



CITY COUNCIL AGENDA

SEPTEMBER 13, 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**
 - * 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 8)**
The Most Venerable Thich Chon Minh, Quan The Am Thien Tu (Buddist Temple)

- **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 proclamation declaring San José's participation in "The Great Race for Clean Air," during September and October, 2011. (Environmental Services)
- 1.2 Presentation of a proclamation declaring September 16, 2011 as "Mexican Independence Day" in the City of San José. (Campos)
 - * (Rules Committee referral 9/7/11)
- 1.3 Presentation of a commendation to the residents of Watkins Way for promoting energy efficiency measures and for launching Project 500², an environmentally-themed economic development campaign, in their neighborhood. (Herrera)
 - * (Rules Committee referral 9/7/11)

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 May 3, 2011](#)
- (b) [Joint Council/San José Financing Authority Minutes of May 3, 2011](#)
- (c) [Regular Minutes of May 10, 2011](#)
- (d) [The 2011-2012 Budget Study Session Minutes of May 11, 2011 – May 19, 2011](#)
- (e) [Regular Minutes of May 17, 2011](#)
- (f) [Regular Minutes of May 24, 2011](#)
- (g) [Regular Minutes of May 31, 2011](#)

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 28952](#) – Establishing and declaring the boundaries of the City Council Districts using 2010 Federal Census Data.
- (b) [ORD. NO. 28953](#) – Rezoning certain real property situated at the northeast corner of North Capitol Avenue and Sierra Road from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District. PDC10-025

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) The Rules and Open Government Committee Report of August 17, 2011. (Mayor)
- (b) The Public Safety, Finance and Strategic Support Committee Report of August 18, 2011. (Constant)
- (c) The Community and Economic Development Committee Report of August 22, 2011. (Herrera)
- (d) [The Rules and Open Government Committee Report of August 24, 2011.](#) (Mayor)
- (e) [The Rules and Open Government Committee Report of August 31, 2011.](#) (Mayor)
- (f) The Rules and Open Government Committee Report of August 10, 2011. (Mayor)

* [Deferred from 8/30/11 – Item 2.3(a)]

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Amend Requirements to Videotape Council Meetings.](#)

Recommendation: Adopt a [resolution](#) amending the Open Government requirement to videotape all City Council meetings to exempt any City Council meeting that is called to order for the sole purpose of either convening or reporting out on the results of a closed session and repealing Resolution No. 74414. CEQA: Not a Project, File No. PP10-069, City organizational & administrative activities. (City Manager's Office)

2.8 [City Manager's Travel to Milwaukee, WI.](#)

Recommendation: Authorize travel for City Manager Debra Figone to Milwaukee, Wisconsin on September 18-20, 2011, to participate in the ICMA 97th Annual Conference. Source of Funds: City Manager's Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, administrative activities. (City Manager's Office)

2.9 [Sale of City-Owned Property at 502 Calero Avenue.](#)

* **Recommendation:** Adopt a [resolution](#):

- (a) Authorizing an alternative competitive process for the sale of the property at 502 Calero Avenue, APN: 687-31-042;
 - (b) Approving an [agreement](#) between the City and Richard G. Swan and Nancy C. Swan, for sale of the property in the amount of \$390,000, including payment from sales proceeds of the associated \$11,700 brokerage fee to buyer's broker; and
 - (c) Authorizing the City Manager or designee to execute all sales documents and the deed necessary to complete the transaction, and ratifying any disclosures or certifications made by the City Manager or designee regarding the property as required by law.
- CEQA: Exempt, File No. PP10-040. Council District 2. (Economic Development)

2. CONSENT CALENDAR

2.10 [Easement Agreements with Los Esteros Critical Energy Facility and Pacific Gas and Electric Company.](#)

Recommendation: Adopt a [resolution](#) approving the agreements set forth below and authorizing and directing the City Manager or designee to execute subject agreements together with all other documents needed to conclude the transaction.

- (a) A [Purchase and Sale Agreement](#) for Electric Pole Line Easement with Los Esteros Critical Energy Facility, LLC (“LECEF”) setting forth terms and conditions of City’s conveyance of the easement to Pacific Gas and Electric Company (“PG&E”) on a 16,575 square foot portion of City’s Water Pollution Control buffer lands, and
- (b) An [Electric Pole Line Easement Agreement](#) with PG&E allowing it the non-exclusive use of a portion of City’s WPCP buffer lands for an electrical pole line to connect existing PG&E Transmission Lines with the adjacent LECEF Facility.

CEQA: Exempt, File No. PP10-135, July 16, 2010. Council District 4. (Economic Development)

2.11 [HP Pavilion Advertising Plan.](#)

Recommendation: Approve the recommendation of the Arena Authority to accept the HP Pavilion Advertising Plan as submitted by San Jose Arena Management LLP with upgrades to electronic signage along the Pavilion public concourse and hockey dasher boards. Council District 3. CEQA: Not a Project, File No. PP10-066(e), services that involve no physical changes to the environment. (Economic Development)

2.12 [Grant Applications for Lower Silver Creek and Thompson Creek Trail Projects.](#)

Recommendation: Adopt a [resolution](#) that:

- (a) Authorizes the City Manager, or designee, to submit two grant applications in an amount not to exceed \$700,000 (\$350,000 per grant) to the State of California Natural Resources Agency under the Environmental Enhancement and Mitigation Program (EEMP) grant to supplement existing funding for the Lower Silver Creek Trail (Alum Rock to Highway 680) and Thompson Creek Trail (Tully Road to Aborn Road) (Projects) with no local match required;
- (b) Certifies that City agrees to comply with assurances in the EEMP application as set forth in the memorandum to Council;
- (c) Certifies that the City has or will have sufficient funds to operate and maintain the Projects; and
- (d) Delegates the authority to the City Manager, or designee, to accept any grant funding and conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Projects.

CEQA: Mitigated Negative Declaration, File No. PP04-283 (Thompson Creek); and Mitigated Negative Declaration, File No. PP07-106. (Lower Silver Creek). Council District 4. (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.13 Coyote Creek Trail Master Plan. Attachment – Coyote Creek Trail Master Plan

* **Recommendation:**

- (a) Adopt a [resolution](#) finding the Initial Study and Mitigated Negative Declaration complete and having been prepared in compliance with the California Environmental Quality Act (CEQA), that it represents the City's independent judgment and analysis, that the subject project will not have a significant effect on the environment, and adopting a program for monitoring or reporting on environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project; and
- (b) Approve the Coyote Creek Trail Master Plan for the reach from Montague Expressway to Watson Park (near Lower Silver Creek)
- CEQA: Mitigated Negative Declaration, File No. PP09-218, Resolution to be Adopted. Council District 4. (Parks, Recreation and Neighborhood Services)

2.14 Abandoned Vehicle Abatement Service Authority Program.

Recommendation: Adopt a [resolution](#) authorizing the City to continue its participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) program and the extension for a third 10-year term beginning May 1, 2012 the collection of the vehicle registration fee by the California Department of Motor Vehicles to fund the AVASA reimbursement program. CEQA: File No. PP10-069, City Organizational and Administrative Activities. (Transportation/Planning, Building and Code Enforcement)

2.15 Councilmember Pyle's Travel to Dublin, Ireland.

Recommendation: Approve travel by Councilmember Pyle to Dublin, Ireland on October 6, 2011 through October 11, 2011 to serve as the Mayor's Designee to represent the City of San José. Source of Funds: District 10 Council Budget Office. (Pyle) (Rules Committee referral 08/31/11)

2.16 Councilmember Campos' Travel to San Francisco, California.

Recommendation: Approve travel by Councilmember Campos to San Francisco, California on September 21 through September 23, 2011 to attend the League of California Annual Conference, Latino Caucus Event. Source of Funds: Council District 5. (Campos) (Rules Committee referral 08/31/11)

* **DROP**

2.17 AB 438 (Williams) – County Free Libraries: Withdrawal: Use of Private Contractors.

Recommendation: As recommended by the Rules and Open Government Committee on August 31, 2011, adopt an oppose position for AB 438 (Williams) – County Free Libraries: Withdrawal: Use of Private Contractors. (City Manager's Office) [Rules Committee referral 08/31/11 – Item D(1)(a)]

2. CONSENT CALENDAR

2.18 [Waiver of Revolving Door Restrictions.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 31, 2011:

- (a) Approve a request for a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.030 A. for Edith Ramirez, former Redevelopment Agency employee, to allow her to work on legislative or administrative matters which she worked on during the twelve months prior to her termination of service, or which was within her area of job responsibility as defined in Section 12.10.030 A. The Committee recommends a finding that a Waiver of the Revolving Door Restriction under San José Municipal Code Section 12.10.070 for Ms. Ramirez, is in the best interest of the City, under the above defined terms and limitations.
 - (b) A waiver of Municipal Code Sections 12.10.030 B. and C is not granted and Ms. Ramirez is still subject to the Revolving Door Restrictions under those sections.
- [Rules Committee referral 08/31/11 – Item H(5)]

2.19 [City Auditor’s Travel to Washington, D.C.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 31, 2011, retroactively approve travel by the City Auditor to Washington, D.C. on September 12 – 13, 2011 to attend GOVERNING’s 2011 Summit on the Cost of Government. Source of Funds: No cost to the City of San José, all costs paid by the sponsoring organization. (City Auditor)

[Rules Committee referral 08/31/11 – Item H(6)]

2.20 [Appointments to the Silicon Valley Workforce Investment Network Board of Directors.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 7, 2011:

- (a) Approve the appointment of David London, Senior Director of U.S. Government Relations at eBay, San José, California, to serve as a private-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (Mayor)
- (b) Approve the appointment of Matt D. Navarro, Regional Vice President of Staples, Inc., San José, California, to serve as a private-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (Mayor)

* [Rules Committee referral 9/7/11 – Items G(1)(a) – G(1)(b)]

2.21 [Neighborhoods Commission Appointments.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 7, 2011, approve the appointment of Robert Dolci as a Neighborhoods Commission Member for Council District 5, and Rita Ann Guess as the District 5 1st Alternate. (City Manager’s Office)

* [Rules Committee referral 9/7/11 – Items G(1)(c)]

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 9:30 A.M.

3.3 [Response to Santa Clara County Civil Grand Jury Report entitled “Rehiring of Pensioners: Bad Policy, Good Business or Both?”](#)

Recommendation: Approve the response to the Santa Clara County Civil Grand Jury Report entitled “Rehiring of Pensioners: Bad Policy, Good Business or Both?” CEQA: Not a Project, File No.PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (City Manager’s Office)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to Medical Marijuana Collectives.](#) [Supplemental – Memo from the Planning Commission](#) [Supplemental – Memo from the City Attorney](#) [Attachment – Memo from Councilmember Oliverio](#) [Presentation](#)

Recommendation:

- (a) Adopt a [resolution](#) to adopt the Negative Declaration prepared for the Medical Marijuana Program, File No. PP11-039, as having been completed in compliance with the California Environmental Quality Act and reflecting the City’s independent judgment and analysis and finding that adoption of the proposed ordinances will not result in a significant effect on the environment;
- (b) Approve an [ordinance](#) of the City of San Jose amending Title 20 of the San Jose Municipal Code to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a Zoning Verification Certificate process; and
- (c) Approve an [ordinance](#) of the City of San Jose amending Title 6 of the San Jose Municipal Code to add a new Chapter 6.88 to establish a registration process pertaining to Medical Marijuana Collectives; and, to establish regulations pertaining to Medical Marijuana Collectives and to the individual cultivation and use of medical marijuana.

[Proposed Ordinance compared to version posted for 4-19-11 Council Agenda](#)

(Deferred from 6/14/11 – Item 3.9; 8/2/11 – Item 4.6; and 8/9/11 – Item 4.1)
CEQA: Negative Declaration, File No. PP11-039. Citywide. (Planning, Building and Code Enforcement/City Attorney’s Office)

TO BE HEARD LAST

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Prioritized Work Plan for Cultural Connection: San José's Cultural Plan for 2011-2020.](#)

Recommendation: As recommended by the Community and Economic Development Committee on August 22, 2011, accept the report and adopt the Prioritized Work Plan for *Cultural Connection: San José's Cultural Plan for 2011-2020*. CEQA: Not a Project, File No. PP10-066(e), services that involved no physical changes to the environment. (Economic Development)
[Community and Economic Development Committee referral 8/22/11 – Item D(5)]

4.3 [Demonstration Partnership Policy.](#)

[Attachment – Memo from the Office of Economic Development](#)

- * **Recommendation:** Adopt a resolution amending the City Demonstration Partnership Policy, City Council Policy 0-40, “Framework for Establishing Demonstration Partnerships.” CEQA: Not a Project, File No. PP10-068(b). (Economic Development)
[Rules Committee referral 08/31/11 – Item H(2)]

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [San José/Santa Clara Water Pollution Control Plant Odor Assessment.](#) [Supplemental – Memo from Environmental Services and Public Works](#) [Supplemental – Memo from the Offices of Environmental Services and Public Works](#) [Attachment – Letter from the Treatment Plant Advisory Committee](#)

- * **Recommendation:**
- (a) Accept the Plant's odor assessment status report and direct staff to continue with the development of a regional odor assessment study:
 - (1) Develop a stakeholder process including the other possible odor generating facilities and the Plant's tributary agencies.
 - (2) Develop a funding plan to include a portion of the funding from sources other than the Sewer Service and Use Charges.
 - (3) Complete development of a scope and engage consultant services.
 - (4) Provide a status report in the fall of 2011 on progress made.
 - (b) Direct staff to develop an implementation plan for the biosolids transition and further explore the quickest feasible implementation with the following next steps:
 - (1) Engage consultant services to develop an implementation plan, alternative project delivery methods, and associated costs.

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 San José/Santa Clara Water Pollution Control Plant Odor Assessment. (Cont'd.)

Recommendation:

- (b) Direct staff to develop an implementation plan for the biosolids transition and further explore the quickest feasible implementation with the following next steps: (Cont'd.)
 - (2) Engage additionally with stakeholders to further discuss opportunities and any associated costs and trade-offs for accelerating the biosolids transition.
 - (3) Update the technical staff of the tributary agencies monthly.
 - (4) Include the results of the meetings in the future report on biosolids transition plan, anticipated to be presented to the Treatment Plant Advisory Committee and Council by the end of 2011.

CEQA: Not a Project, File No. PP10-069 (a) Staff Reports. (Environmental Services/Public Works)

(Deferred from 5/24/11 – 8/16/11 – Item 7.1)

7.2 [Agreements with the United States Bureau of Reclamation for Design and Construction of South Bay Water Recycling Facilities and South Bay Water Recycling Master Planning.](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a WaterSMART Funding Agreement with the U.S. Bureau of Reclamation (Reclamation) to allow the City to accept federal grant funding of \$2,000,000 for design and construction of South Bay Water Recycling (SBWR) Facilities.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute Feasibility Study Funding Agreement #R11AF20020 with Reclamation to allow the City to accept federal grant funding, ranging from \$268,000 to \$1,200,000, to perform a Feasibility Study to revise the South Bay Water Recycling Master Plan;
- (c) Adopt the following amendments to the Appropriation Ordinance and Funding Sources Resolution for 2011-2012 in the San José/Santa Clara Treatment Plant Capital Fund:
 - (1) Increase the estimate for Earned Revenue by \$1,268,000;
 - (2) Increase the appropriation to the Environmental Services Department for the Revised South Bay Action Plan - SBWR Extension by \$1,000,000;
 - (3) Increase the appropriation to the Environmental Services Department for SBWR Master Plan by \$268,000.

CEQA: Resolution No. 64667, EIR for the San Jose Nonpotable Reclamation Project, now known as the South Bay Water Recycling Program dated June 15, 1993; South Bay Water Recycling Nonpotable Water System Environmental Impact Report, San Jose City Council Resolution 64667. (Environmental Services/City Manager's Office)

8. PUBLIC SAFETY SERVICES

8.1 [Response to Santa Clara County Civil Grand Jury Report entitled “Fighting Fire or Fighting Change? Rethinking Fire Department Response Protocol and Consolidation Opportunities.”](#)

Recommendation: Approve the response to the Santa Clara County Civil Grand Jury Report entitled “Fighting Fire or Fighting Change? Rethinking Fire Department Response Protocol and Consolidation Opportunities.” CEQA: Not a Project, File No.PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (Fire)

8.2 [Response to Santa Clara County Civil Grand Jury Report entitled “Can You Hear Me Now?” Emergency Dispatch in Santa Clara County.](#)

Recommendation: Approve the response to the Santa Clara County Civil Grand Jury Report entitled “Can You Hear Me Now?” Emergency Dispatch in Santa Clara County.” CEQA: Not a Project, File No.PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (Fire)

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

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