

# CITY COUNCIL AGENDA

**NOVEMBER 8, 2011**

**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.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

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](http://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, 2<sup>nd</sup> 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](mailto: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 10)**

- Bernard Smith

- **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 SAN JOSE DIRIDON DEVELOPMENT AUTHORITY WILL MEET IN A JOINT SESSION IMMEDIATELY FOLLOWING CEREMONIAL ITEMS**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy (WISP) and representatives of San José's neighborhood business associations declaring November 26, 2011 as "Small Business Saturday" in the City of San José. (Herrera/Economic Development)
- 1.2 Presentation of a proclamation declaring the week of November 13 – 19, 2011 as "National Nurse Practitioner Week" in the City of San José. (Constant)
- 1.3 Presentation of commendations to Lynbrook High School and Valley Christian Junior High School which have each been named a 2011 Intel School of Distinction. (Constant)
- 1.4 Presentation of a commendation to Second Harvest Food Bank for helping to end hunger by providing food and nutrition programs for people in need in our community. (Mayor)  
\* **RECOMMEND DEFERRAL TO 11/15/11 PER MAYOR**
- 1.5 Presentation of a commendation to the SJB Child Development Centers for promoting healthy lifestyles to children and families in San José. (Liccardo)  
\* (Rules Committee referral 11/2/11)

# 2. CONSENT CALENDAR

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**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) Rules and Open Government Committee Report of October 19, 2011. (Mayor)
- (b) Community and Economic Development Committee Report of October 24, 2011. (Herrera)
- (c) Rules and Open Government Committee Report of October 12, 2011. (Mayor)  
\* [Deferred from 11/1/11 – Item 2.3(a)]
- (d) Public Safety, Finance and Strategic Support Committee Report of October 20, 2011. (Constant)  
\* [Deferred from 11/1/11 – Item 2.3(b)]
- (e) Rules and Open Government Committee Report of October 5, 2011. (Mayor)  
\* [Deferred from 10/25/11 – Item 2.3(b) and 11/1/11 – Item 2.3(c)]

## 2. CONSENT CALENDAR

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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 [Rental Car Operations Agreement and Lease at the Airport.](#)

**Recommendation:** Approve Third Amendments to the On-Airport Rental Car Operations and Lease Agreements (“Agreement”) with [Avis Budget Car Rental](#), LLC; [DTG Operations, Inc.](#); [EAN](#), LLC; [Fox Rent A Car](#), Inc.; and [Hertz Corporation](#) to update space layouts to reflect current operations at the Airport and to clarify certain Agreement provisions, including the commencement date and the ground rent appraisal schedule. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for same use. (Airport)

2.8 [Memorandum of Understanding for the San Francisco Bay Area Urban Areas Security Initiative Grant Program.](#)

\* **Recommendation:** Adopt a resolution authorizing the City Manager to execute a joint two-year [Memorandum of Understanding](#) (Updated Governance MOU) between the City of Oakland, City of San Jose, City and County of San Francisco, County of Alameda, County of Contra Costa, County of Marin, County of Monterey, County of San Mateo, County of Santa Clara, and County of Sonoma as partners in the San Francisco Bay Urban Area Security Initiative (UASI) grant program with an effective term of December 1, 2011 to December 1, 2013. CEQA: Not a Project, File No. PP10-066(a), UASI Grant MOU. (Fire)

2.9 [Actions Related to the Protecting Children from Commercial Sexual Exploitation Grant.](#)

**Recommendation:**

- (a) Adopt a [resolution](#) authorizing the City Manager to accept the FY 2011 Protecting Children from Commercial Sexual Exploitation Grant in the amount of \$292,000; and to execute the [grant agreement](#) with the Department of Justice, Office of Juvenile Justice and Delinquency Prevention specifying the grant terms and all related documents necessary to effectuate the grant.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
  - (1) Establish a city-wide expense appropriation to the Police Department for the 2011 Protecting Children from Commercial Sexual Exploitation Grant in the amount of \$145,000; and

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.9 Actions Related to the Protecting Children from Commercial Sexual Exploitation Grant. (Cont'd.)

**Recommendation:**

- (b) (2) Increase the estimate for Earned Revenue from the Federal Government by \$145,000.

CEQA: Not a Project, File No. PP10-066(g), Grant Agreements and MOUs. (Police/City Manager's Office)

### 2.10 Intention to Form Maintenance District 24 (The Alameda).

**Recommendation:** Adopt a [resolution](#) of intention to form Maintenance District 24 (The Alameda) and directing the Director of Public Works to create and file an Engineer's Report.  
CEQA: Exempt, File No. PP10-132. Council District 6. (Public Works/Transportation)

### 2.11 Actions Related to the Downtown Parking Incentive Programs.

- \* **Recommendation:** Adopt a [resolution](#) to repeal Resolution No. 75871 and set forth the Master Parking Rate Schedule to modify the Downtown Parking Incentive Programs by:
- (a) Expanding the Downtown Free Parking Incentive Program to include existing businesses that expand their Downtown office or commercial building space by a minimum of 10,000 square feet on or after November 1, 2011.
  - (b) Expanding the Downtown Free and 50% Discounted Parking Incentive Programs to include Owner-Occupied Businesses that acquire Downtown office or commercial building space on or after November 1, 2011 and need parking for its employees.
  - (c) Expanding the Downtown Free and 50% Discounted Parking Incentive Programs and provide the City Manager authority to negotiate and execute parking agreements for up to two and a half years of free or 50% discounted parking for up to 100 parking permits when it is determined that the enhanced terms of the parking agreement would be an overriding factor in the relocation or retention of a business in the Downtown as described in the memorandum and the business meets one of the following conditions on or after November 1, 2011:
    - (1) New Downtown business entering into a new office or commercial building lease for a minimum of 10,000 square feet; or
    - (2) New Downtown business entering into a new office or commercial building lease and executing a parking agreement with the City for a minimum of 30 parking permits for the duration of the parking agreement; or
    - (3) Existing Downtown business entering into a new office or commercial building lease and:
      - (a) Expanding their operation Downtown by a minimum of 5,000 square feet, or

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.11 Actions Related to the Downtown Parking Incentive Programs. (Cont'd.)

**Recommendation:**

- (c) (3) (b) Executing a parking agreement with the City for a minimum of 30 parking permits if they are relocating their parking from a private parking facility to a City facility, or
- (c) Executing a parking agreement with the City for a minimum additional 30 parking permits if they are already purchasing parking in a City facility.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section No. 15273, Rates, Tolls, Fares and Charges. Council District 3. (Transportation)

### 2.12 Councilmember Herrera's Travel to San Diego, CA.

**Recommendation:** Approve travel by Councilmember Herrera to San Diego, CA on November 16 – 18, 2011 to attend the League of California Cities Leaders Workshop/ General Session as the President of the Women's Caucus. Source of Funds: League of California Cities and Mayor/Council Travel Fund. (Pyle)

\* [Rules Committee referral 11/2/11 – Item A(1)(a)(1)]

### 2.13 Extension of the Term and Interim Reappointment of the Fire Department Employee Representative to the Board of Administration of the Police and Fire Department Retirement Plan.

**Recommendation:** As recommended by the Rules and Open Government Committee, extend the term of office and reappoint Sean Kaldor, Fire Department employee member of the Board of Administration of the Police and Fire Department Retirement Plan, until such time as the City Council makes the appointment of an employee member to a new term of office expiring November 30, 2015. (City Clerk)

\* [Rules Committee referral 11/2/11 – Item H(5)]

## 3. STRATEGIC SUPPORT SERVICES

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### 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. STRATEGIC SUPPORT SERVICES

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#### 3.3 [Report on Request for Proposal for Citywide Janitorial Services.](#)

**Recommendation:** Report on Request for Proposal for Citywide Janitorial Services and adoption of a resolution authorizing the City Manager to:

- (a) Execute five separate agreements with GCA Services Group Inc. (Alviso, CA) for Janitorial Services, with an initial three year term ending October 31, 2014 for each agreement, and a cumulative total amount not to exceed \$19,118,608. Year two and three of the contract are subject to the appropriation of funds.

<u>Department</u>	<u>Year One Cost</u>	<u>Max. Compensation (three years)</u>
<a href="#">Public Works</a> (Citywide Facilities)	\$2,951,232	\$8,853,696
<a href="#">Airport</a>	2,576,126	7,728,377
<a href="#">Parks, Recreation &amp; Neighborhood Services</a>	462,597	1,387,790
<a href="#">Environmental Services</a>	369,718	1,109,154
<a href="#">Office of Cultural Affairs</a>	<u>13,197</u>	<u>39,591</u>
<b>Total</b>	<b>\$6,372,870</b>	<b>\$19,118,608</b>

- (b) Execute amendments as required to add or delete facilities, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.
- (c) Execute five one-year options to renew each of the agreements 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)

\* **RECOMMEND DEFERRAL TO 11/29/11 PER ADMINISTRATION**

#### 3.4 [Civil Service Commission Interviews.](#) [Supplemental - Memo from the City Clerk](#)

**Recommendation:**

- (a) Interview applicants for appointment to the Civil Service Commission;
- (b) Appoint up to three (3) members to the Civil Service Commission to full four-year terms expiring November 30, 2015; and
- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days.

(City Clerk)

\* **RECOMMEND DEFERRAL TO 11/15/11 PER ADMINISTRATION**



### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Revolving Door Ordinance.

**Recommendation:** Approve an [ordinance](#) amending Chapter 12.10 of Title 12 of the San José Municipal Code by adding Section 12.10.035 to prescribe limited restrictions for designated employees terminated due to reductions in work force. (City Attorney's Office) [Rules Committee referral 10/26/11 – Item H(5)]

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

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Urgency and Regular Ordinance Amending Zoning Code Regulations Pertaining to Medical Marijuana Collectives.

\* **Recommendation:**

(a) Council consideration of adoption of an [urgency ordinance](#) suspending Ordinance No. 28958 and providing that amending Ordinance No. 28958, adopted by the City Council on September 27, 2011 to establish land use regulations pertaining to medical marijuana collectives, to provide that Ordinance No. 28958 shall become effective only if and when Ordinance No. 28960, establishing health and safety regulations for medical marijuana collectives, first becomes effective and setting forth the facts constituting such urgency.

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

(b) Council consideration of approval of an ordinance suspending Ordinance No. 28958 and providing that Ordinance No. 28958, adopted by the City Council on September 27, 2011 to establish land use regulations pertaining to medical marijuana collectives, shall become effective only if and when Ordinance No. 28960, establishing health and safety regulations for medical marijuana collectives, first becomes effective.

CEQA: Resolution No. 75984. (City Attorney's Office/City Manager's Office)

\* (Deferred from 11/1/11 – Item 4.2)

### 5. NEIGHBORHOOD SERVICES

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## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Implementation of Per Day Rental Car Customer Facility Charge at the Airport.** Supplemental – Memo from the Director of Aviation

**Recommendation:** Adopt a resolution:

- (a) Imposing a customer facilities fee and customer transportation fee (collectively, “CFC”) of \$6.00 per day, up to a maximum of five days per rental car contract effective December 1, 2011, for customers renting vehicles from On-Airport Rental Car Companies, for the purpose of paying the costs of the financing, design and construction of the Consolidated Rental Car Garage, and the costs of providing a common-use transportation system to transport rental car customers between Terminal A and the Consolidated Rental Car Garage;
  - (b) Subject only to the State Controller’s Office substantiating the continued need for the rate increase at that time, increasing the CFC from \$6.00 to \$7.50 per day, up to a maximum of five days per rental car contract effective January 1, 2014, for customers renting vehicles from On-Airport Rental Car Companies, for the purpose of paying the costs of the financing, design and construction of the Consolidated Rental Car Garage, and the costs of providing a common use transportation system to transport rental car customers between Terminal A and the consolidated Rental Car Garage;
  - (c) Authorizing the City Manager to reinstate and impose a CFC of \$10 per rental car contract in the event that the per day CFC provided for herein is held to be invalid or unenforceable; and
  - (d) Repealing Resolution No. 74039, effective December 1, 2011.
- CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273, Rates/Tolls/Fares/Charges. (Airport)

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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- **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>
10078	E/S Almaden Expwy, 200’ S/O Fleetwood Drive	10	HH Almaden LLC	16 Lots / 16 Units	SFDR	Approve

- **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 or Redevelopment Agency Board.*

- **Adjournment**

**JOINT CITY OF SAN JOSE CITY COUNCIL/  
SAN JOSE DIRIDON DEVELOPMENT AUTHORITY AGENDA**

**1:30 P.M. TUESDAY, NOVEMBER 8, 2011 CHAMBERS**  
**\* TO BE HEARD IMMEDIATELY FOLLOWING CEREMONIAL ITEMS**

- 1. Call to Order and Roll Call**
- 2. [Actions Related to the Sale of Property to Athletics Investment Group LLC.](#)**

**Recommendation:** It is recommended that the San José City Council and the San Jose Diridon Development Authority Board (Authority) conduct a public hearing and take the following actions:

- (a) [The City Council](#) and the [Authority Board](#) adopt resolutions affirming prior resolutions adopted by the City Council and Redevelopment Agency Board in support of the efforts of the Oakland Athletics organization to move the team to San Jose, including Resolution No. 74908 adopted in May, 2009, Resolution No. 75513 adopted in August, 2010, and Resolution 75567 adopted in September, 2010; and Resolution No. 5985 adopted in September, 2010; and
- (b) The City Council adopt a [resolution](#):
  - (1) Approving the potential sale of certain real property (Property) located along South Montgomery Street between West San Fernando Street and Park Avenue in San José to the Athletics Investment Group, LLC (AIG) pursuant to an Option Agreement for the Sale of Property between AIG and the Authority, and
  - (2) Accepting the Summary Report and Re-Use valuation, and;
  - (3) Finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the Strong Neighborhoods Initiative Redevelopment Project Area, and that the consideration for the property is not less than the fair reuse value for the proposed use with the covenants and conditions to be imposed under the Option Agreement and the potential costs of the proposed project; [Summary Report](#)
- (c) The Authority Board adopt a [resolution](#) approving the [Option Agreement](#) for the Sale of Property with AIG and authorizing the Executive Director to negotiate and execute the purchase agreement and other ancillary documents contemplated by the Option Agreement, with proceeds of the sale to be paid to the San José Redevelopment Agency as consideration for the original transfer of the Property to the Authority;

***(Item continued on the next page)***

# **JOINT CITY/DIRIDON DEVELOPMENT AUTHORITY**

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## **2. Option Agreement for Sale of Property to Athletics Investment Group LLC. (Cont'd.)**

### **Recommendation:**

- (d) The Authority Board adopt a [resolution](#) approving the establishment of a new fund for the San José Diridon Development Authority and consenting to the budget actions recommended to be taken by the City Council below; and
- (e) The City Council approve the establishment of the new fund and adopt the following Appropriation Ordinance and Funding Source [Resolution](#) amendments in the San José Diridon Development Authority Fund:
  - (1) Establish an estimate for Earned Revenue in the amount of \$200,000;
  - (2) Establish an estimate for Transfers from the Redevelopment Agency in the amount of \$60,000;
  - (3) Establish an appropriation to the Office of Economic Development for Non-Personal/Equipment expenses in the amount of \$30,000;
  - (4) Establish an appropriation to the Office of Economic Development for Administration expenses in the amount of \$10,000; and
  - (5) Establish an Ending Fund Balance in the amount of \$220,000.

CEQA: [Resolution](#) to be adopted. This resolution will be based upon the information contained in that certain Final Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area, certified by the Planning Commission on February 28, 2007 by Resolution No. PC07-009, as supplemented by the information contained in that certain Final Supplemental Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area, certified by the City Council on June 16, 2010, by Resolution No. 75432.

## **3. Open Forum**

## **4. Adjourn the Joint City Council/San José Diridon Development 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, Redevelopment Agency Board, 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, Redevelopment Agency Board, 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.