



# CITY COUNCIL AGENDA

**MARCH 20, 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](http://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, 2<sup>nd</sup> 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](mailto: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
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 3)**  
Rev. Sharon Hare, First Presbyterian Church

- **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 Patricia Randazzo, a committed teacher of the East Side Union High School District for thirty-seven years and longtime resident of San José, who was dedicated to serving beyond the classroom through her work in the community. (Herrera)

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

\* **THE HOUSING AUTHORITY OF THE CITY OF SAN JOSE WILL BE HEARD NO EARLIER THAN 2:30 P.M.**

- Orders of the Day (Cont'd.)

- \* **PLEASE SEE NEW ITEM 3.5, “Impartial Analysis for Pension Reform Ballot Measure,” THAT 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).**

- Closed Session Report

## **1. CEREMONIAL ITEMS**

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**1.1** Presentation of a commendation to the Santa Visit Alviso Foundation for their dedication in bringing the spirit of the holidays to hundreds of children and continued efforts in providing scholarships to youth of the Alviso Community. (Chu)

**1.2** Presentation of a proclamation declaring the Week of March 11 – 17, 2012 in commemoration of the 100<sup>th</sup> Anniversary of Girls Scout of the USA. (Campos)  
**TO BE HEARD IN THE EVENING**

**1.3** Presentation of a proclamation recognizing the week of March 11-17, 2012 as “National Groundwater Awareness Week” in the City of San José. (Chu)  
(Rules Committee referral 2/29/12)  
\* (Deferred from 3/13/12 – Item 1.1)

**1.4** Presentation of a commendation to Lynbrook High School Future Business Leaders of America (FBLA) for their initiative in developing the “Energy Career Pathways Toolkit” to increase student awareness about career opportunities and avenues in the energy sector. (Constant)  
(Rules Committee referral 3/7/12)  
**TO BE HEARD IN THE EVENING**

**1.5** Presentation of a proclamation declaring March 19, 2012 as “Assyrian New Year” in the City of San José. (Pyle)  
(Rules Committee referral 3/7/12)

**1.6** Presentation of a commendation to Jessica Luna for being selected as San José’s General Consul of Mexico for a Day. (Campos)  
\* (Rules Committee referral 3/14/12)

**1.7** Presentation of a proclamation recognizing March 25, 2012 as Greek Independence Day in the City of San José. (Constant)  
**TO BE HEARD IN THE EVENING**  
\* (Rules Committee referral 3/14/12)

## 2. CONSENT CALENDAR

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**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.

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29043 – Amending Section 1.08.010 Chapter 1.08 of Title 1 of the San José Municipal Code clarifying the definition of nuisance and amending Sections 1.14.030, 1.14.050, 1.14.060, 1.14.070 and 1.14.090 of Chapter 1.14 and adding Sections 1.14.045 and 1.14.048 to create additional administrative review for compliance orders.
- (b) ORD. NO. 29044 – Rezoning certain real property situated on an approximately 0.18-gross-acre site on the east side of South 10th Street, 115 feet northerly of San Carlos Street (284 South 10th Street) to the RM(PD) Planned Development Zoning District. PDC11-019
- (c) ORD. NO. 29045 – Rezoning certain real property situated on the southwest corner of Monterey Road and Stauffer Boulevard (1901 Monterey Road) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District. C12-003

### 2.3 Approval of Council Committee Reports.

### 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 [SB 1220 \(DeSaulnier and Steinberg\) – Housing Opportunity Trust Fund Act of 2012.](#)

[Supplemental Memo from the City Attorney](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on March 7, 2012, approve a support position for SB 1220 (DeSaulnier and Steinberg) – Housing Opportunity Trust Fund Act of 2012. (City Manager’s Office)  
[Rules Committee referral 3/7/12 – Item G(5)]

## 2. CONSENT CALENDAR

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### 2.8 [Vietnamese New Year Flag Raising Ceremony.](#)

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

**Recommendation:** As recommended by the Rules and Open Government Committee on March 14, 2012:

- (a) Approve the Vietnamese New Year Flag Raising Ceremony as a City Council sponsored Special Event;
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

\* [Rules Committee referral 3/14/12 – Item G(3)]

### 2.9 [Cesar Chavez Day Flag Raising Ceremony.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on March 14, 2012:

- (a) Approve the Cesar Chavez Day Flag Raising Ceremony as a City Council sponsored Special Event;
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

\* [Rules Committee referral 3/14/12 – Item G(3)]

## 3. STRATEGIC SUPPORT SERVICES

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### 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 9:30 A.M.**

### 3.3 [Green Vision Annual Report and Work Plan.](#)

#### [Green Vision Annual Report](#)

#### [Memo from Mayor Reed](#)

#### [Presentation](#)

\* **Recommendation:** Approve the 2011 Green Vision Annual Report and 2012 Work Plan priorities and implementation framework. CEQA: Not a Project, File No. PP10-069. (City Manager's Office)

### 3.4 [Public Hearing and Approval of the FY 2012-2013 Mayor's March Budget Message.](#)

#### [Memo from Councilmembers Campos, Chu and Kalra](#)

#### [Memo from Councilmembers Campos, Chu and Kalra](#)

\* **Recommendation:** Conduct a Public Hearing and approve the FY 2012-2013 Mayor's March Budget Message. CEQA: Not a Project, File No. PP10-067. (Mayor)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 [Impartial Analysis for Pension Reform Ballot Measure](#). \*\*\*

**Recommendation:**

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Adopt a [Resolution](#) amending Resolution 76158 regarding the Pension Reform Ballot measure to direct the City Clerk to prepare the impartial analysis for the ballot measure instead of the City Attorney as provided under Elections Code Section 9280.

(City Attorney's Office).

\* (Orders of the Day)

\*\*\* **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).

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 [Fire Station No. 1 Candidate City Landmark](#).

[Memo from Mayor Reed and Councilmembers Rocha, Oliverio and Liccardo](#)

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) designating "Former Fire Station No. 1", located on northwest corner of North Market and West St. James Streets (201 N. Market Street), as a landmark of special historic, architectural, cultural, or engineering interest, or value of a historic nature (City of San José as Successor Agency to Redevelopment Agency, Owner). CEQA: Exempt. The Historic Landmarks Commission recommends that the City Council approve the proposed Landmark Designation for Former Fire Station No. 1(6-0-1). (Planning, Building and Code Enforcement)

[HL08-169](#) – District 3

\* (Continued from 3/13/12 – Item 4.3)

#### 4.2 **Resolution Supporting Annexation of Territory Designated as Cambrian No. 36 and Detachment of Central Park Drive Areas from San José and Annexation to the City of Campbell.**

**Recommendation:** Adopt a resolution to accomplish all of the following:

- (a) Extend until August 31, 2012, the time to work with the City of Campbell on an alternative reorganization proposal for the Cambrian No. 36 pocket area;
- (b) Express support for consideration of the City of Campbell's actions to annex the Cambrian No. 36 pocket, including LAFCO consideration of detachment of Central Park Drive, Oak Park Lane and Highland Park Lane area from the City of San José;

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 Resolution Supporting Annexation of Territory Designated as Cambrian No. 36 and Detachment of Central Park Drive Areas from San José and Annexation to the City of Campbell. (Cont'd.)

**Recommendation:**

- (c) Continue the suspension of City's prior reorganization action for Cambrian No. 36; and
- (d) Authorize the Director of Planning, Building and Code Enforcement to take certain actions to facilitate the alternative reorganization of the Cambrian No. 36 pocket area pursued by the City of Campbell or, alternatively, to complete the City's Cambrian No. 36 reorganization.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts; and San José 2020 General Plan Final EIR, Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)

\* **RECOMMEND DEFERRAL TO 3/27/12 PER ADMINISTRATION**

### 4.3 [Ordinance Amending Chapter 20.70 to Streamline the Permit Process for the Operation of Office and Financial Services Uses in the Downtown Area.](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Attachment – Memo from Mayor Reed and Councilmember Liccardo](#)

\* **Recommendation:** Consideration of an [ordinance](#) amending Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) of Title 20 of the San José Municipal Code (the Zoning Code) to streamline the permit process for the operation of office and financial services uses within the DG Overlay Area (Downtown Ground-Floor Space) of the DC (Downtown Core) and DC-NT1 (Downtown Code – Neighborhood Transition 1) Zoning Districts. The proposed amendments affect the Downtown Area of the City. CEQA: Envision San José 2040 General Plan Environmental Impact Report, Resolution No. 70601. The Director of Planning and the Planning Commission (6-0-1, Commissioner Kamkar absent) recommend approval with a recommendation by the Commission for staff to evaluate the outcome of this change and report the findings from this analysis to the City Council in two years. (Planning, Building and Code Enforcement)

\* (Deferred from 2/28/12 – Item 11.4 and 3/13/12 – Item 4.1)

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Approval of Minimum Standards for Development of Lands on the West Side of the Airport and Acceptance of Terms and Conditions for a New Fixed Base Operator.](#)

[Supplemental Memo from the Director of Aviation](#)

[Memo from Mayor Reed and Councilmembers Herrera, Pyle and Liccardo](#)

[Memo from Councilmember Rocha](#)

[Presentation](#)

[Presentation – Signature Flight Support Corporation](#)

[Presentation – NETJETS SJ Operations](#)

#### **Recommendation:**

- (a) Adopt a [resolution](#) establishing Minimum Standards for general aviation facilities on the west side of the Norman Y. Mineta San José International Airport;
- (b) Accept the key terms and conditions to be used in the Request For Proposals process for a new fixed base operator leasehold to be developed on the west side of the Airport.
- (c) Adopt a RFP-first approach for West Side general aviation that would have a second, new full-service FBO operational in late 2014 (estimated).

CEQA: Resolution Nos. 67380 and 71451, File No. PP12-001. (Airport)

\* (Deferred from 3/13/12 – Item 6.1)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 8.1 [2012 COPS Hiring Program Grant Application.](#)

**Recommendation:** Authorize the City Manager and Chief of Police to apply for grant funding through the 2012 Community Oriented Policing Services (COPS) Hiring Program to add seven Police Officer positions.

\* (Rules Committee referral 3/14/12)

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **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.*

- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

**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 at the Southwest Corner of Miller Street and Asbury Street.](#)

- \* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at the southwest corner of Miller Street and Asbury Street from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to 1) add 100 units to the already approved 400 unit development for a total of 500 multi-family attached residential units, and 2) increase in building height from 150 to 200 feet on the 2.80 gross acre site (Green Valley Corporation, Owner; Barry Swenson Builder, Developer). CEQA: Mitigated Negative Declaration. The Director of Planning and the Planning Commission (6-0-1, Commissioner Cahan absent) recommend approval. [PDC05-101](#) – District 3

### 11.3 [Actions Related to the Real Property Located on the North Side of River Oaks Parkway.](#)

- \* **Recommendation:**
  - (a) [PDC11-018 – Consideration of an ordinance rezoning the real property located on the north side of River Oaks Parkway, approximately 200 feet east of Research Plan \(401 River Oaks Parkway\), from the IP Industrial Park Zoning District to the A\(PD\) Planned Development Zoning District to allow for the development of up to 450 multi-family attached residential units on an 8.1 gross acre site \(GRE River Oaks, LLC, Owner\).](#) [ordinance](#)

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS

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## 11.3 Actions Related to the Real Property Located on the North Side of River Oaks Parkway. (Cont'd.)

### Recommendation:

- (b) [DA12-001](#) – Consideration of an [ordinance](#) to approve a [Development Agreement](#) with River Oaks San José, LLC (Irvine Company) to reallocate up to 450 residential units from Affordable Rate to Market Rate Units in the North San José Area Development Policy area subject to performance by IAC for payment of contributions, commencement of construction and subsequent occupancy per deadlines of performance.

CEQA: North San José Area Development Policy Update, EIR Resolution No. 72768 and Addendum thereto. Council District 4.

## 11.4 [Actions Related to the Real Property Located at the Southwest Corner of Almaden Expressway and Chynoweth Avenue.](#)

[Staff Report](#)

[Memo from Councilmember Rocha](#)

[Presentation](#)

[Presentation from Erikson Neighborhood Association](#)

### \* Recommendation:

- (a) Consider adoption of a resolution denying an APPEAL of the Planning Commission's certification of a Subsequent Environmental Impact Report (SEIR) and certifying the SEIR has been completed in compliance with CEQA and reflects the City's independent judgment and analysis; and
- (b) [Consider an ordinance rezoning the real property located at the southeast corner](#) of Almaden Expressway and Chynoweth Avenue (14418 Almaden Road) to allow for the development of up to 400,000 square feet of commercial uses on a 43.5 gross acre site and modifications to previously approved roadway network by extending Cherry Avenue through the site to Sanchez Avenue with revisions to the development standards as recommended by staff; and [ordinance](#)
- (c) Adopt a [resolution](#) approving a street renaming to change a portion of Chynoweth Avenue, located between Almaden Expressway and the Guadalupe River, to Cherry Avenue.

[CEQA](#): Almaden Ranch Environmental Impact Report, Resolution to be adopted. The Director of Planning and the Planning Commission (6-0-1, Commissioner Cahan absent) recommend that the City Council find the project in conformance with the California Environmental Quality Act (CEQA) and certify the Subsequent Environmental Impact Report (SEIR). The Director of Planning and the Planning Commission (5-1-1, Commissioner Platten opposed, Commissioner Cahan absent) recommend approval of the proposed Planned Development Rezoning as recommended by staff.

[PDC10-006](#) – District 9

- **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.*

- **Adjournment**

\* This meeting will be adjourned in memory of Patricia Randazzo, a committed teacher of the East Side Union High School District for thirty-seven years and longtime resident of San José, who was dedicated to serving beyond the classroom through her work in the community. (Herrera)

**HOUSING AUTHORITY OF  
THE CITY OF SAN JOSÉ  
AGENDA**

**1:30 P.M.**

**TUESDAY, MARCH 20, 2012**

**CHAMBERS**

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\* **TO BE HEARD NO EARLIER THAN 2:30 P.M.**

**1. Call to Order**

**2. [Moving to Work Fiscal Year 2013 Annual Plan.  
Presentation](#)**

**Recommendation:** Submit a letter to the Housing Authority of the County of Santa Clara supporting the Moving to Work Fiscal Year 2013 Annual Plan with the following changes:

- (a) Amend the Annual Plan to set aside one out of three turn-over vouchers for chronically homeless persons in FY 2013, with quarterly reporting on progress to City staff.
- (b) Adopt the federal definition of “chronically homeless,” which requires that in addition to homelessness, individuals or families have a disabling condition.
- (c) Include programs and program linkages that promote Section 8 participants’ economic self-sufficiency.
- (d) Implement the proposed “Graduated Housing Assistance” schedule in a way that does not result in significant rent increases for tenants
- (e) Competitively award the majority of project-based vouchers to third-party affordable housing developers in order to increase the overall supply of affordable rental units in the County.
- (f) Limit the number of project-based vouchers used in existing affordable housing projects, including those owned and operated by the Housing Authority and its subsidiaries.
- (g) Consider opportunities to promote supportive housing developments in conjunction with Destination:Home.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making.

**3. Open Forum**

*(To be heard with Open Forum for the City of San José)*

**4. Adjourn the Housing Authority of the City of San José.**

## **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.