



CITY COUNCIL AGENDA

AUGUST 26, 2014

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 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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 7)**

- * Pastor John Goldstein, Grace Evergreen 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.

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 August 26, 2014 as "Women's Equality Day" in the City of San José. (Herrera)

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.**

2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of August 6, 2014. (Mayor)
* **DEFERRED TO 9/9/14 PER RULES AND OPEN GOVERNMENT COMMITTEE**

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 **[Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2014-2015 for Completion of Projects.](#)**

Recommendation:

- (a) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
(1) Increase the Beginning Fund Balance by \$596,000; and
(2) Increase the Police Administration Building Security Upgrades appropriation to the Public Works Department by \$596,000.
- (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:
(1) Increase the Beginning Fund Balance by \$429,000; and
(2) Increase the The Alameda – A Plan for the Beautiful Way appropriation to the Department of Transportation by \$429,000.

(Item continued on the next page)

2. CONSENT CALENDAR

2.7 **Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2014-2015 for Completion of Projects. (Cont'd.)**

Recommendation:

(c) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Capital Fund:

- (1) Increase the Beginning Fund Balance by \$98,000; and
- (2) Increase the Nortech and Trimble Reservoir Rehabilitation appropriation to the Environmental Services Department by \$98,000.

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

2.8 **Stormwater Permit 2013-2014 Annual Report.**

Supplemental

* **Recommendation:** As recommended by the Transportation and Environment Committee on August 11, 2014:

- (a) Accept the update on the 2013 – 2014 Stormwater Permit Annual Report developed in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Water Act; and
- (b) Authorize certification and submittal of the 2013 – 2014 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements.

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Environmental Services)
[Transportation and Environment Committee referral 8/11/14 – Item C(1)]

2.9 **Amendment to the Parkland Agreement with Montecito Vista Project Owner, LLC for Planned Development.**

* **Recommendation:** Approve a [Second Amendment](#) to the Original Parkland Agreement with Montecito Vista Project Owner, LLC, formerly with ROEM Development Corporation, for Planned Development Permit PD06-062, associated with Tentative Map No. PT05-113 and Final Tract Map 9831 to revise Exhibit C – Fees and Credit Summary. CEQA: Goble Lane Mixed Use Development Project EIR, Resolution No. 72877, as addended. Council District 7. (Parks, Recreation and Neighborhood Services)

2.10 **Vacation of a Portion of Aiello Drive 600 Feet South of Umbarger Road.**

Recommendation: Adopt a [resolution](#) summarily vacating a portion of Aiello Drive 600 feet south of Umbarger Road. CEQA: Mitigated Negative Declaration, File No. PDC05-071. Council District 7. (Public Works)

2. CONSENT CALENDAR

2.11 [Agreement with Royston Hanamoto Alley and Abey for Various City Trail Projects.](#)

- * **Recommendation:** Approve the [continuation agreement](#) to the Master Agreement with Royston Hanamoto Alley and Abey for various City trail projects extending the term of the agreement from January 31, 2014 to December 31, 2014, in order to provide services for the Three Creeks Trail Master Plan project. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design to determine the feasibility of a project with no commitment to future action. Council District 6. (Public Works)

2.12 [2014 League of California Cities Resolution.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 20, 2014; approve a position to approve a resolution regarding illegal marijuana grow sites, to be considered at the Annual League of California Cities Conference to be held in Los Angeles, September 3 – 5, 2014. (City Manager)

- * [Rules Committee referral 8/20/14 – Item G(3)]

2.13 [Colombian Flag Raising.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 20, 2014:

- (a) Approve the Colombian Flag Raising as a City Council sponsored Special Event and approve the expenditure of city funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Khamis)

- * [Rules Committee referral 8/20/14 – Item G(4)]

2.14 [Azerbaijan Flag Raising.](#)

Recommendation: As recommended by the Rules and Open Government Committee on August 20, 2014:

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

CEQA: Not a Project. (Nguyen)

- * [Rules Committee referral 8/20/14 – Item G(6)]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 Open Government Legislation.

* **Recommendation:** As recommended by the Rules and Open Government Committee on August 6, 2014:

- (a) Approve the [ordinance](#) renaming Title 12 of the San José Municipal Code and adding a new Chapter 12.21 to codify Open Government provisions;
- (b) Adopt a [resolution](#) repealing the following City Council policies and resolutions, and consolidating these provisions into the “Consolidated Open Government and Ethics Resolution”:
 - (1) City Council Policy 0-32: Disclosure and Sharing of Material Facts and Communications Received During Council Meetings.
 - (2) City Council Policy 0-33: Public Records Policy and Protocol.
 - (3) City Council Policy 0-34: City Council Declaration of Conflict of Interest Policy.
 - (4) City Council Policy 0-35: Procurement and Contract Process Integrity and Conflict of Interest.
 - (5) Resolution No. 75091: Approving Sunshine Reform Task Force Phase II Recommendations (with some exceptions) as amended by the Rules and Open Government Committee and Directing Implementation on a Pilot Basis.
 - (6) Resolution No. 75140: Approving Certain Sunshine Reform Task Force Phase II Recommendations, as amended by the Rules and Open Government Committee and Directing Implementation on a Pilot Basis.
 - (7) Resolution No. 75292: Approving Certain Sunshine Reform Task Force Phase I and Phase II Recommendations and Directing Implementation on a Pilot Basis.
 - (8) Resolution No. 75978: Amending the Open Government Requirements as it Relates to Videotaping Certain Council Meetings.
- (c) Adopt a [resolution](#) amending the Council’s Rules of Conduct resolution to delete Rule 1.5, Closed Session Meetings, and Rule 6.5, Additional Rules of Procedure, which have been incorporated into the Consolidated Open Government and Ethics Resolution, making conforming and clarifying changes, and superseding Resolution No. 76475, the current Council Rules Resolution, dated October 23, 2012.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Open Government Legislation. (Cont'd.)

Recommendation:

- (d) Adopt a [resolution](#) amending the FY 2014-2015 Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish that there will be no charge for a response to a Public Records Act request in which the total duplication charges are less than \$5.
- (e) Direct staff to review the appropriate length of time to require retention of video recordings of the meetings of the City Council and Council Committees, and to modify record retention schedules accordingly.

CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (City Clerk/City Attorney/City Manager)

[Rules Committee referral 8/6/14 – Item G(2)]

3.4 [Ordinance Defining Certain City Council Decisions Impacting Specified Relationships as Conflicts of Interest.](#)

Recommendation: Approve an [ordinance](#) amending Title 12 of the San José Municipal Code to add a new Chapter 12.22 to define certain City Council decisions impacting specified relationship as conflicts of interest. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (City Attorney)

3.5 2014-2015 Council Priority Ordinances and Policy Initiatives Prioritization Process.

Recommendation: Discuss and direct staff regarding Priority Ordinances and Policy Initiatives, with priorities to be initiated as current top ten priorities are completed.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)

* **DEFERRED TO 9/9/14 PER ADMINISTRATION**

3.6 [Report on Request for Proposals for an Electronic Content Management System.](#)

* **Recommendation:**

- (a) Consider the appeal by RS Computer Associates, LLC regarding the Report on Request for Proposals for an Electronic Content Management System and adopt a resolution setting forth the decision of the City Council.
- (b) Accept the report on Request for Proposals for an Electronic Content Management System and adopt a resolution authorizing the City Manager to:
 - (1) Negotiate and execute an Agreement with M Squared Enterprises Inc., doing business as Tribloom Inc. (Palmer Lake, CO) for the purchase of an Electronic Content Management System to include software, installation, implementation, data migration, training and related professional services, six years software maintenance and support and one year of cloud hosting services, for an initial six-year term ending in the year 2021, with a maximum compensation not-to-exceed \$1,264,909;

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.6 Report on Request for Proposals for an Electronic Content Management System. (Cont'd.)

Recommendation:

- (b) (2) On an annual basis, either negotiate and execute five one-year options with Tribloom Inc., or contract with another provider, for cloud hosting services, with annual compensation not to exceed \$78,340 or \$391,700 for up to five years through the year 2021, subject to the appropriation of funds;
 - (3) Execute change orders to cover any unanticipated changes or requirements in the system design and implementation not to exceed \$123,459 (15% of first year compensation) as may be required, subject to the appropriation of funds; and
 - (4) After the initial six-year term, execute one-year options to extend services to provide ongoing software maintenance and technical support with Tribloom Inc., and with the cloud hosting services provider, subject to the annual appropriation of funds.
- (c) Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:
- (1) Establish a City-Wide appropriation to the Planning, Building, and Code Enforcement Department for the Development Fee Program Electronic Content Management System project in the amount of \$950,000; and
 - (2) Decrease the Development Fee Program Technology Reserve by \$950,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts.
(Finance/Planning, Building and Code Enforcement/City Manager)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Rezoning the Real Property Located on the Northwest Corner of North Market Street and West Saint James Street.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of North Market Street and West Saint James Street (201 North Market Street) from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.45 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner).
CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)
[C14-011](#) – District 3

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Rezoning the Real Property Located on the Northeast Corner of South 1st Street and East William Street.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the northeast corner of South 1st Street and East Williams Street (490 South 1st Street) from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.44 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)
C14-012 – District 3

4.3 [Rezoning the Real Property Located on the Southwest Corner of The Alameda and Cleaves Avenue.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the southwest corner of The Alameda and Cleaves Avenue (938 The Alameda) from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.54 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)
C14-013 – District 6

4.4 [Rezoning the Real Property Located on the West Side of South 1st Street, Approximately 250 Feet South of West San Carlos Street.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the west side of South 1st Street, approximately 250 feet south of West San Carlos Street (345 1st Street) from the DC Downtown Core Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.96 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)
C14-014 – District 3

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 [Rezoning the Real Property Located on the West Corner of South Market Street and Balbach Street.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the west corner of the South Market Street and Balbach Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 4.40 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)
C14-015 – District 3

4.6 [Rezonings of Certain Real Properties Located Within the General Area Bounded by Autumn Street, Park Avenue, and Caltrain Railroad Tracks.](#)

- * **Recommendation:** Consideration of four (4) ordinances rezoning from the LI - Light Industrial Zoning District to the PQP – Public/Quasi-Public Zoning District the following:
 - (a) The real property located at the southwest corner of West San Fernando Street and South Montgomery Street; [ordinance](#)
 - (b) The real property located at the southeast corner of West San Fernando Street and South Montgomery Street; [ordinance](#)
 - (c) The real property located in the area bounded by South Montgomery Street and South Autumn Street, approximately 350 feet north of Park Avenue; and [ordinance](#)
 - (d) The real property located at the northwest corner of South Montgomery Street and Park Avenue. [ordinance](#)CEQA: Diridon Station Area Plan EIR, Resolution No. 77096, and Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends approval. (Planning, Building and Code Enforcement)
C14-016/C14-017/C14-018/C14-019 – District 6

4.7 [Actions Related to the Construction Contract for the 5283 - Martin Park Expansion Project.](#)

Recommendation:

- (a) Report on bids and award of a construction contract for 5283 - Martin Park Expansion to the low bidder, Granite Rock Company, in the total amount of \$2,869,295 and approval of a fifteen percent contingency in the amount of \$430,395.
- (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund:
 - (1) Increase the Beginning Fund Balance by \$49,000;
 - (2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$790,000; and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.7 Actions Related to the Construction Contract for the 5283 - Martin Park Expansion Project. (Cont'd.)

Recommendation:

- (b) (3) Increase the Martin Park Expansion Project appropriation to the Parks, Recreation and Neighborhood Services Department by \$839,000.

CEQA: Mitigated Negative Declaration, File No. H06-017. Council District 3. (Public Works/Planning, Building and Code Enforcement/City Manager)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Airport Ground Transportation Program.](#) [Attachment – Memo from Councilmember Campos dated 4/2/14](#) [Memo from Councilmember Rocha](#)

* **Recommendation:**

- (a) As recommended by the Transportation and Environment Committee on August 11, 2014, accept staff's analysis of Councilmember Campos' memorandum dated April 2, 2014 regarding recommended changes to City and Airport taxicab permit procedures. [Supplemental dated 8/21/14](#)
[Transportation and Environment Committee referral 8/11/14 – Item D(1)]
- (b) Approve an amendment to the Agreement with Taxi San José to extend the term for Airport On-Demand Ground Transportation Management services for up to an additional six (6) month period, from October 1, 2014 to March 31, 2015, under the same terms and conditions as the previous contract.
[Supplemental dated 8/19/14](#)

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

TO BE HEARD LAST

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Emergency Drought Declaration.](#) [Supplemental](#) [Memo from Vice Mayor Nguyen, Councilmembers Liccardo, Chu, and Herrera](#)

Recommendation: Adopt a [resolution](#) declaring a water shortage of 20% citywide and direct staff of the City's Municipal Water System to implement Stage 1 of its Water Shortage Contingency Plan, which describes the City's Municipal Water System's actions in the event of a water shortage, to be in effect through April 25, 2015. CEQA: Exempt, File No. PP14-065. (Environmental 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>
10213	N/of Charlotte Dr., S/of Raleigh Rd.	2	Lennar Avenue One, LLC	114/99	SFD	Approve
10214	N/of Charlotte Dr., S/of Raleigh Rd.	2	Lennar Avenue One, LLC	59/53	SFD	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.

- **Adjournment**

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.