



CITY COUNCIL AGENDA

NOVEMBER 18, 2008

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any 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 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, Mayor Reed 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 every first and third Tuesday at 7 p.m., 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 www.sanjoseca.gov/clerk/agenda.asp. 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 arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two 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
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall
- 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
[See Separate Agenda](#) (no earlier than 3:30 p.m.)
- 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 10)**

- **Pledge of Allegiance**

- **Orders of the Day**

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

* **ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

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

* **SEE NEW ITEM 1.6, “Presentation of a commendation to Borgata Recycling . . .”**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to San José State University in celebration of International Week, November 17 – 21, 2008, committed to highlighting the importance of international education. (Liccardo)
- 1.2 Presentation of a commendation to McLaughlin Area Tenants (MAT) for their contributions to the community and in recognition of MAT receiving the Elizabeth Anabo BRICC Award 2008. (Nguyen)
TO BE HEARD IN THE EVENING
- 1.3 Presentation of a proclamation declaring December 1, 2008 as “World AIDS Day” in the City of San José. (Pyle)
- 1.4 Presentation of a proclamation declaring the week of November 23 – 29, 2008 as “Family Week” in the City of San José. (Williams)
- 1.5 Presentation of a commendation to San José State University’s Silicon Valley Center for Entrepreneurship for their commitment to promoting innovation, entrepreneurship and the international visibility and economic vitality of the City of San José. (Mayor/Pyle/OED) (Rules Committee referral 11/5/08)
- 1.6 Presentation of a commendation to Borgata Recycling for recognizing and providing a solution for tire diversion from our landfills. (Mayor/OED/ESD)
* (Orders of the Day)

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 will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28433 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to South Bay Hauling Inc. DBA South Bay Hauling and DBA Box Recycling.
- (b) ORD. NO. 28434 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises Inc. DBA JD Services.

(Item continued on the next page)

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

Recommendation:

- (c) ORD. NO. 28437 – Rezoning certain real property situated at the east side of Campbell Avenue approximately 400 feet southeasterly of El Camino Real (1270 Campbell Avenue) to the A(PD) Planned Development Zoning District. PDC07-081
- (d) ORD. NO. 28438 – Rezoning certain real property situated on the southwest corner of the intersection of The Alameda and Sunol Street (850 The Alameda) to A(PD) Planned Development Zoning District. PDC07-020
- (e) ORD. NO. 28439 – Amending Section 6.64.250 of Chapter 6.64 of Title 6 of the San José Municipal Code to add authorization for the Director of the Department of Transportation to establish and adjust taxi rates and fares that taxicab owners and drivers can charge the public.

2.3 Airport Living Wage.

* **Recommendation:**

- (a) Final adoption of Ordinance No. 24832, an Ordinance of the City of San José amending Title 25 of the San José Municipal Code to add a new Chapter 25.11 to extend Living Wage, Worker Retention, Labor Peace and Employee Work Environment Reporting requirements at the Norman Y. Mineta San José International Airport.
- (b) Authorize the addition of three positions in the Public Works Department (1.0 Contract Compliance Coordinator, 1.0 Contract Compliance Specialist and 1.0 Contract Compliance Assistant).
- (c) [Adopt the following 2008-2009 appropriation ordinance](#) amendments in the Airport Maintenance and Operation Fund (523):
 - (1) Increase the Personal Services appropriation in the Public Works Department in the amount of \$166,930.
 - (2) Increase the Non-Personal/Equipment appropriation in the Public Works Department in the amount of \$22,483.
 - (3) Increase the Overhead appropriation in the amount of \$29,587.
 - (4) Decrease the Contingency Reserve in the Airport in the amount of \$219,000.

(Airport/Public Works/City Manager's Office)
(Deferred from 11/4/08 – Item 6.2)

2.4 [Settlement Agreement with Green Valley Corporation.](#)

Recommendation: Adopt a resolution authorizing the City Attorney to execute a Settlement [Agreement](#) and Release with Green Valley Corporation, dba Barry Swenson Builder, considered by the City Council during the Closed Session held on March 25, 2008, for which the City will receive \$125,000. CEQA: Not a Project. (City Attorney's Office)

2. CONSENT CALENDAR

2.5 [Settlement Agreement with Sutter's Place, Inc., dba Bay 101.](#)

Recommendation: Adopt a resolution authorizing the City Attorney to execute a [Settlement Agreement](#) with Sutter's Place, Inc., dba Bay 101, considered by the City Council during the Closed Session held on October 7, 2008, for which the City will receive \$275,000. CEQA: Not a Project. (City Attorney's Office)

2.6 [Amend lease agreements with USO of Northern California, Inc.](#)

Recommendation:

- (a) Approve the sixth amendment and [Continuation Agreement](#) to Space Lease (Existing Lease) with the USO of Northern California, Inc. (USO), to extend the term through June 30, 2010, with no change to the rental rate of \$1.00 per year, and to provide for current and future relocation, expansion, and contraction of the leased premises at the City of San José's expense.
- (b) Adopt a resolution authorizing the City Manager to:
 - (1) Negotiate and execute a new lease (New Lease) with the USO for approximately 2,000 square feet in Terminal B, for the term of five (5) years from the date that the USO takes possession of the new space, with no change to the rental rate of \$1.00 per year, to replace the Existing Lease once the USO relocates from the temporary leased premises in the Existing Lease.
 - (2) Exercise up to two (2), three (3)-year options to extend the term on the same terms and conditions, at the City's sole discretion.

CEQA: Resolution Nos. 67380 and 71451, PP 08-205. (Airport)

2.7 [Award contract to replace potable water lines \(North First Street Parallel Main – Phase III\).](#)

Recommendation: Report on bids and award of contract for the North First Street Parallel Main – Phase III to the low bidder, Ranger Pipelines, Inc., for the term of December 2008 to April 2009, in an amount not to exceed \$838,550, and approve a project contingency in the amount of \$100,000. CEQA: Exempt, File No. PP08-187. Council District 4. (Environmental Services)

2.8 [Approve cooperative purchase of office supplies.](#)

Recommendation: Authorize the Director of Finance to execute:

- (a) An annual purchase order for the cooperative purchase of Office Supplies with OfficeMax (Warren, MI) through the cooperative contract offered by Public Sourcing Solutions in an amount not to exceed \$1,050,000.
- (b) Amend the initial Purchase Order to adjust the not-to-exceed compensation subject to annual appropriation of funding.
- (c) Execute subsequent annual Purchase Orders through the term of the contract ending May 31, 2011 subject to annual appropriation of funding.

CEQA: Not a Project. (Finance)

2. CONSENT CALENDAR

2.9 [Approve agreement for Live Online Homework Help Services.](#)

Recommendation: Report on Request for Proposal (RFP) for the purchase of Live Online Homework Help Services and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute [an agreement](#) with Tutor.com (New York, NY) for a web based live homework help services solution with a first year not-to-exceed compensation of \$125,000; and
- (b) Execute six additional one-year options to renew the Agreement subject to appropriation of funds.

CEQA: Not a Project. (Finance)

2.10 [Approve purchase of Symantec Clustering Software.](#)

Recommendation: Authorize the Director of Finance to:

- (a) Execute a purchase order for the purchase of Symantec clustering software, maintenance and installation services from GTSI Corporation (“GTSI”) located in Chantilly, Virginia, under the pricing, terms, and conditions obtained through the U.S. Communities sponsored cooperative agreement, in an amount not to exceed \$305,000.
- (b) Amend the Purchase Order for the purchase of additional quantities as required up to a not-to-exceed amount of \$30,000 subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

2.11 [Award the purchase of furniture to Wright Line LLC.](#)

Recommendation: Report on bids and award the purchase of dispatcher console systems furniture, training center system furniture, printer stands, product training, delivery and installation to the low bidder, Wright Line LLC (Worcester, MA), for a total amount not to exceed \$572,477.50, including all applicable sales taxes, and authorize the Director of Finance to:

- (a) Execute purchase order for the base bid and add alternate products and services;
- (b) Amend the initial purchase order to make minor configuration changes as needed or to purchase additional quantities of base bid, add alternate, and/or peripheral products at the prices bid for one year after issuance of the initial Purchase Order subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

2.12 [Report on Bids for the Purchase of Traffic Signal Controllers.](#)

Recommendation: Report on bids and award the purchase of 570 fully assembled 2070L traffic signal controllers, add-on modules and related hardware/software training to the lowest responsive bidder, Western Systems Inc. (Everett, WA), for a total amount not to exceed \$1,509,630, including sales taxes, and authorize the Director of Finance to:

- (a) Execute the purchase order(s) for an initial three year term;

(Item continued on the next page)

2. CONSENT CALENDAR

2.12 Report on Bids for the Purchase of Traffic Signal Controllers. (Cont'd.)

Recommendation:

- (b) Purchase additional quantities during the initial three year period on an as-required basis at the same unit pricing subject to the appropriation of funds; and
- (c) Execute purchase orders to acquire additional quantities for two additional one-year terms on an as-required basis at the same unit pricing subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

2.13 Accept Library Grant Awards.

Recommendation:

- (a) Adopt [a resolution](#) accepting the following nine grant awards in a total amount of \$564,899:
 - (1) Early Start Program, (U.S. Department of Education, \$191,593);
 - (2) Early Childhood Education Program, (U.S. Department of Education, \$277,074);
 - (3) Staff Education Grant (LSTA, \$13,808);
 - (4) California of the Past Digital Storytelling (LSTA, \$10,000);
 - (5) Libraries as Community Resources for Increasing High School Graduation Rates (LSTA, \$39,933);
 - (6) Outreach to Latino Communities (LSTA, \$4,991);
 - (7) Survey and Analysis of San José Teens (LSTA, \$5,000);
 - (8) Developing Self-Directed Interest Groups (LSTA, \$20,000); and
 - (9) The African American Baseball Experience (NEH, \$2,500).
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the Library Grants appropriation (2431) by \$564,899;
 - (2) Increase the Revenue from the Federal Government by \$562,399; and
 - (3) Increase the Other Revenue estimate by \$2,500.

CEQA: Not a Project. (Library)

2.14 Accept Human Trafficking Prevention Grant.

Recommendation:

- (a) Adopt [a resolution](#) authorizing the City Manager to accept the FY 2008 Law Enforcement Task Forces for Human Trafficking Victims Continuation Grant in the amount of \$250,000 and to execute the grant [agreement](#) with the Department of Justice specifying the grant terms including the City's provision of in-kind services and all related documents necessary to effectuate the grant.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Establish an appropriation to the Police Department for the 2008 Human Trafficking Prevention Grant in the amount of \$250,000;

(Item continued on the next page)

2. CONSENT CALENDAR

2.14 **Accept Human Trafficking Prevention Grant. (Cont'd.)**

Recommendation:

(b) (2) Increase the estimate for Earned Revenue from Federal Government by \$250,000.

CEQA: Not a Project. (Police/City Manager's Office)

2.15 **Excused absence for Councilmember Chirco.**

Recommendation: Request for an excused absence for Councilmember Chirco from the Regular Meeting of the Rules and Open Government Committee on November 5, 2008 due to Personal Business. (Chirco)
(Rules Committee referral 11/5/08)

2.16 **Excused absence for Councilmember Williams.**

Recommendation: Request for an excused absence for Councilmember Williams from the Special City Council Meeting on November 10, 2008 due to Personal Business. (Williams)
(Rules Committee referral 11/5/08)

2.17 **California Gang Reduction, Intervention and Prevention Grant Application.**

* **Recommendation:** Adopt a resolution authorizing the City Manager to submit an application to the California Gang Reduction, Intervention and Prevention Grant in the amount of \$400,000 to support the efforts of the Mayor's Gang Prevention Task Force (MGPTF) and to negotiate and execute a grant agreement accepting the grant and any collateral documents, and to execute amendments to the grant agreement to extend or modify the grant period or to accept additional grant funds under this grant in an aggregate amount up to twice the original grant amount. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
(Rules Committee referral 11/5/08)

[Resolution](#)

2.18 **Excused absence for Councilmember Constant.**

Recommendation: Request for an excused absence for Councilmember Constant from the Evening Session of the Regular City Council Meeting on October 28, 2008 due to a Authorized City Business: Candlelight Procession for Jeff Fontana at Jeffrey Fontana Park. (Constant)

* (Rules Committee referral 11/12/08)

2.19 **Envision San José 2040 General Plan Update Task Force – Membership.**

[Supplemental – Memo from the Director of PBCE](#)

Recommendation: As referred by the Rules and Open Government Committee of November 12, 2008, accept the resignation of Phaedra Ellis-Lamkins from the Envision San José 2040 Task Force and appoint Mary Creasman as her replacement. (Liccardo)

* [Rules Committee referral 11/12/08 – Item G(2)]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3.2 Report of the Rules and Open Government Committee – [October 15, 2008](#)

Mayor Reed, Chair

- (a) City Council
 - (1) Review October 21, 2008 Final Agenda
 - (a) Accept the Santa Clara County Registrar of Voters' Certificate of Sufficiency of Recall Petition and set November 4, 2008 as the date to call a Special Recall Election on March 3, 2009.
 - (2) Review October 28, 2008 Draft Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (d) Meeting Schedules
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
 - (1) Approve appointment to Work2Future Board of Directors. (Mayor)
 - (g) Rules committee Reviews, Recommendations and Approvals
 - (1) Approve amending bylaws of the Caltrain Centralized Equipment Maintenance Operations Facility. (Williams)
 - (2) Approve amendment to Ordinance 26710 (Section 17.72.570), entitled: "Storing or maintaining household items". (Cortese)
 - (3) Accept report on the Police Activities League and City partnership agreement. (Parks, Recreation and Neighborhood Services/Police)
 - (4) Approve recommendation to direct staff analysis of the current practices associated with defining pipeline projects. (Mayor)
 - (5) Accept Status Report on Citywide Inclusionary Policy Outreach. (Housing)
 - (6) Exploring Transportation Innovations to Support High-Density, Transit-Oriented Development. (Mayor/Liccardo/Chirco)
 - (h) Review of Additions to Council Committee Agendas
 - (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff's Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
 - (j) Open Forum
 - (k) Adjournment
- (Deferred from 11/4/08 – Item 3.3)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – October 22, 2008

Mayor Reed, Chair

- (a) City Council
 - (1) Review October 28, 2008 Final Agenda
 - (2) Review November 4, 2008 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
- (d) Meeting Schedules
 - (1) Approve a Redevelopment Agency/City Council Study Session on the Proposed FY 2008-2009 Capital Budget and 2009-2013 Capital Improvement Program on November 17, 2008 from 9:00 a.m. to Noon. (Redevelopment Agency)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Approve re-appointments to the Youth Commission for Districts 2, 4 and Citywide. (Williams/Chu/Mayor)
- (g) Rules committee Reviews, Recommendations and Approvals
 - (1) Approve the Monthly Report of Activities for September 2008. (City Auditor)
 - (2) Conceptually Approve a Framework for Structural Improvements to the City's Boards and Commissions Program. (City Clerk)
 - (3) Recommend the City Manager develop a program or amend the current School Crossing Guard Program. (Pyle)
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff's Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment
(Deferred from 11/4/08 – Item 3.4)

* **RECOMMEND DEFERRAL TO 12/2/08 PER CITY CLERK**

3.4 Report of the Rules and Open Government Committee – October 29, 2008

Mayor Reed, Chair

- (a) City Council
 - (1) Review November 4, 2008 Final Agenda
 - (2) Review November 11, 2008 Draft Agenda
None – Meeting Cancelled
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Report of the Rules and Open Government Committee – October 29, 2008

(Cont'd.)

- (c) Legislative Update
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Approve appointment of David Mills to the Work2future Board of Directors. (Mayor)
 - (2) Recommend term extension of Sharon Hightower to the Civil Service Commission for up to one year expiring on or before December 1, 2009. (City Clerk)
- (g) Rules committee Reviews, Recommendations and Approvals
 - (1) Approve amendment to Ordinance 26710 (Section 17.72.570), entitled: “Storing or maintaining household items”. (Cortese)
 - (2) Adopt resolution encouraging smoke-free multi-unit housing in the City of San José. (Williams/Chu)
 - (3) Amend the Rules and Open Government Committee to include a review of Study Session Agendas. (Mayor)
 - (4) Recommend to add 1) “Review and discuss the San José Police Department’s policies for handling individuals who are intoxicated in public”; and 2) “Review and discuss statistics and data related to public intoxication arrests” to the November 18, 2008 Council Agenda. (Mayor/Campos/Nguyen)
 - (5) Request additional information regarding the Citywide Inclusionary Policy. (Constant/Oliverio)
 - (6) Recommend that the City Council and Agency Board accept the disclosure of property interest by Kerry Adams-Hapner, Deputy Director of Economic Development, and direct that the disclosure be entered into the public minutes of the Agency Board meeting. (City Attorney)
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff’s Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair’s Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (d) Confirm direction and approve Workplan responding to the Rules and Open Government Committee’s consideration of the Law Enforcement Record recommendation of the SRTF.
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

* **RECOMMEND DEFERRAL TO 12/2/08 PER CITY CLERK**

3. STRATEGIC SUPPORT SERVICES

3.5 **Report of the Public Safety, Finance and Strategic Support Committee**
Councilmember Nguyen, Chair – *No Report.*

3.6 **Council Policy entitled “Donation of Surplus Property.”**

Recommendation: Adopt [a resolution](#) approving a formal Council Policy entitled “Donation of Surplus Personal Property.” CEQA: Not a Project. (Finance)
(Deferred from 11/4/08 – Item 3.7)

3.7 **Public Hearing on the formation of the Convention Center Facilities District.**

Recommendation: Open the Public Hearing in connection with the formation of a Convention Center Facilities District to authorize the levy of special taxes pursuant to the City of San José Convention Center Facilities District financing procedure and authorizing other related actions, and adoption of [a resolution](#) to continue the Public Hearing to January 13, 2009. CEQA: Resolution No. 72767. (Economic Development)

3.8 **Verbal Report and Discussion Regarding City Officials’ Participation in the Chamber of Commerce City-to-City Trip to Chicago, IL.**

Recommendation: As referred by the Rules and Open Government Committee of November 12, 2008, receive the verbal report and discuss lessons learned from the City-to-City trip to Chicago, Illinois. (Mayor)

* [Rules Committee referral 11/12/08 – Item G(3)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Report of the Community & Economic Development Committee – [October 27, 2008](#)**
Councilmember Pyle, Chair

- (a) Review of Committee Workplan
- (b) Status Update on Performance Review and Council Directives/National/International Public Relations and Communications Consultancy. (Economic Development)
- (c) Status Report on Activities at Work2future: FY2008-09. (Economic Development)
- (d) Verbal Report on Retail Strategy Status Report. (Planning, Building and Code Enforcement/Redevelopment Agency/Economic Development)
- (e) Civic Center Update on Retail Space. (Economic Development)
- (f) Public Works Development Services Process and Fee Restructuring. (Public Works)
- (g) North San José Implementation Strategy. (Planning, Building and Code Enforcement)

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – October 27, 2008 (Cont'd.)

- (h) Update on Citywide Signage Policy and Retail Area Identification Banners. (City Manager's Office)
- (i) Airport Obstruction Heights on Downtown Buildings' Study.
- (j) Convention Center Facilities District: Review of Preliminary Plan of Finance.
- (k) Oral Petitions
- (l) Adjournment

4.2 [Approve actions related to Housing and Economic Recovery Act of 2008.](#)

Recommendation:

- (a) Adopt [a resolution](#) authorizing:
 - (1) The Director of Housing to negotiate and execute any documents necessary to accept federal Neighborhood Stabilization Program funds in the amount of \$5,628,283;
 - (2) A shortened citizen participation comment period of 15 days on a Substantial Amendment to the City's FY 2008-09 Consolidated Annual Action Plan (ConPlan);
 - (3) Approval of a Substantial Amendment to the ConPlan; and
 - (4) The Director of Housing to negotiate and execute any documents necessary to apply for and accept additional Neighborhood Stabilization Program funds from the State's allocation of \$145 million.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund (Fund 448):
 - (1) Establish an appropriation to the Housing Department for the Housing and Economic Recovery Act Program in the amount of \$5,628,283;
 - (2) Increase the estimate for Earned Revenue by \$5,628,283.

CEQA: Not a Project. (Housing)

4.3 [MOU for Residential Housing at 1270 Campbell Avenue.](#)

Recommendation: Approve [a Memorandum of Understanding](#) (MOU) between the City of San José and the City of Santa Clara regarding planning, permit approval and inspection responsibilities for the proposed residential housing development at 1270 Campbell Avenue.

CEQA: Not a Project. Council District 3. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair – *No Report.*

5. NEIGHBORHOOD SERVICES

5.2 [Approve expansion of the Teacher Homebuyer Program \(THP\) Expansion.](#)

Recommendation: Adopt [a resolution](#) to allow the expansion of the Teacher Homebuyer Program (THP) to include credentialed, non-teaching staff and administrators in San José K-12 public schools. CEQA: Not a Project. (Housing)

5.3 [K.O.N.A. Neighborhood Improvement Plan Amendment.](#)

[Attachment – Memo from RDA and CMO](#)

[Attachment – November 2008 SNI Report](#)

[Attachment – K.O.N.A. Neighborhood Improvement Plan](#)

Recommendation:

- (a) Accept the Strong Neighborhoods Initiative (SNI) *K.O.N.A. Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the K.O.N.A. SNI Planning Area; and
- (b) Encourage K.O.N.A. area residents, property owners and community members to continue to dedicate their time, energy and resources towards the *Plan* and this *Amendment* while continuing with their community-building activities.

CEQA: Resolution No. 71045. Council Districts 7 and 8. SNI: K.O.N.A. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

5.4 [Silver Leaf Neighborhood Action Agenda.](#)

* **Recommendation:**

- (a) Accept the *Silver Leaf Neighborhood Action Agenda* as the community vision for the future of the Silver Leaf area; and
- (b) Encourage the Silver Leaf neighborhood residents, property owners and community members to continue to dedicate their time, energy and resources towards the Neighborhood Improvement Plan, continuing with their community-building activities.

CEQA: Not a Project. Council District 2. (City Manager's Office)
(Rules Committee referral 11/5/08)

* **TO BE HEARD IN THE EVENING**

6. TRANSPORTATION & AVIATION SERVICES

6.1 **Report of the Transportation and Environment Committee – [November 3, 2008](#)** **Councilmember Williams, Chair**

- (a) Recommended Committee Agenda Adjustments for remainder of the Fall 2008 Workplan.
- (b) Airport Taxicab Services Update.
- (c) Report on the Downtown Commuter Bicycle Demonstration Project.
(Transportation)
- (d) Public Forum
- (e) Adjournment

6. TRANSPORTATION & AVIATION SERVICES

6.2 [Artwork on the east façade of the Airport's Consolidated Rental Car Garage. Supplemental – Memo from the Director of OED](#)

- * **Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Christian Moeller, to fabricate an artwork on the east façade of the Airport Consolidated Rental Car Garage at the Norman Y. Mineta San José International Airport in an amount not to exceed \$1,153,200 for artist to cause the materials and labor related to production of a 79,360 square foot pixelated mural upon metal fabric facade material, to be purchased and installed by the construction contractor with funds for the garage construction project. This agreement does not increase the base budget for garage façade construction, the costs of which will be repaid by rental car user fees. CEQA: Resolution Nos. 67380 and 71451, PP 08-226. (Economic Development) (Deferred from 10/28/08 – Item 6.2)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Presentation on e-Citation Pilot Program.](#)

Recommendation: Accept staff presentation on the e-Citation Pilot Program. CEQA: Not a Project. (Police)

8.2 [Public Intoxication Policy Review and Discussion](#)

[Attachment – Memo from the City Manager's Office](#)

[Attachment – Memo from the Independent Police Auditor](#)

[Attachment – Memo from Councilmember Liccardo](#)

Recommendation: As referred by the Rules and Open Government Committee on November 5, 2008:

- (a) Review and discuss the San José Police Department's policies for handling individuals who are intoxicated in public.
- (b) Review and discuss statistics and data related to public intoxication arrests. (Mayor/Campos/Nguyen)

[Rules Committee referral 11/5/08 – Item G(2)]

TO BE HEARD NO EARLIER THAN 7:30 P.M.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 “Approval of actions by the Agency Board and City Council related to the SoFA Sidewalk Demonstration Project”, 8.2 “Agency Board and City Council actions related to issuance of Merged Area Redevelopment Project Revenue Bonds in an amount not to exceed \$38,855,000” and 8.3, TO BE HEARD FIRST IN THE EVENING, “Public Hearing on the Agency’s FY 2008-2009 Capital Budget and 2009-2013 Capital Improvement Program” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 [North San José Area Development Policy.](#) [Attachment – Memo from Mayor Reed and Councilmembers Chu and Liccardo](#)

Recommendation:

- (a) Direct the City Manager and Redevelopment Agency Executive Director to explore alternatives for allowing affordable housing projects and those projects demonstrating an ability to finance construction of the units to proceed in the short term, in spite of the lack of allocation. Any change to Phase 1 allocations should be covered by the existing North San José Environmental Impact Report.
- (b) Direct staff to return to City Council with findings by mid January 2009.

(Mayor)

* (Rules Committee referral 11/12/08)

- **Open Forum (To be heard no earlier than 3:30 p.m.)**
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 or Redevelopment Agency Board.
- **Continue RDA Board Meeting (immediately following Open Forum)**
- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(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.

Recommendation:

- (a) [Consideration of a Street Renaming for Tract 9881 from Tierra Encantada Court](#) to Bob Hansen Way, located on the south side of Tierra Encantada Way, approximately 220 feet east of McCreery Avenue (Tierra Encantada Development, LLP, Owner). SNI: Mayfair. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
[ST08-002](#) – District 5
[Continued from 10/21/08 – Item 11.1(c)]
[Supplemental – Memo from the Director of PBCE Resolution](#)
[Continued from 10/21/08 – Item 11.1(c)]
- (b) Consideration of an ordinance rezoning the real property located at/on the northwest corner of S. 2nd Street and Martha Street (895 S 2nd Street) from CN Commercial Neighborhood Zoning District to R-M Multiple Residence Zoning District for future development of 3 single family residential units on a 0.19 gross acre site. A separate Site Development Permit application would need to be approved for the future development of 3 units at the site (Fazekas Rose M and Leslie J Trustee, Owner). SNI: Spartan/Keyes. CEQA: San José 2020 General Plan Final EIR.
[C08-043](#) – District 3
RECOMMEND DROP PER APPLICANT
- (c) Consideration of an ordinance pre-zoning the real property located on the west side on Lincoln Avenue extending from W. San Carlos Street on the south to Pacific Avenue on the north, excluding the northwest corner of W. San Carlos Street and Lincoln Avenue (275, 285 Lincoln Avenue, 1141, 1165, 1177 W. San Carlos Street, 966 Pacific Avenue) to allow the demolition of existing structures and construction of up to 47 single-family attached residential units and 6 live/work lofts on a 1.16 gross acre site (James & Tina Jean, Owner). CEQA: Mitigated Negative Declaration.
[PDC07-017](#) – District 6
RECOMMEND DROP PER APPLICANT

(Item continued on the next page)

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar. (Cont'd.)

Recommendation:

- * (d) [Consideration of an ordinance rezoning the real property located on the west side](#) of Elwood Road, approximately 750 feet northerly of Trinidad Avenue (17601 Elmwood Road) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow for the construction of three single-family detached residences on a 0.74 gross acre site (Bannister, Winston Trustee, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
[PDC08-004 – District 10](#)
[Attachment – PDC 17601Elwood Road Ordinance](#)

- (e) [Consideration of a street naming of an easement located at 1064 Broadway](#) Avenue to Julia Kate Place (Christopher Piekarski, et al, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
[ST08-004 – District 6](#)
[Resolution](#)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

- 11.2 [Ordinance amending Chapter 20.70 to amend the Downtown Zoning District standards to broaden allowed ground floor uses in certain circumstances, modify parking and residential occupancy requirements for Live / Work units, allow animal grooming and other related clarifying changes and amendments.](#)

[Attachment – Memo from Councilmember Liccardo](#)
[Supplemental – Memo from the Director of PBCE](#)

Recommendation: Consideration of [an ordinance](#) of the City of San José amending Title 20 of the San José Municipal Code, the Zoning Code, to amend Section 20.70.100 of Chapter 20.70 to allow business support and business and administrative office uses as permitted uses with a special use permit in the DG Downtown Ground-Floor space overlay, modify parking requirements for live/work units, and allow animal grooming as a permitted use in downtown zoning districts; Amend Section 20.70.120 to modify the residential occupancy requirement for live/work units; and make other related clarifying changes and amendments. CEQA: Exempt, PP08-197. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

Citywide

(Continued from 10/28/08 – Item 11.2)

- 11.3 [Ordinance amending Chapter 20.30, 20.90 and 20.100 to amend single family zoning standards related to accessory structures, allow one covered parking space in certain circumstances, and to allow minor additions to two family dwellings administratively when parking regulations are met and other related clarifying changes and amendments.](#)

Recommendation: Consideration of [an ordinance](#) of the City of San José amending portions of Title 20 of the San José Municipal Code: Chapter 20.30, Sections 20.30.500 to allow the square footage of accessory structures to match those of garages; Chapter 20.30, Sections 20.30.52 to clarify the minimum separation required for accessory buildings and accessory structures; Chapter 20.90, Section 20.90.220, to allow by right parking reductions to one car garages for single family residences located in the R-1, R.2 and R-M Residence Zoning Districts and Chapter 20.100, Section 20.100.500, to allow minor additions to two family dwellings provided current parking regulations are being allowed. CEQA: Exempt, PP08-174. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-0).

Citywide

11. PUBLIC HEARINGS

- 11.4 **Ordinance amending Chapter 20.50, 20.90, 20.100 and 20.200 to create a new commercial/ industrial zoning district, clarify industrial zoning standards, modify uses allowed in mixed industrial areas, to realign uses in the Light Industrial, Heavy Industrial and Industrial Park zoning districts to fit the adopted General Plan, streamline tank permitting processes, define specified uses and establish parking requirements for specified uses and other related clarifying changes and amendments.**

Recommendation: Consideration of an ordinance of the City of San José amending Title 20 of the San José Municipal Code, the Zoning Code, to amend Section 20.50.010 of Chapter 20.50 to establish the CIC combined Industrial/Commercial Zoning District and to clarify the IP Industrial Park, LI Light Industrial and HI Heavy Industrial Zoning Districts; amend Section 20.50.100 to change the “CM” Denotation to “C^{GP}” and to allow uses with the “C^{GP}” Denotation with a Conditional Use Permit on properties designated Mixed Industrial Overlay or Combined Industrial/Commercial by the General Plan, to establish use regulation for the CIC Combined Industrial/Commercial Zoning District, to allow Laboratory, Medium Manufacturing and Assembly, and Warehouse Uses as a permitted use in the IP Industrial Park Zoning District; to add Research and Development Office, Mortuary without Funeral Services, and Warehouse Retail as enumerated uses, to allow Crematory Uses with a Conditional Use Permit in LI Light Industrial Zoning Districts, to eliminate Day Care Center as a conditional use in the HI Heavy Industrial Zoning District with a Mixed Industrial Overlay, and to add Autobroker, wholesale, No On-Site Storage as a permitted use in the IP Industrial Park Zoning District; add Section 20.50.113 to clarify use regulations for Public Eating Establishments in the LI Light Industrial or HI Heavy Industrial Zoning Districts; add Section 20.50.130 to establish regulations for Warehouse Retail; amend Section 20.50.200 to establish development regulations for the CIC Combined Industrial/Commercial Zoning District; amend Section 20.90.060 of Chapter 20.90 to establish parking requirements for Research and Development Office, Mortuary without Funeral Services, and Warehouse Retail; amend Section 20.100.500 of Chapter 20.100 to allow above-ground storage tanks 2,000 gallons or less with a permit adjustment; amend Section 20.200 to define Mortuary and Funeral Services, Mortuary without Funeral Services, Research and Development Office, and Warehouse Retail; and make other related clarifying changes and amendments. CEQA: Negative Declaration, PP08-124.

Citywide

RECOMMEND CONTINUANCE TO 12/2/08 PER ADMINISTRATION

11. PUBLIC HEARINGS

- 11.5 [Ordinance amending Chapter 20.40, 20.80, 20.90 and 20.200 to amend commercial zoning standards to allow expanded range of vehicles sales in the CN zone, revise front setback exception, allow outdoor dining in more areas with certain restrictions, establish parking requirements for specified uses, define certain uses, add retail art studio uses and related development standards, and revise private property special event requirements and other related clarifying changes and amendments.](#)

Recommendation: Consideration of [an ordinance](#) of the City of San José amending Title 20 of the San José Municipal Code, the Zoning Code, to amend Section 20.40.100 of Chapter 20.40 to allow the sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles with a special use permit in the CN Commercial Neighborhood District, add retail art studios as an enumerated use, add outdoor dining incidental to a public eating establishment as an enumerated use; add Section 20.40.140 to establish regulations for retail art studios in commercial districts; amend Section 20.40.250 to revise the front setback exception for commercial districts; amend Section 20.40.520 to allow outdoor dining within 150 feet of residentially zoned property subject to certain restrictions; amend Section 20.80.1420 of Chapter 20.80 to revise the provisions for outdoor private property special events; amend Section 20.90.060 of Chapter 20.90 to establish parking requirements for retail art studios and outdoor dining incidental to a public eating establishment, and clarify parking requirements for private uses; amend Chapter 20.200 to define instructional art studios, retail art studios, and outdoor dining incidental to a public eating establishment; and to make other related clarifying changes and amendments. CEQA: Negative Declaration, PP08-124. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

Citywide

- 11.6 [Rezoning real property located on the westerly corner between Charcot Avenue and Junction Avenue.](#)

[Attachment – PDC 521 Charcot Avenue](#)

Recommendation: Consideration of [an ordinance](#) rezoning the real property located on the westerly corner between Charcot Avenue and Junction Avenue from LI(PD) Planned Development Zoning District to LI(PD) Planned Development Zoning District to allow 118,5000 square feet of light industrial uses on a 6.67 gross acre site (521 Charcot Avenue) (Club Auto Sport-Silicon Valley, LLC, Owner). CEQA: North San José EIR Resolution No. 72768 and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

[PDC08-030](#) – District 4

11. PUBLIC HEARINGS

11.7 [Rezoning real property located on the north side of Story Road.](#)

[Attachment – Staff Report](#)

[Attachment – WAT LAO BUDDHAXINARAM TEMPLE PROJECT](#)

Recommendation: Consideration of [an ordinance](#) rezoning the real property located on the north side of Story Road, approximately 80 feet easterly of Dominick Way (14671 Story Road) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow the construction of up to 11,844 square feet for religious assembly uses on a 1.0 gross acre site (Wat Lao Buddhaxinaram, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

[PDC05-068](#) – District 5

11.8 [Rezoning real property located on the south side of Hamilton Avenue.](#)

[Attachment – Memo from Councilmember Oliverio](#)

[Attachment – Staff Report](#)

[Attachment – PDC Tomato Thyme](#)

- * **Recommendation:** Consideration of [an ordinance](#) rezoning the real property located on the south side of Hamilton Avenue approximately 320 feet easterly of Meridian Avenue (Tomato Thyme Restaurant) (1560 Hamilton Avenue) from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow an outdoor dining patio for an existing restaurant on a 0.375 gross acre site (Smith, John D Trustee & Et Al, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (4-1-1-1 [Jensen opposed; Do disqualified, and Platten absent]).
[PDC07-046](#) – District 6

- **Notice of City Engineer’s Pending Decision on Final Maps**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9981	Northeast corner of Willow Glen Way and Cross Way	6	Falcon Development LLC	10 Lots / 9 Units	Single Family Attached	Approve

- **Notice of City Engineer’s Award of Construction Projects**

- **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 or Redevelopment Agency Board.

- 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, Redevelopment Agency Board, 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, Redevelopment Agency Board, 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 agenda 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.