



# **City Council Meeting Amended Agenda**

**Tuesday, December 5, 2017**

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, 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.
- **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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

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 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.
- 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 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.
- 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. 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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

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

[17-490](#) Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

- **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

## Invocation (Mayor)

Pastor Jennifer Goto of St. Paul's United Methodist Church

- **Pledge of Allegiance**

- **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 [17-434](#) Presentation of a proclamation recognizing November 11th as Veterans Day in the City of San José. (Khamis)

1.2 [17-447](#) Presentation of a commendation to YMCA of Silicon Valley commemorating its 150th anniversary. (Khamis)

## **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, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.**

**2.1 Approval of 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 [17-382](#) Termination of the Proclamation of the Existence of a Local Emergency.**

**Recommendation:** Adopt a resolution terminating the proclamation of the existence of a local emergency as a result of flooding. CEQA: Exempt, Section 15269, Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)  
(Deferred from 11/28/17 - Item 2.7)

**Attachments** [Memorandum](#)  
[Resolution](#)

**2.8 [17-430](#) Appointment to the Board of Administration for the Police and Fire Department Retirement Plan.**

**Recommendation:** Appoint Franco Vado as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2021. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**Attachments** [Memorandum](#)  
[Application](#)  
[Supplemental Memorandum](#)

**2.9**     [17-398](#)            **Amendment to the Cooperative Agreement with Santa Clara Valley Transportation Authority for BART Extension Public Art.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to Cooperative Agreement No. 8 between the City and Santa Clara Valley Transportation Authority (VTA), for the design, construction, and reimbursement relating to the public art component of the BART extension to Berryessa, to extend the existing term until June 30, 2018, and further authorizing the City Manager to enter into further extensions of time, provided that there is no increase in compensation and the Master Agreement remains in effect. CEQA: Determination of Consistency to the Environmental Impact Report for the BART Extension to Berryessa Project that was adopted by City of San José, Resolution No. 76126. Council District 4. (Economic Development)

**Attachments**     [Memorandum](#)

**2.10**     [17-400](#)            **Actions Related to the Purchase Order with Bayscape Landscape Management and Brightview Landscape Services for Landscape Services.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to:

- (a) Execute Purchase Orders with Bayscape Landscape Management (San José, CA) and Brightview Landscape Services (San José, CA) for landscape renovation and repairs services for special district landscape areas, for an initial twelve-month period, starting on or about December 1, 2017 and ending on or about November 30, 2018, for a total aggregate amount not-to-exceed \$1,530,000;
- (b) Approve a 10% contingency of \$153,000 to use if the City's requirement for the service exceeds estimates; and
- (c) Execute up to four additional one-year options to extend the term of the Purchase Order, with the last option year ending on or about November 30, 2022, subject to the annual 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](#)

**2.11**    [17-401](#)                    **Actions Related to the Purchase Order with Universal Maintenance for Steam Cleaning Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Universal Maintenance (San José, CA) for steam cleaning services for walkways, benches & hard surfaces for an initial twelve-month term starting on or about December 1, 2017 and ending on or about November 30, 2018, in the amount not-to-exceed \$105,655;

(b) Approve additional funds in the event additional services are required during the initial term, subject to the same unit pricing, terms and conditions, and subject to the appropriation of funds; and

(c) Exercise up to four additional one-year options to extend the term with the final option year ending on or about November 30, 2022, 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](#)

**2.12**    [17-402](#)                    **Independent Police Auditor's Travel to Denver, CO.**

**Recommendation:**

Retroactively approve travel by the Independent Police Auditor, Aaron Zisser, to Denver, CO from November 29, 2017 to December 1, 2017 to attend the regional meeting of the National Association for Civilian Oversight of Law Enforcement. Source of Funds: The Independent Police Auditor's Office will cover all costs of travel and lodging. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.  
(Independent Police Auditor)

**Attachments**    [Memorandum](#)

**2.13** [17-448](#) **World AIDS Day Flag Raising Ceremony.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 29, 2017:

(a) Retroactively approve the World AIDS Day Flag Raising Ceremony held on December 1, 2017 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. (Peralez)

[Rules Committee referral 11/29/17 - Item G.1.a.]

**Attachments** [Memorandum](#)

**2.14** [17-453](#) **Roses and Reels: Movie Night.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 29, 2017:

(a) Retroactively approve Roses and Reels: Movie Night held on Saturday, September 23, 2017 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. (Davis)

[Rules Committee referral 11/29/17 - Item G.1.b.]

**Attachments** [Memorandum](#)



**2.15** [17-454](#) **District 7 Community Events.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 29, 2017:

(a) Retroactively approve the Valley Palms Neighborhood Association Thanksgiving Celebration on Tuesday, November 21, 2017 at the Valley Palms Family Resource Center as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:

(1) Santee Community Holiday Celebration on Saturday, December 9, 2017 at Bridges Academy;

(2) Iola Williams Senior Holiday Celebration on Saturday, December 2, 2017 at the Seven Trees Community Center;

(3) Seven Trees Neighborhood Association Ugly Sweater Potluck on December 6, 2017 at the Seven Trees Community Center;

(4) Tully Santa Program on Saturday, December 9, 2017 at the Tully Branch Library;

(5) Seven Trees Santa Program on Saturday, December 16, 2017 at the Seven Trees Community Center; and

(6) West Evergreen Neighborhood Holiday Celebration on Wednesday, December 20, 2017 at OB Whaley Elementary School.

(c) 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. (Nguyen)

[Rules Committee referral 11/29/17 - Item G.1.c.]

**Attachments** [Memorandum](#)

**2.16** [17-451](#) **Walk Around the Lake Ribbon Cutting Ceremony.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 29, 2017:

- (a) Retroactively approve the Walk Around the Lake Ribbon Cutting Ceremony held on Saturday, December 2, 2017 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. (Khamis)  
[Rules Committee referral 11/29/17 - Item G.1.d.]

**Attachments** [Memorandum](#)

**2.17** [17-452](#) **African American History Month Flag Raising Ceremony and Reception.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 29, 2017:

- (a) Approve the African American History Month Flag Raising Ceremony and Reception scheduled on February 2, 2018 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. (Jones)  
[Rules Committee referral 11/29/17 - Item G.1.e.]

**Attachments** [Memorandum](#)

**3. STRATEGIC SUPPORT****3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update. Accept Labor Negotiations Update.**

TO BE HEARD AT 9:30 A.M.

**3.3**     [17-394](#)     **San Jose's Tier 3 Defined Contribution Plan Audit Report.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on November 16, 2017, accept the Audit of San Jose's Tier 3 Defined Contribution Plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor)  
[Public Safety, Finance and Strategic Support Committee referral 11/16/17 - Item (d)5.]

**Attachments**     [Memorandum](#)

**3.4**     [17-395](#)     **Employee Travel Expenses Audit Report.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on November 16, 2017, accept the Audit of Employee Travel Expenses. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor)  
[Public Safety, Finance and Strategic Support Committee referral 11/16/17 - Item (d)6.]

**Attachments**     [Memorandum](#)

**3.5**     [17-393](#)     **First Quarter Financial Reports for Fiscal Year 2017-2018.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on November 16, 2017, accept the following First Quarter (period ending September 30, 2017) Financial Reports for Fiscal Year 2016-2017 for the following programs:  
(a) Debt Management Report.  
(b) Investment Management Report.  
(c) Revenue Collection Report.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Public Safety, Finance and Strategic Support Committee referral 11/16/17 - Item (c)1.]

**Attachments**     [Memorandum](#)  
                          [Investment Management Report](#)  
                          [Presentation](#)

**3.6**    [17-281](#)            **Retirement Services Audit. DEFERRED****Recommendation:**

As recommended by the Public Safety, Finance, and Strategic Support Committee on October 19, 2017, accept the audit of Retirement Services. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor) [Public Safety, Finance, and Strategic Support Committee referral 10/19/17 - Item (d)5]  
(Deferred from 11/7/17 - Item 3.3 and 11/28/17 - Item 3.3)  
DEFERRED TO 1/9/18 PER ADMINISTRATION

**Attachments**    [Memorandum](#)  
[Memorandum from Mayor Liccardo](#)  
[Supplemental Memorandum](#)

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1**     [17-399](#)            **Actions Related to the Ground Leasing of Real Property Located at 278 N. Second Street with Affirmed/Path Ventures for the Villas on the Park Affordable Apartments.**

**Recommendation:**

Conduct a Public Hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings of the Summary Report pursuant to Section 33433 of the California Health and Safety Code for the disposition of a property located at 278 N. 2nd Street to be acquired by the City under an exercise of option to Affirmed/PATH Ventures under the terms and conditions of the proposed Ground Lease;
- (b) Authorizing the Director of Housing to negotiate and execute documents and document amendments related to a lease rider for a planned permanent supportive housing community for formerly-homeless individuals in favor of the California Tax Credit Allocation Committee and subject to satisfaction of certain conditions; authorizing the Director of Housing to execute a lender's consent to the Tax Credit Allocation Committee lease rider; and
- (c) Approving a change in the affordability mix of 278 N. 2nd Street, a 100% supportive housing community for formerly-homeless individuals to be comprised of 83 studio apartments: 42 units will be income-restricted at 30% of Area Median Income; 41 units will be price-restricted to 50% of Area Median Income; and one unit will be an unrestricted manager's unit. After 55 years, these restrictions will float up to 60% AMI for new residents.

CEQA: Addendum to the San José Downtown Strategy 2000 Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, File Nos. C16-020, CP16-014, and AT16-030. Council District 3. (Housing)

**Attachments**     [Memorandum](#)  
                          [Resolution](#)

**4.2**     [17-396](#)            **Public Hearing on the Vacation of Setback Easement Located at 5159 and 5181 Brewster Avenue.**

**Recommendation:**     Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of a 25-foot light and air easement (“setback easement”) located at 5159 and 5181 Brewster Avenue;
- (b) Vacating the 25-foot setback easement located at 5159 and 5181 Brewster Avenue; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, File Nos. PP17-054 & PP17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

**Attachments**     [Memorandum](#)  
[Resolution](#)

**4.3**     [17-085](#)            **Report on the Implementation of the Urban Village Component of the Envision San José 2040 General Plan.**

**Recommendation:**     Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development/Planning, Building and Code Enforcement) (Deferred from 5/23/17 - Item 4.1, 6/6/17 - Item 4.1, et al, and 11/28/17 - Item 4.1)

**Attachments**     [Memorandum](#)  
[Memorandum from Mayor Liccardo](#)  
[Supplemental Memorandum](#)  
[Letters from the Public](#)  
[Memo from CMs Rocha and Jimenez](#)  
[Memo from Mayor Liccardo, Vice Mayor Carrasco & CMs Jones](#)  
[Supplemental Memorandum 2](#)  
[Letter from Silicon Valley Leadership Group](#)  
[Letter from BIA Bay Area](#)  
[Letter from SPUR](#)

## **5. NEIGHBORHOOD SERVICES**

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

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

## **8. PUBLIC SAFETY**

### **8.1 [17-422](#) Actions Related to the 2017-2019 Spending Plan for the Supplemental Law Enforcement Services Grant.**

#### **Recommendation:**

(a) Approve the proposed 2017-2019 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,600,506 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in this Memorandum in the event State SLES Grant payments are less or more than expected.

(b) Approve the revised 2016-2018 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$2,242,597.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

(1) Increase the estimate for Revenue from State of California by \$791,419;

(2) Establish an estimate for Revenue from the Use of Money/Property in the amount of \$5,131;

(3) Increase the appropriation to the Police Department for the SLES Grant 2016-2018 in the amount of \$637,717; and

(4) Establish an appropriation to the Police Department for the SLES Grant 2017-2019 in the amount of \$158,833.

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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

**Attachments** [Memorandum](#)

**8.2**    [17-397](#)            **Actions Related to the Purchase Order with Airbus Helicopters Inc.****Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Execute a Purchase Order with Airbus Helicopters Inc. (Grand Prairie, TX), to purchase one model H125 Helicopter in an amount not to exceed \$5,211,074 including the base configuration helicopter, configuration options as required by the Police Department, and pilot training, exclusive of any applicable taxes and fees; and
  - (2) Approve a contingency of \$500,000 for any unforeseen changes or modifications to the final configuration to the helicopter, subject to the appropriation of funds.
- (b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the Federal Drug Forfeiture Fund:
- (1) Establish a new appropriation for Police Helicopter Replacement in the amount of \$3,473,500; and
  - (2) Decrease the Ending Fund Balance by \$3,473,500.
- CEQA: Not a Project, File No. File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and 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. (Police/Finance/City Manager)

**Attachments**    [Memorandum](#)

**9. REDEVELOPMENT – SUCCESSOR AGENCY****10. LAND USE**

- 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



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## 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 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.