



CITY COUNCIL AGENDA

FEBRUARY 12, 2013

AMENDED AGENDA

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at 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
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 1)**
Father Mike Carson, Queen of Apostles Catholic 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.

ADJOURNMENT: This meeting will be adjourned in memory of brothers Danny Santiago and Michael Wagner, who passed away in May and December of 2012, after years of dedicated service to the Alviso community through the Santa Visits Alviso Foundation. (Chu)

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

- Orders of the Day (Cont'd.)
- * **THE SAN JOSÉ FINANCING AUTHORITY WILL MEETING IN A JOINT SESSION IMMEDIATELY FOLLOWING THE CONSENT CALENDAR**
- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 Presentation to the Chinese Historical Cultural Project in recognition to their 25th anniversary and recognition of their efforts to preserve Chinese American and Chinese history and culture through community outreach activities in San José. (Chu)
- 1.2 Presentation of a proclamation declaring the Month of February 2013 as “American Heart Month” in the City of San José. (Kalra)
- 1.3 Presentation of a commendation to Mr. Cung Le, in honor of his outstanding martial arts performance and his international representation of the United States and the City of San José as a UFC Champion in China. (Nguyen)

2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final Adoption of Ordinances.**

Recommendation:

- * (a) ORD. NO. 29202 – Rezoning certain real property situated on the southwest corner of West San Carlos Street and Royal Avenue on a 5.66 gross-acre site (720 West San Carlos Street and 655 Auzerais Avenue) to the CIC Combined Industrial/Commercial Zoning District. C12-027
- * (b) ORD. NO. 29203 – Amending Title 18 of the San José Municipal Code to add a new Chapter 18.40 to adopt by reference and implement the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) including authority to collect the local development mitigation fees adopted by the Santa Clara Valley Habitat Agency from project applicants and remit the fees to the Agency for funding the preservation of natural ecosystems in accordance with the Plan, and amending Sections 17.04.310 and 17.04.340 of Chapter 17.04 of Title 17 of the San José Municipal Code to incorporate HCP/NCCP compliance requirements for grading permit issuance.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of May 2, 2012.](#) (Mayor)
- (b) [Rules and Open Government Committee Report of May 9, 2012.](#) (Mayor)
- (c) [Rules and Open Government Committee Report of May 16, 2012.](#) (Mayor)
- (d) [Rules and Open Government Committee Report of May 23, 2012.](#) (Mayor)
- (e) [Rules and Open Government Committee Report of May 30, 2012.](#) (Mayor)
- (f) [Ad Hoc Committee on Economic Competitiveness Committee Report of January 7, 2013.](#) (Mayor)
- (g) [Public Safety, Finance and Strategic Support Committee Report of January 24, 2013.](#) (Constant)

* (Deferred from 2/5/13 – Item 2.3)

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on January 30, 2013, due to Authorized City Business: Police and Fire Retirement Board Strategic Planning Meeting. (Constant)
(Rules Committee referral 1/30/13)
- (b) [Request for an excused absence for Councilmember Herrera from the Regular Meeting of the City Council on February 5, 2013, due to illness.](#) (Herrera)
(Rules Committee referral 02/06/13)

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2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Actions Related to Wattis Construction Co. Purchase Order.](#)

Recommendation: Authorize the City Manager to:

- (a) Amend Open Purchase Order 47381 with Wattis Construction Co. (San José, CA) to increase the compensation by an additional \$260,000, for a revised total amount not-to-exceed \$500,000 for the period ending on June 30, 2013, to repair and maintain asphalt walkways and parking lots at various City park locations as required.
- (b) Exercise the remaining two one-year options to extend the term through June 30, 2015, subject to the appropriation of funds.

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

2. CONSENT CALENDAR

2.8 Councilmember Herrera's Travel to Pasadena, CA and Sacramento, CA.

Recommendation: Approve travel by Councilmember Herrera to Pasadena, CA and Sacramento, CA on April 4 – 5, 2013, June 14, 2013, and September 18 – 20, 2013, to attend the California League of Cities Meeting and Conferences as Vice Chair of Transportation, Communication & Public Works. Source of Funds: Mayor & Council Travel Fund. (Herrera)
(Rules Committee referral 01/30/13)

2.9 [African American History Month Flag Raising.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 9, 2013:

- (a) Approve Councilmember Ash Kalra's African American History Month Flag Raising as a City Council sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses, or Community groups to support the event.

CEQA: Not a Project. (City Clerk)
[Rules Committee referral 01/09/13 – Item G(3)]

2.10 [District 2 and District 5 Arthritis Awareness Event.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 30, 2013:

- (a) Approve the District 2 and District 5 Arthritis Awareness Event as a City Council Sponsored Event.
- (b) Approve expending funds and accepting donations from various individuals, businesses and community groups to support this event.

CEQA: Not a Project. (City Clerk)
[Rules Committee referral 01/30/13 – Item G(6)]

2.11 [Project Diversity Screening Committee Appointments and Reappointments.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 30, 2013, approve the following appointments and reappointments to the Project Diversity Screening Committee:

- (a) Appoint Elisa Orona, Delores Springs, Mansimrat Singh, Denise McCallaCreary, Karl Hennig, and Nga Huynh to two-year terms expiring December 31, 2014;
- (b) Appoint Johnny Lee to the balance of an unexpired term ending December 31, 2013; and
- (c) Reappoint Nathaniel Montgomery to a two-year term expiring December 31, 2014.
- (d) Direct the City Clerk to continue recruitment efforts and bring additional applicants forward for the Mayor's consideration within forty-five (45) days.

CEQA: Not a Project. (City Clerk)
* [Rules Committee referral 01/30/13 – Item F(1)(a)]

2. CONSENT CALENDAR

2.12 Actions Related to Councilmember Liccardo's Travel to Washington, D.C.

Recommendation:

- (a) [Approve travel by Councilmember Liccardo to Washington, D.C. on March 19 - 21, 2013](#), to participate in the Silicon Valley Leadership Group's Washington, D.C. Advocacy Trip as a Metropolitan Transportation Commission designated representative. Source of Funds: Metropolitan Transportation Commission. (Liccardo)
- (b) [Request for an excused absence for Councilmember Liccardo from the Closed Session, Regular Session, and Evening Session of the City Council Meeting on March 19, 2013](#), due to Authorized City Business: Silicon Valley Leadership Group Washington, D.C. Advocacy Trip as a Metropolitan Transportation Commission designated representative. (Liccardo)

* (Rules Committee referral 02/06/13)

2.13 [District 5 Neighborhood Association Appreciation Dinner.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 6, 2013:

- (a) Approve the District 5 Neighborhood Association Appreciation Dinner as a City Council sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses, or Community groups to support the event.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 02/06/13 – Item G(2)]

2.14 [District 1 Annual Greek Flag Raising Event.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 6, 2013:

- (a) Approve the District 1 Annual Greek Flag Raising Event as a City Council sponsored Special Event.
- (b) Approve expending funds and accepting donations from various individuals, businesses and community groups to support this event.

CEQA: Not a Project. (City Clerk)

* [Rules Committee referral 02/06/13 – Item G(3)]

2.15 [Appointments to the Santa Clara Valley Habitat Agency.](#) [Memo from the Mayor](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 6, 2013, adopt a [resolution](#) appointing representatives to the Santa Clara Valley Habitat Agency Governing Board and Implementation Board as follows:

- (a) Appoint Councilmember Herrera and Councilmember Khamis to serve of the Governing Board and Councilmember Chu and Councilmember Oliverio to serve as their alternates;

(Item continued on the next page)

2. CONSENT CALENDAR

2.15 Appointments to the Santa Clara Valley Habitat Agency. (Cont'd.)

Recommendation:

- (b) Appoint Councilmember Khamis to serve on the Implementation Board and Councilmember Herrera to serve as his alternate; and
- (c) Appoint Joseph Horwedel, Director of Planning, Building and Code Enforcement, to serve on the Implementation Board, and Andrew Crabtree, Division Manager, to serve as his alternate.

(Mayor)

* [Rules Committee referral 02/06/13 – Item G(4)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3.3 [Approval of the 2012-2013 Mid-Year Budget Actions.](#)

[Memo from Councilmembers Constant and Liccardo](#)

Recommendation:

- (a) Approve the 2012-2013 Mid-Year Budget Review Report.
- (b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2012-2013 Mid-Year Budget Review Report.

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

3.4 [2013 Community Budget Survey.](#)

Recommendation: Accept the report on the results of the 2013 Community Budget Survey. (Mayor)

3.5 [Report on Request for Proposal of Contract with Chevron Energy Solutions for City Facilities and Lands.](#)

[Memo from Mayor Reed, Vice Mayor Nguyen and Councilmembers Liccardo and Rocha](#)

Recommendation:

- (a) Approve a [Program Development Agreement](#) with Chevron Energy Solutions for the purpose of conducting preliminary and investment grade audits on City facilities in the maximum amount of \$150,000.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.5 Report on Request for Proposal of Contract with Chevron Energy Solutions for City Facilities and Lands. (Cont'd.)

Recommendation:

- (b) Accept the report and approve the program direction for project financing and implementation of projects identified through the implementation of the Program Development Agreement.

CEQA: Not a Project, File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Public Works)

3.6 2011-12 Annual Performance Audit of Team San José's Management of the City's Convention and Cultural Facilities.

Memo from Councilmembers Constant and Liccardo

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on January 24, 2013, accept the 2011-12 Annual Performance Audit of Team San José's Management of the City's Convention and Cultural Facilities. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 1/24/13 – Item D(5)]

* (Deferred from 2/5/13 – Item 3.4)

3.7 Proposition 8 Amicus Brief.

Recommendation: Adopt a resolution authorizing the City Attorney to join efforts as amicus curiae to support the City of San Francisco in their upcoming submission to the United States Supreme Court challenging the constitutionality of Proposition 8 (California Marriage Protection Act). (Kalra/Campos/Chu/Rocha)

* (Referred from 2/5/13 – Orders of the Day)

TO BE HEARD LAST

3.8 Elections Commission Interviews.

Conflict of Interest from the City Attorney

Conflict of Interest from Planning, Building and Code Enforcement

Recommendation:

- (a) Interview applicants for appointment to the Elections Commission.
(b) Appoint members to the Elections Commission.
(c) If no appointment is made, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days.

(City Clerk)

* (Rules Committee referral 02/06/13)

TO BE HEARD NO EARLIER THAN 3:00 P.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Rezoning Real Property Located on the Southeast Corner of West San Carlos Street and South Bascom Avenue.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the southeast corner of West San Carlos Street and South Bascom Avenue (1990 West San Carlos Street) from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning District on a 0.65 gross acre site (Hobbs Soon What Trustee & Et Al, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR. (Planning, Building and Code Enforcement)
[C13-001](#) – District 6

4.2 [North San José Traffic Impact Fee Incentive Program.](#) [Memo from the Mayor](#) [Supplemental Memo from PBCE and Office of Economic Development](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 6, 2013:

- (a) Adopt a [resolution](#) approving an amendment to the North San José Area Development Policy to amend the North San José Traffic Impact Fee Incentive Program to expand the square footage allocation by an additional 250,000 sf; and
- (b) Direct the City Manager to analyze the potential impact on transportation improvements and bring recommendations to the City Council in the budget process for modifications to the Transportation Improvement Program or funding to offset the potential impacts.

CEQA: Resolution No. 72768, Addendum to the North San José Policy Update EIR. (Mayor)

- * [Rules Committee referral 02/06/13 – Item G(5)]

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Successor Agency Oversight Board.

Recommendation: Adopt resolutions of the City Council and Successor Agency Board:

- (a) Approving the Recognized Obligation Payment Schedule for July to December, 2013 (ROPS 13-14A), and
- (b) Approving the Administrative Budget for July-December, 2013 and directing staff to present the approved Administrative Budget for July-December, 2013 to the Oversight Board for approval.

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

* **RECOMMEND DEFERRAL TO 2/26/13 PER ADMINISTRATION**

9.2 Agreement with Gillick Family Partnership.

Recommendation: Approve a [Termination Agreement](#) with the Gillick Family Partnership to terminate that certain Parking Lease Agreement dated March 27, 2009, of the surface parking lot located at the corner of Race Street and The Alameda for a final payment by the Successor Agency of \$6,486. CEQA: Not Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)

● Notice of City Engineer’s Pending Decision on Final Maps

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10126	South side of William Street, approximately 350 feet w/o S. 24 th Street	3	Taylor Morrison of CA, LLC	10 Lots / 62 Units	MFA	Approval

● 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 brothers Danny Santiago and Michael Wagner, who passed away in May and December of 2012, after years of dedicated service to the Alviso community through the Santa Visits Alviso Foundation. (Chu)

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY AGENDA**

1:30 P.M.

TUESDAY, FEBRUARY 12, 2013

CHAMBERS

* **TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR**

1. Call to Order and Roll Call

2. [Actions Related to the City of San Jose Financing Authority's Commercial Paper Program.](#)

- [4th Amendment to Sublease](#)
- [4th Supplement to Amended & Restated Trust Agmt w/ Wells Fargo Bank](#)
- [4th Amendment to Site Lease](#)
- [3rd Amendment to Memorandum of Assignment](#)
- [2nd Amended and Restated Issuing & Paying Agent Agreement](#)
- [State Street Bank and Trust Co. Fee Letter Agreement](#)
- [US Bank National Association Fee Letter Agreement](#) -
- [US Bank National Association Letter of Credit and Reimbursement, Commercial Paper Notes, Series 2 & 2-T](#)
- [State Street Bank and Trust Co. Letter of Credit and Reimbursement Commercial Paper Notes, Series 1 & 1-T:](#)

Recommendation:

- (a) It is recommended that the City Council adopt a [resolution](#) to:
- (1) Authorize the negotiation, execution, and delivery of two Letter of Credit and Reimbursement Agreements for the City of San José Financing Authority Lease Revenue Commercial Paper Notes Program;
 - (2) Authorize the amendment and delivery of related financing documents, and authorize other related actions.
- (b) It is recommended that the City of San José Financing Authority Board adopt a [resolution](#) to:
- (1) Authorize the negotiation, execution, and delivery of two Letter of Credit and Reimbursement Agreements for the City of San José Financing Authority Lease Revenue Commercial Paper Notes Program;
 - (2) Authorize the amendment and delivery of related financing documents, and authorize other related actions.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Finance)

- 3. Open Forum**
- 4. Adjourn the San José Financing Authority.**

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.