



CITY COUNCIL AGENDA

FEBRUARY 14, 2012

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**

- * 8:30 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 2)**

- * Parveen Kaur Dhillon, Director of the Lohgarh Sikh Educational Foundation

- **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 a commendation to Neeraj Baid and Neel Bhoopalam for promoting youth entrepreneurship by organizing a TEDx Conference and mentorship sessions that brought together more than 200 Bay Area students and over 20 business leaders on October 22, 2011. (Herrera)
- 1.2 Presentation of a proclamation declaring the month of February 2012 as “American Heart Month” in the City of San José. (Kalra)
(Deferred from 2/7/12 – Item 1.2)
- 1.3 Presentation of a commendation to the Berryessa Business Association for their efforts to strengthen the small businesses of the Berryessa Community. (Chu)
* (Deferred from 2/7/12 – Item 1.3)

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 October 4, 2011.](#)
- (b) [Regular Redevelopment Agency Minutes of October 4, 2011.](#)
- (c) [Special Minutes of October 17, 2011.](#)
- (d) [Regular Minutes of October 18, 2011.](#)
- (e) [Regular Minutes of October 25, 2011.](#)
- (f) [Joint City/County Minutes of October 28, 2011.](#)

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29031 – Amending Sections 15.08.060, 15.08.070, 15.08.670, 15.08.790, 15.08.1120, 15.08.1140, 15.08.1160, and 15.08.1230 of Chapter 15.08 of Title 15 of the San José Municipal Code to reflect the current organization of City’s Municipal Water System within the Department of Environmental Services, and authorizing the Director of Environmental Services to allow modifications to customer responsibilities for connection of private fire protection pumps to municipal water distribution system in certain specified circumstances.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- (b) [ORD. NO. 29032](#) – Amending Chapter 4.46 of Title 4 of the San José Municipal Code and Chapter 4.47 of Title 4 to add sections to partially suspend the collection of the Building and Structure Construction Tax and to suspend the Commercial-Residential-Mobilehome Park Building Tax for office, research and development uses, data center uses and installation of solar photovoltaic systems.
- (c) [ORD. NO. 29033](#) – Amending Section 14.29.040 of Chapter 14.29 of Title 14 of the San José Municipal Code to provide that the traffic impact fee shall be paid prior to issuance of a building permit or in accordance with the schedule specified in an agreement with the City of San José.
- (d) [ORD. NO. 29021](#) – Amending various sections of Chapter 2.04 of Title 2 of the San José Municipal Code, amending Section 13.23.210 of Chapter 13.23 of Title 13, and amending Section 14.04.141 of Chapter 14.04 of Title 14, to reflect the reorganization of city services within city departments; and repealing and modifying various sections of Part 2 and Chapter 11.36 of Title 11 relating to parking and traffic control within the old City Hall property due to the transfer of the property.
* [Deferred from 2/7/12 – Item 2.2(a)]
- (e) [ORD. NO. 29030](#) – Rezoning certain real property situated on the east side of Quimby Road, approximately 440 feet east of Murillo Road (3770 Quimby Road), from Unincorporated County to A(PD) Planned Development Zoning District to allow up to seven single-family detached residences on a 2.8 gross acre site. PDC10-002
* [Deferred from 2/7/12 – Item 2.2(b)]

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports

- (a) Rules and Open Government Committee Report of January 11, 2012. (Mayor)
* [Deferred from 1/31/12 – Item 2.3(a) and 2/7/12 – Item 2.3(a)]
- (b) [Rules and Open Government Committee Report of January 18, 2012.](#) (Mayor)
* [Deferred from 2/7/12 – Item 2.3(b)]
- (c) [Community and Economic Development Committee Report of January 23, 2012.](#) (Herrera)
* [Supplemental – Memo from the Managing Director](#)
- (d) [Public Safety, Finance and Strategic Support Committee Report of January 23, 2012.](#) (Constant)
*

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Chu from the Regular Meeting of the Neighborhood Services and Education Committee on February 9, 2012 due to Authorized City Business: League of California Cities Board of Directors Meeting in Palo Alto, CA. \(Chu\)](#)
(Rules Committee referral 2/1/12)

* [Deferred from 2/7/12 – Item 2.4(a)]

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Report on Bids and Award of Contract for Installation of Potable and Non-Potable Water Services and Mains.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Report on bids and award of contract for Installation of Potable and Non-Potable Water Services and Mains: 2012-2013 to the lowest responsive bidder, San Jose Water Company, for the estimated term of April 2012 through June 2013, in an amount not to exceed \$645,955.64. CEQA: Exempt, File No. PP10-163.
(Environmental Services/Public Works)

2.8 [Amendment to the Environmental Enforcement Data Management System Agreement with enfoTech & Consulting, Inc.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the Sixth Amendment to the Environmental Enforcement Data Management System (EEDMS) Agreement with enfoTech & Consulting, Inc., to extend the term of the agreement by twelve months, from January 31, 2012 to January 31, 2013, and increase the maximum compensation by \$86,300 for a revised not-to-exceed amount of \$1,467,898 in order to complete the upgrade of the existing EEDMS to a web-based system and to add additional features and functionality.
- (b) Add \$17,260 to the previous contingency amount of \$72,750, for a total contingency amount not to exceed \$90,010, to cover any unanticipated changes to the system upgrade, report development, system maintenance and support.
- (c) Execute amendments to extend the term of the agreement beyond January 31, 2013, as required in the event that additional time is needed to complete the project.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

* **RECOMMEND DEFERRAL TO 3/13/12 PER ADMINISTRATION**

2. CONSENT CALENDAR

2.9 [Ordinance to Amend Sections 3.36.080 and 3.28.1030 of the San José Municipal Code – Non Assignment of Retiree Association Dues.](#)

Recommendation: Approve an [Ordinance](#) to amend Section 3.36.080 of Chapter 3.36 and Section 3.28.1030 of Chapter 3.28 of Title 3 of the San José Municipal Code regarding Non-Assignment for the purposes of Retiree Association Dues and other organizations as approved by the Retirement Boards. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy (new or revised). (Retirement)

2.10 [Cooperative Agreement with the Santa Clara Valley Transportation Authority for the Proposed San Carlos Multimodal Streetscape Improvement Phase II Project.](#)

- * **Recommendation:** Approve a [Cooperative Agreement](#) with the Santa Clara Valley Transportation Authority (VTA) for the relocation of existing VTA utilities, cabinets, and other utility related equipment in the City public right-of-way in conflict with the proposed San Carlos Multimodal Streetscape Improvement Phase II project, for the approximate amount of \$800,000. CEQA: Downtown Strategy SEIR/SEIR, Resolution No. 68839, File No. PP03-254. (Transportation)

2.11 [District 1 Annual Greek Flag Raising Event.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 25, 2012:

- (a) Approve the District 1 Annual Flag Raising Event as a City Council sponsored Special Event; and
- (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 1/25/12)

- * (Deferred from 2/7/12 – Item 2.7)

2.12 [Mobile Home Advisory Commission Appointment.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 1, 2012, reappoint Mike Graves to the Mobile Home Advisory Commission. (Nguyen)
[Rules Committee referral 2/1/12 – Item G(1)(a)]

- * (Deferred from 2/7/12 – Item 2.10)

2.13 [2012 Council Appointments and Reappointments.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 1, 2012:

- (a) Appoint Councilmember Pyle to the Santa Clara Valley Transportation Authority Board of Directors;

(Item continued on the next page)

2. CONSENT CALENDAR

2.13 2012 Council Appointments and Reappointments. (Cont'd.)

Recommendation:

- (b) Appoint Councilmember Oliverio to the Santa Clara Valley Transportation Authority Policy Advisory Board – El Camino Real Rapid Transit; and
- (c) Appoint Acting Director Kerrie Romanow as the Alternate to the Santa Clara Valley Water District – Water Commission.
- (d) Reappoint Councilmember Campos and Councilmember Liccardo to the Santa Clara Valley Transportation Authority's Downtown/East Valley Policy Advisory Board.

(Mayor)

[Rules Committee referral 2/1/12 – Items H(4) and H(6)]

* (Deferred from 2/7/12 – Item 2.11)

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 8:30 A.M.

3.3 [Approval of the 2011-2012 Mid-Year Budget Actions Presentation](#)

Recommendation:

- (a) Approve the 2011-2012 Mid-Year Budget Review Report.
- (b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) in the 2011-2012 Mid-Year Budget Review.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager's Office)

3.4 [Marijuana Business Tax Attachment – Memo from Mayor Reed](#)

Recommendation:

- (a) Consider increasing the Marijuana Business Tax rate from 7% of gross receipts to 10% of gross receipts, as allowed under Measure U; and
- (b) Direct staff to prepare an ordinance to implement the increased Marijuana Business tax rate for Council consideration at a public hearing originally scheduled for January 24, 2012, to take place no later than March 6, 2012.

CEQA: Not a Project, File No. PP10-067(a), Increase to rate without changes to, or expansion of services. (Finance)

(Continued from 1/10/12 – Item 3.4, 1/31/12 – Item 3.3, and 2/7/12 – Item – Item 3.3)

* **RECOMMEND CONTINUANCE**

3. STRATEGIC SUPPORT SERVICES

3.5 [Actions Related to Medical Marijuana.](#)

[Attachment – Memo from Mayor Reed and Councilmembers Liccardo, Herrera & Oliverio Supplemental Memo from the City Attorney Presentation](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 1, 2012:

- (a) Consistent with California Elections Code Section 9241, approve an [ordinance](#) entirely repealing Ordinance No. 28960 (Chapter 6.88 of the San Jose Municipal Code), which establishes regulations pertaining to medical marijuana collectives and to individual cultivation and use of medical marijuana.
- (b) Establish enforcement priorities for city actions against medical marijuana collectives to guide staff until the Council adopts a regulatory ordinance or the State of California establishes a regulatory system;
- (c) Direct staff to produce quarterly report on tax compliance and complaint data by locations; and
- (d) Continue consideration of a marijuana business tax increase at a meeting and at a public hearing to be set at a later date.

(Mayor)

[Rules Committee referral 2/1/12 – Item H(5)]

- (e) If (a) is not approved, adopt a [resolution](#) calling a special municipal election to be held on June 5, 2012, for the purpose of submitting to the electors of the City of San José, a measure seeking approval of Ordinance No. 28960. (City Clerk)

3.6 [Audit of Office Supply Purchases.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on January 26, 2012, accept the City’s Auditor’s Report on Office Supply Purchases. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 1/26/12 – Item D(6)]

3.7 [Audit of Team San José and Convention and Visitors Bureau Performance 2010-11.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on January 26, 2012, accept the City’s Auditor’s Report on Team San José and Convention and Visitors Bureau Performance for 2010-11. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 1/26/12 – Item D(7)]

3.8 [Audit of Information Technology General Controls.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on January 26, 2012, accept the City’s Auditor’s Report on Information Technology General Controls. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 1/26/12 – Item D(8)]

3. STRATEGIC SUPPORT SERVICES

3.9 [Fiscal Year 2011-2012 Priority Policies and Ordinances.](#)

Recommendation: Establish a future list of priority policies and ordinances, with items on this list to be moved to the Top Ten list as top priorities are completed between now and August 2012. CEQA: Not a Project, File No. PP10-069(a), staff reports. (City Manager's Office)

* **TO BE HEARD LAST**

3.10 [2012 Community Budget Survey.](#) [Presentation](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 8, 2012, accept the report on the results of the 2012 Community Budget Survey. (Mayor)

* [Rules Committee referral 2/8/12 – Item H(2)]

3.11 [Discussion Regarding June/November 2012 Tax Measures.](#) [Attachment – Memo from Councilmember Pyle](#) [Presentation](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 25, 2012, discuss the following regarding June or November Tax Measures:

- (a) Information about anticipated revenue generated by a ¼ and ½ percent Sale Tax increase, a Business Tax adjustment that will keep up with inflation, a Modernization of the Business Tax as presented in Councilmember Pyle's memorandum dated May 23, 2011;
- (b) Evaluation of the advantages/disadvantages of tax increase ballot measures in a June or November election with information about the June 2010 and November 2010 revenue measure results; and
- (c) List of other potential revenue ballot measures for June and November including those under consideration by the State.

(Pyle)

* [Rules Committee referral 1/25/12 – Item H(3)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

5.1 [Deferred Payment of Parkland Fees for High-rise Multi-Family Residential Projects Located in the Downtown Core Area.](#)

Recommendation: Adopt a [resolution](#) to amend the Schedule of Parkland Fees and Credits (Council Resolution No. 73587, as amended) authorizing the City Manager to negotiate and execute an amendment to agreements with developers of high-rise multi-family residential projects located in the Downtown Core Area who previously executed a deferment agreement with City to provide up to an additional 12 months for payment of parkland in-lieu fees and accrued interest owed to City. CEQA: Mitigated Negative Declaration; File No. H06-017. Council District 3. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Master Agreement with Cameron International for Electrical Generator Engine Parts and Related Services.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a [Master Service Agreement](#) with Cameron International Corporation, dba Process & Compression Systems (Cameron) located in Houston, Texas for the sole source purchase of Electrical Generator Engines (EGE or “Generator”) catalogue parts, repair, refurbishment of engine components and related services as may be required, for a not-to-exceed amount of \$3,000,000 over a three year period from January 2012 to January 2015.
- (b) Execute one-year options to extend the agreement to provide ongoing maintenance and support after the initial three year term, subject to the annual appropriation of funds.
- (c) Execute open purchase orders as required under the terms and conditions of the Master Agreement, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

7.2 [Biosolids Transition – Timeline and CIP Delivery Approach.](#) [Supplemental – Letter from the Treatment Plant Advisory Committee Presentation](#)

Recommendation: As recommended by the Transportation and Environment Committee on February 6, 2012:

- (a) Accept the report on the capital project delivery approach for implementing the Plan CIP; and

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Biosolids Transition – Timeline and CIP Delivery Approach. (Cont'd.)

Recommendation:

- (b) Direct staff to proceed with a Request for Information solicitation to determine market interest in Design Build, Design Build Operate, and Design Build Own Operate project delivery options for capital improvements using technology new to the City.

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

* [Transportation and Environment Committee referral 2/6/12 – Item D(3)]

7.3 [San José/Santa Clara Water Pollution Control Plant's Pretreatment Program and Revisions to Sewer Use Ordinance.](#)

[Supplemental – Letter from the Treatment Plant Advisory Committee](#)

Recommendation: As recommended by the Transportation and Environment Committee on February 6, 2012:

- (a) Accept the updated on the San José/Santa Clara Water Pollution Control Plant's Pretreatment Program; and
- (b) Approve a Director initiated [ordinance](#) amending Sections 15.14.270, 15.14.405, 15.14.465, 15.14.545, 15.14.575, 15.14.590, 15.14.695, and 15.14.745 of Chapter 15.14 of Title 15 of the San José Municipal Code to (1) update definitions for 'diluting waters,' 'significant change,' and 'zero discharger categorical user;' (2) allow issuance of permits to discharge stormwater to the sanitary sewer system; and (3) clarify requirements for reports submitted to the City from regulated facilities, as described in Title 40 of the Code of Federal Regulations (40 CFR).

CEQA: Resolution No. 76041, November 1, 2011, "Envision San José 2040 General Plan." (Environmental Services)

* [Transportation and Environment Committee referral 2/6/12 – Item D(4)]

8. PUBLIC SAFETY SERVICES

8.1 [Actions Related to Title 16 Amendments \(Gaming Control\).](#)

[Attachment – Memo from Mayor Reed, Vice Mayor Nguyen and Councilmember Constant](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on January 26, 2012:

- (a) Accept the report on Title 16 Amendments.
- (b) Approve an ordinance amending Chapters 16.06, 16.30, 16.32 and 16.33 of Title 16 of the San José Municipal Code relating to administrative regulations, Key Employee Licenses, renaming the Cardroom Table Fee the Cardroom Regulation Fee, procedures regarding investigations for Cardroom License application, Temporary Key Employee Licenses, Administrative Review Hearings for Temporary Key Employee Licenses, and making conforming and technical amendments.

CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (City Attorney's Office)

[Public Safety, Finance and Strategic Support Committee referral 1/26/12 – Item D(10)]

8. PUBLIC SAFETY SERVICES

8.2 [Department of Homeland Security \(DHS\) Federal Emergency Management Agency \(FEMA\) 2011 Staffing for Adequate Fire and Emergency Response \(SAFER\) Grant Application.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to apply for the DHS/FEMA-administered, 2011 Staffing for Adequate Fire and Emergency Response Grant (SAFER) for funding to restore positions lost through attrition. (Fire)

* (Rules Committee referral 2/8/12)

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.