



CITY COUNCIL AGENDA

SEPTEMBER 14, 2010

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

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.

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](#) ↴
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 8)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

ADJOURNMENT: This meeting will be adjourned in memory of Abebaw Feki, Ambassador for Ethiopian-Americans, loyal leader in the Ethiopian community and a successful business owner of Zeni Ethiopian Restaurant in District 1 who passed away on September 8, 2010. (Constant/Liccardo)

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 the Center for Employment Training for their commitment to promote human development and education by providing people with marketable skills training and supportive services that contributes to self-sufficiency. (Chu/Liccardo)

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. 28802 – Amending various section of Chapters 4.04, 4.12, and 4.16 of Title 4 of the San José Municipal Code to adjust contract authority limits for Council Appointees based on the Consumer Price Index, and to streamline procurements and the disposition of personal property.
- (b) ORD. NO. 28803 – Amending Section 4.04.020 of Chapter 4.04 of Title 4 of the San José Municipal Code to authorize the City Manager to enter into and execute leases not exceeding \$250,000 in rentals whether the City is a Lessor or Lessee and authorizing the City Manager to execute documents pertaining to the sale of surplus properties if the sales price does not exceed \$250,000, the property does not exceed one half acre in size, and all other applicable provisions of Chapter 4.20 are met; and amending Chapter 4.20 of Title 4 to add a new Section 4.20.010 pertaining to definitions, and further amending Sections 4.20.020 to add types of notices of sales and price; 4.20.030 to specify the conditions for direct negotiations for sale of surplus property; 4.20.040 to authorize competitive processes for sale in addition to auction; 4.20.70 to modify the conditions under which property may be sold to the adjacent property owner and renumber all remaining Sections of Chapter 4.20 without further modifications.
- (c) ORD. NO. 28804 – Amending Part 5 of Chapter 14.25 of Title 14 and Part 5 of Chapter 19.38 of Title 19 of the San José Municipal Code to eliminate the low income unit exemption from the requirements of Chapter 14.25 and Chapter 19.38, respectively.
- (d) ORD. NO. 28806 – Rezoning certain real property situated at the northwest corner of Winfield Boulevard and Blossom River Way (1009 Blossom River Way), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC10-004
- (e) ORD. NO. 28807 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to On the Move Trucking and Recycling.
- (f) ORD. NO. 28808 – Rezoning certain real property situated on the west side of Guadalupe Mines Road, approximately 1,130 feet southerly of Via Campagna (6411 Guadalupe Mines Road), from A(PD) Planned Development Zoning District to R-1-8(PD) Planned Development Zoning District. PDC10-005
[Supplemental – Memo from the Director of Planning, Building and Code Enforcement](#)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of August 18, 2010.](#) (Mayor)
- (b) [Community and Economic Development Committee Report of August 23, 2010.](#)
(Pyle)
- (c) [Rules and Open Government Committee Report of August 25, 2010.](#) (Mayor)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 [Actions Related to Councilmember Liccardo's Travel to Seattle, WA.](#)

Recommendation:

- (a) Approve Councilmember Liccardo's travel to Seattle, WA on October 27-29, 2010 to participate in the annual San José-Silicon Valley Chamber of Commerce City-to-City trip as one of the City's designated representatives. Source of Funds: Mayor/Council Travel Fund.
- (b) Request an excused absence for Councilmember Liccardo from the regular City Council meeting on October 27, 2010.
(Liccardo)
(Rules Committee referral 8/11/10)
(Deferred from 8/24/10 – Item 2.10)

* **DROP PER COUNCIL DISTRICT 3**

2.7 [Agreements with the Association of Bay Area Governments to Conduct a Retrofit California Program.](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute agreements with the Association of Bay Area Governments to conduct a Retrofit California Program involving a Whole Neighborhood Energy Efficiency and Workforce Development Program and receiving funding in an amount not to exceed \$750,000; and
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2010-2011:
 - (1) Establish a City-wide appropriation for the Environmental Services Department for the San José-Retrofit California Program in the amount of \$374,012; and
 - (2) Increase the estimate for revenue from Local Agencies by \$374,012.

CEQA: Categorically Exempt, File No. PP10-038. (Environmental Services/City Manager's Office)

2. CONSENT CALENDAR

2.8 [Agreements with KEMA Services, Inc. and EMCOR Energy Services, Inc., for Energy Audit and Analysis Professional Services.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute Consultant agreements with [KEMA](#) Services, Inc. and [EMCOR](#) Energy Services, Inc., for energy audit and analysis professional services, in amounts not to exceed a maximum of \$320,025 for each agreement.
- (b) Negotiate and execute amendments to increase or decrease either or both agreement amounts, subject to a combined not-to-exceed maximum of \$640,050.

CEQA: Statutorily Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Environmental Services)

2.9 **Actions Related to the Agreement with Turbo Data Systems and the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations.**

Recommendation:

- (a) [Approve a First Amendment to the Agreement between the City and Turbo Data Systems, Inc. to clarify the scope of services to include special collections of unpaid parking citations through the California Franchise Tax Board Interagency Offset Program and increase the maximum annual compensation by \\$80,000 from a not to exceed amount of \\$600,000 to \\$680,000; and Agreement](#)
- * (b) [Adopt a resolution authorizing the Director of Finance to negotiate and execute any subsequent amendments to the Agreement between the City and Turbo Data Systems, Inc. to increase the maximum annual compensation to be paid by the City of San José to Turbo Data Systems, Inc. for special collections of unpaid parking citations under the California Tax Board Interagency Offset Program, subject to City Council appropriation of funds.](#)

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical change to the environment. (Finance/Transportation)

- (c) [Subject to City Council approval of the proposed First Amendment to the Agreement between the City of San José and Turbo Data Systems, Inc. for parking citation processing and collection services, adopt a resolution to repeal Resolution No. 74985 and set forth the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations to include a 35% collection amount on any unpaid parking citations submitted to the California Franchise Tax Board Interagency Offset program, effective September 15, 2010.](#)

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section No.15273 – Rates, Tolls, Fares and Charges. (Transportation)

2. CONSENT CALENDAR

2.10 [Agreement with the County of Santa Clara to Accept Program Funds for Police and Fire Department Training and Exercise Events.](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to execute an [agreement](#) with the County of Santa Clara to accept program funds from the County for 2009 State Homeland Security Grant Program funding for Police and Fire Department training and exercise events in an amount up to \$1,404,107 and Fire Department funding for the 2009 Metropolitan Medical Response System Grant Program in the amount of \$321,221, and to negotiate and execute additional amendments to the agreement and all related documents without further Council action.
- (b) Adopt the following appropriation ordinance and funding sources resolution amendments in the General Fund in fiscal year 2010-2011:
 - (1) Establish a city-wide appropriation to the Fire Department for the 2009 Metropolitan Medical Response System (MMRS) Grant Program in the amount of \$321,221;
 - (2) Increase the existing city-wide appropriation to the Police Department for the State Homeland Security Grant Program in the amount of \$100,675; and,
 - (3) Increase the estimate for Revenue from the Federal Government by \$421,896.

CEQA: Not a Project, File No. PP10-066(e), SHSGP Grant Agreement. (Police/Fire/City Manager's Office)

2.11 [Sponsored Travel to the China for the International Solar Cities Congress.](#)

Recommendation:

- (a) Accept invitation from Mayor of Dezhou, China to be a plenary speaker at the International Solar Cities Congress from September 14-18, 2010 in Dezhou, China.
- (b) Approve travel to China for Mary Tucker, Energy Program Manager for the Environmental Services Department, as the City's official staff representative to the Solar Cities Congress.

Source of Funds: The conference sponsor will pay for travel and accommodations costs.
CEQA: Not a Project. (City Manager's Office)

2.12 [Councilmember Chu's Travel to San Diego, CA.](#)

Recommendation: Approve travel by Councilmember Chu to San Diego, CA on September 15-17, 2010 to attend the League of California Cities Annual Conference, Board Meeting, and Annual Business Meeting as the City's designated Board Member and Voting Delegate. Source of Fund: Mayor and Council Travel Fund. (Chu)
(Rules Committee referral 9/1/10)

2. CONSENT CALENDAR

2.13 [Travel Request for City Clerk Lee Price.](#)

Recommendation: Approve travel for City Clerk Lee Price to Riverside, California on September 8-10, 2010 to provide training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks. (City Clerk)
(Rules Committee referral 9/1/10)

2.14 [Travel Request for Independent Police Auditor LaDoris H. Cordell.](#)

Recommendation: Approve travel by Independent Police Auditor LaDoris H. Cordell to Seattle, WA on September 20-23, 2010 to attend the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) conference. Source of Funds: IPA's Non Personal Appropriation. (Independent Police Auditor)
(Rules Committee referral 9/1/10)

2.15 [Process to Nominate a Fire Retiree Representative for Appointment by the City Council to the Board of Administration of the Police and Fire Retirement Department Retirement Plan.](#)

[Supplemental - Memo from the City Clerk](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 1, 2010, ratify the process for the selection of nominees for Council appointment of the Fire Retiree Representative to the Board of Administration of the Police and Fire Retirement Plan. (City Clerk)
[Rules Committee referral 9/1/10 – Item G(1)(a)]

2.16 [Retirement Reform Work Plan.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 1, 2010, review and approve the Retirement Reform Work Plan. (City Manager's Office)
[Rules Committee referral 9/1/10 – Item H(1)(a)]

2.17 [Updated Membership of the General Fund Structural Deficit Elimination Plan Stakeholder Group.](#)

* **Recommendation:** As recommended by the Rules and Open Government Committee on September 1, 2010, approve the revised membership of the General Fund Structural Deficit Elimination Plan Stakeholder Group. (Mayor)
[Rules Committee referral 9/1/10 – Item H(2)]

2. CONSENT CALENDAR

2.18 [District 2 Job Resource Fair.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 8, 2010:

- (a) Approve the District 2 Job Resource Fair as a City Sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

(City Clerk)

* [Rules Committee referral 9/8/10 – Item H(5)]

2.19 [District 2 Community Fest.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 8, 2010:

- (a) Approve the District 2 Community Fest as a City Sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

(City Clerk)

* [Rules Committee referral 9/8/10 – Item H(6)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 [Response to Civil Grand Jury Report: Should the City Council Continue to Subsidize Team San José's Increasing Losses?](#)

[Attachment – Memo from mayor Reed and Councilmember Constant](#)

Recommendation: Accept the staff response to the Civil Grand Jury Report entitled “Should the City Council Continue to Subsidize Team San José’s Increasing Losses?”

CEQA: Not a Project, File No.PP10-069(a), Staff Reports / Assessments / Annual Reports / Information Memos. Council District 3. (Economic Development)
(Deferred from 8/24/10 – Item 3.2)

RECOMMEND DEFERRAL TO 10/5/10 PER ADMINISTRATION

3.3 Verbal Update on the Recruitment of the Chief of Police.

Recommendation: Verbal update on the process and schedule for the Police Chief Recruitment. (City Manager’s Office)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Amendment to Section 20.200.740 of Chapter 20.200 of Title 20 of the San José Municipal Code to Clarify the Definition of a Massage Parlor Use.](#)

Recommendation: Approve an [ordinance](#) amending Section 20.200.740 of Chapter 20.200 of Title 20 of the San José Municipal Code to clarify the definition of a massage parlor use to not include state-certified massage therapists or practitioners. CEQA: Use of San José 2020 General Plan Final Environmental Impact Report, Resolution 65459, File No. PP10-140. The Planning Commission voted 6-0-1 (Commissioner Kamkar absent) to recommend that the City Council approve an ordinance amending Title 20 of the San José Municipal Code to revise the definition of massage parlor use to not include state-certified massage therapists or practitioners. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [High Speed Rail Project Update. Presentation 1 Presentation 2](#) [Attachment – Memo from the Director of Transportation dated May 21, 2010](#) [Attachment 1 – Statewide Overview Map](#) [Attachment 2 – Monterey Highway Map](#) [Attachment 3 – Letter to the California High Speed Rail Authority Board](#) [Attachment 4 – Letter to the CEO of the California High Speed Rail Authority](#) [Attachment 5 – Memo from Mayor Reed and Councilmembers Kalra, Liccardo and Nguyen](#)

- * **Recommendation:** Take the following actions related to the California High Speed Train project:
- (a) Accept staff's report and presentation on California High Speed Rail Authority's proposed project scope and status of the project, including a history of City's guiding principles and advocacy positions.
 - (b) Accept staff's report and presentation and evaluation of California High Speed Rail Authority's proposed design alternatives for Downtown San José area consisting of aerial and tunnel options.
 - (c) Discuss, consider, and approve a City's position of support for one of the following policy alternatives for the proposed project alignment in the Downtown San José area:
 - (1) Endorse California High Speed Rail Authority recommendation to eliminate from further study the tunnel alignment and consider further study of an aerial trackway alignment located partially within the Route 87/280 freeway corridor as part of the environmental process, subject to California High Speed Rail Authority approval of a Cooperative Agreement with City ensuring the project will provide an attractive, world-class architectural design and addresses City concerns, such as possible noise and visual appearance of the aerial alignment through Downtown; or
 - (2) Advocate that the California High Speed Rail Authority prepare a full environmental study for both aerial and tunnel design options.

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 High Speed Rail Project Update. (Cont'd.)

Recommendation:

- (d) If policy alternative noted in above recommendation (c)(1) is approved by Council, direct staff to negotiate a Cooperative Agreement for City Council consideration at the Council meeting on October 5, 2010.

CEQA: Not a Project. The recommended actions are advisory to the CHSRA. The CHSRA is in the process of preparing an EIR for the High-Speed Train project.

(Transportation)

(Deferred from 8/24/10 – Item 6.1)

TO BE HEARD LAST

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Agreement for the First Phase of Environmental Documentation Related to the San José/Santa Clara Water Pollution Control Plant Master Plan. Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Approve the consultant [agreement](#) with Environmental Science Associates and Jones & Stokes Associates, Inc. for:

- (a) The first phase of environmental documentation services (draft project description, review of environmental studies, existing conditions report and draft Notice of Preparation) related to the San José/Santa Clara Water Pollution Control Plant Master Plan for a term commencing upon approval of the agreement through June 30, 2011 and an amount not to exceed \$600,000; and
- (b) An option for the City to add services at fixed hourly rates, and increase the maximum amount of compensation up to \$2,000,000 and extend the term of the agreement when Council selects the preferred alternative for environmental clearance under the California Environmental Quality Act and pursue preparation of environmental compliance documents under the National Environmental Policy Act.

CEQA: Statutorily Exempt, File No. PP10-066 (d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Environmental Services)

8. PUBLIC SAFETY SERVICES

8.1 [Application for the Department of Homeland Security/Federal Emergency Management Agency Grant with Potential Award in 2011-2012.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to apply for the Department of Homeland Security/Federal Emergency Management Agency administered “2010 Staffing for Adequate Fire and Emergency Response” Grant subject to further cost-benefit and grant provision analysis at time of notification of grant award anticipated in 2011-2012. CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Fire)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Item 8.1 “Approving the award of a construction contract the San José Municipal Stadium Transformer Replacement Project and related budget actions” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

- **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.

- **Continue RDA Board Meeting**

- **Adjournment**

This meeting will be adjourned in memory of Abebaw Feki, Ambassador for Ethiopian-Americans, loyal leader in the Ethiopian community and a successful business owner of Zeni Ethiopian Restaurant in District 1 who passed away on September 8, 2010.
(Constant/Liccardo)

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.