



CITY COUNCIL AGENDA

OCTOBER 23, 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
 - 6:00 p.m. - Evening Session and Public Hearings, Council Chambers, City Hall

- **Invocation (District 9)**
 - Ann Brownell of the Amanda Network

- **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 Isaiah, “Ike” White Jr., retired Chief Master Sergeant, United States Air Force. Born on May 29, 1930, Ike died on October 13, 2012, after a lifetime of public service to the residents of Evergreen, the City of San José and the Nation. (Herrera)

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 proclamation declaring City of San José's participation in the 2012 Combined Giving Campaign from October 9 through November 9, 2012. (Transportation)
- 1.2 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)
(Deferred from 9/25/12 – Item 1.1)
TO BE HEARD NO EARLIER THAN 6:00 P.M.
- 1.3 Presentation of a commendation to the San José Country Club commemorating its 100th Year Anniversary. (Campos)
TO BE HEARD NO EARLIER THAN 6:00 P.M.
- 1.4 Presentation of a commendation declaring the Week of October 14 – 20, 2012 as “Freedom from Bullies Week” in the City of San José. (Campos)
- 1.5 Presentation of a proclamation declaring the Month of October as “Filipino American History Month” in the City of San José. (Chu)
- 1.6 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)
(Deferred from 9/25/12 – Item 1.5)
TO BE HEARD NO EARLIER THAN 6:00 P.M.
- 1.7 Presentation of a commendation to the Almaden Little League All-Stars for representing San José and winning championship flags at the District 12 and Section 5 tournaments. (Pyle)
TO BE HEARD NO EARLIER THAN 6:00 P.M.
(Rules Committee referral 10/10/12)

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.**

2. CONSENT CALENDAR

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 [Approval of 2nd Amendment to Agreement with Macias, Gini, & O'Connell, LLP to Provide Audit Services](#)

* **Recommendation:**

- (a) Approve a [Second Amendment to the Agreement](#) for audit services with Macias, Gini, & O'Connell LLP and the City of San José to provide audit services to the San José Diridon Development Authority (Audit of Financial Statements for FY 2011-2012) in an amount not to exceed \$14,250, and authorization to exercise future options through FY 2013-2014, subject to annual appropriation of funds by the City Council for a total contract amount not to exceed \$2,770,435.
- (b) Adopt the following Appropriation Ordinance amendments in the San José Diridon Development Authority Fund:
- (1) Increase the Non-Personal/Equipment appropriation by \$14,250; and
 - (2) Decrease the Ending Fund Balance by \$14,250.

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

2.8 [Contract Amendment with Emergency Housing Consortium for Homeless Prevention and Rapid Re-housing.](#)

- * **Recommendation:** Approve a [Continuation and First Amendment](#) to the Grant Agreement with the Emergency Housing Consortium extending the term through October 31, 2012, and adding \$46,446.70 from the City's Rapid Re-housing Program for a new total contract amount of \$2,673,440.70. CEQA: Not a Project, File No. PP10-066(a), Agreements for activities involving no physical changes to the environment. (Housing)

2.9 [Amendments to the City Pay Plan for Various Classifications.](#)

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

- (a) Amend the City of San José Pay Plan effective October 23, 2012, to create the following classification:
- (1) CADD Technician (3716)
- (b) Amend the City of San José Pay Plan effective October 23, 2012, to delete the following obsolete classes:
- (1) Alarm Technician (2233)
 - (2) Aquatics Coordinator, Therapeutics PT (6148)

(Item continued on the next page)

2. CONSENT CALENDAR

2.9 Amendments to the City Pay Plan for Various Classifications. (Cont'd.)

Recommendation: Adopt a resolution to:

- (b) (3) Director, General Services U (1648)
- (4) Police Artist (2244)
- (5) Principal Budget Analyst U (1659)
- (6) Senior Facility Sound & Light Technician (3230)
- (7) Tree Maintenance Leadworker (3416)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

2.10 [Agreement with Valley Transportation Authority for the Traffic Light Synchronization Project.](#)

Recommendation: Approval of an [Agreement](#) between the City of San José and Valley Transportation Authority (VTA) for the construction, operation, and maintenance of the City of San José – VTA fiber communications within the VTA LRT duct bank on First Street and East Tasman Avenue. CEQA: EIR Resolution Nos. 60197 and 63179, File No. PP08-154. (Transportation)

2.11 [Fairmont Hotel Consent Agreement.](#)

Recommendation: Approve a [Letter Agreement](#) consenting to the contribution of additional cash equity by certain partners of the Fairmont Hotel ownership group and that the contributing partners will be entitled to the return of such cash equity and a preferred return pursuant to the terms of that certain Operation, Ownership and Participation Agreement dated March 28, 1996, as amended. CEQA: Not a Project, File No. PP10-066, Agreements. (City Manager's Office)

* (Rules Committee referral 10/17/12)

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 Structural Improvements; Potential Consolidation or Elimination of Boards and Commissions.

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

[Memo from Councilmember Chu](#)

[Memo from Mayor Reed, Vice Mayor Nguyen and Councilmember Herrera](#)

[Supplemental Memo from the City Clerk](#)

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.
- (c) 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 from 9/25/12 – Item 3.4)

TO BE HEARD NO EARLIER THAN 6:00 P.M.

3.4 Neighborhoods Commission Pilot Program.

[Memo from Councilmember Herrera](#)

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 from 9/25/12 – Item 3.5)

TO BE HEARD NO EARLIER THAN 6:00 P.M.

3.5 Resolution Amending the Council's Rules of Conduct of Meetings Regarding Scheduling of Public Hearings.

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

[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, to permit flexibility in scheduling public hearings before the Council. CEQA: Not a Project. (City Clerk/City Attorney's Office)

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

(Deferred from 9/18/12 - Item 2.13 and 9/25/12 – Item 3.7)

TO BE HEARD NO EARLIER THAN 6:00 P.M.

3. STRATEGIC SUPPORT SERVICES

3.6 Amendments to the Staffing Configuration for Fire Management Classifications, City Pay Plan and Membership in the Federated Retirement System for Fire and Police Management Classifications and Related Appropriation Adjustments.

Recommendation:

- (a) Adopt a resolution to:
 - (1) Authorize the elimination of three vacant Fire Battalion Chief positions and the addition of three Fire Division Chief positions.
 - (2) Eliminate the stand-by pay practice for the Assistant Fire Chief and Deputy Fire Chief classifications and the previous stand-by pay practice for the Fire Division Chief classification.
 - (3) Amend the City of San José City Pay Plan effective November 1, 2012 to make the following pay range adjustments:
 - (a) Increase the pay range for Assistant Fire Chief from \$104,609.77 to 163,065.82 to \$114,024.65 to \$177,741.74;
 - (b) Increase the pay range for Deputy Fire Chief from \$97,260.32 to 151,502.43 to \$106,013.75 to \$165,137.64;
 - (c) Increase the top range for Fire Division Chief from \$124,074.94 to \$153,852.93; and,
 - (d) Increase the pay range for Assistant Police Chief from \$104,609.77 to 163,065.82 to \$117,685.93 to 183,448.95.
- (b) Adopt the following 2012-2013 appropriation ordinance amendments in the General Fund:
 - (1) Increase in the amount of \$66,000 in the Fire Department Personal Services appropriation; and
 - (2) Decrease in the amount of \$66,000 in the Fire Department Non-Personal/Equipment appropriation.
- (c) Direct the City Attorney to evaluate and prepare an amendment to Part 2 of Chapter 3.36 of Title 3 of the San José Municipal Code to exclude from membership in the Police and Fire Department Retirement Plan an Assistant Fire Chief, Deputy Fire Chief, Fire Division Chief, or Assistant Police Chief who has no prior service credit applicable to that plan.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3 and File No. PP10-067(b), Appropriation Ordinance. (City Manager's Office)
(Deferred from 10/16/12 – Item 3.4)

3.7 Business Tax and Business Improvement Districts Assessment Amnesty Programs.

Recommendation:

- (a) Approve an ordinance authorizing the Director of Finance to administer a Business Tax Amnesty Program which forgives taxpayers who pay certain past due business taxes from liability for the remaining past due business taxes, interest, and penalties;

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.7 Business Tax and Business Improvement Districts Assessment Amnesty Programs. (Cont'd.)

Recommendation:

- (b) Approve an [ordinance](#) authorizing a Business Improvement District Assessment Amnesty Program for the Downtown and Japantown Business Improvement Districts to run concurrently with the Business Tax Amnesty Program; and
- (c) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
 - (1) Increase the revenue estimate for Business Tax by \$300,000; and
 - (2) Increase the Finance Department Non-Personal/Equipment appropriation by \$300,000.

CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (Finance/City Manager's Office)

3.8 [Council Discussion and Possible Action on a City Position Regarding Propositions and Measures on the November 6, 2012 California General Election Ballot.](#)

[Memo from Councilmember Rocha](#)

[Supplemental Memo from Director of Intergovernmental Relations](#)

[Memo from the 10/16/12 City Council Meeting](#)

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

[Memo from Councilmember Kalra](#)

[Memo from Councilmember Kalra](#)

[Memo from Councilmember Constant](#)

Recommendation: Council discussion and possible action on a City position regarding the following Propositions and Measures on the November 6, 2012 California General Election Ballot:

- (a) Measure D (Minimum Wage);
- (b) Measure E (Cardroom Gaming);
- (c) Proposition 32 (Political Contributions by Payroll Deduction, Contributions to Candidates);
- (d) Proposition 34 (Death Penalty);
- (e) Proposition 35 (Human Trafficking);
- (f) Proposition 36 (Three Strikes Law, Repeat Felony Offenders, Penalties); and
- (g) Proposition 39 (Tax Treatment for Multistate Businesses, Clean Energy, and Energy Efficiency Funding).

(Referred from 10/2/12 – Item 2.10)

* (Deferred from 10/16/12 – Item 3.6)

TO BE HEARD LAST IN THE AFTERNOON

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Sale of a Portion of City-Owned Property on Cherry Avenue.](#)

Recommendation: Adopt a [resolution](#):

- (a) Declaring 1,090 square feet of Cherry Avenue, east of Almaden Expressway, surplus to the needs of the City;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Sale of a Portion of City-Owned Property on Cherry Avenue. (Cont'd.)

Recommendation:

- (b) Approving an [agreement](#) between the City and Arcadia Development Company (Arcadia) for sale of the property in the amount of \$24,000; 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: Almaden Ranch Retail Center EIR (Resolution No. 76168). Council District 9. (Economic Development)
(Deferred from 10/16/12 – Item 4.2)

4.2 [“San Jose Convention Center & Team San Jose Benchmarking Analysis” Report and Agreement with Team San Jose. Benchmarking Analysis Report](#)

Recommendation:

- (a) Accept the “San Jose Convention Center & Team San Jose Benchmarking Analysis” Report produced by the City of San Jose’s hospitality industry advisor, Convention, Sports and Leisure, LLC.
- (b) Direct the City Manager to negotiate a new Agreement with Team San Jose consolidating the two existing Agreements the City currently has with Team San Jose and to extend the term for no more than 5 years for a new termination date of June 30, 2018, with options for renewal.

CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. Council District 3. (Economic Development)

4.3 [Ordinance Amending Drainage and Stormwater Requirements for Certain Projects.](#)

- * **Recommendation:** Consideration of an [ordinance](#) of the City of San José to amend Section 17.72.530 of Chapter 17.72 of Title 17 of the San José Municipal Code to require certain drainage into landscaped areas; to amend Section 20.95.020 of Chapter 20.95 of Title 20 of the San José Municipal Code to extend stormwater requirements to certain small projects and detached single-family home projects; and to make other clarifying or minor technical amendments to those sections. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, “Envision San José 2040 General Plan,” for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San José may take action on the project as being within the scope of the Final EIR, File No. PP12-078. Planning Commission recommends approval (5-0-2; Commissioners Cahan and Kamkar absent). (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT SUCCESSOR 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.
- **Council will recess until 6:00 p.m.**

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 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11.2 Rezoning Real Property Located at 6782 and 6790 San Felipe Road.

Recommendation: Consideration of an ordinance rezoning the real property located at 6782 and 6790 San Felipe Road from the R-1-1 Single-Family Residence District to the A(PD) Planned Development Zoning District to allow for the development of up to 4 single-family detached residential units on a 2.14 gross acre site (DAL Properties LLC/Mark Lazzarini, Owner). CEQA: Mitigated Negative Declaration.

PDC11-012 – District 8

RECOMMEND DEFERRAL TO 11/27/12 PER ADMINISTRATION

11.3 [Rezoning Real Property Located on the West Side of Wilson Avenue.](#)

* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the west side of Wilson Avenue, approximately 200 feet southerly of The Alameda (45 Wilson Avenue) from the LI Light Industrial Zoning District to the CG Commercial General Zoning District on an approximately 1.04 gross acre site (W.C.V. #51, LLC, c/o William C. Vancleff, Owner). CEQA: San José 2040 General Plan EIR Resolution No. 76041. Planning Director recommends approval.

C12-017 – District 6

TO BE HEARD NO EARLIER THAN 1:30 P.M.

11. PUBLIC HEARINGS

11.4 [ADMINISTRATIVE HEARING and Consideration of a Conditional Use Permit and Determination of Public Convenience or Necessity to Allow Off-Sale of Alcohol for a Full Service Grocery Store.](#)

- * **Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol for a full service grocery store in an existing commercial building (formerly SaveMart) on a 4.05 gross acre site in the CP Pedestrian Commercial Zoning District, located on the south side of Story Road, between McLaughlin Avenue and Clemence Avenue (1070 Story Road) (EOL Properties VII, LP, Owner). SNI: Tully-Senter. CEQA: Exempt. Planning Director and Planning Commission recommend approval (5-0-2; Commissioners Cahan and Kamkar absent) of CUP and granting of PCN.

CP12-018/ABC12-006 – District 7

TO BE HEARD NO EARLIER THAN 7:00 P.M.

11.5 [ADMINISTRATIVE HEARING and APPEAL of the Planning Commission's Decision to Deny a Conditional Use Permit.](#)

- * **Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's decision to deny a Conditional Use Permit to allow the addition of an automated carwash at an existing smog test facility on a 0.40 gross acre site in the CN Neighborhood Commercial Zoning District, located on the south side of Camden Avenue, 250 feet westerly of S. Bascom Avenue (2270 Camden Avenue) (Akbar and Mary E. Nazemian, et al., Owner). CEQA: Statutorily Exempt (CA Pub Res Code §21080(b)(5)), if denied. Planning Director and Planning Commission recommend denial (5-2-0; Commissioners Bit-Badal and Kamkar opposed).

CP10-010 – District 9

TO BE HEARD NO EARLIER THAN 7:00 P.M.

- **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 Isaiah, "Ike" White Jr., retired Chief Master Sergeant, United States Air Force. Born on May 29, 1930, Ike died on October 13, 2012, after a lifetime of public service to the residents of Evergreen, the City of San José and the Nation. (Herrera)

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.