



CITY COUNCIL AGENDA

NOVEMBER 3, 2009

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO, VICE MAYOR
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 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
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) [See RDA Agenda](#)
1:30 p.m. - Regular Session, 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.

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 the Air Line Pilots Association 'Airport of the Year' Award to the City of San José. (Airport)

1. CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring the week of November 8th – 14th as “Nurse Practitioner Week” in the City of San José. (Constant)
- 1.3 Presentation of proclamation declaring the week of November 8th – 14th as “National Radiologic Technology Week” in the City of San José. (Constant)
- 1.4 Presentation of a proclamation declaring the month of November 2009 as “Pancreatic Cancer Awareness Month” in the City of San José. (Mayor/Constant)
- 1.5 Presentation of a commendation to the Westfield Oakridge Management Team for their efforts to increase economic development in the City of San José. (Pyle)

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. 28656 – Rezoning certain real property situated on the north side of Kiely Boulevard, 550 feet westerly of Saratoga Avenue (370 South Kiely Boulevard), to the CN – Commercial Neighborhood Zoning District. C09-029 [Presentation](#)
- (b) ORD. NO. 28657 – Rezoning certain real property generally situated on both sides of Berryessa Road, west of Union Pacific Railroad Tracks and east of Coyote Creek, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC09-006 [Presentation](#)
- * (c) ORD. NO. 28654 – Amending Sections 12.06.210, 12.06.310 and 12.06.540 of the San José Municipal Code to increase contribution limits and impose an annual increase on contribution limits based on the Consumer Price Index; amending Sections 12.06.230, 12.06.310 and 12.06.320 to clarify the contributions regulated; and repealing Sections 12.06.270 and 12.06.280 to eliminate redundancy.

2. CONSENT CALENDAR

2.3 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Vice Mayor Chirco from the Closed Session Meeting of the City Council on October 20, 2009 due to illness – medical appointment. \(Chirco\)](#)
(Rules Committee referral 10/21/09)
- (b) [Request for an excused absence for Councilmember Liccardo from the Closed Session Meeting of the City Council on October 20, 2009 due to illness. \(Liccardo\)](#)
(Rules Committee referral 10/21/09)
- (c) [Request for an excused absence for Councilmember Liccardo from the Regular Meeting of the Community and Economic Development Committee on November 23, 2009 due to travel out of town. \(Liccardo\)](#)
(Rules Committee referral 10/21/09)

2.4 [Settlement in State of California ex rel. Armenta v. James Jones Co., Mueller Co., Tyco Int'l \(US\) Inc., Watts Industries, Inc.](#)

Recommendation: Approve a global settlement in *State of California ex rel. Armenta v. James Jones Co. et al.*, Los Angeles Superior Court case no. B173487, and authorize the City Attorney to execute a Settlement [Agreement](#) and Mutual Release relating to the City of San José's claim against James Jones Co., Mueller Co., Tyco International (US) Inc., and Watts Industries, Inc. for allegedly out-of-specification water distribution parts in exchange for a payment to the City in a net amount ranging between \$750,000 and \$800,000. CEQA: Not a Project. (City Attorney's Office)

2.5 [Report on RFP for Multi-Family Loan Portfolio Management System.](#)

Recommendation:

- (a) Accept report on Request for Proposal for the purchase of a Multi-Family Loan Portfolio Management System and adoption of a resolution authorizing the Director of Finance to:
 - (1) Execute an [agreement](#) with MK Partners, Inc. (Encino, CA) for the implementation of the Multi-Family Loan Portfolio Management System in an amount not to exceed \$246,700 including all professional and technical support services required to implement the system as well as hosting services that will be provided by Salesforce.com Inc. (San Francisco, CA) under a separate subscription agreement.
 - (2) Execute change orders not to exceed a contingency amount of \$40,000 to cover any unanticipated changes in the system design and implementation.
 - (3) Execute ten one-year options to renew the agreements for continued technical support and hosting services subject to annual appropriation of funding.

(Item continued on the next page)

2. CONSENT CALENDAR

2.5 Report on RFP for Multi-Family Loan Portfolio Management System. (Cont'd.)

Recommendation:

- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Fund (Fund 443) for 2009-2010:
 - (1) Decrease the Ending Fund Balance by \$286,700; and
 - (2) Increase the Housing Department's Non-Personal/Equipment Appropriation in the amount of \$286,700.

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

2.6 [Agreements for Consulting Services for Benefit Plans and Related Services.](#)

Recommendation:

- (a) Approve an [agreement](#) with Buck Consultants, LLC for consulting services for City-Paid Benefit Plans, consulting services for the Council Appointee money purchase retirement plan, and Actuarial Services for the City's self-funded dental PPO plan at a cost to the City of not to exceed \$95,000, for the period of January 1, 2010 through June 30, 2010, with options to extend the terms of the agreement through December 31, 2013 at annual costs of not to exceed \$190,000, subject to the appropriation of funds by Council.
- (b) Approve an [agreement](#) with Keenan & Associates for consulting services for Participant-Paid Voluntary Benefit Plans at a cost to the City of not to exceed \$25,000, for the period of January 1, 2010 through June 30, 2010, with options to extend the terms of the agreement through December 31, 2013, at an annual cost to the City of not to exceed \$50,000, subject to the appropriation of funds by Council.
- (c) Approve establishment of administrative fees to be paid by participants in the Participant-Paid Voluntary Benefit Plans, beginning as soon as administratively practicable, to recover the consulting costs associated with these programs and to replace current broker commissions, and authorize the Director of Human Resources to re-evaluate and adjust the fees annually as necessary to ensure that all such costs are covered by the fees.
- (d) Adopt a resolution authorizing the Director of Human Resources to execute the options to the agreements with Buck Consultants, LLC and Keenan & Associates, to extend the terms and increase the compensation payable, subject to the appropriation of funds by Council.
- (e) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund (Fund 160) for 2009-2010 to:
 - (1) Increase Transfers to the Benefit Fund by \$27,750.
 - (2) Decrease the appropriation to the Human Resources Department for Health Plans by \$92,250.
 - (3) Establish an appropriation to the Human Resources Department for Benefits Consultant Fee in the amount of \$120,000.

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

2. CONSENT CALENDAR

2.7 Summary Vacation of a Portion of Rock Avenue.

Recommendation: Adopt a [resolution](#) summarily vacating a portion of Rock Avenue along the north side, immediately west of Oakland Road, in front of Tract 9795. CEQA: Mitigated Negative Declaration, File No. PDC05-022. Council District 4. (Public Works)

2.8 Senate Bill No. 88 (DeSaulnier) Local Government Bankruptcy.

Recommendation: As recommended by the Rules and Open Government Committee on October 28, 2009, oppose Senate Bill No. 88 (DeSaulnier) Local Government Bankruptcy which would prevent local governments from filing for bankruptcy under Chapter 9 of the federal bankruptcy code without first receiving the approval of the California Debt and Investment Advisory Commission. (Finance)

* [Rules Committee referral 10/28/09 – Item D(1)(a)]

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 14, 2009 Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review October 20, 2009 Final Agenda
 - (a) Add new items to final agenda
 - (1) Approve travel to New York City on November 9-10, 2009 for Madison Nguyen to participate in Changing the Odds: Learning from the Harlem Children’s Zone Model. (Nguyen)
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of Items that Meet Exception Rules (if needed)
 - (2) Review October 27, 2009 Draft Agenda
 - (a) Add new items to draft agenda
 - (b) Assign “Time Certain” to Agenda items if needed
 - (c) Review of Items that Meet Exception Rules (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Review of upcoming Study Session Agendas
- (d) Legislative Update
 - (1) State
 - (2) Federal

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – October 14, 2009

Mayor Reed, Chair (Cont'd.)

- (e) Meeting Schedules
 - (1) Set a Special City Council Meeting for Thursday, December 3, 2009 from 9:00 a.m. until 12:00 Noon in the Committee Rooms (W119-120) for the purpose of conducting interviews and making appointments to the Appeals Hearing Board, the Civil Service Commission, the Police & Fire Retirement Board and the Federated Retirement Board. (City Clerk)
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
 - (1) Approve appointment of Donna Cox to the Mobilehome Advisory Commission (Resident) for an unexpired term ending December 31, 2011. (Chu)
- (h) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approve the City Auditor's Monthly Report of Activities for September 2009. (Auditor)
 - (2) Accept the Administration's request to defer the discussion of consideration of an amendment to sections 4.04.020A.3 (b) (c) and (e) of the San Jose Municipal Code regarding contract authority to the October 28, 2009 Rules and Open Government Committee meeting. (Finance)
 - (3) Approval of the designation of the Youth Job Fair as a City Council sponsored special event and authorization to accept donations of materials and services for the event. (Clerk)
 - (4) Approval of District 2 Edenvale Technology Park Resource Fair as a City and Redevelopment Agency sponsored special event, to expend City and Agency funds and authorization to accept donations of materials and services for the event. (City Clerk)
 - (5) Approval of District 4 Mid Autumn Festival as a City sponsored special event, to expend City funds and authorization to accept donations of materials and services for the event. (City Clerk)
 - (6) Approval of the designation of the District 5 Christmas Toy Drive as a City Council sponsored special event and authorization to accept donations of materials and services for the event. (City Clerk)
- (i) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (a) Refer to T&E Committee a proposal regarding taxicab driver permits. (Mayor Reed/Liccardo/Kalra)
 - (4) Public Safety, Finance and Strategic Support Committee

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – October 14, 2009

Mayor Reed, Chair (Cont'd.)

- (j) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Record Act Requests
 - (4) Council Policy Manual Update
- (k) Open Forum
 - (1) Adjournment

* **RECOMMEND DEFERRAL TO 11/10/09 PER CITY CLERK**

3.3 Report of the Public Safety, Finance and Strategic Support Committee

Councilmember Nguyen, Chair

- (a) Report of the Special Meeting of the Public Safety, Finance & Strategic Support Committee – [October 14, 2009](#)

- (a) Call to Order and Roll Call
- (b) Opening Comments and Review of Meeting Purpose and Format
- (c) Elicit Feedback from the Community on the Following Questions:
 - (1) What reactions do you have to the City efforts to date?
 - (2) What ideas do you have for addressing policing issues?
 - (3) What do you want to know about police services?
- (d) Open Forum
- (e) Committee Discussion and Closing Comments
- (f) Adjournment

* (Deferred from 10/27/09 – Item 3.7) [Presentation](#)

- (b) Report of the Public Safety, Finance & Strategic Support Committee – [October 15, 2009](#)

- (a) Call to Order and Roll Call
- (b) Review of Work Plan
 - (1) Report on the Modification of Procurement Reforms. (Finance)
 - (2) Comprehensive Annual Financial Report (CAFR). (Finance)
 - (3) Comprehensive Annual Debt Report. (Finance)
 - (4) Report on Heart Safe City. (Fire)
 - (5) Annual 2008-2009 Report on Fire Department Overtime. (Fire)
 - (6) Review of the Executive Home Loan Program. (City Manager's Office)
 - (7) Review of Relevant 2010 Legislative Guiding Principles. (Intergovernmental Relations)
 - (8) Domestic Violence Activity Report. (City Manager's Office/Police)
 - (9) Quarterly Report on Workers' Compensation Program. (Human Resources)
- (c) Consent Calendar
 - (1) Redevelopment Agency Monthly Financial Reports.
 - (2) Bi-Monthly Financial Report for July-August 2009.
 - (3) Status Report on Customer Contact Center.\

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Public Safety, Finance and Strategic Support Committee (Cont'd.) Councilmember Nguyen, Chair

- (b) Report of the Public Safety, Finance & Strategic Support Committee – October 14, 2009 (Cont'd.)
 - (d) Reports to Committee
 - (1) Update on the Conservation Corps Audit.
 - (2) Evaluation of the Police Department's Revised Citizen Complaint Process for FY 2008/09 and the One-Year Evaluation of the San José Police Department's In-Custody Death Training Review Panel.
 - (3) Semi-Annual Recommendation Follow-Up Report on all Outstanding Audit Recommendations.
 - (4) Audit of Animal Care of Services.

HEARD BY COUNCIL 10/27/09

- (e) Open Forum
- (f) Adjournment

* (Deferred from 10/27/09 – Item 3.3)

3.4 [Team San José Performance Measures for 2009-2010.](#)

Recommendation: Accept Team San José performance measures for 2009-2010.
CEQA: Not a Project. (Economic Development)
(Deferred from 10/20/09 – Item 3.5)

* **RECOMMEND DEFERRAL TO 11/17/09 PER DISTRICT 1**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report.*

4.2 First Amendment to the Development Agreement with Novellus Systems, Inc. [Presentation](#)

Recommendation: Consider an ordinance to approve a First Amendment to the Development Agreement with Novellus Systems, Inc. and Vista Montana as approved by Ordinance No. 28154 and entered into on December 20, 2007 to extend the reservation of the residential unit capacity under the North San José Area Development Policy an additional two years relative to the development of certain real properties located in North San José. CEQA: Addendum to the North San José Area Development Policy Update Final Environmental Impact Report.

[DA - Novellus](#) – District 4

(Continued from 10/20/09 – Item 11.3)

RECOMMEND CONTINUANCE TO 11/10/09 PER ADMINISTRATION

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 [Actions related to the Multi-Family Housing at Belovida at Newbury Park.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Belovida at Newbury Park Senior Apartments), Series 2009A” in an aggregate principal amount not to exceed \$26,200,000 (the “Bonds”);
- (b) Approving a loan of Bond proceeds to Belovida at Newbury Park, L.P., a California limited partnership created by CORE Affordable Housing, LLC and EAH, Inc., to finance the construction of the Belovida at Newbury Park Senior Apartments located at 1777 Newbury Park Drive in San José;
- (c) Approving in substantially final form the Bonds, [Trust Indenture](#), [Loan Agreement](#), and [Regulatory Agreement and Declaration of Restrictive Covenants; Attachment – Contract for Subordination Agreement](#);
- (d) Authorizing the City Manager, Director of Finance, Assistant Director of Finance, Treasury Division Manager, Debt Administrator, and Director of Housing, or their designees, to execute and, as appropriate, to negotiate, execute and deliver these Bond documents and other related Bond documents as necessary; and
- (e) Approving a change in the project’s income restrictions, related to units restricted to extremely low-income and very low-income households, to 48 units restricted to households at or below 30% of Area Median Income (“AMI”), 136 units restricted to households at or below 50% of AMI, and one unrestricted manager’s unit.

CEQA: Mitigated Negative Declaration, File No. PDC07-015. Council District 3.
(Housing/Finance)

* (Deferred from 10/27/09 – Item 4.2)

* **RECOMMEND DEFERRAL TO 11/10/09 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

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

5.2 [Report on RFP for Retail Concessions for Happy Hollow Park and Zoo.](#)

[Supplemental Memo from Director of Parks, Recreation and Neighborhood Services](#)

* **Recommendation:** Accept report on Request for Proposal for the outsourcing of Happy Hollow Park and Zoo Retail Concessions and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a Retail Concession Agreement with Urban Park Concessionaires to provide retail services at Happy Hollow Park and Zoo inside the newly constructed “Explore & More Store,” effective from the date of execution by the City Manager through five (5) years, with fifteen percent (15%) of gross sales from the Retail Store to be paid to the City, with a Minimum Annual Guarantee of \$6,300 per month.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Report on RFP for Retail Concessions for Happy Hollow Park and Zoo. (Cont'd.)

Recommendation:

(b) Execute two additional one-year options to extend the agreement after the initial term of the Retail Concession Agreement.

CEQA: Mitigated Negative Declaration, File No. PP05-142, dated April, 2007. (Parks, Recreation and Neighborhood Services)

* **RECOMMEND DEFERRAL TO 11/10/09 PER ADMINISTRATION**

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Councilmember Liccardo, Chair – *No Report.*

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- Notice of City Engineer's Pending Decision on Final Maps
- 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.