



City Council Meeting Amended Agenda

Tuesday, August 29, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88471470054>

MATT MAHAN, MAYOR
ROSEMARY KAMEI, 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



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.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings>, 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 ilegislare 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 884 7147 0054. 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/88471470054>
 - 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.

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)

- **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

[23-1136](#)

Closed Session Agenda

Attachments

[Closed Session Agenda](#)

1:30 p.m.- Regular Session, Council Chambers, City Hall

- **Pledge of Allegiance**

- **Invocation (District 7)**

Rose Amador-LeBeau - ConXión to Community

- **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 commendation recognizing our Disaster Service Workers for their service in providing disaster relief for our communities during the series of storms in early 2023. (Foley and Doan)

1.2 Presentation of a commendation to the San José Hit Squad, a San José-based youth football team, in recognition of its 12U and 10U victory, outstanding teamwork, and dedication at the Snoop Youth Football League National Championship in Las Vegas. (Jimenez)

1.3 Presentation of a proclamation declaring August 26, 2023 as California Farmworker Appreciation Day to highlight, remember, and appreciate the work that farmworkers contribute daily to San José. (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 [23-1125](#) Sale of Exempt Surplus Land at South 16th Street to Santa Clara Valley Water District.

Recommendation:

Adopt a resolution:

- (a) Authorizing a 443 square foot property fronting South 16th Street near Coyote Creek as “exempt-surplus land” to the needs of the City under Cal. Gov. Code sect. 54221(f)(1)(C) as the land is not necessary for the City of San José’s use and is being transferred to a local agency for that agency’s use in a flood control project; and
- (b) Authorizing the City Manager or designee to negotiate and execute a Purchase and Sale Agreement, Quitclaim Deed, and all other documents necessary to effectuate the transfer to Santa Clara Valley Water District from the City of San José, for the sale of a 443 square foot property fronting South 16th Street near Coyote Creek for the consideration of \$12,000 by direct negotiation under San José Municipal Code Sect. 4.20.080 and in accordance with Council Policy No. 7-13(D)(3) as the transferee is a governmental entity and the land is being sold for a public purpose.

CEQA: Categorically Exempt, File No. ER23-171, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 3. (Economic Development and Cultural Affairs)

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

2.8 [23-1126](#) San José Municipal Water System’s Amended Water Supply Assessment for the Seely Avenue Mixed Use Project.

Recommendation:

Approve San José Municipal Water System’s Amended Water Supply Assessment for the Seely Avenue Mixed Use Project and the conditions related to land dedication for the construction of the on-site well.

CEQA: Statutorily Exempt, File No. PP17-001, Feasibility and Planning Studies; CEQA Guidelines Section 15262. Council District 4. (Environmental Services)

Attachments [Memorandum](#)

2.9 [23-1127](#) Report on Bid and Award of Contract for the 9702 - NSJ Well No. 6 Project.

Recommendation: (a) Report on bid and award of contract for the construction of 9702 - NSJ Well No. 6 Project to the responsive and responsible bidder, Roadrunner Drilling & Pump Company, Inc. in the amount of \$786,310; and
 (b) Approve a 10% contingency in the amount of \$78,631.
 CEQA: Mitigated Negative Declaration for the Trimble and Agnews Municipal Groundwater Wells Project, File No. ER20-015 (City Council Resolution No. 80187). Council District 4. (Environmental Services)

Attachments [Memorandum](#)

2.10 [23-1128](#) Vendor Agreement with P&A Group for Flexible Spending Account, Commuter, and Cobra Benefits Administration for City Employees and their Dependents.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement between the City and P&A Group for Flexible Spending Account, Commuter, and COBRA benefits administration for a five year term for the period of January 1, 2024, through December 31, 2028, for a total cost not to exceed \$435,000 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. (Human Resources)

Attachments [Memorandum](#)

2.11 [23-1129](#)**Report on Bids and Award of Contract for 10232 - San José Mineta International Airport Terminal A Baggage Claim Escalator Replacement Re-Bid Project.****Recommendation:**

- (a) Report on bids and award of a contract for the construction of 10232 - San José International Terminal A Baggage Claim Escalators Replacement Re-Bid Project to the lowest responsive, responsible bidder, Schindler Elevator Corporation, in the amount of \$1,379,164.
 - (b) Approve a 15% contingency in the amount of \$206,875.
 - (c) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:
 - (1) Decrease the Terminal Roofing appropriation by \$500,000;
 - (2) Decrease the Ending Fund Balance appropriation by \$238,000; and
 - (3) Increase the Escalator Replacement appropriation by \$738,000.
- CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report, File No. ER22-279. Council District 6. (Public Works/Airport/City Manager)

Attachments [Memorandum](#)

2.12 [23-1130](#)**Report of Bids and Award of Contract for the 10089 - Sanitary Sewer Repairs Fiscal Year 2022-2023 Package V Project.****Recommendation:**

- (a) Report on bids and award of contract for the construction of 10089 - Sanitary Sewer Repairs Fiscal Year 2022-2023 Package V Project to the lowest responsive, responsible bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,444,313; and
 - (b) Approve a 10% contingency in the amount of \$144,431.
- CEQA: Categorically Exempt, File No. ER22-048, CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 2, 6, 7, and 9. (Public Works)

Attachments [Memorandum](#)

2.13 [23-1131](#) Master Consultant Agreements with ADS Corp. and V&A Consulting Engineers, Inc. for Citywide Sanitary and Storm Sewer Flow Monitoring Services.

Recommendation: Approve the Master Consultant Agreements for Citywide sanitary and storm sewer flow monitoring services with the following firms:
(a) ADS Corp. from the date of execution to December 31, 2026, in an amount not to exceed \$1,500,000 and
(b) V&A Consulting Engineers from the date of execution to December 31, 2026, in an amount not to exceed \$750,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

Attachments [Memorandum](#)
 [\(a\) Agreement](#)
 [\(b\) Agreement](#)

2.14 [23-1132](#) Third Amendment to Master Agreement with Ten Over Studio, Inc. for Architectural Services for Various Essential City Facility Projects.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Third Amendment to the Master Agreement with Ten Over Studio, Inc. (CPMS No. 9030-B) for architectural services to increase the total compensation by \$500,000, for a total Agreement amount not to exceed \$6,400,000, for the exclusive purpose of allowing the consultant to complete work on the new Fire Training Center and Emergency Operations Center Relocation project and the Police Department-Air Support Unit Hangar project.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Public Works)

Attachments [Memorandum](#)

2.15 [23-1133](#) Strengthening Mobility and Revolutionizing Transportation Program Grant Acceptance.

Recommendation: Approve the following actions to accept and receive Strengthening Mobility and Revolutionizing Transportation grant funding from the United States Department of Transportation for the City of San José's Curb Digitization and Management Pilot Project:

- (a) Adopt a "Resolution of Local Support" that indicates the City will:
- (1) Follow all grant program requirements and delivery timelines; and
 - (2) Authorizes the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant with the United States Department of Transportation in an amount not to exceed \$1,999,412 for the Curb Digitization and Management Pilot Project.
- (b) Adopt the following 2023-2024 Funding Source Resolution and Appropriation Ordinance amendments in the General Purpose Parking Capital Fund:
- (1) Establish an estimate for Revenue from Federal Government in the amount of \$1,142,602; and
 - (2) Establish the Curb Digitization and Management appropriation to the Department of Transportation in the amount of \$1,142,602.
- CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation/City Manager)

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

2.16 [23-1134](#) Cost Sharing Agreement with Town of Los Gatos for Pavement Maintenance Improvements.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Cost Sharing Agreement with the Town of Los Gatos for pavement maintenance improvements on Blossom Hill Road, Los Gatos Almaden Road and Union Avenue in an amount not to exceed \$734,099.

CEQA: Categorically Exempt, File No. ER22-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 9. (Transportation)

Attachments [Memorandum](#)

2.17 [23-1161](#) Deferred Compensation Advisory Committee Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on August 23, 2023, approve the appointment of Sean Davis, nominated by the “trades organizations” consisting of the Association of Building, Mechanical & Electrical Inspectors (ABMEI), International Union of Operating Engineers, Local 3 (OE#3) and International Brotherhood of Electrical Workers (IBEW), as the active employee member to the Deferred Compensation Advisory Committee (DCAC) to fill a vacant seat for the remainder of the term, ending on March 1, 2025.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 8/23/2023 - Item B.3]

Attachments [Memorandum](#)

2.18 [23-1169](#) VEBA Advisory Committee Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on August 23, 2023, approve the appointment of Elsa Cordova, nominated by the City Manager as the unrepresented employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a term beginning September 1, 2023 and ending May 31, 2024.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 8/23/2023 - Item B.4]

Attachments [Memorandum](#)

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 [23-1137](#) Proposed Revisions to the Revolving Door Policy Under Title 12 of the San José Municipal Code, the City's Ethics and Open Government Provisions under Title 12 of the San José Municipal Code, and Resolution 79187 Governing the Board's Regulations and Procedures.

Recommendation: (a) Approve an ordinance of the City of San Jose amending Title 12 of the San José Municipal Code to amend Section 12.04.080 of Chapter 12.04 to authorize the City Clerk to dismiss without prejudice insufficient complaints or complaints that are outside the jurisdiction of the Board of Fair Campaign and Political Practices; Section 12.05.020 of Chapter 12.05 to regulate the scheduling of Special Elections for certain initiative measures; Section 12.06.295 of Chapter 12.06 to remove limitations on the amount a candidate may loan to their own campaign or campaign committee; and Section 12.12.440 of Chapter 12.12 to remove the late filing fee for weekly lobbyists reports;

(b) Approve an ordinance amending Title 12 of the San José Municipal Code as to amend Sections 12.10.020 and 12.10.030 of Chapter 12.10 to redefine the exception to the Revolving Door Ordinance and reduce the prohibition from two years to one year; and

PLEASE NOTE: APPROVAL OF THIS ORDINANCE REQUIRES AFFIRMATIVE VOTES BY 2/3 OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING. [San José City Charter Section 607].

(c) Adopt a resolution amending the Regulations and Procedures for the San Jose Board of Fair Campaign and Political Practices concerning Investigations and Hearings and repealing Resolution 79187 as recommended by the Board of Fair Campaign and Political Practices.

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

(City Attorney/City Clerk)

[Deferred from 5/23/2023 - Item 3.4 (23-765)]

Attachments [Memorandum](#)
[Memorandum, 5/19/2023](#)
[Supplemental Memorandum, 5/22/2023](#)
[Memorandum from Jimenez Cohen 5/19/2023](#)
[Attachments from BFCPP](#)
[\(a\) Ordinance](#)
[\(b\) Ordinance](#)
[\(c\) Resolution](#)
[Presentation, 5/23/2023](#)
[Presentation - est. 10 minutes](#)
[Letters from the Public - 1 of 2](#)
[Letters from the Public - 2 of 2](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

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

10.2 [23-1135](#)

PDC22-088, PD22-020, T22-030 & ER22-195 - Rezoning, Planned Development Permit, and Vesting Tentative Map on Certain Real Located at 4146 Mitzi Drive.

Recommendation:

(a) Adopt a resolution adopting the Addendum to the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration and the related mitigation, monitoring, and reporting program, in accordance with the California Environmental Quality Act, as amended.

(b) Approve an ordinance rezoning certain real property of an approximately 0.63-gross-acre site situated at the northeast corner of Mitzi Drive and Ranchero Way (4146 Mitzi Drive) (APN 299-16-001) from the R-M Multiple Residence Zoning District to the UR Urban Residential (PD) Planned Development Zoning District.

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one lot into two lots and allow up to 14 residential condominium units on an approximately 0.63-gross-acre site.

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the removal of 33 trees (13 ordinance-size, 20 non-ordinance-size, 7 replacement trees) for the construction of up to 14 multifamily residential units, including the reconstruction and conversion of an existing single-family house (Graves House) into a duplex and the construction of 12 townhouses configured in four three-story buildings on an approximately 0.63-gross-acre site.

CEQA: Addendum to the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration. Planning Commission recommends approval (10-0-1, Bickford absent) (Item 5.h. on the 8/9/2023 Planning Commission agenda). Council District 1. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[\(c\) Resolution](#)

[\(d\) Resolution](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

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

FOR RECEIPT:

Tract: 10617

Location: W/S of Almaden Expressway at the southern terminus of Brasilia Way

District: 10

Lots/Units: 12/10

Type: SFD

Developer: Brasilia Hills Partners, LLC

**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.