



CITY COUNCIL AGENDA

JANUARY 31, 2017

AMENDED AGENDA

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO
VICE MAYOR

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
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 Successor Agency to the 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, the Mayor 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, Tower 14th 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

- **Invocation (District 1)**
 - Pastor Andrew Tsai, Taiwanese Presbyterian Church

- **Pledge of Allegiance**

- **Orders of the Day** — *To be heard after Ceremonial Items*

ADJOURNMENT: This meeting is adjourned in the memory of Nancy Lee Alford, who passed away on December 28, 2016. Nancy's entire career of over 30 years with the City of San José was dedicated to the Clerk's Office (1977-2007) where she held increasingly responsible positions; retiring as the Assistant City Clerk. Nancy will be remembered for her exemplary professionalism, caring mentorship, and for being the embodiment of laughter as one of life's greatest inspirations.

- **Orders of the Day** – *(Cont'd.)*

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

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

- **Closed Session Report** – *To be heard after Ceremonial Items*

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Jill Bourne for being recognized nationally as *Library Journal's* Librarian of the Year. (City Manager)
- 1.2 Commendation to Pranav Sairam, a fourth grade student at Country Lane Elementary School, for achieving nationwide recognition for his accomplishments in Chess. (Jones)

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 City Council Minutes.

2.2 Final Adoption of Ordinances.

Recommendation: Final Adoption of Ordinances:

- * (a) ORD. NO. 29864 – An ordinance of the City of San José rezoning certain real property of approximately 3.5-gross acres situated on the southwest corner of Metro Drive and North 1st Street (1737 North 1st Street) from the CO(PD) Planned Development and IP Industrial Park Zoning Districts to the CP Commercial Pedestrian Zoning District. CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

(Item continued on the next page)

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation:

- * (b) ORD. NO. 29865 – An ordinance of the City of San José rezoning certain real property of approximately 2.0-gross acres situated on the southeast corner of Race Street and West San Carlos Street (320 Race Street) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan (Resolution No. 77617). (Planning, Building and Code Enforcement)

- * (c) ORD. NO. 29866 – An ordinance of the City of San José rezoning certain real property of approximately 43.5-gross acres situated on the southeast corner of Almaden Expressway and Cherry Avenue (Almaden Ranch Retail Center), from the A(PD) Planned Development Zoning District. CEQA: Addendum to the Almaden Ranch Retail Center Subsequent EIR (Resolution No. 76168). (Planning, Building and Code Enforcement)

2.3 Approval of Council Committee Minutes.

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 Capital Equipment Assistance Agreement with Flextech Alliance, Inc. for the Flexible Hybrid Electronics Manufacturing Innovation Institute in San José.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Capital Equipment Assistance Agreement with Flextech Alliance, Inc., in which the City will provide an amount not to exceed \$400,000 for the acquisition of capital equipment to be used exclusively at the Flexible Hybrid Electronics Manufacturing Innovation Institute in San José. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Economic Development)

2.8 Deferred Compensation Advisory Committee (DCAC) Appointments.

Recommendation: As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on January 18, 2017, approve the following appointments to the DCAC for four year terms ending March 1, 2021:

- (a) Appoint David Woolsey as the representative recommended by the San José Police Officers Association (SJPOA);

(Item continued on the next page)

2. CONSENT CALENDAR

2.8 Deferred Compensation Advisory Committee (DCAC) Appointments. (Cont'd.)

Recommendation:

- (b) Appoint Jamal Fontaine as the representative recommended by the San José Firefighters, Local 230 (IAFF); and
- (c) Appoint John Reger as the representative recommended by the trades employee organizations (Association of Building, Mechanical and Electrical Inspectors (ABMEI), Operating Engineers Local 3 (OE#3), and International Brotherhood of Electrical Workers (IBEW).

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Human Resources)

[Rules Committee referral without recommendation 1/18/17 – Item F.1.a.]

2.9 Council District 8 Dumpster Day Neighborhood Clean Up.

* **Recommendation:** As recommended by the Rules and Open Government Committee on January 25, 2017:

- (a) Approve the Dumpster Day Neighborhood Clean Up scheduled on February 4, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)

[Rules Committee referral 1/25/17 – Item G.1.a.]

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report on Bids and Award of Construction Contract for the 8062 – Convention Center Exhibit Hall Lighting and Ceiling Upgrades Project.

Recommendation:

- (a) Report on bids and award of a design-build construction contract for 8062 – Convention Center Exhibit Hall Lighting and Ceiling Upgrades Project to the sole bidder, Stronghold Engineering, Inc. in the amount of \$17,787,177 and approval of a fifteen percent contingency in the amount of \$2,668,077.
- (b) Adopt a resolution authorizing the Director of Public Works to issue any change orders up to the amount of the contingency.
- (c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Source Resolution amendments in the Convention Center Facilities District Revenue Fund:
 - (1) Establish the estimate for Financing Proceeds in the amount of \$15,000,000; and
 - (2) Increase the Convention Center Exhibit Hall Lighting and Ceiling Upgrades appropriation to the Public Works Department by \$15,000,000.

CEQA: Exempt, File No. PP16-053, CEQA Guidelines Section 15301(a), Existing Facilities. Council District 3. (Public Works/City Manager)
(To be deferred from 1/24/17 – Item 4.3)

TO BE HEARD JOINTLY WITH THE JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY

4.2 Audit of Apartment Rent Ordinance.

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 8, 2016, accept the audit of the Apartment Rent Ordinance.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (City Auditor)

[Neighborhood Services and Education Committee referral 12/8/16 – Item (d)(4)]

4.3 Substantial Amendment to the FY 2016-17 Annual Action Plan.

Recommendation:

- (a) Hold a Public Hearing and take public comment on a Substantial Amendment to the City's Fiscal Year (FY) 2016-17 Annual Action Plan (Action Plan) to:
 - (1) Increase the Community Development Block Grant (CDBG) Program fund allocation for Acquisition and/or Rehabilitation for Affordable Housing from \$3,265,000 to \$5,265,000 to allow for the acquisition of real property for permanent supportive housing for homeless individuals.
 - (2) Funds for this increase will be made available by making the following actions:
 - (i) Decrease the CDBG fund allocation for Targeted Code Enforcement from \$1,800,000 to \$1,212,000.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Substantial Amendment to the FY 2016-17 Annual Action Plan. (Cont'd.)

Recommendation:

- (a)
 - (2)
 - (ii) Decrease the CDBG fund allocation for Place-Based Street and Infrastructure Enhancements from \$1,150,000 to \$200,000.
 - (iii) Decrease the CDBG fund allocation for Nonprofit Facility Rehabilitation, from \$659,931 to \$197,931.
 - (3) Increase the Emergency Solutions Grant (ESG) fund allocation by \$263,682 reflecting allocation of ESG funds from previous year balances to support services for homeless individuals and families and increase the number of outreach contacts to 1,400.
- (b) Adopt a resolution approving the Substantial Amendment to the FY 2016-17 Annual Action Plan.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund:
 - (1) Increase the estimate of Revenue from the Federal Government by \$155,920; and
 - (2) Increase the appropriation to the Housing Department for Emergency Shelter Grants by \$155,920.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Housing/City Manager)

4.4 Actions Related to the Development of the Villas on the Park for Affordable Apartments in Downtown San José.

Recommendation:

- (a) Adopt a resolution:
 - (1) Approving up to a total of \$16,600,000, including a commitment for a land acquisition loan of up to \$4,500,000 (“Acquisition Loan”) and a total commitment for predevelopment/construction/permanent loans of up to \$12,100,000, to Affirmed Housing Group, Inc. or an affiliated development entity (“Affirmed/PATH Ventures” or “Developer”) for the Villas on the Park Apartments, a new permanent supportive housing (“PSH”) development to be located at 278 N. 2nd Street (“Site”) in order to offer rent- and income-restricted apartments for 78 very low-income (“VLI”) households (“Development”) and approving a Loan-to-Value Ratio of greater than 100% for these loans;
 - (2) Authorizing the Director of Housing to acquire the Site from the Developer for a price not to exceed the Acquisition Loan balance at the time of transfer and to enter into a long-term ground lease of the Site to Developer for the Development; and
 - (3) Authorizing the Director of Housing to negotiate documents and document amendments related to the loans, the acquisition and development of the Site, and the ground leasing of the Site.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Actions Related to the Development of the Villas on the Park for Affordable Apartments in Downtown San José. (Cont'd.)

Recommendation:

- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
 - (1) Decrease the Housing Project Reserve appropriation in the amount of \$16,600,000; and
 - (2) Increase the appropriation for Housing Loans and Grants in the amount of \$16,600,000.
- (c) Adopt the following Appropriation Ordinance amendments in the Community Development Block Grant Fund:
 - (1) Decrease the Unrestricted Ending Fund Balance by \$2,000,000; and
 - (2) Increase the appropriation for Property Acquisition in the amount of \$2,000,000.

CEQA: Addendum to the San José Downtown Strategy 2000 Final Program EIR, and the Envision San José 2040 General Plan Final Program EIR and Supplemental EIR, File Nos. C16-020, CP16-014, and AT16-030. (Housing/City Manager)

4.5 2017-2018 Hazardous Vegetation Commencement Report from the Santa Clara County Consumer and Environmental Protection Agency.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2017-2018 Hazardous Vegetation Commencement Report (Report); and
- (b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report 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. PP13-097, CEQA Guidelines Section 15301, Existing Facilities. (Planning, Building and Code Enforcement)

4.6 Actions Related to the Report on Bids for the 7664 - San José Civic Auditorium HVAC Rehabilitation Project.

Recommendation:

- (a) Report on bids for the 7664 – San José Civic Auditorium HVAC (Air Conditioning) Rehabilitation Project, and approval of a 15 percent contingency if City Council awards a construction contract; and
- (b) Adopt the following 2016-2017 Appropriation Ordinance amendments in the Convention and Cultural Affairs Fund:
 - (1) Increase the San José Civic Auditorium HVAC Rehabilitation appropriation to the Public Works Department by \$2,229,000;
 - (2) Decrease the Ending Fund Balance by \$1,700,000; and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Actions Related to the Report on Bids for the 7664 - San José Civic Auditorium HVAC Rehabilitation Project. (Cont'd.)

Recommendation:

(b) (3) Decrease the Capital Reserve by \$529,000.

CEQA: Exempt, File No. PP16-116, CEQA Guidelines Section 15302(c), Replacement or Reconstruction and Section 15331, Historical Resource Restoration/Rehabilitation. Council District 3. (Public Works/City Manager)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the 2016 Application to the State of California for Grant Funding from the Housing-Related Parks Program.

Recommendation: Adopt a resolution:

(a) Authorizing the Director of Housing, or designee, to submit grant applications in an aggregate amount up to \$1,250,000 to the California Department of Housing and Community Development (HCD) under the Housing-Related Parks Program (HRPP) for the development of parkland on the Alum Rock & 31st Street property; and

(b) Authorizing the Director of Housing, or designee, to accept HRPP grant awards and conduct all negotiations, execute, and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection to these grants, provided that the Director is not authorized to expend funds on these projects prior to receiving California Environmental Quality Act (CEQA) approval for each specific project.

CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Parks, Recreation and Neighborhood Services/Housing)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to Non-Exclusive Franchise Agreements with Toca Debris Box and Bay Area Dumpsters for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.

Recommendation:

- (a) Conduct a Public Hearing on the applications of the following companies for Non-Exclusive Franchises for the non-exclusive collection, transport, and disposal of residential clean-out material and construction and demolition debris.
- (b) Approve ordinances granting the franchises.
- (c) Approve the Non-Exclusive Franchise Agreements for the collection, transport, and disposal of residential clean-out material and construction and demolition debris for a term from March 9, 2017 to June 30, 2017:
 - (1) Toca Debris Box;
 - (2) Bay Area Dumpsters.

CEQA: Exempt, File No. PP08-228, CEQA Section 15308 Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

7.2 Actions Related to the 8150 – Large Trash Capture Device Installation – Phase V Project.

Recommendation:

- (a) Approve award of a construction contract for the 8150 – Large Trash Capture Device Installation – Phase V Project to the low bidder, JMB Construction, Inc., in the amount of \$4,488,723 and approve a contingency in the amount of \$448,873.
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Storm Sewer Operating Fund:
 - (1) Decrease the Capital Program Reserve Balance in the amount of \$1,900,000;
 - (2) Decrease the Permit Implementation Reserve in the amount of \$2,500,000; and
 - (3) Increase the transfer to the Storm Sewer Capital Fund in the amount of \$4,400,000.
- (c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the Storm Sewer Capital Fund:
 - (1) Decrease the Outfall Rehabilitation-Capital Appropriation in the amount of \$1,000,000;
 - (2) Increase Transfers and Reimbursements Revenue in the amount of \$4,400,000; and
 - (3) Increase the appropriation to the Public Works Department for Large Trash Capture Devices in the amount of \$5,400,000.

CEQA: Exempt, File No. PP17-014, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works/Environmental Services/City Manager)

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.

- **Adjournment**

This meeting is adjourned in the memory of Nancy Lee Alford, who passed away on December 28, 2016. Nancy's entire career of over 30 years with the City of San José was dedicated to the Clerk's Office (1977-2007) where she held increasingly responsible positions; retiring as the Assistant City Clerk. Nancy will be remembered for her exemplary professionalism, caring mentorship, and for being the embodiment of laughter as one of life's greatest inspirations.

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

1:30 P.M.

TUESDAY, JANUARY 31, 2017

CHAMBERS

TO BE HEARD JOINTLY WITH ITEM 4.1

- 1. Call to Order and Roll Call**
- 2. Issuance of Commercial Paper Notes for the Convention Center Exhibit Hall Lighting and Ceiling Upgrades Project.**

Recommendation:

- (a) City Council and City of San José Financing Authority Board take the following actions:
 - (1) Conduct a Public Hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of lighting and ceiling upgrades to the exhibit hall of the San José McEnery Convention Center (the “Convention Center”) and certain related costs (the “Exhibit Hall Project”); and
 - (2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as "City of San José Financing Authority Lease Revenue Commercial Paper Notes" to provide financing for the Exhibit Hall Project in an amount not to exceed \$15 million and to state the City Council's determination that there will be significant public benefits accruing from such financing.
- (b) City of San José Financing Authority Board adopt a resolution to approve the issuance of City of San José Financing Authority Commercial Paper Notes to provide financing for the Exhibit Hall Project in an amount not to exceed \$15 million.

CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-053. (Finance/Public Works)

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

- 3. Open Forum**
- 4. Adjourn the Joint City Council and 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. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council.
- 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.