



CITY COUNCIL AGENDA

DECEMBER 11, 2012

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
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.

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 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**

9:30 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. - EVENING SESSION CANCELLED

- **Invocation (Mayor)**

Tahir Anwar, South Bay Islamic Association

- **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 Anthony (Tony) Di Maggio, owner and operator of Tony Di Maggio's Pizza since 1977, who passed away on November 25, 2012, after a lifetime of public service to the residents of the City of San José. (Nguyen)

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 S.E.A. Medical Systems, Inc., for their continued service and development as a vibrant and prosperous business and community partner in the City of San José. (Chu)
- 1.2 Presentation of a commendation to the following supporters for their dedication and commitment to the Dr. Martin Luther King, Jr., Association of Santa Clara Valley community forums co-sponsored by Councilmember Kansen Chu, Sam Van Zandt, Dr. Agi Schenley, Robert Lopez, Robert O'Donnell, and Hector Oropeza. (Chu)
 - * **DEFER TO 1/15/13**
- 1.3 Presentation of a commendation to the Responsible Landlords Engagement Initiative team for their efforts to encourage and motivate landlords and new investors to commit to maintain their properties in good standing. (Pyle)
- 1.4 Presentation of a commendation to the San José Park Ranger Program for their 40th Anniversary. (Pyle)

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: Final adoption of ordinances.

- (a) ORD. NO. 21981 – Amending Chapter 4.16 of Title 4 of the San José Municipal Code to amend Section 4.16.260 and add a new Section 4.16.290 to provide the Director of Finance discretion to determine the disposition of surplus property of nominal value and to delegate authority to the Police Chief for the disposition of police service dogs and police firearms.
- (b) ORD. NO. 29182 – Rezoning certain real property situated on the southwest corner of Saratoga Avenue and Kiely Boulevard (403 Saratoga Avenue) to the CN-Commercial Neighborhood Zoning District. C12-021

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

- * **Recommendation:** Approval of Council Committee Reports.
- (a) [Transportation and Environment Committee Report of November 5, 2012.](#)
(Liccardo)
 - (b) [Neighborhood Services and Education Committee Report of November 8, 2012.](#)
(Pyle)
 - (c) [Public Safety, Finance and Strategic Support Committee Report of November 15, 2012.](#) (Constant)

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 [Funding for a Downtown Homeless Outreach and Engagement Program.](#)

Recommendation: Approve a Housing Trust Fund [grant](#) of up to \$260,000 to EHC LifeBuilders for the implementation of a San José Downtown Homeless Outreach and Engagement program. CEQA: Not a Project, File No. PP10-066 (e), Agreements/Contracts. (Housing)
(Deferred from 11/27/12 – Item 2.10)

2.8 [Lease of Airport Premises with SJJC Airline Services.](#)

Recommendation: Approve a [Lease](#) of Airport Premises with SJJC Airline Services, LLC, for ramp and office space in support of its commercial airline fueling operations, retroactive from October 1, 2012 through September 30, 2014. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for same use. (Airport)

2.9 Actions Related to the American Recovery and Reinvestment Act - Retrofit California Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to execute the First Amendment to Retrofit California Sub-Awardee Agreement between the Association of Bay Area Governments and the City of San José to accept the Federal Department of Energy grant increase of \$38,479, for a total grant of \$788,479.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the estimated Revenue from the Federal Government – Recovery Act, in the amount of \$38,479; and

(Item continued on the next page)

2. CONSENT CALENDAR

2.9 Actions Related to the American Recovery and Reinvestment Act - Retrofit California Program. (Cont'd.)

Recommendation:

- (b) (2) Increase the City-wide Appropriation to the Environmental Services Department, Recovery Act – Retrofit California in the amount of \$38,479. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services/City Manager's Office)

RECOMMEND DEFERRAL TO 12/18/12 PER ADMINISTRATION

2.10 Actions Related to the Silicon Valley Energy Watch Program.

Recommendation: Approve a Change Order General Conditions Amendment to the Master Service Agreement with Pacific Gas and Electric (PG&E) to extend the term through March 31, 2013 for the Silicon Valley Energy Watch Program. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

RECOMMEND DEFERRAL TO 12/18/12 PER ADMINISTRATION

2.11 [Grant Applications for the Coyote Creek Trail and Thompson Creek Trail.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the City Manager, or designee, to submit two grant applications in an amount not to exceed \$350,000 each to the State of California Natural Resources Agency under the Environmental Enhancement and Mitigation Program (EEMP) grant with no local match required to supplement existing funding for:
- (1) Coyote Creek Trail (Tasman Drive to Montague Expressway); and
 - (2) Thompson Creek Trail (Quimby Road to Aborn Court).
- (b) Certifying that City agrees to comply with assurances in the EEMP application as set forth in this memorandum and the proposed resolution;
- (c) Certifying that the City has or will have sufficient funds to operate and maintain the completed projects; and
- (d) Delegating the authority to the City Manager, or designee, to accept any grant funding and conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the projects.

CEQA: Mitigated Negative Declaration, File No. PP03-07-230 (Coyote Creek Train) and File No. PP04-283 (Thompson Creek Trail). (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.12 [Actions Related to the 2013-2014 Hazardous Vegetation Commencement Report.](#)

Recommendation: Adopt a [resolution](#):

- (a) Accepting and confirming the 2013-2014 Hazardous Vegetation Commencement Report compiled by the Santa Clara County Department of Agriculture and Resource Management;
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the report are a nuisance; and
- (c) Directing the Santa Clara County Department of Agriculture and Resource Management to mail notices of a public hearing before the City Council, on January 8, 2013 at 1:30 p.m., on the report to property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP08-245. (Planning, Building and Code Enforcement)

2.13 [Annual Development In-Lieu Fee Reports.](#)

Recommendation: Accept the Fiscal Year 2011 – 2012 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Public Works)

2.14 [Summary Vacation of a Portion of a Sanitary Sewer Easement Located at the Southeast Corner of Great Oaks Parkway and Cottle Road.](#)

- * **Recommendation:** Adopt a [resolution](#) summarily vacating a portion of a 26-foot wide sanitary sewer easement lying on the property owned by Village Oaks Retail, LLC, located on the northerly portion of lot four and lot six created as part of Tract 9952 and more specifically the boundaries of said lots (APN 706-07-009, 011). CEQA: Hitachi Campus and Mixed-Use Transit Village Project EIR, File No. PDC04-031, Resolution No. 72772. (Public Works)

2.15 [Mayor Reed's Travel to Des Moines, Iowa.](#)

Recommendation: Approve travel by Mayor Reed to Des Moines, Iowa on November 8 – 9, 2012 to meet with Governor Terry Branstad and the Taxpayers Association of Central Iowa. Source of Funds: Mayor's Office Fund (airfare to Iowa; return trip will be paid for with personal funds), Taxpayers Association of Central Iowa. (Mayor)

- * [Rules Committee referral 12/05/12 – Item G(2)]

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 9:30 A.M.

3.3 [Certification of Election Results – November 6, 2012.](#) [Supplemental Memo from the City Clerk](#)

Recommendation: Adopt a [resolution](#) declaring the results of the November 6, 2012 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)
(Rules Committee referral 11/28/12)

3.4 Board and Commission Program Workplan.

Recommendation: Approve the Board and Commission Program workplan. (City Clerk)
(Rules Committee referral 11/28/12)

3.5 [Authorization to Pay Reward.](#)

Recommendation: Authorize the City Clerk to expend \$10,000 in payment of a reward for assistance in the arrest and conviction of the perpetrator of a violent crime. CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (City Clerk)
(Rules Committee referral 11/28/12)

* **RECOMMEND DROP**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Sale of a Portion of City-Owned Property on Emory Street.](#)

Recommendation: Adopt a resolution:

- (a) Declaring 28,990 square feet of vacated street on Emory Street, surplus to the needs of the City;
- (b) Approving an agreement between the City of San José and Bellarmine College Preparatory (Bellarmine) for sale of the property in the amount of \$325,000; and
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction.

CEQA: Mitigated Negative Declaration, File No. PDC07-072. (Economic Development)
(Deferred from 12/4/12 – Item 4.2)

* **RECOMMEND DEFERRAL TO 12/18/12 PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Rezoning Real Property Located on the East Side of Cottle Road Between Raleigh Road and Coronado Avenue.](#)

[Memo from Councilmember Kalra](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the east side of Cottle Road between Raleigh Road and Coronado Avenue from IP(PD) Planned Development Zoning District to the CN – Commercial Neighborhood Zoning District on a 8.26-acre site (Village Oaks Retail, LLC). CEQA: Envision San José 2040 General Plan Final Program EIR, File No. PP09-011, Resolution No. 76041. [C12-030](#) – District 2. (Planning, Building and Code Enforcement)

4.3 [Rezoning Real Property Located on the Southeast Side of Alum Rock Avenue.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the southeast side of Alum Rock Avenue, approximately 150 feet northeasterly of Sunnyslope Avenue (4700 Alum Rock Avenue) as R-1-8(PD) Planned Development Zoning District to allow for the demolition of two (2) single-family detached homes and development of up to three (3) new single-family detached homes on a 0.66 gross-acre site (House, Dolly S Trustee, Owner). CEQA: Exempt. [PDC11-008](#) – District 5. (Planning, Building and Code Enforcement)

4.4 [Rezoning Real Property located at the Northwest Corner of Lincoln Avenue and Auzerais Avenue.](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located at the northwest corner of Lincoln Avenue and Auzerais Avenue (393 Lincoln Avenue) from LI Light Industrial to CIC Combined Industrial/Commercial on a 0.44 gross acre site (Anthony and Madalyn Kralyevich, trustee, owner). CEQA: Envision San José 2040 General Plan Final Program EIR, File No. PP09-011, Resolution No. 76041. [C12-015](#) – District 6. (Planning, Building and Code Enforcement)

4.5 [Development Agreement with Riverview Apartment Development, LLC.](#)

- * **Recommendation:** Consideration of an [ordinance](#) to approve a Development Agreement with Riverview Apartment Development, LLC (Irvine Company) to reconfigure a previously approved residential project in the North San José Area Development Policy area subject to performance by IAC for payment of contributions, commencement of construction and subsequent occupancy per deadlines of performance to construct a modified design at the northwest corner of North First Street and River Oaks Place. (Wyse Technology Investments, Inc., Owner). CEQA: North San José Area Development Policy Update EIR, File No. GP04-T-03, EIR Resolution No. 72768 and Addenda thereto. Planning Commission recommends approval (5-0-2; Kamkar and O’Halloran). [DA12-003](#) – District 4. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Actions Related to the Cardiac and Automatic External Defibrillators for the Fire Department.](#)

Recommendation:

- (a) Approve an award to purchase Cardiac and Automatic External Defibrillators to Physio-Control, Inc. (Redmond, WA) for a total cost not to exceed \$1,521,792, including equipment accessories, five-year maintenance and support service, wireless transmission technology; training, testing, delivery, and sales tax, and authorize the City Manager to execute the purchase order.
 - (b) Authorize the City Manager to execute purchase orders as required for ongoing maintenance and support and purchase additional quantities of Cardiac and Automatic External Defibrillator equipment, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP10-066(a), Purchase Order for the purchase of supplies and equipment with no change in the physical environment. (Finance)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Amendment to the Promissory Note with Urban Markets.](#)

Recommendation: Approve an amendment to the [Promissory Note](#) with Urban Markets, LLC (Developer) which, among other things, reduces the loan amount and modifies the repayment terms. (Successor Agency)
(Rules Committee referral 11/28/12)

- **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.

- **EVENING SESSION CANCELLED**

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 Real Property Located at the Southeast Corner of Mabury Road and Educational Park Drive.

Recommendation: Consideration of an [ordinance](#) rezoning the real property located at the southeast corner of Mabury Road and Educational Park Drive (12710 Mabury Road) from A Agricultural Zoning District to A(PD) Planned Development Zoning District to allow up to 20 single family detached homes on a 3.42 gross acre site (Sabatino Murphy A Jr Trustee & Et Al, Owner). CEQA: Mitigated Negative Declaration.

[PDC12-010](#) – District 4

* **DROP, TO BE RENOTICED**

11.3 [Ordinance Amending Titles 13 and 20 to Amend the Tree Removal Requirements for Single-Family Residences.](#)

* **Recommendation:**

(a) Approve an [ordinance](#) of the City of San José amending Chapter 13.32 of Title 13 of the San Jose Municipal Code, and amending Sections 20.100.140 and 20.100.220 of Chapter 20.100 of Title 20, to modify the tree removal requirements for single-family residences in order to streamline permitting processes and further implement the Community Forest Goal and Policies set forth within the Envision San Jose 2040 General Plan, to modify permit recordation requirements for tree removal and certain other permits, and to make other technical, non-substantive, or formatting changes within those chapters and sections of Title 13 and Title 20; and

(Item continued on the next page)

11. PUBLIC HEARINGS

11.3 Ordinance Amending Titles 13 and 20 to Amend the Tree Removal Requirements for Single-Family Residences. (Cont'd.)

Recommendation:

- (b) Adopt a [Resolution](#) setting forth the tree species to be placed on the unsuitable tree list as eligible for the modified tree removal requirements for single-family residences.

CEQA: Final Program EIR for Envision San José 2040 General Plan, File No. PP12-098, EIR Resolution No. 76041.

Citywide

* **DEFER TO 12/18/12 PER RULES AND OPEN GOVERNMENT COMMITTEE**

- **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 Anthony (Tony) Di Maggio, owner and operator of Tony Di Maggio's Pizza since 1977, who passed away on November 25, 2012, after a lifetime of public service to the residents of the City of San José. (Nguyen)

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.