



CITY COUNCIL AGENDA

APRIL 19, 2011

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
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 Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at 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
 - Open Session, Labor Negotiations Update (See Item 3.2)
 - 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
 - 7:00 p.m. - **CANCELLED** - Public Hearings, Council Chambers, City Hall

PLEASE NOTE: The City Council Evening Session Cancelled per the Rules and Open Government Committee on April 5, 2011

- **Invocation (District 4)**
- **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 Pat Kramer and Diane Navarro, both employees of the Department of Public Works who recently lost their lives in unrelated automobile accidents. Pat was a dispatcher with Animal Care and Services for almost ten years. Diane worked in administration and was a 25 year City employee. Both made significant contributions to the City and both will be greatly missed.

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

- Orders of the Day (Cont'd.)

* As requested by Councilmember Pyle, add the following to Item 3.8: **

[Attachment – Memo from Councilmember Pyle](#)

- (f) Discussion and/or direction to staff regarding a permanent ban of all medical marijuana establishments.
 - (1) Adoption of an urgency ordinance amending the Section 20.10.040 of Chapter 20.10 and adding a new Part 9.5 to Chapter 20.80 of Title 20 of the San José Municipal Code to clarify that businesses involving the cultivation, dispensation, distribution, transportation or sale of marijuana in the City for any purpose are prohibited and setting forth the facts constituting such urgency.
 - (2) Adoption of a resolution initiating proceedings to amend Section 20.10.040 of Chapter 20.10 and adding a new Part 9.5 to Chapter 20.80 of Title 20 of the San José Municipal Code to clarify that businesses involving the cultivation, dispensation, distribution, transportation or sale of marijuana in the City for any purpose are prohibited, setting a public hearing for the ordinance and referring said ordinance to the Planning Commission for its review and recommendation.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments involving no physical changes to the environment. (Councilmember Pyle)

** **REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct, Resolution No. 75246, Rule 3(d) (8 votes required).**

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Piedmont Hills High School Football Team for the Division 1 CCS Football Championship. (Chu)

* **RECOMMEND DEFERRAL TO 5/17/11 IN THE EVENING PER DISTRICT 4**

1.2 Presentation of a commendation to Friends Helping Friends with Special Needs for their dedication to helping children with special needs and their families through integrated community involvement. (Chu)

* **RECOMMEND DEFERRAL TO 5/17/11 IN THE EVENING PER DISTRICT 4**

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to the Grace Community Center in recognition of their 40 Year Anniversary. (Constant/Liccardo)
- 1.4 Presentation of awards to the Early Care and Education Commission Outstanding Contributors. (Pyle)
- 1.5 Presentation of a proclamation in celebration of Songkran in the City of San José. (Chu)
* (Rules Committee referral 04/13/11)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of January 11, 2011.](#)
- (b) [Special Minutes of the Joint Council/Redevelopment Agency/San José Financing Authority of January 19, 2011.](#)
- (c) [Regular Minutes of January 25, 2011.](#)

2.2 Final adoption of ordinances.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of March 30, 2011. (Mayor)
- (b) [Transportation and Environment Committee Report of April 4, 2011.](#) (Liccardo)
- (c) Rules and Open Government Committee Report of March 23, 2011. (Mayor)
* [Deferred from 4/12/11 – Item 2.3(a)]
- (d) Rules and Open Government Committee Report of March 16, 2011. (Mayor)
* [Deferred from 4/5/11 – Item 2.3(a) and 4/12/11 – Item 2.3(c)]
- (e) Rules and Open Government Committee Report of March 9, 2011. (Mayor)
* [Deferred from 3/29/11 – Item 2.3(a), 4/5/11 – Item 2.3(b) and 4/12/11 – Item 2.3(d)]

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2. CONSENT CALENDAR

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Cost-Sharing Agreement with Santa Clara Valley Water District for Water Conservation.](#)

[Attachment – Memo from the Treatment Plant Advisory Committee](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Water District (District) for cost sharing of water conservation and wastewater flow reduction programs, for the period of January 1, 2011 through December 31, 2011, under which the City will pay the District an amount not to exceed \$500,000 and the City will receive an amount not to exceed \$180,000. CEQA: Not a Project, File No.PP10-066 (e), Services that involve no physical changes to the environment. (Environmental Services)

2.8 [Agreement with Ampco for Airport Parking Facilities Management Services](#)

- * **Recommendation:** Adopt a resolution authorizing the Director of Finance to execute the Fifth Amendment to the Parking Management [Agreement](#) for Norman Y. Mineta San José International Airport (Airport) with Ampco System Parking, Inc. to expand the scope of services to include in-lot shuttle services for the Airport parking lots scheduled to open beginning in early June 2011 and increase the amount of maximum compensation for the current extension term, ending October 31, 2011, by an amount not to exceed \$400,000, for a total maximum compensation not to exceed \$4,930,000 for parking management and shuttle services for the current extension term. CEQA: Not a Project, File No. PP10-066(e), Amendment to agreement for facility management. (Finance)

2.9 [Actions Related to Mayor Reed’s Travel to Sacramento, CA.](#)

Recommendation:

- (a) Approve travel by Mayor Reed to Sacramento, CA on April 13, 2011 to participate in the Silicon Valley Leadership Group’s Sacramento Advocacy Trip as one of the City’s designated representatives. Source of Funds: Mayor/Council Travel Fund.
- (b) Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on April 13, 2011 due to Authorized City Business.

(Mayor)

- * (Rules Committee referral 4/13/11)

2.10 [Sixth Annual West Valley Senior Walk.](#)

Recommendation:

- (a) Approve the West Valley Senior Walk sponsored by Council Districts 1 and 6 as a City Council sponsored Special Event;
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (City Clerk)

- * (Rules Committee referral 04/13/11)

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

[Presentation](#)

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3.3 [Approval of the Terms of an Agreement with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 41/42 And Unit 43 \(AEA\).](#)

[Presentation](#)

Recommendation: Adopt a [resolution](#):

- (a) Approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041 and 042.
- (b) Approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Unit 043.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3.4 [Approval of the Terms of an Agreement with the Association of Maintenance Supervisory Personnel \(AMSP\).](#)

[Presentation](#)

Recommendation: Adopt a [resolution](#) approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the Association of Maintenance Supervisory Personnel (AMSP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3.5 [Approval of the Terms of an Agreement with the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21 \(CAMP\).](#)

[Presentation](#)

Recommendation: Adopt a [resolution](#) approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21, (CAMP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3. STRATEGIC SUPPORT SERVICES

3.6 [Compensation and Benefit Changes for Executive Management and Professional Employees in Unit 99, Other Unrepresented Employees, and the City Manager.](#)

Recommendation: Adopt a [resolution](#) approving compensation and benefit changes for executive management and professional employees in Unit 99, including the City Manager, and other unrepresented employees, effective June 26, 2011. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3.7 [Interview and Appoint a Public Member of the Board of Administration of the Police and Fire Department Retirement Plan.](#)

Recommendation:

- (a) Consider the appointment of Andrew Lanza to the Board of Administration of the Police and Fire Department Retirement Plan as recommended by the Board.
- (b) At the Council's discretion, appoint Andrew Lanza to the Board of Administration of the Police and Fire Department Retirement Plan for a term of office expiring April 30, 2015.
- (c) If the Council does not appoint Andrew Lanza, staff recommends that Council request that the Police and Fire Retirement Board provide additional recommendation(s) for Council consideration from the remaining applicants, or provide alternative direction to staff concerning a procedure for filling the fifth public member seat on the Police and Fire Retirement Board

(City Clerk)

* (Rules Committee referral 04/13/11)

TO BE HEARD NO EARLIER THAN 2:00 P.M.

3. STRATEGIC SUPPORT SERVICES

3.8 Actions Related to Medical Marijuana.

Supplemental - Memo from the Office of the City Manager and Budget Office

Supplemental – Memo transmitting Marijuana Maps

Supplemental - Memo from the City Attorney

Attachment – Memo from Councilmembers Oliverio and Rocha

Attachment – Memo from Mayor Reed

Attachment – Memo from Councilmember Pyle

Attachment – Memo from Councilmember Chu

Attachment – Memo from Vice Mayor Nguyen

Attachment – Memo from Councilmembers Oliverio, Rocha and Kalra

Presentation

Recommendation:

- (a) Adopt a resolution to initiate amendments to Title 20 of the San José Municipal Code (the Zoning Code) to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a Zoning Verification Certificate process, to forward these proposed Title 20 amendments to the Planning Commission for its report and recommendation, and to set a public hearing date on these proposed amendments to Title 20 before the City Council;
- (b) Approve an ordinance of the City of San Jose amending Title 6, Business Licenses and Regulations, of the San Jose Municipal Code to add Parts 1, 2 and 3 of a new Chapter 6.88 to establish a registration process pertaining to Medical Marijuana Collectives;
- (c) Approve an ordinance of the City of San Jose amending Title 6, Business Licenses and Regulations, of the San Jose Municipal Code to add Parts 4 through 9 of a new Chapter 6.88 to establish regulations pertaining to Medical Marijuana Collectives and to the individual cultivation and use of medical marijuana; Ordinance combining (b) – Parts 1,2 and 3 of Chapter 6.88 and (c), Parts 4-9
- (d) Direct staff to issue a Manager’s Budget Addendum (MBA) to establish an appropriate FY 2011-2012 staffing plan, amendments to the Schedule of Fees and Charges to include an Annual Operating Fee, amendments to the Schedule of Fines, to be considered as part of the Mayor’s June Budget Message; and,
- (e) Adopt a resolution to amend the Adopted 2010-2011 Schedule of Fees and Charges Resolution (Resolution 72737, as amended) to add a Medical Marijuana Collective Application Processing Fee at \$4,975 per Collective and to add a Medical Marijuana Investigation Hourly Fee at \$167 per hour.

(City Manager’s Office/Planning, Building and Code Enforcement/Police)

TO BE HEARD LAST

* (Continued from 4/12/11 – Item 3.3)

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Modification to procedures for the Airport Noise Abatement Office.](#) [Attachment – Memo from Councilmember Liccardo](#)

Recommendation:

- (a) Adopt a [resolution](#) to provide for the preparation and issuance by the Airport of an Annual Airport Noise Report and to discontinue the current Airport practice of preparing and issuing a Monthly Noise Report.
- (b) Approve an [ordinance](#) amending Section 25.04.570 of Chapter 25.04 of Title 25 of the San José Municipal Code to provide that Airport engine run-up reports will be included in the Monthly Noise Summary on the Airport web site and the Annual Airport Noise Report.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/
Information Memos. (Airport)
(Deferred from 4/5/11 – Item 6.1)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Actions Related to the Fuel Cell Utility Interconnections and Foundation Pad Design-Build Project.](#)

[Supplemental – Memo from ESD and Public Works](#)

[Attachment – Memo from the Treatment Plant Advisory Committee](#)

Recommendation: Reports on bids and award of contract for the Fuel Cell Foundation Platform and Utility Interconnections Design Build Project to Anderson Pacific Construction Inc., in the amount of \$1,545,000, and approval of a contingency of 15% of the contract amount of \$231,750. CEQA: Exempt, File No. PP11-030. (Environmental Services/Public Works)

7.2 [Agreements with Harvest Power and CEC Grant Agreements for Biomass-to-Energy Technology Project.](#)

[Attachment – Memo from the Treatment Plant Advisory Committee](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) An agreement with the California Energy Commission to provide grant funding in an amount up to \$1,900,000 for the initial feasibility study, and potential demonstration of a biomass-to-energy technology facility at the San José/Santa Clara Water Pollution Control Plant from April 20, 2011 through December 31, 2014 consistent with the business terms specified in the Council memorandum; and
- (b) An agreement with Harvest Power Inc. to prepare an initial feasibility study, and potential demonstration of a biomass-to-energy technology facility at the San José /Santa Clara Water Pollution Control Plant from April 20, 2011 through December 31, 2014 consistent with the business terms specified herein; and for an in-kind match to the California Energy Commission grant for an estimated value of \$4,095,530.

CEQA: Categorical Exemption, File No. PP10-130, CEQA Guidelines Section 15303(d), New Construction and Conversion of Small Structures. (Environmental Services)

7.3 [Feasibility Assessment for the Creation of a South San Francisco Bay Emergency Port Access.](#)

[Attachment – South SF Bay Emergency Port Access Study](#)

[Attachment – Memo from the Treatment Plant Advisory Committee](#)

Recommendation: Accept the Final Report on the “Feasibility Assessment for the Creation of a south San Francisco Bay Emergency Port Access,” to be submitted to the Department of Commerce, Economic Development Administration by the San José Silicon Valley Chamber of Commerce before the April 29, 2011 deadline. CEQA: Not a Project, File No. PP10-069 (a) Staff Reports. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.4 [Plant Master Plan – Selection of Preferred Alternative.](#)

[Attachment – Draft Recommended Alternative Input Summary](#)

[Attachment – Preferred Alternative Map](#)

[Attachment – Draft Plan Master Plan Executive Summary](#) (23 Mb)

[Attachment – Memo from the Treatment Plant Advisory Committee](#)

[Attachment – Memo from Mayor Reed, Vice Mayor Nguyen and Councilmembers Chu, Rocha and Liccardo](#)

[Attachment – Information Memo from the Director of ESD Presentation](#)

Recommendation: As recommended by the Transportation and Environment Committee on April 4, 2011:

- (a) Provide direction to proceed with the preparation of an Environmental Impact Report (EIR) and development of the final documents for the San José/Santa Clara Water Pollution Control Plant Master Plan (Plant Master Plan) Recommended Preferred Alternative consisting of long-term wastewater treatment capital projects, including odor control projects and changes to the Plant’s biosolids drying, filtration and disinfection processes; and changes in use of the Plant lands to add a mix of recreational, environmental, and economic development uses;
- (b) Approve option to extend the term of [Agreement](#) with Environmental Science Associates and Jones & Stokes Associates, Inc. (ESA + J&S) for Plant Master Plan environmental documentation to December 31, 2013 and to increase the maximum amount of compensation by \$1,400,000, from \$600,000 to \$2,000,000; and
- (c) Direct staff to provide an update to Council on the following efforts in May 2011:
 - (1) Status of efforts to prioritize the identification of sources and potential solutions for elimination of odors coming from the Plant.
 - (2) Study to evaluate timing, cost, and delivery options for capital projects relating to biosolids dewatering and drying.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Environmental Services/ Planning, Building and Code Enforcement)

[Transportation and Environment Committee referral 4/4/11 – Item D(3)]

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**

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

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

PLEASE NOTE: *The City Council Evening Session Cancelled per the Rules and Open Government Committee on April 5, 2011*

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11.2 [Rezoning real property located on the southwest corner of Tully Road and S. King Road.](#)

[Attachment – Staff Report](#)

Recommendation: Consider an ordinance rezoning the real property located on the southwest corner of Tully Road and S. King Road (1698 Tully Road) from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District to allow the demolition and reconstruction of an existing gas station including the relocation of the fuel pumps, canopy and the construction of a new convenience store and automatic car wash on a 0.5 gross acre site (Au Energy LLC, Owner/Developer). SNI: West Evergreen. CEQA: Exempt. The Planning Commission voted 4-0-3 (Commissioners Abelite, Bit-Badal and Jensen absent) to recommend City Council approval.

[PDC10-020](#) – District 7

RECOMMEND CONTINUANCE TO 4/26/11 IN THE AFTERNOON

- **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**

This meeting will be adjourned in memory of Pat Kramer and Diane Navarro, both employees of the Department of Public Works who recently lost their lives in unrelated automobile accidents. Pat was a dispatcher with Animal Care and Services for almost ten years. Diane worked in administration and was a 25 year City employee. Both made significant contributions to the City and both will be greatly missed.

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.