



# **CITY COUNCIL AGENDA**

**FEBRUARY 10, 2009**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
JUDY CHIRCO, VICE MAYOR  
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 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 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.

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.

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**

- 9:30 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

- 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 2)**

- \* Reverend Jethroe Moore, Rehoboth Christian Center

- **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.**

- \* **SEE NEW ITEM 1.5 “Presentation of a commendation to the Administrative Hearing Officers with the Rental Rights program . . .”**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to the Almaden Pop Warner Pee Wee football team for winning the national championship and earning the title of 2008 Tomlin Champions. (Pyle)  
\* **TO BE HEARD IN THE EVENING**
- 1.2 Presentation of a commendation to James Robbins, former Executive Director of the City of San José Environmental Business Cluster – the first environmental incubator in the US – for his dedication and commitment to managing the operations of the incubator since its inception in 1994 through his retirement in January 2009, and for creating the largest private technology commercialization program for clean energy start-up companies in the country. (Mayor)  
\* (Rules Committee referral 2/4/09)
- 1.3 Presentation of a proclamation declaring February 13, 2009 as “NAACP Day” in the City of San José in celebration of the 100 year anniversary of the founding of this vital organization. (Mayor/Council)  
\* (Rules Committee referral 2/4/09)
- 1.4 Presentation of a proclamation declaring the month of February as “Black History Month” in the City of San José. (Mayor/Council)  
\* (Rules Committee referral 2/4/09)
- 1.5 Presentation of a commendation to the Administrative Hearing Officers with the Rental Rights program in recognition of exemplary mediation service to landlords and tenants in the City of San José. (Housing)  
\* (Orders of the Day)

# 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.

**Recommendation:** Approval of minutes.

- (a) Regular Minutes of October 7, 2008
- (b) Special Meeting Minutes of October 14, 2008
- (c) Regular Minutes of October 21, 2008
- (d) Joint City of San José Financing Authority Minutes of October 21, 2008
- (e) Historic Preservation Study Session Minutes of October 23, 2008
- (f) Regular Minutes of October 28, 2008

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

### 2.3 Annual Status Report on Library, Public Safety and Parks and Recreation Bond Programs.

**Recommendation:**

- (a) [Accept the annual status report on the Safe Neighborhood Parks and Recreation Bond Projects for FY 2007-2008.](#)
- (b) [Accept the annual status report on the Branch Library Bond Projects for FY 2007-2008.](#)
- (c) [Accept the annual financial report on the Public Safety Bond Program for FY 2007-2008.](#)

[Supplemental – Memo from the Director of Public Works](#)

CEQA: Not a Project. (Citizen Oversight Committee for the Library Bond Projects/  
Citizen Oversight Committee for the Public Safety Bond Program/Citizen Oversight  
Committee for the Parks and Recreation Bond Projects)  
(Deferred from 1/27/09 – Item 2.15)

### 2.4 [Agreement with Management Partners.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a second amendment to the continuation agreement with Management Partners to extend the term of the agreement from June 30, 2009 to June 30, 2010; expand the scope of services; and increase total compensation by \$220,000 from \$397,200 to \$617,200.  
CEQA: Not a Project. (City Manager's Office)

### 2.5 [Agreement with National Hispanic University for the Early Childhood Education Program.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with National Hispanic University, for an agreement term from July 1, 2008 to August 11, 2011, in the amount of \$221,659 to implement the grant-funded Early Childhood Education Program. CEQA: Not a Project. (Library)

### 2.6 [Amend the agreement for sports court surfaces.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a First Amendment to the Turnkey Parkland Agreement for Tentative Map No. PT 05-108 with Hitachi Global Storage Technologies, Inc. ("Developer") to accept an additional warranty with certain terms and conditions for the sports court surfaces that were installed in the 10 acre and 5 acre parks that varied from City approved plans and specifications. CEQA: Resolution No. 72772. Council District 2. (Parks, Recreation and Neighborhood Services)

## 2. CONSENT CALENDAR

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### 2.7 [Agreement with PG&E for conversion of overhead facilities.](#)

**Recommendation:** Approve an [Agreement](#) to Perform Tariff Schedule Related Work with Pacific Gas and Electric Company for conversion of overhead facilities to underground facilities within the In-Lieu Fee (Rule 20B) Underground Utility District located on Jackson Avenue between Seventh and Ninth Streets and Taylor Street between Seventh and Tenth Streets in an amount not to exceed \$1,446,222. CEQA: Exempt, PP05-148. Council District 1. (Public Works)

### 2.8 [Airspace rental agreement with the State of California for the parking lot located at Woz Way and Highway 87.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an airspace rental agreement with the State of California for use of the public parking lot located at Woz Way and Highway 87 (Woz/87 Lot) with an initial term of five (5) years and an option to extend for another five (5) year term. CEQA: Not a Project. Council District 3. (Public Works/Transportation)

## 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 – January 21, 2009 Mayor Reed, Chair

- (a) City Council
    - (1) Review January 27, 2009 Final Agenda
      - (a) Add New Items to Final Agenda
      - (b) Review Study Session Agendas
      - (c) Assign “Time Certain” to Agenda Items (if needed)
    - (2) Review February 3, 2009 Draft Agenda
      - (a) Add New Items to Draft Agenda
      - (b) Review Study Session Agendas
      - (c) Assign “Time Certain” to Agenda Items (if needed)
  - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (c) Legislative Update
  - (d) Meeting Schedules
  - (e) The Public Record
  - (f) Appointments to Boards, Commissions and Committees
    - (1) Approve Updated City Council Appointments. (Mayor)
  - (g) Rules committee Reviews, Recommendations and Approvals
  - (h) Review of additions to Council Committee Agendas
- (Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – January 21, 2009 (Cont'd.) Mayor Reed, Chair

- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force (SRTF)
    - (a) SRTF Phase II Report and Recommendations
    - (b) Staff's Response to Phase II Report and Recommendations of the SRTF.
    - (c) SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF
    - (d) Police Records Workplan Response
    - (e) City Attorney's review of Proposition 9 – "Victim's Bill of Right Act of 2008, Marsy's Law" – and any impact to access to information contained in City Police Records
    - (f) Correspondence from the Public regarding Police Records
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update

(j) Open Forum

(k) Adjournment

\* (Deferred from 2/3/09 – Item 3.3)

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair – *No Report.*

#### 3.4 [2008-2009 Mid-Year Budget Actions and related actions.](#)

\* **Recommendation:**

- (a) Approve the 2008-2009 Mid-Year Budget Review Report.
- (b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) in the 2008-2009 Mid-Year Budget Review.
- (c) Approve the net elimination of 88.5 positions, comprised of the elimination of 52.0 positions in the Airport Department, the elimination of 3.0 positions in the Fire Department, the elimination of 2.0 positions in the Police Department, the elimination of 28.5 positions in the Public Works Department, the elimination of 9.0 positions in the Transportation Department, offset by the addition of 6.0 positions in Environmental Services Department as described in Section III of the 2008-2009 Mid-Year Review document.
- (d) [Approve the Arts Commission's recommended revisions to the Arts Stabilization Loan Fund Guidelines, as follows:](#)
  - (1) The Arts Stabilization Flexible Fund, a separate appropriation from the Arts Stabilization Loan Fund, and both funded in the General Fund, will be considered for additional funding as part of the City's annual budget process beginning in 2009-2010. The Flexible Fund will no longer be automatically replenished from interest on lines of credit and general investment earnings from the Loan Fund;

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 2008-2009 Mid-Year Budget Actions and related actions. (Cont'd.)

**Recommendation:**

- (d) (2) The Flexible Fund can no longer be used to defray costs associated with managing lines of credit issued from the Loan Fund; and
- (3) Organizations receiving a line of credit from the Arts Stabilization Loan Fund will not be eligible to compete in the City's Operating Grant Program, but will be eligible to receive an annual "recovery" grant based on the organization's grant index as computed under the Operating Grant Program guidelines.
- (e) Direct the City Manager to implement the Arts Stabilization Loan Fund Guidelines, as revised.
- (f) [Adopt a resolution repealing Resolution No. 73338 and setting forth the Schedule of Parking Penalties and Late Payment Penalties for Parking Violations to include a courthouse construction parking penalty fee increase of \\$3.00 effective March 1, 2009. Resolution](#)
- (g) [Direct the City Manager to review and evaluate the Schedule of Parking Penalties and Late Payment Penalties for Parking Violations, and to report back to Council by June 2009 if additional adjustments are necessary for certain violations.](#)
- (h) [Adopt Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund to increase the Fines and Forfeitures revenue estimate by \\$230,000 and increase the Parking Citations/Jail Courthouse Fees City-Wide appropriation by \\$230,000.](#)
- (i) [Direct the City Attorney to prepare an ordinance to amend the Public Permit Ordinance to authorize a change in the fee methodology for the Public Entertainment Business Permit charged to Public Entertainment Businesses operating in the Downtown Entertainment Zone to include costs related to police enforcement of the Public Entertainment Permit Ordinance. Actual fee increases will be brought forward as part of the 2009-2010 Proposed Budget process. Supplemental: Memo from the City Attorney](#)

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**RECOMMEND DEFERRAL PER MAYOR'S OFFICE**

- (j) [Direct the City Attorney to prepare an ordinance to amend Title 20 of the San José Municipal Code to implement a soft-closing program for the Downtown Entertainment Zone to allow bars and nightclubs to stay open until 2:30 A.M. with a Conditional Use Permit.](#)

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**RECOMMEND DEFERRAL PER MAYOR'S OFFICE**

- (k) Discuss and provide further direction to the Administration on the City Manager's proposed cost model and structure in order to further inform the proposed ordinance amendments directed above.

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**RECOMMEND DEFERRAL PER MAYOR'S OFFICE**

CEQA: Not a Project. (City Manager's Office)

#### 3.5 [Community Budget Priorities Telephone Survey Results.](#)

**Recommendation:** Presentation of the results of the January 2009 Community Budget Priorities Telephone Survey. CEQA: Not a Project. (Mayor)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 [Process to Fill Unanticipated Vacancies on the Police and Fire Retirement Board.](#)

**Recommendation:** As referred by the Rules and Open Government Committee of February 4, 2009, consider direction to the City Clerk to conduct a process to fill the unscheduled vacancies of the Police and Fire Department employee members on the Board of Administration of the Police and Fire Department Retirement Plan (Police and Fire Retirement Board). (City Clerk)

\* (Rules Committee referral 2/4/09 – Item 9.1)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

### 5. NEIGHBORHOOD SERVICES

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

### 6. TRANSPORTATION & AVIATION SERVICES

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

#### 6.2 [Public Hearing on Cost of Sidewalk Repair Liens.](#)

[Supplemental – Memo from the Director of Finance](#)

**Recommendation:** Conduct a public hearing and adopt a [resolution](#) approving the Report of the Director Finance on the Reimbursement of Cost for Sidewalk Repairs, confirming the assessments contained in the Report and directing the recording of liens on the property tax roll for the cost of sidewalk repairs. CEQA: Not a Project. (Finance)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Santa Clara Valley Water District FY2010--Federally Partnered Projects.](#)

**Recommendation:** As referred by the Rules and Open Government Committee of February 4, 2009, consider support for the Santa Clara Valley Water District's FY 2010 Federally partnered projects in the City of San José. (Environmental Services/City Manager's Office)

\* (Rules Committee referral 2/4/09 – Item 10.2)

## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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\* *See Item 8.1 “Approval of a grant agreement with Baseball Acquisition Company, Inc.” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

- **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.*
- **Continue RDA Board Meeting (immediately following Open Forum)**
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 11.1 Public Hearings on Consent Calendar.

#### **Recommendation:**

- \* (a) [Consideration of an ordinance rezoning the real property located on the north side of Foxworthy Avenue approximately 100 feet east of Lansford Avenue \(1345 Foxworthy Avenue\) from A\(PD\) Planned Development Zoning District to A\(PD\) Planned Development Zoning District to allow up to five new single-family residences on a 0.70 gross acre site \(Hawkstone Foxworthy LLC, Owner\). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval \(5-1-0-1\). PDC08-048 – District 9](#)  
[Continued from 1/27/09 – Item 11.1(b)] [Ordinance](#)
- (b) Consideration of an ordinance rezoning the real property located at the northwest corner of Blossom Hill Road and Poughkeepsie Road (161 Blossom Hill Road) from CN Commercial Neighborhood Zoning District to R-MH Mobilehome Park District to allow mobile home use on a 0.5 gross acre site (Barbaccia Properties Holdings, LLC, Owner). CEQA: Resolution No. 65459.  
C08-064 – District 2  
**RECOMMEND CONTINUANCE TO 2/24/09 PER ADMINISTRATION**
- \* (c) [Consideration of an ordinance rezoning the real property located on the east side of North 21<sup>st</sup> Street, approximately 350 feet northerly of East Santa Clara Street \(32 N. 21<sup>st</sup> Street\) from A\(PD\) Planned Development Zoning District to CN Commercial Zoning Neighborhood Zoning District to allow commercial uses on a 0.33 gross acre site \(Dironisio Amor, Owner\). SNI: Five Wounds/Brookwood Terrace. CEQA: Resolution No. 65459. No Planning Commission action required.](#)  
C08-063 – District 3 [Ordinance](#)

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

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## 11.2 Rezoning real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue.

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue (Tract 8735) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 17 single-family detached residences on a 26.4 gross acre site (Rosemar Enterprises Corp, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-0). [PDC06-063](#) – District 5

(Continued from 1/27/09 – Item 11.3)

**RECOMMEND CONTINUANCE TO 3/10/09 PER DISTRICT 5**

## 11.3 [Rezoning real property located at/on the southwest corner of N. First Street and Skyport Drive and related actions.](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Attachment – Staff Report](#)

[Attachment – GDP for Marriott Residence Inn](#)

\* **Recommendation:** Consideration of the following actions related to the real property located on a 3.21 gross acre site, located at/on the southwest corner of N. First Street and Skyport Drive (Green Valley Corp, Owner).

(a) [PDC08-037](#) – Consideration of an [ordinance](#) rezoning the real property from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 22 additional hotel rooms to a previously approved project for a total of up to 321 hotel rooms.

(b) [PD08-062](#) – Consideration of a [resolution](#) approving a Planned Development Permit to construct a 215,828 square foot 321-room hotel.

Council District 3. CEQA: North San José EIR Resolution No. 72628, and addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).

## ● 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> |
|--------------|---|-------------------------|------------------------------|--------------------|-----------------------|--------------------------|
| 10024        | South side of Montecito Vista Drive between Goble Way & Montecito Vista Way | 7                       | ROEM-Development Corporation | 2 Lots / 242 Units | Multi-Family Attached | Approve                  |

- Notice of City Engineer's Award of Construction Projects
- 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

## **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.
  - 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.