



CITY COUNCIL AGENDA

SEPTEMBER 25, 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.

You may speak to the City Council about any discussion 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. 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
 - * 7:00 p.m. - **EVENING SESSION CANCELLED**

- **Invocation (District 8)**
 - Pastor Tim Wood, Evergreen Valley 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 Norman Friborg, who passed away on July 22, 2012 after being inducted into the Piedmont Hills Athletics Hall of Fame having served as a high school basketball coach for 30 years. (Chu)

- 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 San José resident Robert Sotelo for his act of heroism in rescuing a woman from her East San José home. (Campos)
* **RECOMMEND DEFERRAL PER RULES AND OPEN GOVERNMENT COMMITTEE**
- 1.2 Presentation of a proclamation recognizing the Month of September 2012 as “Histiocytosis Awareness Month” in the City of San José. (Constant)
* **RECOMMEND DEFERRAL PER RULES AND OPEN GOVERNMENT COMMITTEE**
- 1.3 Presentation of a proclamation declaring September 28, 2012 as “Native American Day” in the City of San José. (Herrera)
- 1.4 Presentation of a commendation honoring Santana Row as it celebrates its 10th anniversary in San José. (Constant/Oliverio)
* (Rules Committee referral 9/19/12)
- 1.5 Presentation of a commendation to the Blossom Valley All-Stars for representing San José and winning the 2012 Pony Baseball Mustang League World Series. (Pyle)
* (Rules Committee referral 9/19/12)
* **RECOMMEND DEFERRAL PER RULES AND OPEN GOVERNMENT COMMITTEE**

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. 29141 – Rezoning certain real property situated on the south side of Montecito Vista Drive, approximately 800 feet westerly of Monterey Road, on a 1.73 gross-acre site, to the A(PD) Planned Development Zoning District. PDC12-011
- (b) ORD. NO. 29142 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Recycling & Waste Services, Inc.

(Item continued on the next page)

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (c) [ORD. NO. 29143](#) – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling, Inc.

- (d) [ORD. NO. 29139](#) – Amend Chapters 3.28, the 1975 Federated Employees Retirement Plan, and 3.36, the 1961 Police and Fire Department Retirement Plan, of the San José Municipal Code to add Sections 3.28.115 and 3.36.325, respectively, regarding the role of the boards of administration in personnel matters.

* [Deferred from 9/11/12 – Item 2.2(f) and 9/18/12 – Item 2.2(a)]

2.3 Approval of Council Committee Reports.

* **Recommendation:** Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of August 1, 2012.](#) (Mayor)
- (b) [Rules and Open Government Committee Report of August 8, 2012.](#) (Mayor)
- (c) [Rules and Open Government Committee Report of August 15, 2012.](#) (Mayor)
- (d) [Rules and Open Government Committee Report of August 22, 2012.](#) (Mayor)
- (e) [Rules and Open Government Committee Report of August 29, 2012.](#) (Mayor)
- (f) [Community and Economic Development Committee Report of August 27, 2012.](#) (Herrera)

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on September 19, 2012 due to Authorized City Business: Public Policy Institute of California Speaker Series in San Francisco, CA.](#) (Mayor)

* (Rules Committee referral 9/19/12)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Ratification of Final Expenditures for 2011 – 2012.](#)

Recommendation:

- (a) Adopt an ordinance ratifying the final 2011-2012 appropriation increases detailed in the staff memorandum.

(Item continued on the next page)

2. CONSENT CALENDAR

2.7 Ratification of Final Expenditures for 2011 – 2012. (Cont'd.)

Recommendation:

- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
- (1) Increase the Earned Revenue estimate by \$2,803,231;
 - (2) Increase the Transfer to Council District 1 by \$162,736;
 - (3) Increase the Transfer to Council District 2 by \$135,416;
 - (4) Increase the Transfer to Council District 3 by \$135,457;
 - (5) Increase the Transfer to Council District 4 by \$126,867;
 - (6) Increase the Transfer to Council District 5 by \$214,886;
 - (7) Increase the Transfer to Council District 6 by \$247,082;
 - (8) Increase the Transfer to Council District 7 by \$217,600;
 - (9) Increase the Transfer to Council District 8 by \$132,518;
 - (10) Increase the Transfer to Council District 9 by \$122,378;
 - (11) Increase the Transfer to Council District 10 by \$94,405;
 - (12) Increase the Transfer to City-Wide by \$795,172; and
 - (13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$418,714.
- (c) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
- (1) Increase the Earned Revenue estimate by \$7,278; and
 - (2) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$7,278.
- (d) Adopt the following 2011-2012 Appropriation Ordinance amendments in the General Fund:
- (1) Increase the Workers' Compensation Claim – Fire appropriation by \$183,745;
 - (2) Decrease the Workers' Compensation Claims – Transportation by \$85,000;
 - (3) Decrease the Workers' Compensation Claims – Public Works by \$75,000; and
 - (4) Decrease the Workers' Compensation Claims – Other Departments by \$23,745.

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

* **RECOMMEND DEFERRAL TO 10/16/12 PER ADMINISTRATION**

2. CONSENT CALENDAR

2.8 [Agreement with Roy Buis Consulting for Construction Management Assistance on Affordable Housing Projects.](#)

- * **Recommendation:** Approve a Sixth Amendment to the Agreement with Roy Buis Consulting for construction management assistance on affordable housing projects, increasing the amount of the agreement by \$120,000 from \$341,000 to \$461,000 and extending the term of the agreement to June 30, 2013. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Housing)

- * **RECOMMEND DEFERRAL TO 10/2/12 PER ADMINISTRATION**

2.9 [2012-2013 Team San José Performance Measures.](#)

Recommendation:

- (a) Approve the Team San Jose performance measures for 2012 – 2013.
- (b) Adopt a resolution authorizing the City Manager to:
 - (1) Execute the [Third Amendment to the Management Agreement](#) between the City of San Jose and Team San Jose to reflect changes to calculations for Performance Measures related to Gross Operating Profit and Gross Operating Revenue, and to clarify which costs are the responsibility of the General Purpose Parking Fund and Convention and Cultural Affairs Fund; and
 - (2) Negotiate and execute an amendment to the Memorandum of Understanding regarding parking operations at the Convention Center garage.

CEQA: Not a Project, File No. PP10-066 (e), Agreements/Contracts. Council District 3. (Economic Development)
(Deferred from 9/11/12 – Item 2.7 and 9/18/12 – Item 2.12)

2.10 [District 1 Shred-A-Thon and E-Waste Collection Day.](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 19, 2012:

- (a) Approve the District 1 Shred-A-Thon and E-Waste Collection Day 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: Exempt, File No. PP12-080 (State CEQA Guidelines Section 15304e). (City Clerk)

- * [Rules Committee referral 9/19/12 – Item G(3)]

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.

3.3 Telecommunications Users Tax Cap Extension.

Memo from Councilmember Pyle

Recommendation:

- (a) Approve an ordinance amending Chapter 4.70 of Title 4 of the San José Municipal Code to extend the Cap Program for the Telecommunications Users Tax (TUT) through December 31, 2017; and
 - (b) Direct staff to conduct an outreach program for other business to apply for participation in the program under the same criteria established in 2009 with the threshold for participation in the TUT Cap Program set at approximately \$54,000.
- CEQA: Not a Project; File No. PP10-068, Municipal Code or Policy. (Finance)

3.4 Structural Improvements; Potential Consolidation or Elimination of Boards and Commissions; and Status of the Neighborhoods Commission.

Recommendation:

- (a) Accept the proposed structural improvements to the City's Boards and Commissions program.
- (b) Accept the recommendations regarding the proposed elimination or consolidation of Commissions.
- (d) Direct the City Clerk and City Attorney to return to the Council by December 2012 with draft revisions to the Municipal Code and Council Policies.

(City Clerk)

[Referred from 8/14/12 – Item 3.6(b)]

* **DEFERRED TO 10/23/12 PER RULES AND OPEN GOVERNMENT COMMITTEE**

3.5 Neighborhoods Commission Pilot Program.

* **Recommendation:** Accept the assessment of the Neighborhoods Commission Pilot presented in the memorandum, and provide direction to staff on a structure to encourage neighborhood participation in City decision making in the future. (City Manager's Office)

[Referred from 8/14/12 – Item 3.6(a)]

* **DEFERRED TO 10/23/12 PER RULES AND OPEN GOVERNMENT COMMITTEE**

3. STRATEGIC SUPPORT SERVICES

3.6 [Approval of Citywide Insurance Renewals.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to select and purchase certain City property and liability insurance policies for the period October 1, 2012 to October 1, 2013, at a total cost not to exceed \$1,600,000 for all policies, with the following insurance carriers:

- (a) Lexington Insurance Company, (Boston, MA) - or other insurers that the City is currently in negotiations with - for Property Insurance, including Boiler and Machinery.
- (b) National Union Fire Insurance Company (New York, NY) to provide the following coverage:
 - (1) Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (Primary and Excess).
 - (2) Police Aircraft Hull & Liability including War Risks & Extended Perils.
- (c) St Paul/Travelers Insurance Company, (Hartford, CT) - or other insurers that the City is currently in negotiations with - for Automobile Liability (Airport fleet vehicles including Shuttle Buses, and WPCP fleet vehicles) and Airport Shuttle Bus physical damage.
- (d) Indian Harbor Insurance Company, (Stamford, CT) for Secondary Employment Law Enforcement Professional Liability.

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

3.7 [Resolution Amending the Council's Rules of Conduct of Meetings.](#)

[Memo from Councilmembers Pyle, Liccardo and Rocha](#)

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2012, adopt a [resolution](#) amending the Rules for the Conduct of City Council and City Council Committee Meetings and superseding Resolution No. 76184.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 9/12/12 – Item G(3)]

* (Deferred from 9/18/12 - Item 2.13)

* **DEFERRED TO 10/23/12 PER RULES AND OPEN GOVERNMENT COMMITTEE**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to the Workforce Investment Act Fund.](#)

Recommendation: Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act (WIA) Fund:

- (a) Increase the estimate for Earned Revenue by \$2,025,000; and
- (b) Establish an appropriation to the Office of Economic Development for the Solyndra Project in the amount of \$2,025,000.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Ordinance Amending the Sign Code.

Memo from Mayor Reed, Vice Mayor Nguyen and Councilmember Campos

Recommendation: Approve an ordinance amending Title 23 (Sign Ordinance) of the San José Municipal Code to:

- (a) Amend Chapter 23.02 to:
 - (1) Revise Section 23.02.290 lightbox, lightbox sign, revise Section 23.02.940 location of attached signs, and add a new Section 23.02.101 to define service station canopy; canopy sign, and revise Section 23.02.1110 signage at gasoline service stations.
- (b) Amend Chapter 23.04 to:
 - (1) Amend Section 23.04.020 to revise regulations for signage at gasoline service stations;
 - (2) Amend Section 23.04.035 to increase the maximum allowable square footage of programmable electronic signs; and
 - (3) Amend Section 23.04.120 to revise regulations for signage at gasoline service stations.
- (c) Make other nonsubstantive, ministerial, technical, or typographical changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP11-099, Addendum thereto, PP12-073.
(Planning, Building and Code Enforcement)

4.3 **Draft Santa Clara Valley Habitat Plan.**

Santa Clara Valley Habitat Plan

Recommendation: As referred by the Rules and Open Government Committee on September 19, 2012, review key concepts and issues associated with the Draft Santa Clara Valley Habitat Plan (Habitat Plan) and related documents to provide the Council an opportunity to evaluate and comment on the Plan's content in advance of final action:

- (a) Summary Overview of the Habitat Plan.
- (b) Key Issues for San José:
 - (1) Avoidance of Deferred Liability
 - (2) Regulatory Streamlining
 - (3) Nitrogen Deposition Fee
 - (4) Western Burrowing Owl
 - (5) Riparian Setbacks
 - (6) Case Studies
- (c) Habitat Plan Implementation
 - (1) Implementing Entity
 - (2) Legislative Priorities
 - (3) Fine-tuning the Structure Fee
- (d) Alternative to Habitat Plan Adoption

CEQA: EIR Resolution to be adopted when action on Habitat Plan is taken. (Planning, Building and Code Enforcement)

TO BE HEARD LAST

* [Rules Committee referral 9/19/12 – Item D(1)]

5. NEIGHBORHOOD SERVICES

5.1 [Anti-Graffiti and Litter Program Semi-Annual Report.](#)

[Memo from Councilmember Liccardo](#)

Recommendation: As recommended by the Neighborhood Services and Education Committee, accept the Anti-Graffiti and Litter Program Semi-Annual Report. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 9/13/12 – Item D(2)]

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Recognized Obligation Payment Schedules.

* **Recommendation:** Adopt resolutions by the City Council acting in its capacity as the Successor Agency to the Redevelopment Agency Board approving:

(a) The Recognized Obligation Payment Schedule for July 1 - December 31, 2012 (ROPS 2); and [Resolution](#)

(b) The Recognized Obligation Payment Schedule for January 1 – June 30, 2013 (ROPS 3). [Resolution](#)

(Deferred from 8/21/12 – Item 9.2, 8/28/12 – Item 9.1, 9/11/12 – Item 9.1, and 9/18/12 – Item 9.1)

* **RECOMMEND DEFERRAL TO 10/2/12 PER ADMINISTRATION**

- **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.

- **Evening Session Cancelled**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

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 Land Use Public Hearings on Consent Calendar.

No Land Use Public Hearings on Consent Calendar at this time.

11.2 Consideration of a Planned Development Permit and Determination of Public Convenience or Necessity Request to Allow for the Off-Sale and On-Sale of Alcohol and Late Night Use for a New Full Service Restaurant.

Recommendation: Consideration of a Planned Development Permit and Determination of Public Convenience or Necessity request to allow for the off-sale and on-sale of alcohol and late night use for a new full service restaurant in the A(PD) Planned Development Zoning District on a 38.52 gross acre site, located at the northeast corner of Zanker Road and Villagio Street (3350 Zanker Road) (Irvine Company, Owner/Patxi's Pizza, Applicant). CEQA: Use of a Final EIR and Addenda thereto (North San José Development Policies Update EIR).

PD12-020/ABC12-004 – District 4

DROP

- **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 Norman Friberg, who passed away on July 22, 2012 after being inducted into the Piedmont Hills Athletics Hall of Fame having served as a high school basketball coach for 30 years. (Chu)

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, 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, 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.