



# CITY COUNCIL MEETING

## Amended Agenda

**Tuesday, April 30, 2024**  
**1:30 PM**

**LOCATION:**  
**Council Chambers - 200 E. Santa Clara Street**

*Attachments and related materials can be viewed [HERE](#)*

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.” Click the language you would like to hear. (Zoom only)

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). (Zoom solo)

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). (Zoom chỉ một)

### **Public Comment in Person Only**

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MATT MAHAN, MAYOR  
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10

*Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.*

**American Disability Act:** To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

**Accommodations:** Any member of the public who needs accommodations should email the ADA Coordinator at [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov) or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Gọi (408) 535-8430
- 應要求提供殘疾人便利設施. 電子郵件 [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); 致電 (408) 535-8430

### **THE LEVINE ACT**

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit <https://sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

#### **How to observe the Meeting (no public comment):**

- 1) Cable Channel 26.
- 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>.
- 3) <https://youtube.com/CityofSanJoseCalifornia>
- 4) By Phone: (888) 475 4499. Webinar ID is 94558095100. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
- 5) Online at: <https://sanjoseca.zoom.us/j/94558095100>  
Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.

#### **How to submit written Public Comment before the City Council Meeting:**

By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

#### **How to provide spoken Public Comment during the City Council Meeting:**

*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. 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.*

*Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)*

Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers. Do this before the meeting or before the item is heard. This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner. You may remain anonymous, but please fill out a card so we may call you. You can put "anonymous speaker" or "no name" on the card. When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table. 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.

## • Call to Order and Roll Call

9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda  
1:30 p.m. - Regular Session, Council Chambers, City Hall

## • Pledge of Allegiance

## • Invocation (District 4)

Sierramont Middle School - Advanced Orchestra

## • Orders of the Day

To be heard after Ceremonial Items

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

## • Adjournment

## • Closed Session Report

To be heard after Ceremonial Items

## 1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring April 30, 2024 as Black April, a day for the Vietnamese American community in the City of San José to reflect on and mourn the Fall of Saigon. (Doan)

1.2 Presentation of a proclamation declaring April 2024 as Library Recognition Month in the City of San José. (Torres and Ortiz)

1.3 Presentation of a proclamation declaring May 1, 2024 as May Day in the City of San José to commemorate both the wins and losses of workers and the labor movement, memorializing their struggles in the name of workers' rights. (Candelas and Ortiz)

## 2. CONSENT CALENDAR

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

2.1 **Approval of City Council Minutes.**

2.2 **Final Adoption of Ordinances.**

2.3 **Approval of Council Committee Minutes.**

2.4 **Mayor and Council Excused Absence Requests.**

2.5 **City Council Travel Reports.**

2.6 **Report from the Council Liaison to the Retirement Boards.**

2.7 **First Restatement of the Lease Agreement Between the City of San José and Leyla Naderjah, DBA Rosies and Posies Downtown, for the City-Owned Property Located at 98 Paseo De San Antonio.**

**Recommendation:**

Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute:

(a) A first restatement of the lease dated December 1, 2015 between the City of San José and Leyla Naderjah, an individual doing business as Rosies and Posies Downtown, for the use of approximately 930 square feet of space in the City-owned building located at 98 Paseo De San Antonio, San José, California providing for an initial term of five years at a rate of \$2,604 per month for the first year with an initial annual base rent escalator rate of 2.25%, and one five-year tenant option to extend at the then-current fair market rent; and

(b) All other documents or agreements necessary to effectuate the first restatement of the lease.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

**2.8 Agreements with ABB Inc., DBA ABB DE, Inc., for On-Site Engineering Support and Ongoing Maintenance and Support at the San José-Santa Clara Regional Wastewater Facility. – DEFERRED**

**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to:

(a) Negotiate and execute an agreement with ABB Inc., dba ABB DE, Inc. (Wickliffe, OH) for on-site engineering support at the San José-Santa Clara Regional Wastewater Facility, beginning June 1, 2024, and ending May 31, 2025, for a maximum not-to-exceed compensation of \$365,000, subject to the appropriation of funds;

(b) Negotiate and execute amendments to the on-site engineering support agreement for additional professional and technical services as required for a contingency not to exceed \$20,000, subject to the appropriation of funds; and

(c) Negotiate and execute the Water Care Enhanced Agreement with ABB DE, Inc., and issue annual purchase orders pursuant to the terms and conditions of the five-year Water Care Enhanced Agreement for ongoing support and maintenance for as-needed parts replacement, repair, and rebuilding services for a maximum compensation not to exceed \$650,000 for the first year beginning June 1, 2024, and ending May 31, 2025, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

**DEFERRED TO 6/4/2024 PER ADMINISTRATION**

**2.9 Actions Related to the Purchase Orders with Ganado Feed, Inc. and Phillips Feed Service, Inc. for Animal Food and Supplies.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Ganado Feed, Inc. (San José, CA) and Phillips Feed Service, Inc. (Easton, PA) for the purchase of animal food and supplies, with the last option ending on or about August 2, 2030, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

**2.10 Report on Bids and Award of Contract for the 10108 – McLaughlin Avenue-Idlewood Drive Sanitary Sewer Improvement Project.**

**Recommendation:**

(a) Report on bids and award of contract for the construction of 10108-McLaughlin Avenue-Idlewood Drive Sanitary Sewer Improvement Project, to the lowest responsive, responsible bidder, Devaney Engineering, Inc., in the amount of \$2,587,420; and

(b) Approve a 10% contingency in the amount of \$258,742.

CEQA: Categorically Exempt, File No. ER23-154, CEQA Guidelines CEQA Guidelines Section 15301(b), Existing Facilities. Council District 7. (Public Works)

**2.11 Report on Bids and Award of Contract for the 10382 - 2024 Mabury Yard Resurfacing Project.**

**Recommendation:**

(a) Report on bids and award a contract for the construction of 10382 – 2024 Mabury Yard Resurfacing Project, to the lowest responsive, responsible bidder, Joséph J. Albanese, Inc., in the amount of \$1,037,700; and

(b) Approve a 10% contingency in the amount of \$103,770.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 3. (Transportation/Public Works)

**2.12 Retroactive Approval of Cesar Chavez Day Flag Raising Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**

As recommended by the Rules and Open Government Committee on April 24, 2024:

(a) Retroactively approve the Cesar Chavez Day Flag Raising scheduled on March 29, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)

[Rules Committee referral 4/24/2024 - Item B.2]

**2.13 Approval of Lighting for Black April Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**

As recommended by the Rules and Open Government Committee on April 24, 2024:

(a) Approve the Tower and Rotunda lighting for Black April scheduled for April 30, 2024 to May 2, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan)

[Rules Committee referral 4/24/2024 - Item B.3]

**2.14 Approval of Lighting for Cinco De Mayo Sponsored by Council District 7 and Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**

As recommended by the Rules and Open Government Committee on April 24, 2024:

(a) Approve the Tower and Rotunda lighting for Cinco De Mayo scheduled on May 5, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan and Torres)  
[Rules Committee referral 4/24/2024 - Item B.4]

**2.15 Approval of Lighting for Light the Night for Fallen Firefighters Sponsored by Council District 7, Council District 8 and Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**

As recommended by the Rules and Open Government Committee on April 24, 2024:  
(a) Approve the Tower and Rotunda lighting for Light the Night scheduled for May 3-4, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan, Candelas and Ortiz)  
[Rules Committee referral 4/24/2024 - Item B.5]

**3. STRATEGIC SUPPORT**

**3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

**3.2 Labor Negotiations Update.**

**Accept Labor Negotiations Update.  
TO BE HEARD AT 9:30 A.M.**

**4. PUBLIC SAFETY**

**5. TRANSPORTATION & AVIATION SERVICES**

**5.1 Report on Bids and Award of Contract for the 10407 - 2024 Major Streets Sealing Project.**

**Recommendation:**

(a) Report on bids and award a contract for the construction of 10407 – 2024 Major Streets Sealing Project to the lowest responsive, responsible bidder, Graham Contractors, Inc., in the amount of \$6,872,202; and

(b) Approve a 10% contingency in the amount of \$687,220.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation/Public Works)

## 6. **ENVIRONMENTAL & UTILITY SERVICES**

### 6.1 **Climate Smart San José Plan Semi-Annual Report.**

**Recommendation:**

As recommended by the Transportation and Environment Committee on April 8, 2024, accept the semi-annual report on the Climate Smart San José plan from September 2023 through February 2024.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)

[Transportation and Environment Committee referral – 4/8/2024 – Item (d)1]

## 7. **NEIGHBORHOOD SERVICES**

### 7.1 **Neighborhood Association and Engagement Model Status Report.**

**Recommendation:**

As recommended by the Neighborhood Services and Education Committee on April 11, 2024:

(a) Accept the status report on the Neighborhood Association Engagement Model.

(b) Support the prioritization of funding in the 2024-2025 Proposed Operating Budget within the Parks, Neighborhood and Recreation Services Department for a new staffing resource that will be necessary to implement the foundational Neighborhood Association Engagement Model, subject to budgetary constraints and the need to fund other critical City Council and Administration priorities.

(c) Direct the City Manager or her designee to sunset the Neighborhoods Commission.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral – 4/11/2024 Item (d)2]

## 8. **COMMUNITY & ECONOMIC DEVELOPMENT**

### 8.1 **Amendment to Title 4 of the San José Municipal Code for the Commercial-Residential-Mobilehome Park Building Tax.**

**Recommendation:**

Approve an ordinance amending Section 4.47.095 of Chapter 4.47 of Title 4 of the San José Municipal Code to extend the temporary partial suspension of the Commercial-Residential-Mobilehome Park Building Tax (San José Municipal Code Chapter 4.47) at the rate of 0.5% for the following office uses until June 30, 2029:

(a) Office, General Business (San José Municipal Code 20.200.813); and

(b) Office, Research and Development (San José Municipal Code 20.200.818).

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273,

adjustment to fees, rates and fares without changes to or expansion of services. (Economic Development and Cultural Affairs/Planning, Building, and Code Enforcement/Transportation)



**8.2 Final Public Hearing and Approval of the Fiscal Year 2024-2025 Annual Action Plan for the United States Department of Housing and Urban Development.**

**Recommendation:**

Adopt a resolution:

- (a) Approving the Fiscal Year 2024-2025 Annual Action Plan and accepting the grants;
- (b) Authorizing the Director of Housing or Acting Director of Housing, or their designee, to submit the Fiscal Year 2024-2025 Annual Action Plan to U.S. Department of Housing and Urban Development; and
- (c) Authorizing the Director of Housing, Acting Director of Housing, or their designee, to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2024-2025 Annual Action Plan and all related contract amendments, extensions, and changes.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

**8.3 Actions Related to a Loan Commitment for Hawthorn Senior Apartments Located at 118 and 124 North Fifteenth Street for the Development of New Affordable Rental Housing.**

**Recommendation:**

(a) Adopt a resolution:

(1) Approving a combined Construction-Permanent Loan commitment of up to \$15,150,000 in Measure E Funds, or such other special funds as the City may designate, to Santa Clara County Housing Authority or an affiliated development entity for the Hawthorn Senior Apartments development, located at 118 and 124 North Fifteenth Street, which is being developed to provide 101 affordable rent-restricted apartments, and two unrestricted manager's apartments;

(2) Authorizing a loan-to-value ratio of greater than 100% for the Hawthorn Senior Apartments development;

(3) Authorizing the loan terms to allow an increase in the rents and income restrictions of up to 60% of Area Median Income for new tenants in Project-Based Voucher subsidized apartments in the event of expiration or termination of Project-Based Vouchers and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the above development and allowed by other funds; and

(4) Authorizing the Director of Housing, the Acting Director of Housing, or their designee to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Hawthorn Senior Apartments development.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E – 40% Extremely Low-Income Households Reserve by \$7,650,000;

(2) Decrease the Measure E – 30% Low-Income Households Reserve by \$7,500,000;

(3) Increase the Measure E – 40% Extremely Low-Income Households appropriation to the Housing Department by \$7,650,000; and

(4) Increase the Measure E – 30% Low-Income Households appropriation to the Housing Department by \$7,500,000.

CEQA: Exempt pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15369, Ministerial Project pursuant to Government Code section 65913.4, File No. ER20-109. Council District 3. (Housing/City Manager)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

**Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) 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 requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.**

### **10.1 Land Use on Consent Calendar - TO BE HEARD IMMEDIATELY AFTER CONSENT**

#### **(a) Nomination of Alameda Park/Schiele Avenue Historic District.**

##### **Recommendation:**

(a) Adopt a resolution nominating the geographically defined area of Alameda Park/Schiele Avenue for designation as a City Landmark Historic District.

(b) Direct the City Manager or her designee to initiate the required process and proceedings to designate the historic district, including necessary outreach to community members and property owners.

CEQA: Exempt pursuant to CEQA Guidelines Sections 15262 - Feasibility and Planning Studies for possible future actions which the City Council has not approved, adopted, or funded. Council District 6. (Planning, Building and Code Enforcement)

**TO BE HEARD IMMEDIATELY AFTER CONSENT**

### **END OF CONSENT CALENDAR**

### **10. Land Use - Regular Agenda**

#### **• Open Forum**

**Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.**

#### **• Adjournment**

**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 online at <https://sanjoseca.primegov.com/public/portal?fromiframe=1> or at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).**

## ABOUT THE AGENDA

*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** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. 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 <https://sanjoseca.primegov.com/public/portal?fromiframe=1>. Council Meetings are televised live and rebroadcast on Channel 26.

## CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### 1. Public Meeting Decorum:

- (a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- (b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- (c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- (d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- (e) Persons in the audience will not place their feet on the seats in front of them.
- (f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- (g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### 2. Signs, Objects or Symbolic Material:

- (a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- (b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- (c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

### 3. Addressing the Council, Committee, Board or Commission:

- (a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- (b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate.

(California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.

- (c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum 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.