



City Council Meeting Amended Agenda

Tuesday, October 16, 2018

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 Speakers 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 Clerks 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 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.

- **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

18-1336 Closed Session Agenda

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

- Invocation (District 9)

Zulma Maciel, Director of the Office of Immigrant Affairs

- 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

Presentation proclaiming October 2018 as Pastor Appreciation Month (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, 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.

18-1362 Final Adoption of Ordinances.

Recommendation: (a) Ord. No. 30157 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.15 Gross Acre Situated on the West Side of South Second Street, Approximately 175 Feet Southerly of Margaret Street (735 South Second Street), from the R-2 Two Family Residence Zoning District to the R-M Multiple Residence Zoning District.

(b) Ord. No. 30158 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.13-Gross Acre Situated on the Northwest Corner of Michigan Avenue and Archer Street (APN: 015-05-049), from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District.

(c) Ord. No. 30159 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.45-Gross Acre Situated on the Southeast Corner of Murphy Avenue and Ringwood Avenue (1508 Murphy Avenue) from the A Agricultural Zoning District to the RM(PD) Planned Development Zoning District.

(d) Ord. No. 30160 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.1-Gross Acres Situated at the Northwest Corner of Lincoln Avenue and Pedro Street (945 Lincoln Avenue) from the CN Commercial Neighborhood Zoning District and R-M Multiple Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District.

(e) Ord. No. 30161 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 6.4 Gross Acres Situated on the North Side of West Capitol Expressway Approximately 200 Feet Westerly of Snell Avenue and on the West Side of Snell Avenue Approximately 200 Feet Northerly of Capitol Expressway (231 West Capitol Expressway and 3911 Snell Avenue) from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District.

(f) Ord. No. 30162 - An Ordinance of the City of San José Amending Section 23.02.870 of Chapter 23.02 and Section 23.04.1310 of Chapter 23.04 of Title 23 of the San José Municipal Code to Allow Signs on City-Owned Property, Including Billboards, Programmable Off-site

Commercial Speech, and to Make Updates or Other Technical, Non-Substantive Changes, or Formatting Changes Within Those Sections of Title 23.

(g) Ord. No. 30156 - An Ordinance of the City of San José to Provide for the Designation of Specified Areas of the City of San José as a Special Event Zone to Prohibit Certain Activities on Public Property Including Peddling, Distribution of Merchandise, Goods or Coupons for a Commercial Purpose, the Sale of Counterfeit Merchandise, and the Flying of Unmanned Aircraft Systems Within the Special Event Zone and to Provide for the Temporary Suspension of the Authority of the Director of the Office of Cultural Affairs Under Part 16 of Chapter 20.80 of Title 20 of the San José Municipal Code to Issue Permits for Temporary Outdoor Uses of Private Property Within the Special Event Zone During the Time Period Beginning at Six O'clock (6:00) A.M. On Friday, December, 28, 2018 and Ending at Six O'clock (6:00) P.M. On Tuesday, January 8, 2019, Relative to the Use of These Areas in Conjunction with the 2019 College Football Playoff's National Championship Related Activities and Events.

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 18-1366 Actions Related to the Sale of Five Small Fragments of Autumn Parkway.**Recommendation:** Adopt a resolution:

(a) Declaring 5,455 square feet of land comprised of five small fragments of land on Autumn Parkway, surplus to the needs of the City; and

(b) Authorizing the City Manager or his designee to execute a Purchase and Sale Agreement with Michael G. Akatiff and Christy D. Akatiff, Trustee of the Michael G Akatiff and Christy D. Akatiff Revocable Trust in an amount not-to-exceed of \$235,125 for the purchase of approximately 5,455 square feet of property on Autumn Parkway between Coleman Ave. and W. Julian Street and all other documents necessary to complete the transaction.

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

2.8 18-1316 Set a Public Hearing for the Cost of Sidewalk Repairs for December 18, 2018.**Recommendation:** Adopt a resolution setting a Public Hearing on Tuesday, December 18, 2018 at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Finance)

2.9 18-1368 Japantown Corporation Yard Turnkey Parkland Agreement.

Recommendation: (a) Approve a Turnkey Parkland Agreement between the City of San José and ICS Corporate Yard Multifamily, LLC, a Delaware limited liability company (“Developer”) for the dedication and development of a 0.75 gross acre public park (plaza) and payment of park impact in-lieu fees (as necessary) to satisfy the requirements of the City’s Park Impact ordinance (San José Municipal Code Section 14.25) related to Planned Development Permit File No. PD15-055 (as amended) and Planned Tentative Map File No. PT15-022 (as amended).

(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a right-of-entry and maintenance agreement between the City of San José and Developer for the maintenance of this public park by the Developer for one calendar year after the park opening date.

CEQA: Final Environmental Impact Report for the Japantown Corporation Yard Redevelopment Project (Resolution No. 74384) and Addenda thereto, File No. GP07-03-04. Council District 3. (Parks, Recreation and Neighborhood Services)

2.10 18-1369 Agreement with Cal Engineering & Geology, Inc. for Engineering Services for the San José Family Camp Project.

Recommendation: Approve an agreement with Cal Engineering & Geology, Inc. for engineering consultant services for the San José Family Camp Project from the date of execution to December 31, 2020, in a maximum total compensation amount of \$545,222.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15269 (a), Emergency Projects, File No. PP18-003. (Public Works)

2.11 18-1370 Actions Related to the Change Order No. 2 for 8391-Norman Y. Mineta International Infrastructure for the Zero Emission Buses Project.

Recommendation: (a) Approve an increase to the contingency for the 8391-Norman Y. Mineta International Infrastructure for the Zero Emission Buses project in the amount of \$60,000, for a total contingency amount of \$122,505. (b) Approve Contract Change Order No. 2 with Rodan Builders, Inc. in the amount of \$33,628.49.

CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Update Project Final Environmental Impact Report (EIR) (Resolution No. 67380), and Final Supplemental EIR, (Resolution No. 71451), and Addenda thereto, File No. PP16-113. (Public Works/Airport)

2.12 18-1388 Settlement of Ruiz v. City of San José.

Recommendation: Approve a settlement in the amount of \$125,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Ruiz v. City of San José.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
[Deferred from 10/2/18 - Item 2.11 (18-1324)]

2.13 18-1389 Approval of the Senior Winter Walk and Resource Fair Sponsored by Council Districts 10, 9, and 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2018:

1. Approve the Senior Winter Walk and Resource Fair scheduled on Friday, February 22, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. 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 10/03/18 - Item G.1.a]

2.14 18-1390 AB 2098 (McCarty & Thurmond). Adult Education Block Grant Program: Immigrant Integration.

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2018, pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a support position for AB 2098 (McCarty & Thurmond).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 10/03/18 - Item G.3]

2.15 18-1392 Approval of a District 9 Grant to Branham High School.

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2018, approve a \$500 grant to Branham High School to support student educational and recreational needs for its Winter Wishes giving program.

CEQA: Not a Project; File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Rocha)

[Rules Committee referral 10/03/18 - Item G.5]

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 18-1371 2017-2018 City Manager's Annual Report.

- Recommendation:** (a) Accept the 2017-2018 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2017-2018 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).
- (c) Approve the following position changes in the Public Works Department:
- (1) Add 2.0 Associate Engineer, 1.0 Associate Construction Inspector, 2.0 Engineering Technician II, and 1.0 Information Systems Analyst.
 - (2) Delete 1.0 Senior Geographic Systems Specialist.
- (d) Approve the addition of 1.0 Geographic Information Systems Specialist in the Department of Transportation.
- (e) Approve the addition of 1.0 Executive Analyst in the Office of Economic Development.
- (f) Approve the deletion of 1.0 Executive Analyst in the City Manager's Office.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

3.4 18-1372 Approval of the Terms of an Agreement with the International Association of Firefighters, Local 230 (IAFF, Local 230) and Various Amendments to the Pay Plan for the Classifications of Fire Chief, Assistant Fire Chief, Deputy Fire Chief and Fire Division Chief.

Recommendation: (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the San José Fire Fighters, International Association of Firefighters, Local 230 (IAFF, Local 230) for the term of July 1, 2018, to June 30, 2023, and authorizing the City Manager to execute an agreement with those terms.
(b) Adopt a resolution amending the City of San José Pay Plan effective October 21, 2018 to:
(1) Roll the Holiday-in-Lieu premium pay into the base pay and increase the salary range by approximately 5.623% for the classifications of Fire Chief (2334), Assistant Fire Chief (2333), Deputy Fire Chief (2335), and Fire Division Chief (2331); and
(2) Roll the Emergency Medical Technician premium pay into the base pay and increase the salary range by approximately 3% of top step firefighter pay for the classifications of Fire Chief (2334), Assistant Fire Chief (2333), Deputy Fire Chief (2335), and Fire Division Chief (2331).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

3.5 18-1387 Ordinance Modifying the Definition of Compensation to Exclude Non-Pensionable Pay Increases for the Police and Fire Department Retirement Plan.

Recommendation: Approve an ordinance to amend section 3.36.020.3 of Chapter 3.36 of Title 3 of the San José Municipal Code to modify the definition of “Compensation” to exclude non-pensionable pay increases in the Police and Fire Department Retirement Plan, effective on or after January 3, 2016.
CEQA: Not a Project, File No. PP17-008, General Procedure or Policy Making. (City Manager)

3.6 18-1373 TEFRA Hearing for the Approval of Conduit Financing for the Lincoln Glen Manor for Senior Citizens Located at 2671 Plummer Avenue.

Recommendation: (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing for the issuance of tax-exempt revenue bonds by the California Municipal Finance Authority in an amount not to exceed \$7,000,000 (“Bonds”) to finance the conversion of twelve independent living units to seventeen memory care units and to make certain other facility capital improvements, all located at its multi-level rental, continuing care retirement community at 2671 Plummer Avenue in San José, California for Lincoln Glen Manor for Senior Citizens, a nonprofit public benefit corporation and an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(b) Consider adoption of a resolution approving the issuance of the Bonds, by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$7,000,000 to finance: (1) the conversion of 12 independent living units to 17 memory care units and to make certain other capital improvements to the multi-level rental, continuing care retirement community located at 2671 Plummer Avenue in San José, California and (2) certain expenses incurred in connection with the issuance of Bonds.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-087. Council District 9. (Finance)

3.7 18-1374 Approval of Benefits Consulting and Actuarial Services Agreement with Alliant Employee Benefits.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with Alliant Employee Benefits to provide benefits consulting and actuarial services for a period of 61 months from December 1, 2018 through December 31, 2023, for a maximum amount not to exceed \$1,158,125, subject to the appropriation of funds by the City Council.

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

3.8 18-1391 Legislative Update from Assemblymember Ash Kalra.

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2018, accept update from Assemblymember Ash Kalra regarding the 2017-2018 legislative session.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.

[Rules Committee referral 10/03/18 - Item G.4]

3.9 18-1393 Ballot Measure to Hold Mayoral Elections Concurrent with Presidential Election.

Recommendation: As recommended by the Rules and Open Government Committee on October 3, 2018, adopt a resolution amending the City Charter to hold San José mayoral elections concurrent with national Presidential elections.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Vice Mayor Carrasco, Jones, Jimenez, Rocha)

[Rules Committee referral 10/03/18 - Item G.6]

4. COMMUNITY & ECONOMIC DEVELOPMENT**4.1 18-1375 Actions Related to the Agreement with LifeMoves for the Safe Parking Pilot Program.**

Recommendation: Adopt a resolution:

(a) Authorizing the Director of Housing to execute an agreement with LifeMoves in the amount of \$250,000 from the Housing Trust Fund to operate a Safe Parking Pilot Program for families from October 16, 2018 through June 30, 2019 at the Seven Trees Community Center overflow parking lot.

(b) Approving an exception to Council Policy 6-16 for this Safe Parking Pilot Program.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-076. Council District 7. (Housing)

4.2 18-1376 Approval of the Project Labor Agreement.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a project labor agreement with the Santa Clara and San Benito Counties Building and Construction Trades Council for an initial term of five years and to require inclusion of the project labor agreement in certain City public works construction contracts exceeding \$3,000,000, a threshold that would be adjusted annually by the consumer price index.

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

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES****6.1 18-1377 Shared Micro-Mobility.**

Recommendation: As recommended by the Transportation and Environmental Committee on August 13, 2018, accept the background information report from City Staff on shared micro - mobility - dockless bikes, electric-assist bikes, and electric scooters - in and around Downtown San José, and provide feedback to staff on a proposed regulatory framework.

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

[Transportation and Environmental Committee referral 8/13/18 - Item D.1]

[Deferred from 9/25/18 - Item 6.3 (18-1273)]

DEFERRED TO 11/27/18 PER ADMINISTRATION

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-1378 DROP - Actions Related to the Recycle Plus Residential Solid Waste Agreements and China's Policy on Importing Recyclable Material.

7.2 18-1379 DROP - Actions Related to the Negotiations of Recycle Plus Residential Solid Waste Agreements.

7.3 18-1380 DROP - Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.

8. PUBLIC SAFETY

8.1 18-1381 City Council Priority #10: Personal Care Business Compliance Initiative.

Recommendation: As recommended by the Public Safety, Finance, & Strategic Support Committee on September 20, 2018, accept a report on the implementation of the City Council Policy Priority #10: Personal Care Business Compliance Initiative.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
[Public Safety, Finance, & Strategic Support Committee referral
9/20/18 - Item (d)4]

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

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.