



CITY COUNCIL AGENDA

MARCH 30, 2010

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO, VICE MAYOR
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., 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**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) [See RDA Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 3)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

* **ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

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

* ADJOURNMENT: This meeting will be adjourned in memory of Raymond William McWard, Father of Jennifer Maguire, Budget Director. (City Manager's Office)

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing Boynton High School as a 2010 Model Continuation High School. (Constant)
 - 1.2 Presentation of a proclamation declaring the Month of March 2010 as “Women’s History Month” in the City of San José. (Herrera)
 - 1.3 Presentation of a commendation to the San José Giants for providing thousands of San José residents the opportunity to participate in affordable family entertainment and for winning the 2009 California League Championship. (Nguyen)
 - 1.4 Presentation of a proclamation declaring the March 30, 2010 as “Welcome Home Vietnam Veterans Day” in the City of San José. (Herrera/Nguyen)
- * (Rules Committee referral 3/24/10)

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 will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of February 2, 2010.](#)
- (b) [Economic Development Strategy Study Session Minutes of February 8, 2010.](#)
- (c) [Regular Minutes of February 9, 2010.](#)
- (d) [2010-2011 Budget Planning Study Session Minutes of February 16, 2010.](#)
- (e) [Regular Minutes of February 23, 2010.](#)
- (f) [Joint City Council/San José Financing Authority Minutes of February 23, 2010.](#)

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) [ORD. NO. 28727](#) – Rezoning certain real property situated at the northwest and southwest corners of Coleman Avenue and Newhall Drive, to A(PD) Planned Development Zoning District. PDC09-004
[Presentation](#)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of March 17, 2010. (Mayor)
- (b) [Public Safety, Finance and Strategic Support Committee Report of March 18, 2010.](#) (Nguyen)
- (c) [Rules and Open Government Committee Report of March 10, 2010.](#) (Mayor)

* [Deferred from 3/23/10 – Item 2.3(b)]

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Pyle from the Closed Session](#) and Regular Session of the City Council on March 16, 2010 due to illness. (Pyle)
(Rules Committee referral 3/17/10)
- (b) [Request for an excused absence for Councilmember Pyle from the Regular](#) Meeting of the Rules and Open Government Committee on March 17, 2010 due to illness. (Pyle)
(Rules Committee referral 3/17/10)
- (c) [Request for an excused absence for Councilmember Chu from the Regular](#) Meeting of the Neighborhood Services and Education Committee on April 8, 2010 due to Authorized City Business: League of California Cities Housing Policy Committee Meeting in Sacramento, CA. (Chu)
(Rules Committee referral 3/17/10)

2.5 City Council Travel Reports.

2.6 [Amendments to Banking Service Agreements with Union Bank of California and Wells Fargo Bank.](#)

Recommendation: Adopt a resolution authorizing the City Manager and the City Manager's authorized designees to negotiate and execute:

- (a) The Eleventh Amendment to the General Banking Services Agreement with Union Bank of California to increase the maximum annual compensation by \$141,500 from \$178,500, to an amount not to exceed \$320,000 to provide final banking and transition services from July 1, 2009 through June 30, 2010; and
- (b) The Second Amendment to the Agreements with Wells Fargo Bank for General Banking Services and Merchant Card Processing Services to decrease the maximum annual compensation by \$141,500 from \$715,500, to an amount not to exceed \$574,000 for the initial term through June 30, 2010, with no change in the total appropriation for banking services as approved by Council on June 23, 2009.

CEQA: Not a Project. (Finance)

2. CONSENT CALENDAR

2.7 [Accept Funds for Enforcing the California Health and Safety Code for Underground Storage of Hazardous Substances.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to sign and submit a Declaration for Acceptance of Funds, in the amount of \$200,000 in September 2012, from Final Judgment in the People of the State of California v. Equilon Enterprises LLC, et al for the enforcement of the California Health and Safety Code for Underground Storage of Hazardous Substances. CEQA: Not a Project. (Fire)

2.8 [Agreement for Signal Retiming Services.](#)

Recommendation: Approve a consultant [agreement](#) with Kimley-Horn and Associates, Inc. for signal timing services associated with the implementation of the Signal Retiming for San José Traffic Light Synchronization Project from the date of execution to June 30, 2011 in a total amount not to exceed \$678,000. CEQA: Resolution Nos. 60197 and 63179, File No. PP08-154. (Transportation)

2.9 [Agreement for Intelligent Transportation System Technology.](#)

Recommendation: Approve an agreement with Kimley-Horn & Associates, Inc. for intelligent transportation system technology consultant services for the Wide and Metropolitan Area Network Redesign, Installation, and Configuration from the date of execution to June 30, 2011, in a total amount not to exceed \$272,000. CEQA: Resolution No. 68905, File No. PP02-07-193. (Transportation)

2.10 [South Bay Information Sharing System Memorandum of Understanding.](#)

Recommendation: Adopt a resolution authorizing the City Manager and the Chief of Police to execute the [Memorandum of Understanding](#) between the Santa Clara County Sheriff's Office and the South Bay Region Node Member Agencies to establish the South Bay Information Sharing System. CEQA: Not a Project. (Police)

* (Rules Committee referral 3/24/10)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3. STRATEGIC SUPPORT SERVICES

3.2 Actions Related to the Silicon Valley Regional Interoperability Project and Proposed Joint Powers Agreement Structure.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 18, 2010:

- (a) Adopt a resolution:
 - (1) Making a determination that the public interests and necessity demand:
 - (a) The Silicon Valley Regional Interoperability Authority (SVRIA) acquire, construct, maintain, and operate the Silicon Valley Regional Interoperability Project (SVRIP) and the projects entered into pursuant to the SVRIA Joint Powers Agreement; and
 - (b) The SVRIA be empowered to exercise the power to issue revenue bonds.
 - (2) Authorizing the City Manager to execute SVRIA Joint Powers Agreement;
 - (3) Authorizing the City Manager to execute the Amendment to the Second Amended Joint Funding Agreement (JFA Amendment) to allow the Silicon Valley Regional Interoperability Project to transfer its assets to a joint powers authority; and
- (b) Recommend that the Mayor appoint two elected City officials and alternates to represent the City on the SVRIA Board of Directors.

(City Manager's Office)

* [Public Safety, Finance and Strategic Support Committee referral 3/18/10 – Item D(2)]
RECOMMEND DEFERRAL TO 4/20/10 PER ADMINISTRATION

3.3 Procurement Report and Proposed Amendments to Sections 4.12 and 4.16 of the Municipal Code to Streamline Procurements and the Disposition of Surplus Personal Property.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 18, 2010:

- (a) Accept the Procurement Report.
- (b) Direct the City Attorney to draft an ordinance amending the San José Municipal Code provisions with respect to:
 - (1) Council Appointees' contract authority:
 - (a) Include a Consumer Price Index for All Urban Consumers adjustment to automatically increase the contract approval authority limits every three years; and
 - (b) Include incidental services as part of the purchase of supplies, materials, and equipment.
 - (2) The procurement of goods and services:
 - (a) Change the protest procedures for purchases under \$100,000;
 - (b) Allow for an online formal bid procedure, including a reverse auction process to purchase goods and services;

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Procurement Report and Proposed Amendments to Sections 4.12 and 4.16 of the Municipal Code to Streamline Procurements and the Disposition of Surplus Personal Property. (Cont'd.)

Recommendation:

- (b) (2) (c) Expand the conditions for cooperative purchases to include non-profit organizations that are made up of multiple public agencies in California or elsewhere;
- (d) Establish that the list of required award factors used in requests for quotes and requests for proposals is subject to revision by the Director of Finance, on a case-by-case basis, if it is determined that it is in the best interest of the City to do so;
- (e) In formal bidding, allow award of contract to more than one bidder when exact quantities and or delivery dates are unknown; and
- (f) For Request for Quotes (RFQ) and formal Request for Proposals (RFP) allow award of contract to more than one proposer when such action is in the best interest of the City.
- (3) Unclaimed and Surplus Personal Property:
 - (a) Streamline the noticing requirements for bids of surplus personal property; and
 - (b) Raise the threshold requiring the sale of surplus personal property by sealed bid or auction from \$400 to \$1,000.

(Finance)

* [Public Safety, Finance and Strategic Support Committee referral 3/18/10 – Item D(5)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Public Hearing on Five Year Consolidated Plan 2010-2015, Annual Action Plan FY 2010-2011 for Federal Housing and Community Development Funding and Analysis of Impediments to Fair Housing Choice.](#)

[Supplemental – Memo from the Director of Housing](#)

[Attachment – Draft Consolidated Plan](#)

[Attachment – Draft Analysis of Impediments](#)

[Presentation](#)

Recommendation: Conduct a Public Hearing on the draft Consolidated Plan - Five Year Plan 2010–2015 and Annual Action Plan FY 2010-2011, which is required by the U.S. Department of Housing and Urban Development in order to receive federal housing and community development funding, and announce that as of March 22, 2010, the draft Consolidated Plan and its associated Analysis of Impediments to Fair Housing Choice are available to the public for review and comment. CEQA: Not a Project. (Housing)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Direction on Municipal Regulations and Enforcement Pertaining To Medicinal Use of Cannabis.](#)

[Attachment – Memo from the Mayor](#)

[Supplemental – Memo from the City Attorney and Chief of Police](#)

[Attachment – Memo from Councilmember Oliverio](#)

[Attachment – Memo from Councilmember Oliverio](#)

Recommendation: As referred by the Rules and Open Government Committee on January 27, 2010, accept reports providing an overview of current Municipal Code provisions and enforcement policies as they relate to the issue of cultivation, possession and distribution of cannabis for medicinal purposes and provide direction on any further municipal regulations or enforcement guidelines on this topic. (City Attorney's Office/Police)

* **TO BE HEARD LAST**

5. NEIGHBORHOOD SERVICES

5.1 [Community Center Reuse Update and RFP Recommendations.](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Attachment – Memo from Councilmembers Campos and Kalra](#)

[Supplemental – Memo from the Director of PRNS](#) [Presentation](#)

* **Recommendation:** As referred by the Neighborhood Services and Education Committee on March 11, 2010, accept the Reuse Update and approve Administration's recommendations:

- (a) Remove three facilities (St. James Senior Center, Capitol Park/Goss Neighborhood Center, and Hank Lopez Community Center) from the approved 2009-2010 Community Center Reuse list and transfer to other City uses.
- (b) Adopt a [resolution](#) authorizing the City Manager to demolish the St. James Senior Center and convert to parkland consistent with the November 2002 St. James Park Master Plan Update. CEQA: Exempt, File No. PP02-108.
- (c) Adopt a [resolution](#) authorizing the City Manager to negotiate and execute an agreement with the Community Child Care Council of Santa Clara County (4Cs) for a term of up to five years as lead service provider for the JTS Northside Community Center consistent with the proposal submitted by 4Cs in response to the City's Reuse Request for Proposal (RFP) issued on December 23, 2009 that shall include provisions for teen, senior, and veteran's services. If negotiations are unsuccessful, authorize the City Manager to negotiate and execute an agreement per Recommendation #d.
- (d) Adopt a [resolution](#) authorizing the City Manager to continue to solicit, negotiate, and execute agreements with viable service providers for the Los Paseos Youth Center and the Alma Youth/Senior Center utilizing existing Council-approved policies including, but not limited to, Council Policy 7-1 (Below Market Lease), Council Policy 7-12 (Reuse Policy), and/or because the RFP process failed to elicit acceptable proposals for these two facilities, enter into direct negotiations on a sole-source basis for these two facilities. If unsuccessful, facility closures would occur on June 30, 2010.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 3/11/10 – Item D(3)]

5. NEIGHBORHOOD SERVICES

5.2 Reduce Citywide Aquatics Program.

Recommendation: Approve the recommendation to reduce the Citywide Aquatics Program to operate during the 2010 Summer only at Camden and Mayfair Community Centers. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

* **RECOMMEND DEFERRAL TO 4/6/10 PER ADMINISTRATION**

5.3 [Audit of Community Center Staffing.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 18, 2010, accept the Audit of Community Center Staffing. (City Auditor)

* [Public Safety, Finance and Strategic Support Committee referral 3/18/10 – Item D(7)]

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Amendments to Solid Waste Service Agreements.](#) [Supplemental – Memo from the Director of ESD](#) [Conflict of Interest Form – Councilmember Chu](#) [Presentation](#)

* **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate contract amendments as follows:
- (1) Amend the Residential Recycle Plus Services Agreements to extend the term of the Agreement with GreenWaste Recovery, Inc. for Citywide yard waste collection and processing, residential street sweeping, and multi-family dwelling solid waste processing services; and GreenTeam of San José for District B and multi-family solid waste collection and processing services through June 30, 2015; to enhance services; and to modify the compensation provisions.
 - (2) Exercise the option to extend the Recycle Plus Services Agreements with California Waste Solutions and Garden City Sanitation for an additional two years to June 30, 2015, and to negotiate and execute amendments to these Agreements for enhanced services and modified compensation.
 - (3) Exercise the option to extend the Agreement with GreenWaste Recovery, Inc. for Neighborhood Clean-Up Services in Recycle Plus Collection Districts A and C for an additional two years to June 30, 2015, and amend the Agreement to include enhanced services and modified compensation.
 - (4) Amend the Agreement with GreenWaste Recovery, Inc. for Public Litter Can Solid Waste Collection Services Citywide to extend the maximum term for an additional four years to June 30, 2015; to modify the compensation; and to make technical adjustments to Agreement terms.

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Amendments to Solid Waste Service Agreements. (Cont'd.)

* **Recommendation:**

- (a) (5) Amend the Agreement with GreenTeam of San José for Integrated Collections at City Facilities to extend the term an additional 30 months to expire June 30, 2015; to modify the compensation; and to make technical adjustments to the Agreement terms.
- (b) In the alternative, if the Council decides to not engage in a competitive procurement, adopt a resolution authorizing the City Manager to negotiate new solid waste collection agreements with the existing contractors for a term of eight years through June 30, 2021, and include as part of this direction that:
 - (1) During the negotiation and until the Administration returns to Council with the proposed agreements, all contact between the existing contractors and the City must be directed to the Administration staff designated for negotiations and all inquiries to staff, elected officials and consultants must be referred to the designated staff;
 - (2) Require contractors to provide an option for billing, customer service and remittance processing services; and
 - (3) Return to Council in June 2010 with two-year extension amendments for Council consideration if the Administration and the contractors are unable to agree on proposed terms for service through June 30, 2021.

CEQA: Not a Project. (Environmental Services)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

- 9.1 [Redevelopment Agency Housing Set-Aside Tax Allocation Bonds. Supplemental – Memo from the City Manager and the Director of the RDA](#)
[Supplemental – Memo from the City Manager and Director of the RDA](#)

* **Recommendation:**

- (a) Holding of a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing by the City in connection with the 2010A Bonds relating to certain affordable housing projects identified in Exhibit A. **(Hearing Held on 3-23-10)**

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Redevelopment Agency Housing Set-Aside Tax Allocation Bonds. (Cont'd.)

Recommendation:

- (b) Adoption of a [resolution](#) of the Redevelopment Agency Board:
- (1) Authorizing the issuance of the following series of Redevelopment Agency of the City of San Jose Merged Area Redevelopment Project housing set-aside tax allocation bonds:
 - (a) Housing Set-Aside Tax-Exempt Refunding Tax Allocation Bonds, Series 2010A in an amount not to exceed \$57,000,000 (the “2010A Bonds”);
 - (b) Housing Set-Aside Taxable Tax Allocation Bonds, Series 2010B in an amount not to exceed \$15,000,000 (the “2010B Bonds”); and
 - (c) Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C in an amount not to exceed \$93,000,000 (the “2010C” Bonds and collectively with the 2010A Bonds and 2010B Bonds, the “Bonds”).
 - (2) Approving in substantially final form the Bonds, [Eighth Supplemental Fiscal Agent Agreement](#), [Subordinate Fiscal Agreement](#), a [Continuing Covenant Agreement](#) supplementing the Subordinate Fiscal Agreement, a [Bond Purchase Agreement](#) relating to the 2010A and 2010B Bonds, one or more [Continuing Disclosure Agreements](#), a [preliminary Official Statement](#) relating to the 2010A and 2010B Bonds; authorizing the Agency’s Executive Director and Chief Financial Officer to execute and, as appropriate, negotiate these documents and other related documents as necessary, after consultation with Bond Counsel and the Financial Advisor for the Bonds;
 - (3) Authorizing the Agency’s Executive Director and Chief Financial Officer, and their designees, to take all necessary actions in connection with the issuance of the Bonds, and;
 - (4) Authorizing the Agency General Counsel to negotiate and execute an agreement with Hawkins, Delafield & Wood LLC, for a total amount not to exceed \$270,000 for Bond Counsel and Disclosure Counsel fees.
- (c) Adoption of a [resolution](#) of the City Council:
- (1) Approving the issuance of the Bonds by the Redevelopment Agency; approving the execution and delivery of one or more tax regulatory agreements; and making a finding pursuant to Redevelopment Law that the Merged Area will benefit from the projects located outside of the Merged Area that are financed or refinanced by the Bonds;
 - (2) Authorizing the City Manager and her designees to take all necessary actions in connection with issuance of the Bonds, and;
 - (3) Certifying that a TEFRA hearing was held in accordance with applicable federal regulations.

CEQA: Exempt, File No. PP10-058. (City Manager’s Office/ Redevelopment Agency)

* (Deferred from 3/23/10 – Item 9.3)

- **Open Forum**

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

- **Adjournment**

* This meeting will be adjourned in memory of Raymond William McWard, Father of Jennifer Maguire, Budget Director. (City Manager's Office)

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda 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.