



CITY COUNCIL AGENDA

MAY 8, 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**
 - 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 5)**
 - * St. John Vianney School Choir

- **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.

- * **ITEM 2.9, “Sale of a Portion of City-Owned Property on South Monroe Street”
RENUMBERED TO ITEM 4.3**

* ADJOURNMENT: This meeting will be adjourned in memory of Michael L. Hackworth, a Silicon Valley entrepreneur and philanthropist, who passed away on April 21, 2012 at the age of 71. (Constant)

* (Deferred from 5/1/12)

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the May 5 – 13, 2012 as “National Travel and Tourism Week” in the City of San José. (Constant)
(Rules Committee referral 4/25/12)
- 1.2 Presentation of a proclamation declaring the May 6 – 10, 2012 as “International Compost Awareness Week” in the City of San José. (Liccardo)
(Rules Committee referral 4/25/12)
- 1.3 Acceptance of the American Council of Engineering Companies Award for the Happy Hollow Park and Zoo Pedestrian Bridge Project. (Public Works)
(Deferred from 5/1/12 – Item 1.1)
- 1.4 Presentation of a proclamation celebrating the Month of May 2012 as “Asian Pacific American Heritage Month” in the City of San José. (Chu/Nguyen/Kalra)
(Deferred from 5/1/12 – Item 1.2)
- 1.5 Presentation of a proclamation recognizing the Week of April 29 – May 5, 2012 as “Municipal Clerk’s Week” in the City of San José. (Mayor/City Clerk)
(Rules Committee referral 4/25/12)

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.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29059 – Amending Section 3.36.580 of Part 4 of Chapter 3.36 of Title 3 of the San José Municipal Code to continue suspension of the distribution of funds from the Police and Fire Department Retirement Plan Supplemental Retiree Benefit Reserve through Fiscal Year 2012-2013.
- (b) ORD. NO. 29060 – Rezoning certain real property situated on the west side of Meridian Avenue on a 0.66 gross-acre site, approximately 200 feet northerly of W. San Carlos Street (265 Meridian Avenue) to the CP Commercial Pedestrian Zoning District. C12-004

(Item continued on the next page)

2. CONSENT CALENDAR

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

Recommendation:

- (c) [ORD. NO. 29061](#) – Rezoning certain real property situated on the east side of Meridian Avenue on a 0.17 gross-acre site, approximately 170 feet southerly of Minnesota Avenue (1414 Meridian Avenue) to the CP Commercial Pedestrian Zoning District. C12-005
- (d) [ORD. NO. 29062](#) – Rezoning certain real property situated on an approximately 0.72-acre site on the northeast corner of South Bascom Avenue and Fruitdale Avenue (898 South Bascom Avenue) to the CN Commercial Neighborhood Zoning District. C12-002

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Public Safety, Finance and Strategic Support Committee Report of April 19, 2012.](#) (Constant)
- * (b) [Community and Economic Development Committee Report of April 23, 2012.](#) (Herrera)

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 [Sale of City-Owned Property at Story Road.](#)

Recommendation: Adopt a resolution:

- (a) Declaring the .958 acre of City-owned property near Story Road and Roberts Avenue surplus to the needs of the City;
- (b) Approving an agreement between the City and Loanie Lam and Lisa Lam, owners of the adjoining property, for the sale of the property in the amount of \$42,000;
- (c) Approving the Grant of Easements to City for the maintenance and operation of monitoring wells and associated ingress and egress to the sale property; and
- (d) Authorizing the City Manager to execute the sale agreement, and the deed, Grant of Easements, and all other documents necessary to complete the transaction.

CEQA: Exempt, File No. PP10-009. Council District 7. (Economic Development)
(Deferred from 4/24/12 – Item 2.9)

- * **RECOMMEND DEFERRAL TO 5/22/12 PER ADMINISTRATION**

2. CONSENT CALENDAR

2.8 Sale of City-Owned Property at 510 Park Avenue.

Recommendation: Adopt a resolution:

- (a) Authorizing an alternative competitive process for the sale of the property at 510 Park Avenue (also known as 525 Lorraine Avenue), APN 259-47-081;
- (b) Approving an agreement between the City and D'Arpino Revocable Trust Dated August 23, 1988, for the sale of the property in the amount of \$425,000;
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction, and ratifying any disclosures or certifications made by the City Manager or her designee regarding the property as required by law.

CEQA: Exempt, File No. PP10-044. (Economic Development)

* **RECOMMEND DROP**

2.9 Sale of a Portion of City-Owned Property on South Monroe Street.

Recommendation: Adopt a [resolution](#):

- (a) Declaring 4,313 square feet of vacated street on South Monroe, 300 feet north of Tisch Way surplus to the needs of the City;
- (b) Approving an [agreement](#) between the City and KB HOME South Bay, Inc., for sale of the property in the amount of \$300,000; and
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction.

CEQA: Exempt, File No. PDC10-018. (Economic Development)

* **RENUMBERED TO ITEM 4.3**

* **DROP**

2.10 Approval of Second Amendment to the Lease at 1671 The Alameda.

Recommendation: Adopt a resolution to authorize the City Manager or her designee to execute a [second amendment to the lease](#) with the Huang Family Trust for the use of an additional 138 square feet of office space located at 1671 The Alameda in San José, at an additional rental rate over the initial five year lease term totaling \$10,602.83, and including the installation of additional tenant improvements at a cost to City not to exceed \$4,000. CEQA: Not a Project, File No. PP1-066(f), Lease of equipment or existing office space for the same use. (Economic Development)

2.11 Setting a Public Hearing for the Cost of Sidewalk Repairs.

Recommendation: Adopt a [resolution](#) setting a public hearing on Tuesday, June 12, 2012, at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs. CEQA: Exempt, File No. PP11-102. (Finance)

2. CONSENT CALENDAR

2.12 Sponsored Travel to China for the Beijing Sports University Conference.

Recommendation:

- (a) Accept invitation from Beijing Sport University to have a speaker at their annual conference held the week of May 10-15, 2012.
- (b) Approve travel to China for Suzanne Wolf, Acting Deputy Director of Parks, Recreation and Neighborhood Services (PRNS), as the City of San Jose's official representative to the Beijing Sport University conference held in Beijing. Source of Funds: The Beijing Sport University will pay for travel and accommodation expenses related to the conference.

CEQA: Not a Project, File No. PP10-069(a), Staff reports. (Parks, Recreation and Neighborhood Services)

2.13 Master Agreement with CDM Smith, Inc., for Engineering Consultant Services.

Recommendation: Approve a [master agreement](#) with CDM Smith, Inc., for engineering consultant services for various sanitary and/or storm sewer projects from the date of execution to June 30, 2015, in an amount not to exceed \$500,000. CEQA: Not a Project, Exempt, File No. PP10-066(d), Consultant services that will have no effect on the environment. (Public Works)

2.14 Contract Change with Gonsalves and Stronck Construction Company, Inc. for the Seven Trees Community Center and Branch Library.

* **Recommendation:**

- (a) Approve the [Contract Change Order No. 78](#) (CCO No. 78) with Gonsalves and Stronck Construction Company, Inc. for the Seven Trees Community Center and Branch Library, resolving all outstanding issues by making a final payment of additional compensation in the total amount of \$255,681 for a total contract amount of \$27,502,160.
- (b) Adopt the following Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund:
 - (1) Increase the Seven Trees Community Center – Multi Service project by \$130,000.
 - (2) Decrease the Ending Fund Balance by \$130,000.
- (c) Adopt the following Appropriation Ordinance amendments in the Branch Libraries Bond Fund:
 - (1) Increase the Seven Trees Branch project by \$16,000.
 - (2) Decrease the Ending Fund Balance by \$16,000.

CEQA: Mitigated Negative Declaration, Resolution No. 73983. Council District 7. (Public Works/City Manager's Office)

2. CONSENT CALENDAR

2.15 Actions Related to Grant Funds for Citywide Bicycle Projects.

Recommendation: Adopt a [resolution](#) supporting the receipt of grant funds for Citywide bicycle projects:

- (a) Authorizing the City Manager, or designee, to submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2012-2013 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$640,126;
- (b) Making the required findings by MTC as explained in the memorandum to Council for the acceptance of TDA3 grant funding; and
- (c) Accepting any grant funding from MTC and authorizing the City Manager to negotiate and execute any grant documents to effectuate the grant.

CEQA: Exempt, File No. PP10-078. (Transportation)

2.16 Suspension of the Parking Authority of the City of San José.

Recommendation: Adopt a [resolution](#) in accordance with California Streets and Highway Code Section 32665 to suspend the Parking Authority of the City of San José. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (Transportation)

2.17 Councilmember Constant's Travel to Nashville, TN.

Recommendation: Approve travel by Councilmember Constant to Nashville, TN on July 19 – 21, 2012 to attend the Annual National League of Cities Public Safety and Crime Prevention Steering Committee meeting. Source of Funds: Mayor & Council Travel Fund. (Constant)

* (Rules Committee referral 5/2/12)

2.18 Visit from the Mayor of Suwon City, Korea.

Recommendation:

- (a) Approve the Visit from the Mayor of Suwon City, Korea 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. (Constant)

* (Rules Committee referral 5/2/12)

2.19 District 1 Korean Flag Raising Event.

Recommendation:

- (a) Approve the District 1 Korean 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. (Constant)

* (Rules Committee referral 5/2/12)

2. CONSENT CALENDAR

2.20 [AB 2382 \(Gordon\) Department of Transportation: Innovation District Demonstration Project.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2012, approve a support position for AB 2382 (Gordon) Department of Transportation: Innovation District Demonstration Project. (City Manager's Office)

* [Rules Committee referral 5/2/12 – Item G(3)]

2.21 [SB 568 \(Lowenthal\) Recycling: Polystyrene Food Containers. Supplemental Memo from Environmental Services](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2012, approve a support position for SB 568 (Lowenthal) Recycling: Polystyrene Food Containers. (City Manager's Office)

* [Rules Committee referral 5/2/12 – Item G(4)]

2.22 [AB 2231 \(Fuentes\) Sidewalks: Repairs.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2012, re-affirm a position in opposition to AB 2231 (Fuentes) Sidewalks: Repairs. (City Manager's Office)

* [Rules Committee referral 5/2/12 – Item G(5)]

2.23 [Vietnamese Community Health Resource Fair.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2012:

- (a) Approve the Vietnamese Community Health Resource Fair as a City-sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 5/2/12 – Item G(6)]

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 9:30 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 Ordinances Related to Health Care Trusts for Police and Fire Retirement Plan and Federated Retirement Plan.

Recommendation:

- (a) [Consider an ordinance amending Title 3 of the San José Municipal Code to add new Chapter 3.54 and 3.56, and to amend Sections 3.36.575, 3.36.1925, 3.36.1930, 3.36.2030 and 3.36.2050 for the purposes of establishing a new trust pursuant to Section 115 of the Internal Revenue Code related to retiree health care benefit funding and payment of retiree health care benefits for the Police and Fire Retirement Plan.](#)
[Ordinance](#)
- (b) [Consider an ordinance amending Section 3.52.100 of Chapter 3.52 of Title 3 of the San José Municipal Code to provide that, beginning June 24, 2012, employee contributions for retiree healthcare benefits will be deposited into the Federated City Employees Healthcare Trust, rather than the Federated City Employees Retirement System medical benefits account.](#)

CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)
(Rules Committee referral 4/25/12) [Ordinance](#)

3.4 [Adoption of a Statement of Policy and City Council Questions Related to the Selection of a New City Librarian.](#)

Recommendation: Adopt a statement of Policy and City Council Questions related to the selection of a new City Librarian as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
(Deferred from 5/1/12 – Item 3.14)

3.5 [SB 1220 \(DeSaulnier and Steinberg\) – Housing Opportunity and Market Stabilization \(HOMes\) Trust Fund.](#)

[Supplemental Memo from the City Attorney](#)

Recommendation: Approve support for SB 1220 – Housing Opportunity and Market Stabilization (HOMes) Trust Fund. (Housing)
(Rules Committee referral 4/25/12)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to the Expansion and Renovation of Parque de los Pobladores by 1st ACT Silicon Valley.](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with 1st ACT Silicon Valley to design and construct the expansion and renovation of Parque de los Pobladores with a City contribution of up to \$98,000; and
(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Expansion and Renovation of Parque de los Pobladores by 1st ACT Silicon Valley. (Cont'd.)

Recommendation:

- (b) Adopt a [resolution](#) approving the closure of First Street between Williams Street and Reed Street in accordance with California Vehicle Code Section 21101(a)(1) on the ground that, that portion of First Street is no longer needed for vehicular traffic.
- (c) Adopt Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 3 (Fund 380):
 - (1) Establish the Parque de los Pobladores Pavement-to-Plaza project to the Parks, Recreation and Neighborhood Services Department for \$78,000; and
 - (2) Decrease the Ending Fund Balance by \$78,000

CEQA: Exempt, File No. PP12-037. (Economic Development/Public Works/Transportation/Parks, Recreation and Neighborhood Services/City Manager's Office)

* **RECOMMEND DEFERRAL TO 5/15/12 PER ADMINISTRATION**

4.2 [Public Hearing to Vacate a Portion of S. Monroe Street.](#)

[Memo from Mayor Reed](#)

Recommendation: Conduct a public hearing and adopt a [resolution](#) to vacate a portion of S. Monroe Street, 300 feet north of Tisch Way. CEQA: Mitigated Negative Declaration, File No. PDC10-018. Council District 6. (Public Works)

* (Deferred from 5/1/12 – Item 4.3)

* **DROP**

4.3 [Sale of a Portion of City-Owned Property on South Monroe Street.](#)

[Memo from Mayor Reed](#)

Recommendation: Adopt a [resolution](#):

- (a) Declaring 4,313 square feet of vacated street on South Monroe, 300 feet north of Tisch Way surplus to the needs of the City;
- (b) Approving an [agreement](#) between the City and KB HOME South Bay, Inc., for sale of the property in the amount of \$300,000; and
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction.

CEQA: Exempt, File No. PDC10-018. (Economic Development)

* **RENUMBERED FROM ITEM 2.9**

* **DROP**

5. NEIGHBORHOOD SERVICES

5.1 [Schedule of Parkland Fees.](#)

- * **Recommendation:** Conduct a public hearing and consider the adoption of a [resolution](#) to be effective on August 1, 2012 to:
- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) to reflect the 2011 Residential Land Value Study and the updated 2010 Census data;
 - (b) Amend Section 2.B of Resolution No. 73587, as amended, to set the parkland fees for Downtown High-Rise Units at fifty percent (50%) of the rate of the most current land values adopted by the City of San José for Multi-Family 5+ in the Downtown; and
 - (c) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest MLS zones.
- CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

5.2 [Park Trust Fund Annual Report.](#)

Recommendation: Accept this Park Trust Fund annual report for fiscal year 2010-2011. CEQA: Not a Project, File No. PP10-069(a), Annual Reports and Assessments. (Parks, Recreation and Neighborhood Services)
(Deferred from 5/1/12 – Item 5.1)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Notice of City Engineer’s Pending Decision on Final Maps**

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10096	Southwest corner of N. Capitol Avenue & Baton Rouge Drive	4	Warmington Celadon Associates, LLC	7 Lots / 46 Units	Multi-Family Attached	Approve

- **Open Forum**

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

- **Adjournment**

* This meeting will be adjourned in memory of Michael L. Hackworth, a Silicon Valley entrepreneur and philanthropist, who passed away on April 21, 2012 at the age of 71.

(Constant)

* (Deferred from 5/1/12)

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.