



CITY COUNCIL AGENDA

MAY 14, 2013

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
JOHNNY KHAMIS

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/cityclerk. 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**
 - 9:00 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)**
- **Pledge of Allegiance**
- **Orders of the Day**

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the Month of May as “Hepatitis B Awareness Month” in the City of San José. (Chu)
- 1.2 Presentation of a commendation to West Valley Community Services for 40 years of remarkable non-profit services and honorable assistance to the West Valley communities of Santa Clara County. (Constant)
- 1.3 Presentation of a commendation to San José Police Officers Bruce Barthelemy, Gustavo Perez, and Hau Ngo for their courageous actions in the line of duty to apprehend suspects who were armed and dangerous. (City Manager’s Office)
- 1.4 Presentation of a commendation to Ysabel Duron for over 42 years of meritorious work in broadcast journalism, as well as her work in being the founder and CEO of the non-profit Latinas Contra Cancer. (Campos)
(Rules Committee referral 5/1/13)

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. 29246 – Amending Title 23 of the San José Municipal Code by amending Section 23.02.1045 and adding new Sections 23.02.155, 23.02.385, 23.02.424, 23.02.920 and 23.02.1045 to Chapter 23.02, and amending Section 23.04.020 of Chapter 23.04, all to add pedestrian wayfinding signs as signs that do not reduce signage otherwise allowable under Title 23, to allow for additional attached signs for large shopping center buildings and specify the maximize size of such signs, and to allow for entryway signs as a new type of attached sign on large shopping center buildings, and making other nonsubstantive, ministerial, technical, or typographical changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.
- (b) ORD. NO. 29247 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to American Debris Box Service, Inc. DBA American Portables.

(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. 29248](#) – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Best Deal Transport LLC.
- * (d) [ORD. NO. 29245](#)– Amending the San José Municipal Code to amend Sections 4.04.010, 4.04.020, and 4.04.085 of Chapter 4.04 of Title 4 and Chapter 4.20 of Title 4 in its entirety, all related to streamlining real estate processes in connection with the sale of surplus property.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Ad Hoc Committee on Economic Competitiveness Report of April 8, 2013. (Mayor)

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 [Settlement in Esmeralda Galan, et al. v. City of San José, et al.](#)

Recommendation: Approve [settlement of Esmeralda Galan, et al. v. City of San José, et al.](#), and authorize the City Attorney to execute a Settlement Agreement and Release with Esmeralda Galan, Jose Rios, and their attorneys, in the amount of \$325,000. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office).

2.8 [City Manager's Travel to New York, New York.](#)

Recommendation: Authorize travel for City Manager Debra Figone to New York, New York, on May 29, 2013 to June 2, 2013, to receive the Great Rosarians of the World Rose Garden Hall of Fame Award for 2013. Source of Funds: City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, Administrative Activities. (City Manager's Office)

2.9 [Actions Related to the Security Alert Systems of California, Inc.](#)

Recommendation: Authorize the City Manager to:

- (a) Execute a Purchase Order with Security Alert Systems of California, Inc. (Gilroy, CA), in the total amount not-to-exceed of \$475,000 for the initial twelve month period of May 14, 2013 through May 13, 2014, to provide security and fire alarm monitoring and as-required repairs citywide; and
- (b) Execute up to four one-year options to extend the term, subject to the annual appropriation of funds.

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

2. CONSENT CALENDAR

2.10 [Actions Related to the Bay Area Urban Areas Security Initiative Grant.](#)

Recommendation: Approve the following actions:

- (a) Adopt a resolution authorizing the City Manager to execute an [Agreement](#) between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area UASI, to accept the 2012 UASI grant allocation in the amount of \$1,000,000 and to negotiate and execute additional amendments and related documents without further Council action.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
 - (1) Establish a City-wide appropriation to the Police Department for the Urban Areas Security Initiative (UASI) Grant- Police 2012 in the amount of \$547,500;
 - (2) Establish a City-wide appropriation to the Fire Department for the Urban Areas Security Initiative (UASI) Grant- Fire 2012 in the amount of \$65,000; and
 - (3) Increase the estimate for Revenue from the Federal Government by \$612,500.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Police/Fire/City Manager's Office)

2.11 [Agreement with the State of California \(Caltrans\) for Bicycle Transportation Account.](#)

Recommendation: Approve an [agreement](#) with the State of California for a Bicycle Transportation Account grant related to the Park Avenue Crosstown Bikeway project, in the amount of \$265,000 with a local match of \$45,000. CEQA: Exempt, File No. PP13-032, Under the provisions of Section 15304(h) and (d) and 15304. (Transportation)

2.12 [AB 532 \(Gordon; Achadjian, Fong, Hill, Principal Coauthors\): Local Housing Trust Fund.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 8, 2013, approve a support position for AB 532 (Gordon) – Local Housing Trust Fund. (Housing)

* [Rules Committee referral 5/8/13 – Item G(2)]

2.13 [AB 631 \(Mitchell, Principal Coauthor; Atkins, Coauthor; Ammiano, Beall\) Medi-Cal: Health Homes for Medi-Cal Enrollees and 1115 Waiver Demonstration Populations with Chronic and Complex Conditions.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 8, 2013, approve a support position for AB 631 (Mitchell, Principal Coauthor; Atkins, Coauthor; Ammiano, Beall) Medi-Cal: Health Homes for Medi-Cal Enrollees and 1115 Waiver Demonstration Populations with Chronic and Complex Conditions. (Housing)

* [Rules Committee referral 5/8/13 – Item G(3)]

2. CONSENT CALENDAR

2.14 [National Night Out Community Brainstorming Forum.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 8, 2013:

- (a) Approve National Night Out Community Brainstorming Forum as a City Council Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Campos)

* [Rules Committee referral 5/8/13 – Item G(4)]

2.15 [Community Events Sponsored by District Four.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 8, 2013:

- (a) Approve the following events sponsored by Council District Four as City-sponsored Special Events:
 - (1) The Crime Prevention Community Meeting on Wednesday, May 15, 2013.
 - (2) The Noble Dog Park Community Meeting on Thursday, May 30, 2013.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Chu)

* [Rules Committee referral 5/8/13 – Item G(5)]

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 9:00 A.M.

3.3 [Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year 2013-2014 Including the Proposed Departmental Fees and Charges for the City of San José.](#)

Recommendation: Public Hearing on the City's Proposed Operating and Capital Budgets for the Fiscal Year 2013 -2014, the Proposed Five-Year Capital Improvement Program for 2014-2018, and the Proposed Fees and Charges Report for the Fiscal Year 2013-2014. (City Manager's Office)

3. STRATEGIC SUPPORT SERVICES

3.4 Council Salary Setting Recommendations.

Council Salary Setting Recommendation to the Mayor and Council

Memo from Councilmember Kalra

Memo from Councilmember Constant

Recommendation: As recommended by the Council Salary Setting Commission, approve an ordinance setting the salaries and benefits of the Mayor and City Council for Fiscal Years 2013-2014 and 2014-2015 as follows:

- (a) For the Mayor, increase the authorized salary as recommended by the Commission for FY 2013-14 and FY 2014-15 from \$114,000 annually to \$119,700 annually;
- (b) For each Councilmember, increase the authorized salary as recommended by the Commission for FY 2013-14 and FY 2014-15 from \$81,000 annually to \$85,050 annually;
- (c) Retain the levels of health, dental, life insurance and other benefits through FY 2014-2015 in accordance with the benefits provided to management employees in Unit 99 and salary continuation insurance benefits;
- (d) For the current Mayor and Councilmembers who were in office prior to July 1, 2011, maintain the City's participation and contributions to CalPERS defined benefit or PTC 457 defined contribution plans through their terms of office. For Councilmembers who assume office on or after July 1, 2011, maintain the City's participation and contribution in the CalPERS defined benefit plan applicable to participants based upon date of assumption of office, or the PTC 457 defined contribution plan, or any retirement plan equivalent to that established by the City for its non-sworn employees including management employees in Unit 99 management employees that may also be made available to the Councilmembers;
- (e) Maintain the vehicle allowance of \$350 per month for the Mayor and each member of the City Council; and
- (f) Continue to require Councilmembers to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.

(City Clerk)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Actions Related to Outdoor Vending Ordinance and Approved Location Peddler Ordinance.**

Memo from Mayor Reed, Vice Mayor Nguyen, Councilmembers Campos and Kalra

Recommendation:

- (a) Conduct a Public Hearing and consider an ordinance amending the San José Municipal Code to amend Sections 6.54.110, 6.54.260, and 6.54.265 of Chapter 6.54 of Title 6 of the San José Municipal Code to modify the conditions for Approved Location Peddlers and authorize the City Manager to promulgate regulations on behalf of all Approved Location Peddlers' and adding Section 6.54.320 to extend the term of Approved Location Peddler Permits and Mobile Unit Peddler Permits; and Ordinance

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to Outdoor Vending Ordinance and Approved Location Peddler Ordinance. (Cont'd.)

Recommendation:

- (b) [Conduct a Public Hearing and consider an ordinance amending Title 20 of the San José Municipal Code](#) (the Zoning Ordinance) to amend: Section 20.30.100 of Chapter 20.30 (Residential Zoning Districts) to allow Outdoor Vending of Fresh Fruits and Vegetables on School, Library, Community Center, and Religious Assembly sites; Sections 20.40.100 and 20.40.520 of Chapter 20.40 (Commercial Zoning Districts) to allow Outdoor Vending of Fresh Fruits and Vegetables in Commercial Zoning Districts; Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts) to allow Outdoor Vending of Fresh Fruits and Vegetables in Industrial Zoning Districts; Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) to allow Outdoor Vending of Fresh Fruits and Vegetables, and to allow Banquet Facilities as Ground-floor Space Uses, in Downtown Zoning Districts; Sections 20.75.200 and 20.75.320 of Chapter 20.75 (Pedestrian Oriented Zoning Districts) to allow Certified Farmers' Markets, Neighborhood Agriculture and Outdoor Vending of Fresh Fruits and Vegetables in Pedestrian Oriented Zoning Districts; and Sections 20.80.810 and 20.80.820 of Chapter 20.80 (Specific Use Regulations, Outdoor Vending Facilities) to allow Outdoor Vending of Fresh Fruits and Vegetables and other products in conformance with specific criteria without an Administrative Permit all to further implement the Design for a Healthful Community Major Strategy, the Vibrant Neighborhoods Goals and Policies, the Economic Development Goals and Policies, and the Land Use Goals and Policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within Title 20. Planning Commission recommends approval (6-0-1). [Ordinance](#)

CEQA: Envision San José 2040 General Plan Update Final Program EIR, Resolution No. 76041, File No. PP13-024. (City Manager's Office/Police/Planning, Building, and Code Enforcement)

(Deferred from 5/7/13 – Item 4.2)

4.2 [Actions Related to the Spreckles Force Main Supplement and Pump Station Rehabilitation Project.](#)

Recommendation:

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration prepared for the Spreckles Force Main Supplement and Pump Station Rehabilitation Project (File No. PP11-104), as having been completed in compliance with the California Environmental Quality Act (CEQA) reflecting the City's independent judgment and analysis, and adopting a mitigation monitoring and reporting program; and
- (b) Report on bids and award of contract for the Spreckles Force Main Supplement and Pump Station Rehabilitation Project to the low bidder, Sanco Pipelines, Inc., in the amount of \$2,774,444, and approval of a contingency in the amount of \$416,000.

CEQA: Mitigated Negative Declaration to be adopted, File No. PP11-104. Council District 4. (Public Works/Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 [Actions Related to Adjustment to Parkland Fees](#)

Recommendation: Conduct a Public Hearing and adopt a [resolution](#) to be effective August 1, 2013 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 2012 Residential Land Value Study; and
- (b) 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 Multiple Listing Service zones.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

* (Deferred from 4/23/13 – Item 5.1, 4/30/13 – Item 5.2, and 5/7/13 – Item 5.1)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Actions Related to the Reimbursement of Cost for Sidewalk Repairs.](#)

Recommendation: Conduct a Public Hearing on recording liens on property for the reimbursement of cost for sidewalk repairs and adopt a resolution to approve the report from the Director of Finance on the reimbursement of cost for sidewalk repairs, confirming the assessments contained in the Report and directing the recording of liens on the property tax roll for the cost of sidewalk repairs. CEQA: Not a Project, File No. PP10-067(a), Specific Funding mechanism for Increase or Adjustment to Fees, Rates and Fares. (Finance) [Resolution](#)

6.2 [Administrative Hearing on the Request for Subcontractor Substitution for the 6938 – to the 2010 STP Resurfacing and Rehabilitation Project.](#)

* **Recommendation:** Consent retroactive to October 12, 2012, to substitute in place of Dillard Environmental Services, the trucking subcontractor that the general contractor Pavex listed for the 6938 - 2010 STP Resurfacing and Rehabilitation Project, the following trucking subcontractors: (1) D&S Trucking, LLC through November 19, 2012, and for the remainder of the project, and (2) MAG Trucking, Inc. and Charles F. Gagliasso Trucking, Inc. through November 19, 2012. CEQA: Exempt, File No. PP06-035. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Audit of Fire Prevention.](#) [Memo from Councilmembers Campos and Kalra](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on April 18, 2013, accept the Audit of Fire Prevention. (City Auditor)
[Public Safety, Finance and Strategic Support Committee referral 4/18/13 – Item D(4)]
(Deferred from 5/7/13 – Item 8.1)

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.
- **Adjournment**

**JOINT CITY OF SAN JOSE CITY COUNCIL/
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/
SAN JOSE DIRIDON DEVELOPMENT AUTHORITY AGENDA**

1:30 P.M.

TUESDAY, MAY 14, 2013

CHAMBERS

- 1. Call to Order and Roll Call**
- 2. Actions Related to the Transfer to the Successor Agency to the Redevelopment Agency of the City of San José Certain Real Property and Other Assets Identified by the California State Controller.**

Recommendation: It is recommended that:

- (a) The City Council adopt a resolution: (i) authorizing the City Manager to take such actions as necessary to transfer to the Successor Agency to the Redevelopment Agency of the City of San José, certain real property and other assets as identified by the California State Controller in the Asset Transfer Review dated March 2013, which were previously transferred to the City in March 2011, by the former San José Redevelopment Agency, and (ii) directing City and Successor Agency staff in connection with the transfer of such properties to evidence the City Council's intent related to the future uses of certain of such properties;
- (b) The San José Diridon Development Authority Board adopt a resolution authorizing the Executive Director to take such actions as necessary to transfer to the Successor Agency to the Redevelopment Agency of the City of San José, certain real property as identified by the California State Controller in the Asset Transfer Review dated March 2013, which property was previously transferred to the San José Diridon Development Authority in March 2011, by the former San José Redevelopment Agency, provided that those properties subject to that certain Option Agreement dated November 8, 2011, between the San José Diridon Development Authority and the Athletics Investment Group, LLC shall be transferred to the Successor Agency subject to the terms and provisions of the Option Agreement; and
- (c) The Successor Agency Board adopt a resolution: (i) accepting certain properties and assets from the City and the San José Diridon Development Authority, and (ii) directing Successor Agency staff to bring forward to the Oversight Board for its consideration a request to transfer any governmental use properties held by the Successor Agency to the City.

(Diridon Authority/Successor Agency)

* **DROP PER CITY ATTORNEY'S OFFICE**

JOINT DIRIDON DEVELOPMENT AUTHORITY AGENDA

- 3. Open Forum**
- 4. Adjourn the Joint City Council/Successor Agency to the Redevelopment Agency/
San José Diridon Development Authority.**

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.