



CITY COUNCIL AGENDA

MAY 7, 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/cityclerk. 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 5)**
 - * Hung Q Do, Maha Valrocana Buddhist Temple

- **Pledge of Allegiance**
- **Orders of the Day**

* 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.

THE JOINT SAN JOSE FINANCING AUTHORITY WILL BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR

- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the Month of May 2013 as “Asian Pacific American Heritage Month” in the City of San José. (Chu)
- 1.2 Presentation of a proclamation declaring the Month of May 2013 as “Jewish American Heritage Month” in the City of San José. (Herrera)
- 1.3 Presentation of a proclamation declaring the Week of May 5 – 11, 2013 as “Municipal Clerk’s Week” in the City of San José. (City Clerk)

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.**
- 2.3 **Approval of Council Committee Reports.**
 - Recommendation:** Approval of Council Committee Reports.
 - (a) [Public Safety, Finance and Strategic Support Committee Report of April 18, 2013.](#) (Constant)
 - (b) [Community and Economic Development Committee Report of April 22, 2013.](#) (Herrera)
- 2.4 **Mayor and Council Excused Absence Requests.**

- Recommendation:**
 - (a) [Request for an excused absence for Councilmember Constant from the Regular Meeting of the Public Safety, Finance, and Strategic Support Committee on May 16, 2013 due to a scheduling conflict.](#) (Constant)
* (Rules Committee referral 5/1/13)
 - (b) [Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on May 22, 2013 due to Authorized City Business: Pension Reform Summit in Sacramento, CA.](#) (Constant)
* (Rules Committee referral 5/1/13)

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund for Various City Council Districts.](#)

Recommendation: Adopt the following amendments to the Appropriation Ordinance and Funding Source Resolution in the General Fund:

- (a) Increase the estimate for Other Revenue by \$68,089;
- (b) Increase the appropriation to Council District 2 by \$18,714;
- (c) Increase the appropriation to Council District 4 by \$3,125;
- (d) Increase the appropriation to Council District 7 by \$13,550;
- (e) Increase the appropriation to Council District 8 by \$12,700;
- (f) Increase the appropriation to Council District 9 by \$19,350; and
- (g) Increase the appropriation to Council District 10 by \$650.

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

2.8 [District 1 Health & Safety Fair.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 1, 2013:

- (a) Approve the District 1 Health & Safety Fair as a City Council sponsored Special Event; 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 5/1/13 – Item G(2)]

2.9 [State Legislation to Lower Local Vote Thresholds.](#)

Recommendation: As referred by the Rules and Open Government Committee on May 1, 2013, consider positions on:

- (a) SCA 7 (Wolk) Public Libraries;
- (b) SCA 9 (Corbett) Local Government: Economic Development: Special Taxes;
- (c) SCA 11 (Hancock) Local Government: Special Taxes: Voter Approval;
- (d) ACA 3 (Campos) Local Government Finance: Public Safety Services; and
- (e) ACA 8 (Blumenthal) Local Government Financing: Voter Approval.

(City Manager's Office)

* [Rules Committee referral 5/1/13 – Item G(3)]

2. CONSENT CALENDAR

2.10 [Rainbow Flag Raising Sponsored by Council District Six.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 1, 2013:

- (a) Approve the Rainbow Flag Raising Sponsored by Council District Six as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk/Oliverio)

* [Rules Committee referral 5/1/13 – Item G(4)]

2.11 [Plant Eat Share.](#)

Recommendation: As recommended by the Rules and Open Government Committee on May 1, 2013:

- (a) Approve “Plant Eat Share” as a City sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Liccardo)

* [Rules Committee referral 5/1/13 – Item G(5)]

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 [Resolution in Support of an Amendment to the United States Constitution.](#) [Memo from Councilmember Kalra](#)

Recommendation: As referred by the City Council on March 26, 2013, refer to the Elections Commission or other appropriate commission the question of whether or not the City of San José should adopt a [resolution](#) calling for an amendment to the United States Constitution that states that, first, only individual human beings, not corporations no other collective entities, enjoy the First Amendment protections of the United States Constitution, and second, that money is not “speech” protected by the First Amendment. In the alternative, the City Council may adopt such a resolution. (Liccardo/Campos/Rocha)

[Referred by City Council 3/26/13 – Item 3.6(h)]

(Deferred from 4/9/13 – Item 3.5 and 4/23/13 – Item 3.6)

* **TO BE HEARD LAST**

3. STRATEGIC SUPPORT SERVICES

3.4 [Settlement in Kerkeles v. City of San Jose, et al.](#)

- * **Recommendation:** Approve [settlement](#) in the case of *Michael Kerkeles v. City of San José, et al.*, and authorize the City Attorney to execute a Settlement Agreement and Release with Michael Kerkeles, and his attorney, in the amount of \$150,000, plus attorneys fees to be determined by the court. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney’s Office)

3.5 [Boards and Commissions Consolidation Ordinance.](#)

- * **Recommendation:** Approve an [ordinance](#) amending various sections of Chapter 2.08 of Title 2 and repealing Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code relating to the consolidation of Boards, Bureaus, and Commissions. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (City Clerk)
(Deferred from 4/23/13 – Item 2.7)

3.6 [Report on Request for Bids for Microsoft Office 365 Software.](#)

Recommendation:

- (a) Approve participation in the Microsoft Enterprise License Agreement for State and Local Governments (“Enterprise Agreement”), a cooperative agreement administered by the County of Riverside, California on behalf of State and Local public agencies for five years for advantage pricing of Microsoft software products as may be required by the City;
- (b) Approve enrollment with Compucom Systems, Inc. (Dallas, TX), the lowest bid received from authorized Large Account Resellers, pursuant to the terms and conditions of the Enterprise Agreement;
- (c) Adopt a resolution authorizing the City Manager to:
 - (1) Execute purchase orders and other necessary documents that may be required under the Enterprise Agreement to purchase quantity 5,500 annual subscriptions of Microsoft Office 365, including G Archiving and quantity 400 subscriptions for enhanced Microsoft Office 365 from Compucom Systems, Inc. for a total amount not to exceed \$413,772 for a twelve month period;
 - (2) Execute four additional annual purchase orders for the same amount of \$413,772 each year, for a maximum compensation of \$1,655,088 for all four years, subject to appropriation of funds; and
 - (3) Purchase additional annual subscriptions as may be required at the same unit price, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Finance/Information Technology)

3. STRATEGIC SUPPORT SERVICES

3.7 [Amendment to the Agreement with Hanson Bridgett LLP.](#)

- * **Recommendation:** Adopt a resolution authorizing the City Attorney to:
- (a) Execute a [Second Amendment to the agreement](#) between Hanson Bridgett LLP and Federated City Employees' Retirement System to increase the compensation for the remaining term of the agreement to end June 30, 2014 by \$250,000, from \$250,000, for a total contract amount not to exceed \$500,000; and
 - (b) Execute a [Second Amendment to the agreement](#) between Hanson Bridgett LLP and Police & Fire Department Retirement Plan to increase the compensation for the remaining term of the agreement to end June 30, 2014 by \$250,000, from \$250,000, for a total contract amount not to exceed \$500,000.
- CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Retirement Services)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to the Unattended Collection Containers Ordinance.](#)

[Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

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

Recommendation:

- (a) Conduct a Public Hearing and consider an [ordinance](#) amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to amend: Sections 20.80.1110, 20.80.1130, and 20.80.1150 of Chapter 20.80 (Specific Use Regulations, Recycling Facilities) to amend regulations for Reverse Vending Machines and Unattended Collection Containers in Small Collection Facilities; Sections 20.100.1240 and 20.100.1250 of Chapter 20.100 (Administration and Permits) to amend requirements for Display and Terms of Administrative Permits; and Sections 20.200.877 and 20.200.1303 of Chapter 20.200 (Definitions) to add definitions for "Permittee" and "Unattended Collection Container"; all to further implement the Measurable Sustainability/Environmental Stewardship Major Strategy, the Measurable Environmental Sustainability goals and policies, and the Land Use Goals and Policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20; and
 - (b) Adopt a resolution setting forth related administrative fines for noncompliance with Sections 20.80.1110, 20.80.1120 and 20.80.1130 of Chapter 20.80 of Title 20 of the San José Municipal Code.
- * **ITEM 4.1(b) DEFERRED TO 5/21/13 PER ADMINISTRATION**
CEQA: Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, EIR Resolution No. 76041 (File No. PP13-027). Planning Commission recommends approval (4-2-1). (Planning, Building and Code Enforcement)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Actions Related to Outdoor Vending and Approved Location Peddlers Ordinance.

Recommendation:

- (a) [Conduct a Public Hearing and consider an ordinance amending Title 20 of the San José Municipal Code \(the Zoning Ordinance\) to amend: Section 20.30.100 of Chapter 20.30 \(Residential Zoning Districts\) to allow Outdoor Vending of Fresh Fruits and Vegetables on School, Library, Community Center, and Religious Assembly sites; Sections 20.40.100 and 20.40.520 of Chapter 20.40 \(Commercial Zoning Districts\) to allow Outdoor Vending of Fresh Fruits and Vegetables in Commercial Zoning Districts; Section 20.50.100 of Chapter 20.50 \(Industrial Zoning Districts\) to allow Outdoor Vending of Fresh Fruits and Vegetables in Industrial Zoning Districts; Section 20.70.100 of Chapter 20.70 \(Downtown Zoning Districts\) to allow Outdoor Vending of Fresh Fruits and Vegetables, and to allow Banquet Facilities as Ground-Floor Space Uses, in Downtown Zoning Districts; Sections 20.75.200 and 20.75.320 of Chapter 20.75 \(Pedestrian Oriented Zoning Districts\) to allow Certified Farmers' Markets, Neighborhood Agriculture and Outdoor Vending of Fresh Fruits and Vegetables in Pedestrian Oriented Zoning Districts; and Sections 20.80.810 and 20.80.820 of Chapter 20.80 \(Specific Use Regulations, Outdoor Vending Facilities\) to allow Outdoor Vending of Fresh Fruits and Vegetables and other Products in conformance with specific criteria without an Administrative Permit all to further implement the Design for a Healthful Community Major Strategy, the Vibrant Neighborhoods Goals and Policies, the Economic Development Goals and Policies, and the Land Use Goals and Policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within Title 20. Planning Commission recommends approval \(6-0-1\); and](#)
- (b) Conduct a Public Hearing and consider an ordinance amending the San José Municipal Code to amend Sections 6.54.110, 6.54.260, and 6.54.265 of Chapter 6.54 of Title 6 of the San José Municipal Code to modify the conditions for Approved Location Peddlers and authorize the City Manager to promulgate regulations on behalf of all Approved Location Peddlers; and adding Section 6.54.320 to extend the term of Approved Location Peddler Permits.

CEQA: Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, EIR Resolution No. 76041 (File No. PP13-024).

DEFERRED TO 5/14/13 PER ADMINISTRATION

5. NEIGHBORHOOD SERVICES

5.1 [Actions Related to Adjustment to Parkland Fees](#)

Recommendation: Conduct a Public Hearing and adopt a [resolution](#) to be effective August 1, 2013 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) to reflect the 2012 Residential Land Value Study; and
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service zones.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

* (Deferred from 4/23/13 – Item 5.1 and 4/30/13 – Item 5.2)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Audit of Fire Prevention.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on April 18, 2013, accept the Audit of Fire Prevention. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 4/18/13 – Item D(4)]
DEFERRED TO 5/14/13 PER ADMINISTRATION

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**

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

1:30 P.M.

TUESDAY, MAY 7, 2013

CHAMBERS

***THE SAN JOSE FINANCING AUTHORITY TO BE HEARD IMMEDIATELY
FOLLOWING THE CONSENT CALENDAR***

1. Call to Order and Roll Call

2. [City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A and Series 2013B.](#)

Recommendation:

- (a) Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project):
 - (1) Adopt a [resolution](#) of the City Council:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project) (the “Civic Center Refunding Bonds”) in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
 - (b) Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.
 - (2) Adopt a [resolution](#) of the City of San José Financing Authority Board:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Civic Center Refunding Bonds in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
 - (b) Authorizing the Authority’s Executive Director, Treasurer, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.

(Item continued on the next page)

JOINT FINANCING AUTHORITY AGENDA

2. City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A and Series 2013B. (Cont'd.)

Recommendation:

- (b) Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project):
 - (1) Adopt a [resolution](#) of the City Council:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project) (the “Garage Refunding Bonds”) in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
 - (b) Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.
 - (2) Adopt a [resolution](#) of the City of San José Financing Authority Board:
 - (a) Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Garage Refunding Bonds in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José; and
 - (b) Authorizing the Authority’s Executive Director, Treasurer or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.
- [2013B Trust Agreement](#)
[2013B Project Lease](#)
[2013B Site and Facility Lease](#)
[2013A 4th Supplemental Indenture of Trust](#)
[2013A 3rd Amendment to Project Lease](#)
[2013A Bond Purchase Agreement](#)
[2013B Bond Purchase Agreement](#)
[2013A Preliminary Official Statement](#)
[2013B Preliminary Official Statement](#)
[Appendix A to 2013A & 2013B Preliminary Official Statements](#)
[Appendix B to 2013A & 2013B Preliminary Official Statements](#)

CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (Finance)

(Deferred from 4/30/13 – San José Financing Authority Item #2)

JOINT FINANCING AUTHORITY AGENDA

3. [Bond Counsel and Disclosure Counsel Services Agreement for City of San José Financing Authority Lease Revenue Refunding Bonds Series 2013A and Series 2013B.](#)

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute an agreement with Jones Hall, a Professional Law Corporation, for bond and disclosure counsel services in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds Series 2013A and Series 2013B in an amount not to exceed \$307,500. CEQA: Not a Project; PP10-066(e), services that involve no physical changes to the environment. (City Attorney's Office)
(Deferred from 4/30/13 – San José Financing Authority Item #3)

4. **Open Forum**
5. **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.