



City Council Meeting Amended Agenda

Tuesday, November 1, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - 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.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **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 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.
- o 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.

- o 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)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 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://www.sanjoselegistar.com/Calendar.aspx>. 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, 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.

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 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.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 80628, 80659, 80685 and 80724, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) By email to 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 submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

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

- 1) By Phone: (888) 475 4499. Webinar ID is 889 5708 4529. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88957084529>
 - a. 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. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

• Call to Order and Roll Call

9:30 a.m.- Closed Session

See Separate Agenda

[22-1610](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

Study Session - to be heard immediately following the Consent Calendar.

See Separate Agenda

[22-1634](#) Study Session Agenda

Attachments [Study Session Agenda](#)

- Pledge of Allegiance
- Invocation (District 10)

The Reverend Steve Pinkston, Retired Christian Service Director, Bellarmine College Preparatory.

- 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.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring November 2022 as Alzheimer's Disease Awareness Month to raise awareness around, educate, encourage support of, and promote early detection of Alzheimer's dementia. (Carrasco)

1.2 Presentation of a commendation to San José Police Department and the Office of the Santa Clara County District Attorney recognizing their collaborative efforts in obtaining Gun Violence Restraining Orders to prevent violence and keep our communities safe. (Esparza)

1.3 Presentation of a commendation to Scott Knies, Chief Executive Officer for the San José Downtown Association, local business owner, and community advocate. (Perales)

1.4 Presentation of a proclamation recognizing Sikh American Awareness and Appreciation Month to honor the contributions of the Sikh-American Community to the City of San José. (Arenas)

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.

[22-1611](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30834 - An Ordinance of the City of San José Amending Various Sections of Title 24 (Technical Codes) of the San José Municipal Code Adopting the 2022 California Green Building Standards Code with Certain Exceptions, Modifications and Additions which Serve as a Reach Code to Increase Requirements Related to Electric Vehicle Charging Stations; and Adopting the 2022 California Building Energy Efficiency Standards.

[Passed for Publication on 10/18/2022 - 6.3(b) (22-1549)]

(b) Ordinance No. 30837 - An Ordinance of the City of San José Amending Various Sections of Title 24 (Technical Codes) of the San José Municipal Code to Adopt the 2022 California Building, Residential, Plumbing, Mechanical, Electrical Codes, California Existing Building Code, and California Historical Building Code with Certain Exceptions, Modifications and Additions.

[Passed for Publication on 10/18/2022 - 8.4(a) (22-1535)]

(c) Ordinance No. 30838 - An Ordinance of the City of San José Amending Chapter 17.12 of Title 17 of the San José Municipal Code to Adopt the 2022 California Fire Code with Local Amendments Regarding Certain Architectural, Fire Alarm, Fire Sprinkler, and Hazardous Materials Regulations, and Associated Standards and Amending Chapter 17.68 of Title 17 of the San José Municipal Code to Adopt Local Amendments Regarding the Design and Installation Requirements for Hazardous Materials Storage and Use.

[Passed for Publication on 10/18/2022 - 8.4(b) (22-1535)]

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 [22-1599](#) **City Initiatives Roadmap - Small Business Recovery and Resilience: Amendment to the Agreement with the Enterprise Foundation to Manage and Implement a City Grant Program for Eligible San José Small Businesses Impacted by the COVID-19 Pandemic.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with the Enterprise Foundation to manage and implement a grant program utilizing American Rescue Plan Act funding to provide financial assistance to eligible San José small businesses that have been negatively impacted by the COVID-19 pandemic and to authorize the City Manager to revise the financial assistance eligibility requirements as necessary during the term of the agreement through June 30, 2023, with no increase in the total funding in the amount of \$2,750,000.

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

Attachments [Memorandum](#)

- 2.8 [22-1600](#) **Actions Related to the Purchase Order with Interior Office Solutions - S.F. Bay, Inc. for Furniture and Equipment.**

Recommendation: Adopt a resolution authorizing the City Manager to execute a purchase order with Interior Office Solutions - S.F. Bay, Inc. (Irvine, CA), for the purchase of furniture and equipment subject to pricing obtained through the cooperative agreement between the City of Charlotte, North Carolina and Haworth, Inc. (Holland, MI) for a period starting on or about November 2, 2022, and ending on or about November 1, 2023, for an amount not to exceed \$1,800,000.

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

Attachments [Memorandum](#)

2.9 [22-1601](#) **Actions Related to Open Purchase Orders with OpportunitySpace, Inc. for Redevelopment Impact.**

Recommendation: Adopt a resolution authorizing the City Manager to issue purchase orders to OpportunitySpace, Inc. dba Tolemi (Boston, MA) for redevelopment impact assessment tools for up to four one-year options to extend the term through May 31, 2027, with maximum compensation for the first option term beginning June 1, 2023 and ending May 31, 2024, not to exceed \$126,000, 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)

Attachments [Memorandum](#)

2.10 [22-1635](#) **Settlement of Jaishree Varshney v. City of San José, et al.**

Recommendation: Approve the settlement of a lawsuit brought by Plaintiff Jaishree Varshney in the total amount of \$1,500,000 and authorize the City Attorney to execute a settlement agreement. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
[Rules Committee referral 10/26/2022 - Item A.1.a]

Attachments [Memorandum](#)
 [Agreement](#)

2.11 [22-1633](#) Approval of San José State University Homecoming Football Game Tower and Rotunda Lighting Sponsored by 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 October 26, 2022:

(a) Approve the San José State University Homecoming Football Game Tower and Rotunda Lighting event scheduled from October 29, 2022 to November 4, 2022 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. (Peralez)
[Rules Committee referral 10/26/2022 - Item B.1]

Attachments [Memorandum](#)

- Study Session (Cost of Residential Development in San José) Begins.
- Council Recess until 6:00 p.m.

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.

3.3 [22-1605](#) **City Initiatives Roadmap: COVID-19-related Food Distribution Expenditures Audit Report.**

Recommendation: As recommended by the Neighborhood Services and Education Committee on October 13, 2022, accept the report on COVID-19-related Food Distribution Expenditures Audit as part of the approved City Initiatives Roadmap for 2022-2023.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

Attachments [Memorandum
Presentation, 10/13/2022](#)

3.4 [22-1606](#) **Approval of an Ordinance Authorizing the Director of Finance to Administer an Accounts Receivable Amnesty Program.**

Recommendation: Approve an ordinance authorizing the Director of Finance to administer an Accounts Receivable Amnesty Program which forgives unpaid penalties, interest, and collection expenses accruing to the City of San José General Fund and other funds for certain accounts billed from April 1, 2020 through August 31, 2021.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

Attachments [Memorandum
Ordinance](#)

3.5 [22-1614](#) **Cannabis Business Ordinance Revisions.****Recommendation:**

As referred by the Rules and Open Government Committee on October 19, 2022, direct the City Manager to amend the Cannabis Business Ordinance with the following changes:

(a) Adjust distance requirements for new cannabis storefronts citywide from K-12 Schools, Daycare Centers, and Youth Centers, replacing the current distance requirements, as follows:

(1) Establish a 1,000-foot distance buffer measured as path of travel from the public entrance of the cannabis business to the public entrance of the school, daycare, or youth center (path of travel); and

(2) Establish a minimum 500-foot distance buffer measured as a straight line from the property line with the cannabis business to the property line of the sensitive use (parcel to parcel).

(b) Eliminate the distance requirements from other cannabis storefronts.

(c) Adjust distance requirements for new cannabis storefronts outside of Downtown or Urban Villages from Community Centers, Recreation Centers, and Parks as follows, replacing the current distance requirement:

(1) Establish a 500-foot distance buffer measured as parcel to parcel.

(d) Retain current distance requirements to sensitive uses for Rehab Centers, Emergency Residential Shelters, and Residential Uses.

(e) Remove the crime overlay restriction on new cannabis storefronts.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Jones, Peralez, Carrasco and Foley)

[Rules Committee referral 10/19/2022 - Item C.1]

Attachments

[Memorandum](#)

[Supplemental Memorandum, 10/28/2022](#)

[Memorandum from Foley, 10/31/2022](#)

[Early Consideration Response Form - 10/19/2022](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES**

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-1607](#) **Public Hearing on the Renewal of the San José Hotel Business Improvement District.**

Recommendation: Receive a report and accept public comment on the renewal of the San José Hotel Business Improvement District for an additional ten years from its current expiration date of June 30, 2023, through June 30, 2033.

CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3). (Economic Development and Cultural Affairs)

Attachments [Memorandum](#)

- 8.2 [22-1608](#) **City Initiatives Roadmap - Emergency Housing System Expansion: Actions Related to the Guadalupe Emergency Interim Housing Site Located at the Police Administration Building Parking E-Lot.**

Recommendation:

- (a) Adopt a resolution adopting an Addendum to the Negative Declaration prepared for the Bridge Housing Communities Project analyzing the expansion of the Guadalupe Emergency Interim Housing Site in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution:
- (1) Awarding Devcon Construction Inc. a contract to construct the expansion of the Guadalupe Emergency Interim Housing at the Police Administration Building Parking E-Lot (Phase II) without a competitive procurement under the “idle act” exception in Section 1217(i)(6) of the City of San José Charter;
 - (2) Authorizing the City Manager to negotiate and execute the First Amendment to the Construction Agreement with Devcon Construction, Inc. to increase the contract amount by \$2,300,000 for a new total not-to-exceed amount of \$8,300,000 to construct the original Project and the Phase II expansion of the Guadalupe Emergency Interim Housing community; and
 - (3) Authorizing an increase to the construction contingency for the Project including Phase II by \$300,000 for a new total contingency amount not-to-exceed \$600,000, which is equal to seven percent of the total construction contract amount.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund:
- (1) Increase the estimate for Other Revenue by \$500,000; and
 - (2) Establish the All Home Grant appropriation to the Housing Department in the amount of \$500,000.
- (d) Approve the Phase II expansion of the Guadalupe Emergency Interim Housing as a “Committed Addition” to the 2023-2024 Base Budget, certifying that all operating and maintenance costs associated with the Project will be included in future Five-Year General Fund Forecasts, beginning with the 2024-2028 Forecast.
- (e) Approve the following staffing changes to the Public Works Department in 2022-2023 to support the maintenance of all City-owned sheltering facilities for people who are unhoused and other properties previously acquired for affordable housing purposes:
- (1) Make permanent an existing 1.0 Division Manager position;
 - (2) Add 1.0 Building Management Administrator position;
 - (3) Add 2.0 Senior Construction Inspector positions; and
 - (4) Add 2.0 Senior Facility Repair Worker positions.
- (f) Adopt a resolution designating certain portions of Mission Street, between Guadalupe Parkway and San Pedro Street, as a restricted

permit zone for use by the Police and Fire departments.
CEQA: Addendum to the Bridge Housing Communities Project
Negative Declaration (Resolution No. 78926), File No. ER22-198.
Council District 3. (Housing/Public Works/City Manager)

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[\(f\) Resolution](#)

- 8.3 [22-1609](#) **City Initiatives Roadmap - Emergency Housing System Expansion: Actions Related to the Homekey Program Round 2 Funds from the California Department of Housing and Community Development for Interim Housing Located at Branham Lane and Monterey Road.**

Recommendation:

(a) Adopt a resolution:

(1) Accepting an award of \$51,552,800 in Homekey Program Round 2 funds from the California Department of Housing and Community Development in order to address the housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness through the construction and operations at an interim housing community on City-owned property located Branham Lane and Monterey Road;

(2) Authorizing the City Manager to negotiate and execute a California Department of Housing and Community Development Standard Agreement and all other necessary related documents to accept \$51,552,800 in construction funding and operating subsidy;

(3) Authorizing the transfer of the City-owned Branham and Monterey property, totaling approximately 2.39 acres of land, to the Housing Department to meet the City's affordable housing needs;

(4) Authorizing the Director of Housing to enter into a ground lease of the City-owned property located at Branham and Monterey Road with LifeMoves for an initial term of up to seven years with an option to extend up to 15 years for the purposes of construction of and operating the interim housing community; and

(5) Approving a commitment of \$51,552,800 in Homekey Program Round 2 funds and \$37,000,000 in Measure E funds, subject to the appropriation of funds, totaling \$88,552,800 for the construction and operations of the Project and authorize the Director of Housing to negotiate and execute grant documents and any related documents or amendments with LifeMoves.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund:

(1) Increase the Estimate for Revenue from the State of California by \$40,700,000; and

(2) Increase the Project Homekey 2.0 appropriation to the Housing Department by \$40,700,000.

(c) Adopt the following Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$10,000,000; and

(2) Increase the Measure E - Project Homekey 2.0 (40% ELI) appropriation to the Housing Department by \$10,000,000.

(d) Approve the Branham and Monterey Interim Housing Community as a "Committed Addition" to the 2023-2024 Base Budget, certifying that all operating and maintenance costs associated with the Project will

be included in future Five-Year General Fund Forecasts, beginning with the 2024-2028 Forecast.

CEQA: Statutorily Exempt, File No. ER21 261, CEQA Guidelines Section 15268, Ministerial Projects. (Housing/Economic Development and Cultural Affairs/City Manager)

Attachments [Memorandum](#)
[Memorandum from Jimenez, 10/31/2022](#)
[Memorandum from Mahan, 10/31/2022](#)
[Resolution](#)
[Presentation - est. 5 minutes](#)

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

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Notice of City Engineer's Pending Decision on Final Maps**

FOR APPROVAL:

Tract: 10569

Location: Southeast corner of S. First Street and E. Reed Street

District: 3

Lots/Units: 1/340

Type: MFA

Proposed Decision: Approve

Developer: Scape San Jose LLC

- 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

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the 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.