such signs, an additional rooftop sign and increasing the total square footage for rooftop signs, a larger freestanding programmable electronic sign displaying messaging pursuant to a sponsorship marketing plan, a new programmable electronic scoreboard sign displaying messaging pursuant to a sponsorship marketing plan, freestanding banner signs; and to make other nonsubstantive, ministerial, technical, or typographical changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of January 7, 2015](#). (Mayor)

2.4 [Mayor and Council Excused Absence Requests](#).

Recommendation: Request for an excused absence for Vice Mayor Herrera from the Regular Meeting of the Rules and Open Government Committee on January 14, 2015 due to Authorized City Business: 2015 Women’s Policy Summit. (Herrera)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2. CONSENT CALENDAR

2.7 [Amendment to the Agreement with AMS-SJC JV for Airport Retail Concession.](#)

Recommendation: Approve a [Fourth Amendment](#) to the AMS-SJC JV Airport Retail Concession Agreement to add a duty free/duty paid store, establish the percentage fee for duty free/duty paid revenue, extend the Agreement for four years, from July 1, 2020 through June 30, 2024, and to provide that the Director of Aviation may terminate any or all of Concessionaire's individual concession locations at the Airport at any time upon 180 days notice during the final two years of the term from July 1, 2022 to June 30, 2024. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

2.8 **Amendment to the Agreement with Resource Development Associates for the Evaluation of the Mayor's Gang Prevention Task Force. - DEFERRED**

- * **Recommendation:** Adopt a resolution authorizing the City Manager to:
- (a) Execute the First Amendment to Agreement with Resource Development Associates, Inc. for a Comprehensive Retrospective and Prospective Evaluation Consultant of the Mayor's Gang Prevention Task Force to modify the scope of services, extend the term by one year to December 31, 2016, and update the schedules of performance and compensation, at no additional cost to the City; and
 - (b) Negotiate and execute future amendments to the Agreement with Resource Development Associates to modify the scope of services, extend the term and update the schedules of performance and compensation, as necessary to produce a final Comprehensive Retrospective and Prospective Evaluation of the Mayor's Gang Prevention Task Force for submittal to the Department of Justice, at no additional cost to the City.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

* **DEFERRED TO 2/3/15 PER ADMINISTRATION**

2.9 [Downtown San José Property-Based Business Improvement District Annual Financial Report for FY 2013-14.](#)

Recommendation: Approve the Downtown San José Property-Based Business Improvement District Annual Financial Report for FY 2013-14. The report provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Exempt, File No. PP12-053. (Transportation)

2. CONSENT CALENDAR

2.10 Proposed State Legislation to Amend the Vehicle Code.

Conflict of Interest

- * **Recommendation:** As recommended by the Rules and Open Government Committee on January 14, 2015, direct the City Administration to seek a sponsor for state legislation to allow local regulation of certain pedestrian right of ways, such as staircases, under the California Vehicle Code. CEQA: Not a Project, File No. PP10-068, General policy making (City Attorney)
[Rules Committee referral 1/14/15 – Item G(2)]

2.11 African American History Month Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on January 14, 2015:

- (a) Approve the African American History Month Flag Raising scheduled on February 6, 2015 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. (Kalra)

[Rules Committee referral 1/14/15 – Item G(3)]

2.12 District 8 Senior Health Fair and Walk.

Recommendation: As recommended by the Rules and Open Government Committee on January 21, 2015:

- (a) Approve the District 8 Senior Health Fair and Walk scheduled on Saturday, May 30, 2015 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. (Herrera)

- * [Rules and Open Government Committee 1/21/15 – Item G(3)]

2.13 City Council Committee and Board and Commission Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on January 21, 2015:

- (a) Approve Vice Mayor Rose Herrera as Vice Chair of the Rules and Open Government Committee;
- (b) Eliminate the appointments to the Santa Clara Valley Water District Watershed Committees (Coyote, Guadalupe, and West Valley) made during the January 6, 2015 Council meeting as they have been consolidated into the Water Commission;

(Item continued on the next page)

2. CONSENT CALENDAR

2.13 City Council Committee and Board and Commission Appointments. (Cont'd.)

Recommendation:

- (c) At the Councilmember's request, rescind the appointment of Councilmember Raul Peralez to the Valley Transit Authority Policy Advisory Committee;
- (d) Approve Councilmember Chappie Jones' appointment to Valley Transit Authority Policy Advisory Committee; and
- (e) Approve Councilmember Magdalena Carrasco to the Mayor's Gang Force Prevention Task Force.

(Mayor)

* [Rules and Open Government Committee 1/21/15 – G(4)]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of Interim City Manager, Norberto Dueñas (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3.3 [Audit of Accounts Receivables.](#)

* **Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on December 11, 2014, accept the Audit of Accounts Receivables. CEQA: Not a Project, File No. PP10-069(a), Staff reports. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 12/11/14 – Item D(3)]
(Deferred from 1/13/15 – Item 3.3)

3.4 [Comprehensive Annual Financial Report for Retirement Plans for Fiscal Years Ending June 30, 2014 and June 30, 2013.](#)

Recommendation: Accept the following annual reports:

- (a) [Police and Fire Department Retirement Plan Comprehensive Annual Financial Report](#) for the Fiscal Years ended June 30, 2014 and June 30, 2013; and
- (b) [Federated City Employees' Retirement System Comprehensive Annual Financial Report](#) for the Fiscal Years ended June 30, 2014 and June 30, 2013.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City Actions. (Retirement)

3. STRATEGIC SUPPORT SERVICES

3.5 General Fund Structural Budget Deficit History and Service Restoration Priorities and Strategies.

[Supplemental dated January 23, 2015 Presentation](#)

[Supplemental dated January 15, 2015 Presentation from January 20, 2015](#)

[Memo from Councilmember Rocha](#)

[Supplemental from the Director of Finance](#)

Recommendation: Discussion continued from the General Fund Structural Budget Deficit History and Service Restoration Priorities and Strategies City Council Study Session on January 20, 2015. (City Manager)

TO BE HEARD LAST IN THE AFTERNOON – PENDING ORDERS OF THE DAY

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to Loans and Restrictions for Housing for Independent People.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the Director of Housing to negotiate and execute:
 - (1) Shared Housing Affordability Restrictions for affordability restricted properties owned by Housing for Independent People (HIP) for the following properties: 3825 Barker Drive; 3456 Calvin Avenue; 1824 Curtner Avenue; 5629, 5668 and 5684 Hoffman Court; 1231 Minnesota Avenue; and 1713 and 1731 Ross Circle.
 - (2) Amendments to the City's existing loan documents to allow the HIP's use of project cash flow that would otherwise be due to the City for additional replacement reserve deposits and to fund supportive services as permitted project expenses for the above properties as well as the following properties: 1579 Branham Lane; 239 Burning Tree Drive; 1794 Donna Lane; 1059 Roewill Drive; and 1726 Ross Circle.
 - (3) Shared Housing Affordability Restrictions as needed for other affordable supportive shared housing projects for formerly homeless households or individuals.
- (b) Approving conditional grant commitments from the Low and Moderate Income Housing Asset Fund to HIP for up to \$300,000 to cover the soft costs of rehabilitation and an increase to the grant made under the Homeless Housing Program of up to \$200,000 for additional hard costs incurred in the rehabilitation of its existing affordable rental properties: 1059 Roewill Drive; 3825 Barker Drive; 247-249 Muirfield Drive; 1231 Minnesota Avenue; 2551 Sesame Court; 1713 and 1731 Ross Circle; and 5629, 5668 and 5684 Hoffman Court.

CEQA: Exempt, File No. PP13-108. Council Districts 1, 2, 5, 6, 8, 9 and 10. (Housing)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [General Plan Text Amendment: Housing Element for 2014 - 2023.](#) [2014-2023 Housing Element – Revised Public Draft September 2014](#) [2014-2023 Housing Element Administrative Draft January 7, 2015](#)

Recommendation: Approval of City-initiated General Plan text amendment request to revise the Envision San José 2040 General Plan Text to incorporate the Housing Element for 2014-2023, which text amendments include but are not limited to: revising Chapter 7 “Implementation”; adding new Appendices including but not limited to Appendix 11 “Housing Element for 2014-2023”; and revising or deleting references to Appendix C “Housing Element Update 2007-2014,” of the San José 2020 General Plan, all to update demographic and housing data, goals, policies, and implementation actions and to make other minor technical, clarifying and clerical revisions, as necessary, to comply with State Housing Element Law (Government Code Sections 65580-65589.8). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Downtown Strategy 2000 EIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan EIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. Planning Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement) [Resolution GPT14-001](#) - Citywide

ITEM TO BE OPENED IN THE AFTERNOON AND CONTINUED TO THE EVENING

4.3 **Public Hearing on US-101/Oakland/Mabury Transportation Development Policy. - DROP**

Recommendation: Consideration to modify the policy to: (1) align the San José Flea Market site’s transportation impact fee funding schedule with the US-101/Mabury interchange project schedule; (2) restructure the San José Flea Market site’s transportation impact fee payment to align with the development of the future San José Flea Market site’s phases; (3) ensure that these improved or new interchanges will align with the multimodal goals of the Envision San José 2040 General Plan; and (4) allow other clarifying updates on the planning and implementation of the policy. CEQA: Final Environmental Impact Report for the King and Dobbin Transit Village, Resolution No. 74195.1. (Planning, Building and Code Enforcement) [US-101/Oakland/Mabury Transportation Development Policy](#) - Districts: 3 and 4
DROP – TO BE RENOTICED

5. NEIGHBORHOOD SERVICES

5.1 Wild Pig Depredation Ordinance.

Memo from Councilmembers Khamis and Carrasco (Sunshine Waiver Required)

Recommendation: Direct the Administration to return to the City Council with a proposed ordinance to exempt from the current prohibition on the discharge of firearms under San José Municipal Code Section 10.32.010 a person who discharges a firearm to kill a wild pig in compliance with certain conditions. CEQA: Exempt, File No. PP13-103. (Public Works)

5.2 Funding Partnership with Santa Clara Valley Water District for the Coyote Creek Trail Project.

- * **Recommendation:** Adopt a resolution authorizing the City Manager or designee to:
- (a) Submit a partnership proposal to secure funding support not to exceed \$1,000,000 from the Santa Clara Valley Water District under the 2015 Safe, Clean Water Partnership Program;
 - (b) Make the certifications and assurances required as part of the partnership requirements; and
 - (c) Accept any resulting services and/or funding support awarded to the City and negotiate and execute all required documents to effectuate the partnership including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Project.
- CEQA: Mitigated Negative Declaration, File No. PP-08-014. Council District 7. (Parks, Recreation and Neighborhoods Services)

5.3 Support for Immigrant Services.

Memo from Mayor Liccardo, Vice Mayor Herrera, and Councilmember Jones

- * **Recommendation:** Direct the City Manager to:
- (a) Return to the Neighborhood Services & Education Committee, and through the mid-year budget process, to Council, to create a plan to address the imminent flood of inquiries from thousands of our residents who might qualify for relief from deportation under President Barack Obama's recent Executive Action, and under the Deferred Action for Childhood Arrivals.
 - (b) Bring back a plan to establish an Office of Immigrant Affairs, as well as report back on a potential Welcome Ordinance.
 - (c) Investigate and outline a plan for coordination with the County of Santa Clara.
 - (d) Explore and report back to the Council on options of utilizing current City resources.
 - (e) Report back to the City Council on the costs and scope of work of designating roles to Parks, Recreation and Neighborhood Services staff.

CEQA: Not a Project, File No. PP10-068(c), Policies that will have no effect on the environment. (City Manager)

TO BE HEARD NO EARLIER THAN 2:30 P.M.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Ground Transportation Program. - *DEFERRED*

Recommendation: As recommended by the Rules and Open Government Committee on December 10, 2014, modify RFP SJC131415 On-Demand Ground Transportation Management for the San José City Mineta International Airport in order to comply with Council direction from March 4, 2014 to ensure the ability to work at the airport will be distributed equally among the companies as follows:

- (a) Delete the following language from the RFP: “It is not expected, nor would an option be reviewed and approved by the Airport that calls for an equal/identical number of drivers to be assigned to the Airport per company despite the size of the company.”
- (b) Add the following language to the RFP: “Qualified cab companies will be required to provide an equal number of taxi cabs at the Airport to meet the demand from first to last flight, or from 5:00 a.m. to 12:00 midnight. The cab companies can schedule their drivers by 8 hours or more per day shift to give all of their drivers a chance to work at the Airport.”

(Herrera/Khamis)

[Rules and Open Government Committee 12/10/14 – Item G(5)]

DEFERRED TO 2/10/15 PER ADMINISTRATION

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Sanitary Sewer Flow Study. - *DEFERRED*

Recommendation: As recommended by the Transportation and Environment Committee on November 3, 2014:

- (a) Accept the updated staff report regarding the attached Sanitary Sewer Flow; and
- (b) Approve the proposed changes and policy recommendations for future updates to the revenue program for the San José-Santa Clara Regional Wastewater Facility.

CEQA: Not a Project, File No PP10-067(a), Increase or Adjustments to Fees, Rates and Fares. (Environmental Services)

[Transportation and Environment Committee referral 11/3/14 – Item D(3)]

(Deferred from 12/2/14 – Item 7.4)

DEFERRED TO 3/3/15 PER ADMINISTRATION

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Sale of Successor Agency Owned Property at 201 North Market Street to the San José Fire Museum.](#)

Recommendation: Adopt a resolution of the Successor Agency Board authorizing the Managing Director to negotiate and execute:

- (a) A Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of San José and the San José Fire Museum to sell the real property located at 201 North Market Street (Assessor Parcel Number 259-33-077) to the San José Fire Museum for a purchase price of \$1,000,000; and
- (b) All other documents necessary to complete the transaction.

CEQA: Downtown Strategy EIR, Resolution No. 72767, adopted 6/21/2005. (Successor Agency to the Redevelopment Agency)

- **Open Forum**

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

- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

SEE ITEM 4.2 OPENED IN THE AFTERNOON AND CONTINUED TO THE EVENING SESSION

11. PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) 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 Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

No Public Hearing on Consent Calendar at this time.

- **Open Forum**

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

- **Adjournment**

This meeting will be adjourned in memory of Kathryn Sedwick, Division Manager and Chief Plan Check Engineer of the Department of Planning, Building and Code Enforcement, who passed away on December 24, 2014. Her colleagues celebrate her distinguished 14-year public service career with the City of San José, and thank Kathryn for her outstanding professional contributions and her friendship. (Mayor/City Manager)

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.