



# CITY COUNCIL AGENDA

**APRIL 29, 2008**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
DAVID D CORTESE, VICE MAYOR  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

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 item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. 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 every first and third Tuesday at 7 p.m., 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 and Staff Reports 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.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two 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  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
[See Separate Agenda](#) (no earlier than 3:30 p.m.)
  
- **Invocation (District 4)**  
IndepenDance Company from Independence High School
  
- **Pledge of Allegiance**
- **Orders of the Day**
  
- \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation declaring June 20<sup>th</sup>, 2008 as “Iranian Human Rights Day” in the City of San José. (Liccardo)  
\* **RECOMMEND DROP**
  
- 1.2 Presentation of a proclamation declaring May 1<sup>st</sup>, 2008 as “Paint Our Town Purple Day” in support of the Relay for Life in the City of San José. (Pyle/Williams/Oliverio)

# 1. CEREMONIAL ITEMS

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- 1.3 Presentation of a proclamation declaring April 30, 2008 as “El día de los niños / El día de los libros – Children’s Day / Book Day” in the City of San José. (Mayor/Campos/Oliverio)  
\* (Rules Committee referral 4/23/08)

# 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 will be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

## 2.2 Final adoption of ordinances.

## 2.3 [Approval of an agreement for Environmental Analysis Consulting Services at the Airport.](#)

**Recommendation:** Approval of a consultant agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services in an amount not-to-exceed \$250,000 and for the term of July 1, 2008 to June 30, 2011. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-045. (Airport)

## 2.4 Approval of a Settlement Agreement and Release with Tadco Supply, Inc. et al.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to execute the Settlement Agreement and Release with Tadco Supply, Inc., considered by the City Council during the closed session held on April 8, 2008. (City Attorney's Office)  
**RECOMMEND DEFERRAL TO 5/6/08 PER CITY ATTORNEY**

## 2.5 [Approval to negotiate and execute vision service contracts. Supplemental Memo from Director of Human Resources](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute vision service contracts with EyeMed Vision Care and Vision Service Plan for July 1, 2008 through June 30, 2012. CEQA: Not a Project. (Human Resources)

## 2.6 [Approval to change the title classification of Executive Assistant in the City Auditor’s Office.](#)

**Recommendation:** Adoption of a resolution amending the City of San José Pay Plan effective March 11, 2008 to change the title for the classification of Executive Assistant U (8021) (formerly Executive Assistant to the City Auditor). CEQA: Not a Project. (Human Resources)

## 2. CONSENT CALENDAR

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2.7 [Approval of a Contract Change Order for the Airport North Concourse Building Foundation and Utility Tunnel Concrete, Package 02A Project.](#)

**Recommendation:** Approval of Contract Change Order # 14 for the Norman Y. Mineta San José International Airport North Concourse Building Foundation and Utility Tunnel Concrete, Package 02A with Gonsalves & Santucci, Inc., dba Conco, to use savings from the total base bid reductions under previously approved change order numbers 5, 8 and 9 to pay for the cost of additional work necessary to complete the project in the total amount of \$166,114, at no increase in the total contract amount. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-044. (Public Works/Airport)

2.8 [Approval to summarily vacate a portion of Coleman Avenue between Seymour and Hobson Streets.](#)

**Recommendation:** Adoption of a resolution to summarily vacate a portion of the Public Service Easement lying in the northeasterly quadrant of Lot 16 of Tract 9707 at the Southside of Coleman Avenue between Seymour and Hobson Streets. CEQA: Resolution No. 72369. Council District 3. (Public Works)

2.9 [Acceptance of the Proposed Fiscal Year 2007/08 – 2012/13 Workplan for Rule 20A and Rule 20B In-Lieu Fee Underground Utility Program.](#)

**Recommendation:** Acceptance of the report on the proposed fiscal year 2007/08 - 2012/13 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. CEQA: Not a Project. (Public Works)

2.10 [Request for an excused absence for Councilmember Chirco.](#)

**Recommendation:** Request for an excused absence for Councilmember Chirco from the Regular Meeting of the Neighborhood Services and Education Committee on April 10, 2008 due to illness. (Chirco)  
(Rules Committee referral 4/16/08)

2.11 [Request for an excused absence for Councilmember Constant.](#)

**Recommendation:** Request for an excused absence for Councilmember Constant from the Closed Session and Afternoon Meeting of the City Council on April 15, 2008 due to a death in the family. (Constant)  
(Rules Committee referral 4/16/08)

### **3. STRATEGIC SUPPORT SERVICES**

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

#### **3.2 Report of the Rules and Open Government Committee – April 16, 2008**

##### **Mayor Reed, Chair**

- (a) City Council
  - (1) Review April 22, 2008 Final Agenda
  - (2) Review April 29, 2008 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) Support for Foreclosure Protection Legislation: SB1137 (Perata) – Residential Mortgage Loans, AB2586 (Torrico) – Tenant Notification and support for AB2509 (Galgiani) – Mortgage Guarantee Program, if amended. (Housing)
    - (b) SB1577 (Florez) – Air Carrier Airport Surrendered Items Donation Program. (Airport)
  - (2) Federal
    - (a) Support for Foreclosure Protection Legislation: H.R. (Dodd and Shelby). (Housing)
- (d) Meeting Schedules
  - (1) Council Meeting Schedule August – December 2008. (City Manager)
  - (2) Add an evening session to the May 13, 2008 Council Meeting. (Mayor)
  - (3) 2008-2009 Detailed Budget Schedule. (City Manager)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Inclusionary Housing Status Report and Staff Work Assessment to be placed on the Council calendar in May. (Mayor/Liccardo)
- (h) Review of additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
    - (a) Add the following agenda item to the TE Committee workplan for May 5, 2008 regarding plastic carryout bag ban and reduction in single-use bags and disposable takeout food containers. (Environmental Services)
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee – [April 17, 2008](#) Councilmember Nguyen, Chair

- (a) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
  - (1) Financial Statements
  - (2) Capital Cost Report
  - (3) Cash Flow Projections
- (b) Procedures, Protocols and Policies Regarding the County Jail. (Oliverio)
- (c) Review of Plans for Heart Safe City Classification. (Fire)
- (d) Bi-Monthly Financial Report for January/February. (Budget)
- (e) Review of the 101 San Fernando Disposition and Development Agreement. (City Auditor)
- (f) An Audit of the Management of the City's Tax-Exempt Bond Program and Use of Interfund Loans to Provide Financing for Capital Bond Projects. (City Auditor)
- (g) An Audit of the emergency Communication System Support Fee. (City Auditor)
- (h) Audit of the Bridge Replacement – Phase II. (City Auditor)
- (i) Report on Enterprise Applications Executive Overview Priority Projects. (Information Technology)
- (j) Report on Information Technology Open Purchase Order Process. (Information Technology/Finance)
- (k) Report on the Status of Information Technology Reserve Funds and Future Needs. (Information Technology)
- (l) Oral Petitions
- (m) Adjournment

#### 3.4 [Change the Special Eligibility Requirement that one member of the Elections Commission be an Attorney-At-Law.](#)

- \* **Recommendation:** As recommended by the Elections Commission, approve [an ordinance](#) amending Section 2.08.1630 of Chapter 2.08 of Title 2 of the San José Municipal Code to change the special eligibility requirement that one member of the Elections Commission be an attorney-at-law licensed to practice in the State of California, and to make technical changes. (City Clerk)  
(Rules Committee referral 4/16/08)

#### 3.5 [Actions related to the sale of surplus City-owned property at 410 Park Avenue.](#)

**Recommendation:** Adoption of a resolution:

- (a) Declaring the 0.19 acre City-owned property and building at 410 Park Avenue surplus to the needs of the City;
- (b) Approving the sale agreement with an adjacent property owner, Park Delmas Investors, LLC, in the amount of \$450,000; and
- (c) Authorizing the Director of Public Works to execute all documents necessary to complete the transfer of the property; and

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Actions related to the sale of surplus City-owned property at 410 Park Avenue. (Cont'd.)

**Recommendation:**

- (d) Directing the City Manager to return with appropriation actions to allocate proceeds from this sale to address the City's Deferred Maintenance and Infrastructure Backlog.

CEQA: Resolution No. 72767. Council District 3. (Public Works)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report.*

#### 4.2 [Actions related to the Fairgrounds Senior Housing Apartments.](#)

[Supplemental Memo from the Director of Housing and Deputy Director of Finance](#)

\* **Recommendation:** Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Fairgrounds Senior Housing Apartments), Series 2008B" in an aggregate principal amount not to exceed \$26,000,000 (the "Bonds");
- (b) Approving a loan of Bond proceeds to Fairgrounds Senior Housing, L.P., a California limited partnership, for financing a portion of the costs of constructing the Fairgrounds Senior Housing Apartments located at 520 Tully Road in San José;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement, Declaration of Restrictive Covenants and Assignment of Deed of Trust and Loan Documents and Bond Purchase Agreement; and
- (d) Authorizing the City Manager or authorized designee to execute and, as appropriate, negotiate, execute and deliver these bond documents and other related bond documents as necessary.

CEQA: Resolution No. 71359, County Fairgrounds Housing EIR. Council District 7. (Finance/Housing)

(Deferred from 4/22/08 – Item 4.2)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 [Rezoning real property located on the southeast corner of Stevens Creek and South Winchester Boulevard.](#)

[Supplemental Memo from the Director of Planning  
Attachment – Plans](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of Stevens Creek and South Winchester Boulevard (Santana Row) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to (1) modify perimeter setbacks and (2) change allowed uses, including the elimination of previously entitled 22,500 square feet of retail uses, a 190 room hotel and 229 residential dwelling units. This proposal would allow the addition of 160,000 square feet of office/commercial uses on a 40.78 gross acre site (FRIT San José Town & Country Village LLC, c/o Randy Paul, Developer). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: EIR Resolution No. 68210 and Addendum thereto.

PDC07-095 – District 6

\* [Continued from 4/22/08 - Item 11.1(d)]

\* **RECOMMEND DEFERRAL TO 5/6/08 PER APPLICANT’S REQUEST**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 **Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair – *No Report.***

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 **Report of the Transportation and Environment Committee Councilmember Williams, Chair – *No Report.***

### 6.2 [Report on bids and award of contract for the Remove and Replace Asphalt Concrete Pavement 2008 Project.](#)

**Recommendation:** Report on bids and award of contract for the Remove and Replace Asphalt Concrete Pavement 2008 Project to the low bidder, Top Grade Construction, Inc., in the amount of \$1,445,800, and approval of a 5% contingency in the amount of \$73,000. CEQA: Exempt, File No. PP04-039. (Transportation)

## 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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*See Item 8.1 “City Council and Agency Board approval of actions related to the Convention Center Phase 1 Expansion Project” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

#### 9.1 [Acceptance of actions related to Downtown Issues.](#)

(Joint Memo from Mayor Reed and Councilmembers Liccardo, Williams and Oliverio)

\* **Recommendation:**

(a) [Actions related to the Downtown Hospitality Zone as follows:](#)  
[Attachment – Roundtable Discussion Summary Report](#)

- (1) City Council and Redevelopment Agency Board acceptance of the attached Downtown Hospitality Zone Assessment (HZA) Report produced by the Responsible Hospitality Institute (RHI); and,
- (2) City Council approval of the creation of a position within the City Manager’s Office to focus on Downtown related issues highlighted in the attached Downtown Hospitality Zone Assessment draft work plan and to work closely with a community-based advisory group to facilitate the action items recommended in the HZA report to ensure that new and existing policies are working to make downtown a vibrant, hospitable and safe entertainment center.
- (3) Provide direction on funding options for this position for consideration in the upcoming budget process (2008-2009), including the possibility of fees from entertainment uses offsetting a portion of the costs incurred.

CEQA: Not a Project. Council District 3.

(b) [Actions related to Licensing Promoters as follows:](#)  
[Attachment – Memo from Mayor Reed and Councilmember Liccardo](#)

- (1) [Approval of an ordinance](#) by the City Council:
  - (a) Amending Chapter 6.58 of Title 6 of the San José Municipal Code to require operators of public dancehall venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.58 of the Code, but not so permitted responsible for violations of Chapter 6.58 of the Code;
  - (b) Amending Chapter 6.60 of Title 6 of the Code to require operators of public entertainment business venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.60, but not so permitted, responsible for violations of Chapter 6.60 of the Code ; and

*(Item continued on the next page)*

# 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

## 9.1 Acceptance of actions related to Downtown Issues. (Cont'd.)

**Recommendation:**

- (b) (1) (c) Adding Chapter 6.62 to Title 6 of the Code to require promoter permits and setting regulations and conditions on promoter permits.
- (2) Adoption of a resolution by the City Council amending the Administrative Citation Schedule of Fines for Certain Violations of the Code to amend and establish fines for certain violations of Code Chapters 6.58 (Public Dancehalls) and 6.60 (Public Entertainment Permit) and to establish fines for violations of Code Chapter 6.62 (Event Promoters), and repealing Resolution No. 74033, to be effective July 1, 2008.

CEQA: Not a Project. Council District 3.

\* **RECOMMEND DEFERRAL TO 5/20/08 IN THE EVENING PER MAYOR AND DISTRICT 3**

- (c) Actions related to Street Vendors as follows:
  - (1) City Council direction to staff to develop an ordinance:
    - (a) Repealing the Flower Vendor Ordinance set forth in Chapter 6.30 of Title 6 of the San José Municipal Code;
    - (b) Amending the Peddler Permit Ordinance, Chapter 6.54 of Title 6 of the San José Municipal Code, to include regulation of flower street vendors; extend the hours during which approved location peddlers can peddle; authorize the City Manager to make and promulgate time, place and manner regulations reasonably necessary to promote economic growth and create a more vibrant Downtown; and update definitions in the Chapter 6.54 to ensure consistency of terms within Title 6 of the San José Municipal Code; and
    - (c) Amending the Downtown Special Events Ordinance, Chapter 6.55 of Title 6 of the San José Municipal Code, to reduce the area within which approved location peddler permits may be suspended during a designated Downtown Special Event by limiting the suspension area to the Special Event Boundary; authorize peddlers within the Special Event Boundary to peddle at alternative, temporary locations outside the Boundary for the duration of the Downtown Special Event; and clarify the exceptions to the requirement for Event Organizers to provide approved location peddlers an equal opportunity to participate in the Downtown Special Event.
  - (2) City Council and Redevelopment Agency acceptance of staff's recommended process to assist peddlers wishing to operate as approved location peddlers in the Downtown Vendor Program Area.

CEQA: Resolution No. 72767. Council District 3.

*(Item continued on the next page)*

# 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

## 9.1 Acceptance of actions related to Downtown Issues. (Cont'd.)

**Recommendation:**

- (d) [Actions related to Sidewalk Dining as follows:](#)
  - (1) Approval of [an ordinance](#) by the City Council amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code, the provisions related to sidewalk cafe permits, to allow the Director of Planning to issue a sidewalk cafe permit to an establishment located in the Downtown that also has an entertainment permit and is designated as a code public eating establishment pursuant to the provisions of Title 6 of the San José Municipal Code, and to retail establishments, to reduce the requirement for full food service, to include provisions related to the revocation of such permits, and to clarify the definition of a sidewalk café.  
 CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval with 12:00 a.m. (midnight) closing and Planning Commission recommends approval with 2:00 a.m. closing and continuation of Downtown Working Group (4-3-0). Council District 3.  
 \* (Continued from 4/22/08 – Item 11.4)
- (e) [City Council and Redevelopment Agency Board acceptance of the Downtown Working Group’s final report.](#) CEQA: Not a Project. Council District 3.
- (f) [City Council and Redevelopment Agency Board acceptance of the evaluation of the Soft Closing Pilot Program.](#) CEQA: Exempt, File No. PP07-117. Council District 3.  
 (City Manager’s Office/Redevelopment Agency)

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

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9715	Southwest corner of Chynoweth Ave and Cedar Grove Circle	2	Chynoweth Development LLC	7 Lots / 6 Units	Single Family Detached	Approve

\* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9974	East side of Radio Avenue, 160 feet north of Lincoln Court	6	Radio Homes, LLC	15 Lots / 14 Units	Single Family Attached and Detached

- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Adjournment

## **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 agenda 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, unless they are speaking during open forum.
  - 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.