



CITY COUNCIL AGENDA

APRIL 15, 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. 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
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 4)**
 - * Associate Pastor Sheila Robinson, Bible Way Christian 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.

- **Orders of the Day (Cont'd.)**

ADJOURNMENT: This meeting will be adjourned in memory of Steve French, who passed away on February 4, 2014. He was a noted visual artist, a scholar of the arts, and an esteemed member of the San José arts community who will be greatly missed.
(Liccardo)

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to WomenNow TV for their commitment to providing the community with a wide range of women's perspectives on health, careers, politics, fashion, entertainment, cuisine, parenting, finance and other global issues that pertain to India and South Asia. (Chu/Kalra)
TO BE HEARD IN THE EVENING
- 1.2 Presentation of a proclamation recognizing the Week of April 14-18, 2014 as "Dispatcher Week" in the City of San José in honor of the San José Police and Fire Public Safety Dispatchers who serve 24 hours a day, 365 days a year, helping those in need of emergency assistance. (Fire)
- 1.3 Presentation of a commendation to Snigdha Banda and her volunteer program, Science For Future, for promoting STEM education among low-income students in the Alum Rock Unified School District. (Herrera)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a proclamation recognizing the Week of April 13-19, 2014 as "National Library Week" in the City of San José. (Library)
- 1.5 Presentation of commendations to City Department teams that were recipients of the Silicon Valley Leadership Group Red Tape into Red Carpet awards. (Mayor)
- 1.6 Presentation of a commendation to Willow Glen High School Mock Trial Team as the 2014 Santa Clara County Mock Trial Champions. (Oliverio)
TO BE HEARD IN THE EVENING

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.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of December 3, 2013.](#)
- (b) [Regular Minutes of December 10, 2013.](#)
- (c) [Joint Council/San José Financing Authority Minutes of December 10, 2013.](#)
- (d) [Regular Minutes of December 17, 2013.](#)

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 March 19, 2014.](#) (Mayor)
- (b) Rules and Open Government Committee Report of March 26, 2014. (Mayor)

*

DEFERRED TO 4/22/14 PER CITY CLERK

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an [excused absence](#) for Councilmember Constant from the Closed Session and Regular Meeting of the City Council on March 25, 2014 due to mandatory court appearance. (Constant)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Ordinance Permitting Operation of Small Model Warships.](#)

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Recommendation: Approve an [ordinance](#) amending Section 10.32.140 of Chapter 10.32 of Title 10 and Section 13.44.200 of Chapter 13.44 of Title 13 of the San José Municipal Code to permit the operation of model warships armed with low-velocity gas or compressed-air projectile launchers at times and locations designated by the City. CEQA: Exempt, File No. PP14-032. (City Attorney)

2. CONSENT CALENDAR

2.8 [Extension of Suspension of Gate Fees for Outdoor Special Events.](#)

- * **Recommendation:** Adopt a [resolution](#) authorizing the City Manager to extend the suspension of the collection of gate fees for ticketed outdoor special events effective July 1, 2014 through June 30, 2016. CEQA: Not a Project, File No. PP10-067(a), Adjustment to Fee, Rates or Fares. (Economic Development)

2.9 [Report on Bids and Award of Contract for 7407 – BNR-2 Clarifiers Guardrail Replacement.](#)

Recommendation:

- (a) Award of a construction contract for the 7407 - BNR-2 Clarifiers Guardrail Replacement to the low bidder, Tucker Construction, Inc., in the amount of \$320,793; and
 - (b) Approve a contingency in the amount of \$32,100.
CEQA: Exempt, File No. PP13-039. (Environmental Services)
- * **DEFERRED TO 4/22/14 PER ADMINISTRATION**

2.10 [Report on Bids and Award of Construction Contract for 7157 – Digester Gas Storage Replacement Project.](#)

- Recommendation:** Report on bids and award of a construction contract for 7157 – Digester Gas Storage Replacement Project to the low bidder, Anderson Pacific Engineering Construction Inc., for the base bid and Add Alternate No. 1 in the amount of \$1,825,100, and approval of a ten percent contingency in the amount of \$182,510. CEQA: Exempt, File No. PP13-086. (Environmental Services)
- * **DEFERRED TO 4/22/14 PER ADMINISTRATION**

2.11 [Agreement with Neil O. Anderson & Associates, Inc. for Architectural Engineering Design Consultant Services for Pool Facilities.](#)

- * **Recommendation:** Approve a [Master Agreement](#) with Neil O. Anderson & Associates, Inc. for design services, including preparation of architectural, civil, mechanical, electrical, and landscape architectural design and construction documents for capital projects for a term from the date of execution through June 30, 2017, in an amount not to exceed \$500,000. 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. (Public Works)

2.12 [Project Contingency for the 2013 Slurry Seal Project.](#)

Recommendation: Approve an increase in the project contingency for the 2013 Slurry Seal Project in the amount of \$50,000, from \$58,632 to a total contingency amount of \$108,632, and a total contract amount from \$1,172,635 to \$1,281,267. CEQA: Exempt, File No. PP11-035. (Transportation)

2. CONSENT CALENDAR

2.13 [Councilmembers Visit to State Legislators.](#)

Recommendation: As recommended by the Rules and Open Government Committee on April 9, 2014, approve sending Councilmembers to Sacramento to meet with State Legislators. (Kalra)

* [Rules Committee referral 4/9/14 – Item G(3)]

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 [Revisions to Title 12 and the Regulations and Procedures of the San José Ethics Commission.](#)

* **Recommendation:** As recommended by the Rules and Open Government Committee on April 2, 2014:

- (a) Approve an [ordinance](#) of the City of San José amending Chapter 12.04 of Title 12 of the San José Municipal Code relating to the San José Ethics Commission and amending Section 12.16.040 of Chapter 12.16 of Title 12 to make a technical correction to the date to file disclosure reports for fundraising solicitations by elected City officials on a quarterly basis; and
- (b) Adopt a [resolution](#) revising the regulations and procedures of the San José Ethics Commission, and repealing Resolution No. 75640, which sets forth the current regulations and procedures for the San José Ethics Commission’s investigations and hearings.

CEQA: PP10-068(c), Code or Policy change involving no physical changes to the environment. (City Clerk/City Attorney)

[Rules Committee referral 4/2/14 – Item G(12)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Lease Agreement for United States Federal Government for Regional Patent and Trademark Office.](#)

[Memo from Mayor Reed](#)

Recommendation:

- (a) Conduct a Public Hearing regarding an economic development subsidy in connection with a below-market-rate lease with the U.S. Government, pursuant to California Government Code Section 53083; and
- (b) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a below-market-rate lease with the U.S. Government for the operation of a regional patent and trademark office to be located in approximately 35,194 square feet of space in the City Hall Wing.

CEQA: Exempt, File No. PP14-031. Council District 3. (Economic Development/ Public Works)

* **TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS**

4.2 [TEFRA Hearings for the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds by California Statewide Communities Development Authority for the Charlotte Drive Apartments and Lexington Apartments Projects.](#)

* **Recommendation:**

- (a) Conduct a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Public Hearing for the issuance of up to \$38,000,000 in tax-exempt private-activity bonds by the California Statewide Communities Development Authority (“CSCDA”) for the new construction of the proposed 200-unit Charlotte Drive Apartments located at 5600 Charlotte Drive by ROEM Development Corporation or by its related legal entity (“ROEM”);
- (b) Conduct a TEFRA Public Hearing for the issuance of up to \$26,000,000 of tax-exempt private-activity bonds by CSCDA for the new construction of the proposed 134-unit Lexington Apartments located at the Northeast corner of Lexington Avenue and Great Oaks Parkway by ROEM; and
- (c) Adopt a [resolution](#) approving the issuance of Tax-Exempt Revenue Bonds by CSCDA in an aggregate principal amount not to exceed \$64,000,000 to be used by ROEM to finance the construction of Charlotte Drive Apartments and Lexington Apartments and to pay certain expenses incurred in connection with the issuance of the bonds.

CEQA: Not a Project, File No. PP10-069, Organizational and Administrative Activities. Council District 2. (Housing/Finance)

5. NEIGHBORHOOD SERVICES

5.1 [Audit of Library Hours and Staffing.](#)

- * **Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on March 20, 2014, accept the Audit of Library Hours and Staffing. CEQA: PP10-069(a), Staff Reports. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 3/20/14 – Item D(5)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Request for Installation of All-Way Stop Signs at the Intersection of Di Salvo Avenue and Bailey Avenue.](#)

Recommendation: Conduct a Public Hearing pursuant to Section 11.18.060 of the San José Municipal Code and adopt a resolution to affirm the decision of the Appeals Hearing Board to uphold the denial by the Department of Transportation of the request for installation of all-way stop signs at the intersection of Di Salvo Avenue and Bailey Avenue located in the City of San José. CEQA: Exempt, File No. PP10-113. Council District 6. (Transportation)

TO BE HEARD IN THE EVENING

6.2 [Communication and Outreach Plan for the Santa Clara/Alum Rock Bus Rapid Transit Project.](#)

Recommendation: As recommended by Transportation and Environment Committee on April 7, 2014:

- (a) Accept the report and presentation on Santa Clara/Alum Rock Bus Rapid Transit Project; and
- (b) Adopt the [resolution](#) approving the Santa Clara Valley Transportation Authority's *Project Communication and Outreach Plan* for the Santa Clara/Alum Rock Bus Rapid Transit Project and authorizing the Director of Public Works to approve changes, updates and modifications to the *Plan* as necessary.

CEQA: Exempt, File No. PP13-075. (Transportation/Public Works)

- * [Transportation and Environment Committee referral 4/7/14 – Item D(5)]

TO BE HEARD IN THE EVENING

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Report on Bids and Award of Contract for 6998 – Fire Main Replacement – Phase III Project.](#)

Recommendation:

- (a) Report on bids and award of construction contract for 6998 – Fire Main Replacement – Phase III Project to the lowest responsive bidder, Stoloski & Gonzalez, Inc., for the base bid in the amount of \$1,572,870, and approval of a 10 percent contingency in the amount of \$157,290;
- (b) Adopt the following 2013-2014 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:
 - (1) Decrease the Plant Infrastructure Improvements appropriation to the Environmental Services Department in the amount of \$400,000; and
 - (2) Increase the Treatment Plant Fire Main Replacement appropriation to the Environmental Services Department in the amount of \$400,000.

CEQA: Exempt, File No. PP13-098. (Environmental Services/Public Works/City Manager)

* **DEFERRED TO 4/22/14 PER ADMINISTRATION**

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.
- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- * (a) Consideration of an [ordinance](#) rezoning the real property located on the south side of Turturici Way, approximately 1,200 feet northeast of Turturici Court (6788 San Felipe Road) from the A – Agricultural Zoning District and a portion of one parcel in the A(PD) Planned Development Zoning District to the R-1-2 Single-Family Residence Zoning District on a 3.13 gross acre site (Juventino and Adela Castaneda, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)
[C13-057](#) – District 8

- * (b) Consideration of an [ordinance](#) rezoning the real property located on the east side of Klein Road, approximately 160 feet southerly of Murillo Avenue (2510 Klein Road) from the A - Agricultural Zoning District to the R-1-5 Single-Family Residence Zoning District on an approximately 0.47 gross acre site (Manix, Kana and Diana, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution. No. 76041. (Planning, Building and Code Enforcement)
[C13-058](#) – District 8

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 [Rezoning the Real Property Located on the Northeast Corner of Lorraine Avenue and South Montgomery Street.](#)

[Memo from Councilmember Liccardo](#)

* **Recommendation:**

(a) Consideration of and vote on a Majority Protest to Rezoning C13-042 filed pursuant to Part 5 of Chapter 20.120 of the City's Zoning Code to protest a rezoning to the DC - Downtown Primary Commercial Zoning District on a 0.102 gross acre site located on the northeast corner of Lorraine Avenue and South Montgomery Street (565 Lorraine Avenue).

Please note: Approval of this item requires 8 or more affirmative votes (2/3)

(b) Consideration of an [ordinance](#) rezoning the real property located on the northeast corner of Lorraine Avenue and South Montgomery Street (565 Lorraine Avenue) from the LI – Light Industrial Zoning District to the DC – Downtown Core Zoning District on a 0.102 gross acre site (Solari James Trustee, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends denial (5-1-1). (Planning, Building and Code Enforcement)

[C13-042](#) – District 3

(Deferred from 12/17/13 – Item 4.5)

11.3 [Rezoning the Real Property Located on the North Side of Blossom Hill Road, Approximately 1000 Feet Easterly of Snell Avenue.](#)

[Supplemental](#)

[Memo from Councilmember Kalra from March 18, 2014](#)

[Conflict of Interest for Councilmember Khamis](#)

* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the north side of Blossom Hill Road, approximately 1000 feet easterly of Snell Avenue (393-397 Blossom Hill Road), from the A(PD) Planned Development Zoning District to the CN - Commercial Neighborhood Zoning District on a 0.45 gross acre site (Santa Teresa Physicians Med Bldg Ltd and The Health Trust, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)

[C13-054](#) – District 2

(Deferred from 3/11/14 – Item 4.4 and 3/18/14 – Item 11.6)

11.4 **Rezoning the Real Property Located on the South Side of Balbach Street, 100 Feet East of Almaden Avenue.**

* **Recommendation:** Consideration of an ordinance rezoning the real property located on the south side of Balbach Street, 100 feet east of Almaden Avenue (110, 120, 150, 158, 160, 166, 172, 180 Balbach Street) from the A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a mixed-use development with 101 unit multifamily residential units, a 1405 square foot retail space, and an underground parking facility on an approximately 1.5 gross acre site (Balbach Street Properties LLC, Owner). CEQA: Addendum to Downtown Strategy 2000 EIR, Resolution No. 72767. (Planning, Building and Code Enforcement)

[PDC13-027](#) – District 3

(Deferred from 3/18/14 – Item 11.3)

DEFERRED TO 5/20/14 PER ADMINISTRATION

11. PUBLIC HEARINGS

11.5 [Rezoning the Real Property Located on the Northwest Corner of North Almaden Boulevard and West Saint John Street.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of North Almaden Boulevard and West Saint John Street (143 North Almaden Boulevard) from the LI-Light Industrial Zoning District to the DC-Downtown Primary Commercial Zoning District on a 0.74 gross acre site (One Pal Properties, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)
C13-038 – District 3

11.6 [Rezoning the Real Property Located on the Northwest Corner of Highway 237 and North First Street.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of Highway 237 and North First Street (4305 North 1st Street) from the A(PD) Planned Development Zoning District to the CIC - Combined/Industrial Commercial Zoning District on a 3.5 gross acre site (237 North 1st Street Investors LLC, Owner). CEQA: Envision San José 2040 General Plan EIR, Reso. No. 76041. (Planning, Building and Code Enforcement)
C14-010 – District 4

- **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 receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10213	East of Charlotte Dr. & Charlotte Commons Park between Raleigh Rd. and Highway 85 ROW	2	Lennar Homes	2 Lots to 9 Roadway Parcels, 1 Common Area & 99 Units	SFD/SFA
10214	East of Charlotte Dr. & Charlotte Commons Park between Raleigh Rd. and Highway 85 Row	2	Lennar Homes	2 Lots to 5 Roadway Parcels, 1 common Area, & 54 Units	SFD/SFA
10241	2577 Fallingtree Drive North of Fallingtree Drive & West of Capitol Avenue	4	JG Building LLC	1 Lot to 7 Lots	SFD

- **Open Forum**

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

- **Adjournment**

This meeting will be adjourned in memory of Steve French, who passed away on February 4, 2014. He was a noted visual artist, a scholar of the arts, and an esteemed member of the San José arts community who will be greatly missed. (Liccardo)

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.