



CITY COUNCIL AGENDA

MAY 13, 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 5)**
Sikh Guadwara Sahib

- **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 Naranji Patel.
(Khamis/Kalra)

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 the month of May 2014 as “Older American Month” in the City of San José. (Constant)

1.2 Presentation of a proclamation declaring the second week of May 2014 as “National Women’s Lung Health Week” in the City of San José. (Herrera)
TO BE HEARD IN THE EVENING

1.3 Presentation of a commendation to HomeFirst in providing shelter to more than 5,600 community members annually including veterans, families, and youth for more than 20 years. (Nguyen)

1.4 Presentation of a commendation for teachers who have received National Board Certification. (Liccardo)

* (Rules Committee referral 5/7/14)

TO BE HEARD IN THE EVENING

1.5 Presentation of commendation to Sikh Guadwara Sahib for their work in the community, including the distribution of over 1,000 meals a week for those in need. (Campos)

* (Rules Committee referral 5/7/14)

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 January 14, 2014.](#)

(b) [Regular Minutes of January 28, 2014.](#)

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- * (a) [ORD. NO. 29408](#) – Amending Title 4 of the San Jose Municipal Code to amend Chapter 4.86 to extend the use tax allocation incentive under the Business Cooperation Program for an additional five years through October 15, 2019, and extending its application to businesses that establish points of sale in San José by changing their business operations for business-to-business transactions.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of April 23, 2014](#). (Mayor)
 - (b) [Community and Economic Development Committee Report of April 28, 2014](#). (Herrera)
 - (c) [Committee on Economic Competitiveness Report of April 7, 2014](#). (Mayor)
 - (d) [Public Safety, Finance, and Strategic Support Committee Report of April 17, 2014](#). (Constant)
- * [Deferred from 5/6/14 – Item 2.3(d)]

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 [Appointment of City Staff Member as Alternate to the Implementation Board of the Santa Clara Valley Habitat Agency](#).

Recommendation: Adopt a [resolution](#) appointing Jason Rogers, Division Manager, to serve as the non-elected alternate member on the Implementation Board. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)

2.8 [District 1 Candidate Forum](#).

Recommendation: As recommended by the Rules and Open Government Committee on May 7, 2014:

- (a) Approve the District 1 Candidate Forum as a City Council sponsored Special event scheduled for May 10, 2014 and approve the expenditure of funds; and
 - (b) Approve and accept donations from various individuals, businesses or community groups to support the event.
- CEQA: Not a Project. (Constant)
- * [Rules Committee referral 5/7/14 – Item G(2)]

2. CONSENT CALENDAR

2.9 [June 3, 2014 California Primary Election Ballot – Proposition 41 and 42.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 7, 2014, approve the recommended City positions for Propositions 41 and 42 on the June 3, 2014 California Primary Election Ballot.

<u>Propositions</u>	<u>Recommended City Position</u>
Proposition 41 – Veterans Housing and Homeless Prevention Board Act of 2014	Support
Proposition 42 – Public Records. Open Meetings. State Reimbursement to Local Agencies. Legislative Constitutional Amendment.	Support

(City Manager)

* [Rules Committee referral 5/7/14 – Item G(4)]

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 Actions Related to the Agreement with Google Fiber for Future Installation of Google Fiber Network.

Recommendation:

- (a) Accept status report on the City's efforts to submit information requested by Google Fiber for its consideration of selecting San José for the future installation of a Google Fiber network; and
- (b) Adopt a resolution authorizing the City Manager or his designee to execute a master Network Hut License Agreement with Google Fiber, and to execute Network Hut Site Terms thereunder for individual sites following City Council approval of such individual sites.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)
(Deferred from 4/29/14 – Item 3.4 and 5/6/14 – Item 3.3)

* **DEFERRED TO 5/20/14 PER ADMINISTRATION**

3. STRATEGIC SUPPORT SERVICES

3.4 Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year 2014-2015 Including the Proposed Departmental Fees and Charges for the City of San José.

Recommendation: Conduct a Public Hearing on the [City's Proposed Operating and Capital Budgets for the Fiscal Year 2014 -2015](#), the [Proposed Five-Year Capital Improvement Program for 2015-2019](#), and the [Proposed Fees and Charges Report](#) for the Fiscal Year 2014-2015. (City Manager)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Agreement with Prospect Silicon Valley for the Sublease of San José Environmental Innovation Center.

* **Recommendation:**

- (a) Conduct a Public Hearing concerning an economic development subsidy to be provided to Prospect Silicon Valley or "Prospect SV," in connection with a below-market lease, pursuant to California Government Code Section 53083; and
- (b) Adopt a resolution authorizing the City Manager, or his designee, to execute a below-market sublease, for an initial term of five (5) years, plus two (2) three (3) year extension options, with Prospect SV, for approximately 23,492 square feet of space in real property located at 1608 Las Plumas Avenue, known as the San José Environmental Innovation Center, or "EIC," for purposes of operating a clean technology demonstration center.

CEQA: Negative Declaration for the San José Environmental Innovation Center, File No. PP09-138. (Economic Development)
(Deferred from 5/6/14 – Item 4.1)

* **DEFERRED TO 6/3/14 PER ADMINISTRATION**

4.2 [Actions Related to the Agreement with San José Fairmont Lessee, LLC for Catered Event Management Services.](#)

Recommendation: Adopt resolutions:

- (a) Authorizing the City Manager to negotiate and execute a continuation agreement to the Catering Management Services Agreement at the Fourth Street Garage Banquet Center with San José Fairmont Lessee, LLC, the successor in interest to Light Tower Associates, L.P. (aka the Fairmont) for an additional term through May 14, 2014, and making other changes thereto including but not limited to reducing the minimum guarantee due the City for the additional term from \$212,000 to \$101,200, and reducing the minimum guarantee currently owed the City for the term that expired on February 28, 2013, by an amount not to exceed \$36,125;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Actions Related to the Agreement with San José Fairmont Lessee, LLC for Catered Event Management Services. (Cont'd.)

Recommendation:

- (b) Authorizing the City Manager to negotiate and execute an agreement with the San José Fairmont Lessee, LLC as the exclusive contractor to provide catering management services at the Fourth Street Garage Banquet Center and City Hall, for a term of two years, with the option of up to four additional two-year terms at the City's discretion, commencing on May 15, 2014; and
- (c) Revising the Schedule of Fees for Use of City Hall and the Plaza and superseding section 3C, 3H, 3I, 4A(2d), 4G, and 4H in Resolution No. 75379, to be effective May 15, 2014. [Resolution](#)

CEQA: Not a Project, File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. Council District 3. (Public Works)
(Deferred from 5/6/14 – Item 4.2)

4.3 [Public Hearing on the Reorganization/Annexation of Alum Rock No. 15.](#)

Recommendation: Conduct a Public Hearing and consider the adoption of a [resolution](#) ordering the Reorganization/Annexation to the City of San José of an approximately 1.78 gross acre County pocket consisting of 2 parcels located on the south side of Alum Rock Avenue, approximately 150 feet east of Sunnyslope Avenue. Implementation of the annexation would result in the detachment of properties within the annexation area from County Sanitation District No. 2-3, Central Fire Protection, Lighting, and Area No. 01 (Library Services) County Service (Nancy Le, Owner). CEQA: Exempt, File No. PDC11-008. Council District 5. (Planning, Building and Code Enforcement)

4.4 [Proposed Formation of Zone C \(Innovation Drive\) in Maintenance District 19 \(River Oaks Area Landscaping\).](#)

Recommendation: Conduct a Public Meeting to receive public comment on the proposed formation of Zone C (Innovation Drive) in Maintenance District 19 (River Oaks Area Landscaping). CEQA: North San José Development Policy Update EIR, Resolution No. 72768. Council District 4. (Public Works)

4.5 [Intent to Form Community Facilities District No. 15.](#)

Recommendation: Adopt a [resolution](#) of intention to form Community Facilities District No. 15 (Berryessa - Sierra) to:

- (a) Authorize the levy of a special tax pursuant to the City of San José Community Facilities District Financing Procedure;
- (b) Set a Public Hearing on June 17, 2014 at 1:30 p.m. regarding the formation of the District; and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Intent to Form Community Facilities District No. 15. (Cont'd.)

Recommendation:

- (c) Hold an Election immediately following the close of the public hearing and authorize other related actions.

CEQA: San José Flea Market EIR (File No. PDC03-108), Resolution No. 73956.
Council District 4. (Public Works)

5. NEIGHBORHOOD SERVICES

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)

(Deferred from 4/15/14 – Item 6.1)

TO BE HEARD IN THE EVENING

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Setting Commercial Solid Waste Customer Service Rates.](#)

* **Recommendation:**

- (a) Conduct a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreements between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services; and
- (b) Set a date to adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreements between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total processing costs for organic processing services.

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 [Actions Related to the Increase of Recycle Plus Rates for Single-Family and Multi-Family Services.](#)

Recommendation:

- (a) Conduct a Public Hearing on proposed 2014-2015 Recycle Plus rates and proposed maximum possible rate increases in 2015-2016 and 2016-2017, and direct staff to return during the 2015-2016 budget cycle with recommendations that are consistent with the proposed maximum rate for 2015-2016; and
- (b) Adopt a [resolution](#) to amend the current Recycle Plus rate resolution as follows:
 - (1) Increase rates for single-family households by 3%, effective July 1, 2014;
 - (2) Increase rates for multi-family households by 5%, effective July 1, 2014

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

7.3 [Report on Bids and Award of Contract for the 6967 – Pine Avenue Sanitary Sewer Replacement Project.](#)

Recommendation: Report on bids and award of contract for the 6967-Pine Avenue Sanitary Sewer Replacement Project to the low bidder, JMB Construction, Inc., in the amount of \$1,649,884, and approval of a contingency in the amount of \$164,988.

CEQA: Exempt, File No. PP13-076. Council District 6. (Public Works)

8. PUBLIC SAFETY SERVICES

8.1 [Amendments to Title 20 and to Title 6 to Establish Medical Marijuana Regulations.](#)

[Memo from the Planning Commission](#)

[Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Liccardo and Oliverio about Title 6](#)

[Supplemental](#)

[Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Liccardo and Oliverio about Title 20](#)

[Memo from Councilmember Rocha](#)

[Memo from Mayor Reed](#)

[Memo from Councilmember Herrera \(1\)](#)

[Memo from Councilmember Herrera \(2\)](#)

* **Recommendation:**

- (a) Approve an [ordinance](#) of the City of San José repealing suspended ordinance no. 28958 except for those Sections of Title 20 of the San José Municipal Code related to Zoning Code Verification Certificates previously unsuspending by Ordinance No. 29089, and amending Title 20 by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40; amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.75 to Chapter 20.80, and adding new Sections 20.100.1530, 20.100.1535 and 20.100.1540 to Part 13 of Chapter 20.100, all to establish Land Use regulations pertaining to medical marijuana collectives;
- (b) Approve an [ordinance](#) of the City of San José amending Title 6 of the San José Municipal Code to add a new Chapter 6.88 to establish a registration process pertaining to medical marijuana collectives; and, to establish regulations pertaining to medical marijuana collectives and to the individual cultivation and use of medical marijuana; and
- (c) Discussion of regulating campaign contributions by medical marijuana establishments, and other regulated businesses, to political candidates.

CEQA: Addendum to Negative Declaration File No. PP11-039 as previously addended; File No. PP14-030. Planning Commission recommends approval with modifications described in the transmittal memo. (City Manager/Planning, Building and Code Enforcement/Police)

TO BE HEARD LAST IN THE EVENING

8.2 [Firefighter Breathing Air Replenishment Systems.](#)

Recommendation: As referred by the City Council on April 22, 2014, accept staff's report confirming San José Firefighters Local 230's position on the use of Firefighter Breathing Air Replenishment Systems in high-rise buildings; and regarding whether requiring the installation of a breathing air replenishment system in high-rise buildings limits the public to use of a proprietary system. CEQA: Exempt, File No. PP13-082. (Fire/City Attorney)

* [Council referral 4/22/14 – Item 2.3(a), Rules and Open Government 4/2/14 – Item G(10)]

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Agreement and General Release and New Lease of Patty's Inn.

Recommendation:

- (a) Approve a Second Amendment to Settlement Agreement and General Release with Kenneth Solis and Bonnie Torrez, doing business as Patty's Inn (Tenant), to extend the date for Tenant to vacate the property located at 102 South Montgomery Street in San José (Property) and to allow for monthly rent payable by Tenant to be offset against the remaining relocation payment owed to Tenant;
- (b) Approve a five (5) year lease (Lease) with Tenant for the Property with the provision that each party shall have the right to terminate the Lease upon not less than ninety (90) days written notice to the other party.

CEQA: Exempt, CEQA Guideline Section 15301. (Successor Agency)
(Deferred from 4/29/14 – Item 9.2)

RECOMMEND DEFERRAL TO 6/3/14 PER ADMINISTRATION

- **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 ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(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.

No Public Hearings on Consent Calendar at this time

11.2 [Rezoning the Real Property Located on the West Side of Almaden Expressway at the Southern Terminus of Brasilia Way.](#)

[Memo from Councilmember Khamis](#)

Recommendation:

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration for the Brasilia Way Residential Development Project and a related Mitigation Monitoring and Reporting Program; and
- (b) Consideration of an [ordinance](#) rezoning the real property located on the west side of Almaden Expressway at the southern terminus of Brasilia Way (5827 Brasilia Way) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for the development of up to 10 single-family detached residences on an approximately 7.95 gross acre site (Brasilia LLC, Owner).

CEQA: Mitigated Negative Declaration to be considered for adoption. (Planning, Building and Code Enforcement)

[PDC12-018](#) – District 10

* **DEFERRED TO 6/10/14 PER COUNCIL DISTRICT 10**

● 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 Naranji Patel. (Khamis/Kalra)

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.