



City Council Meeting Agenda

Tuesday, October 20, 2020

1:30 PM

Virtual Meeting <https://sanjoseca.zoom.us/j/91325378626>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, 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.
- **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 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. 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.sanjose.legistar.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. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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

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

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

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate 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 913 2537 8626. 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/91325378626>
 - 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.

For Closed Captions, please visit the City's YouTube channel :
<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

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

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).

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

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Call to Order

20-1246 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - RECOMMEND CANCELLATION

- **Pledge of Allegiance**

- **Invocation (District 9)**

- **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

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 20-1233 Report on Bids and Award of Construction Contract for 9588 - Exploratory Trenches Project at the San José-Santa Clara Regional Wastewater Facility.**

Recommendation: Report on bids and award a construction contract for the 9588 - Exploratory Trenches Project to the low bidder, Westland Contractors, Inc., in the amount of \$345,000, and approve a 20 percent contingency in the amount of \$69,000.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final Environmental Impact Report (SCH#201105274) and Addenda Thereto, File No. ER20-118, CEQA Guidelines 14 CCR § 15168(c)(2). (Environmental Services/Public Works)

2.8 20-1248 Actions Related to the 7232 - Trail: Three Creeks Pedestrian Bridge Over Los Gatos Creek Project.

Recommendation: (a) Adopt a resolution authorizing the Director of Public Works to negotiate and execute one or more change orders to the 7232 - Trail: Three Creeks Pedestrian Bridge Over Los Gatos Creek construction contract with Gordan N. Ball to do the following:

(1) Increase the current base contract amount by up to \$700,000, from \$1,786,246 to a revised contract amount not to exceed \$2,486,246, subject to the condition that this increase is a full settlement of all cost increases, and

(2) Extend the completion date of the work by more than 180 calendar days.

(b) Authorize increasing the contract contingency by \$55,806, from \$162,745 to \$218,551, to provide for any unexpected work needed for the proper completion of the project.

CEQA: Environmental Impact Report for the Three Creeks Trail Pedestrian Bridge Project, File No. PP13-085. (Public Works)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

- 20-1234** (a) City Manager's COVID 19 Update (Verbal Report)
(b) City Manager's Report on Other City Matters (Verbal Report)
TO BE HEARD BEFORE CONSENT CALENDAR

3.2 Labor Negotiations Update.

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

3.3 20-1235 2019-2020 City Manager's Annual Report.

Recommendation: (a) Accept the 2019-2020 City Manager's Annual Report 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 2019-2020 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).
(c) Approve the following position changes in the City Manager's Office:
(1) Add 1.0 Director of City Manager's Office;
(2) Add 1.0 Assistant to the City Manager;
(3) Add 1.0 Senior Executive Analyst; and
(4) Add 1.0 Staff Specialist.
CEQA: Not a Project, Files No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment.
(City Manager)

3.4 20-1236 Preliminary Review of Documentation for COVID-19 Related Costs.

Recommendation: Accept the report on the Preliminary Review of Documentation for COVID-19 related costs.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Auditor)

3.5 20-1237 Actions Related to the Agreements for Food Distribution and Related Services for COVID-19 Pandemic.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement to Provide Meals for a Limited Duration between the City of San José and Catholic Charities of Santa Clara County (San José, CA) to provide groceries to temporarily sheltered, unsheltered, isolated, medically vulnerable, quarantining, and low-income individuals and families experiencing food insecurity due to the impacts of the COVID-19 to extend the Term by adding up to four options through December 30, 2020, with no change to the maximum aggregate compensation amount of \$914,550 for service in San José;
- (b) Negotiate and execute Third Amendments to the two Agreements to Provide Meals for Limited Duration between the City of San José and Hunger at Home (San José, CA) to provide meals to temporarily sheltered, unsheltered, isolated, medically vulnerable, quarantining, and low-income individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic to add five options to extend the term of both agreements to December 30, 2020, with an increase to the maximum aggregate compensation amount to \$1,752,795 with \$931,775 for service in San José and \$821,020 for service inside Santa Clara County and outside of San José;
- (c) Negotiate and execute Third Amendments to the two Agreements to Provide Meals for a Limited Duration between the City of San José and Team San José (San José, CA) to provide meals to unhoused individuals to add six options to extend the term to December 30, 2020, with an increase to the maximum aggregate compensation amount to \$3,341,469 with \$2,545,133 for service in San José and \$793,336 for service in Santa Clara County and outside of San José;
- (d) Negotiate and execute a Third Amendment to the Agreement to Provide Meals for Limited Duration between the City of San José and The Health Trust (San José, CA) to prepare and deliver frozen meals to higher risk-eligible individuals aged 60+ and to unhoused individuals to add up to six options to extend the term through December 30, 2020, with an increase to the maximum compensation amount to \$1,295,350 for service in San José; and

(e) Negotiate and execute a Second Amendment to the two Agreements to Provide Meals for Limited Duration between the City of San José and World Central Kitchen (Washington, DC) to add up to six options through January 9, 2021, based on the same terms and conditions, with no change to the maximum compensation amounts of \$2,316,600 for services inside San José and \$1,247,400 for service in Santa Clara County and outside 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 Manager)

3.6 20-1238 Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2019.

Recommendation: Accept the following reports:

(a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2019.

(b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2019.

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

3.7 20-1239 Government Accountability Measures.

Recommendation: As recommended by the Rules and Open Government Committee on August 19, 2020:

(a) To assist City Hall save money and eliminate wasteful spending as we brace for difficult financial challenges ahead, as well as to create a more accountable and transparent City Hall to better serve our residents, discuss and consider committing the City to the following, with direction to the Administration to work with the City Attorney's Office to return to Council with the appropriate action, as applicable:

(1) In any year where the City Manager and the Budget Director report a budget surplus in their October budget update, at least 50% of that surplus will be set aside to our Budget Stabilization Fund, until an amount equal to 15% of the General Fund balance has been achieved or be used to pay municipal debt.

(2) A standing commission shall be created consisting of appointed residents of San José to provide oversight of any ballot measures or policy proposals proposed or endorsed by the City that result in tax increases or additional revenue. The commission shall produce a public report annually to certify whether the Council has allocated dollars as promised when the measure or ordinance was proposed.

(3) Prior to the start of the annual budget season and priority setting session, the intergovernmental team shall report to Council about the latest trends and chatter coming from Sacramento and Washington about potential policy changes and funding opportunities relevant to municipalities so that we may strategically align our priorities and resources to maximize benefits for San José residents.

(4) Direct the City Auditor to commence regular performance audits of three key departments that are constituent-facing - such as Police, Fire, Planning, Housing, Transportation, Public Works, Environmental Services, and Parks - every year henceforth, to identify cost savings and process efficiencies, with results put on the Council agenda for public hearing and review:

(i) Audits should reoccur every four years;

(ii) Amend the City Auditor's 2020-2021 workplan to include an audit of our Police Department, focusing specifically on identifying cost savings and process efficiencies.

(b) Accept the response from the Administration on the Government Accountability Measures discussed in the memorandum from Councilmember Diep referred to the City Council from the Rules and Open Government Committee on August 19, 2020.

(c) As an alternative to recommendations (a)(1) and (a)(2) above, adopt a resolution amending City Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to modify Section 4 (Fund Balance) and Section 15 (Public Involvement).

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. (Diep)

[Rules Committee referral 8/19/2020 - Item G.3]

[Deferred from 9/22/2020 - Item 3.5 (20-1089)]

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 20-1240 Report on Bids and Award of Construction Contract for 7448 - Filter Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Report on bids and award a construction contract for the 7448 - Filter Rehabilitation Project to the low bidder, Walsh Construction Company, LLC, for base bid and Add Alternate No. 3, in the amount of \$33,290,577, and approve a 20 percent construction contingency in the amount of \$6,658,000.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(b), Existing Facilities, File No. PP17-049. (Environmental Services/Public Works)

7. NEIGHBORHOOD SERVICES

7.1 20-1241 Age-Friendly City Initiative Update and San José Age-Friendly 3-Year Action Plan.

Recommendation: Pending referral from Neighborhood Services and Education Committee on October 8, 2020:

(a) Accept the Age-Friendly City Initiative Update.

(b) Adopt a resolution approving the San José Age-Friendly 3-Year Action Plan.

[Pending Neighborhood Services and Education Committee referral - 10/8/2020 Item d (2)]

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1242 Ratification of Application and Authorization for Project Homekey Funds for Acquisition of the Best Western San José Airport Hotel Located at 1488 North First Street for Supportive Housing.

Recommendation: (a) Adopt a resolution:

(1) Ratifying the submission and execution by the City Manager of an application for Project HomeKey funds to the California Department of Housing and Community Development (HCD) in order to address housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness and who are impacted by the COVID-19 pandemic;

(2) Authorizing the City Manager to negotiate and execute an HCD Standard Agreement and all other necessary related documents to accept \$10,868,000 in acquisition funding and up to \$1,362,477 in operating subsidy totaling \$12,230,477 from HCD in Project HomeKey funds;

(3) Authorizing the City Manager to negotiate and execute a Purchase and Sales Agreement with San José Hospitality, Inc., for the purchase by the City of San José Housing Department of the Sure Stay Best Western San José Airport Hotel located at 1488 North 1st Street for a price of \$14,136,000; and

(4) Authorizing the Director of Housing to negotiate and execute a Property Management Agreement with San José Hospitality, Inc., for the purposes of providing property management services to the Best Western San José Airport Hotel upon acquisition for the duration of 120 days in the amount of \$400,000.

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

(1) Increase the estimate for Revenue from the Federal Government by \$12,230,477;

(2) Decrease the Unrestricted Ending Fund Balance by \$400,000; and

(3) Establish a new Project HomeKey appropriation to the Housing Department in the amount of \$12,630,477.

CEQA: Not a discretionary project subject to CEQA pursuant to Health & Safety Code section 50675.1.1(g); Exempt per Public Resources Code 21080(b)(1) and CEQA Guidelines Section 15369 Ministerial Project pursuant to Government Code Section 65913.4. (Housing/City Manager)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public 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 20-1243 C19-013, CP19-013 and T20-015 - Conforming Rezoning, Conditional Use Permit, and Tentative Map for Certain Real Property Located at 550-570 Meridian Avenue, 1401 Parkmoor Avenue, and 529, 591, and 691 Race Street.

Recommendation: (a) Adopt a resolution certifying the Avenues: The World School Project Environmental Impact Report (SCH#201907027) and making certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.

(b) Approve an ordinance rezoning certain real property located on the northwest corner of Race Street and Parkmoor Avenue from the IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District on an approximately 11.87-gross acre site.

(c) Adopt a resolution approving, subject to conditions, a Tentative Map to merge eight lots into one lot.

(d) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow to allow the demolition of existing buildings totaling 210,426 square feet and the phased construction and operation of a private school (toddler through 12th grade, ages 2 to 18) totaling approximately 458,155 square feet above grade (inclusive of the adaptive reuse of two commercial buildings and one four-level parking structure) for up to 2,744 students and 480 faculty and staff at final build-out, and the removal of 122 on-site trees, nine of which are ordinance-size trees and associated modifications on the existing surface parking and landscaping on an approximately 11.87-gross acre site. CEQA: Avenues: The World Schools Project Environmental Impact Report. Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)

10.3 20-1244 CP18-011 Appeal - Administrative Hearing on the Appeal of the Planning Commission's Approval of Conditional Use Permit No. CP18-011 for the 6211 Santa Teresa Boulevard Fuel Station Project.

Recommendation: (a) Conduct an Administrative Hearing on the appeal of the Planning Commission's approval of Conditional Use Permit No. CP18-011 for the 6211 Santa Teresa Boulevard Fuel Station Project which permits the demolition of an existing approximately 2,100 square foot pump canopy and associated fueling station equipment, the removal of 11 ordinance-sized trees and 3 non-ordinance-sized trees, and the construction of a new approximately 1,800-square foot fueling canopy and an 817-square foot addition to the existing 2,239-square foot building for a total of approximately 3,056 square feet for a retail store with 24-hour use, fueling station, a patio with a seating area, site improvements and discontinuation of the non-conforming auto repair use on an approximately 0.47-gross acre site located at 6211 Santa Teresa Boulevard.

(b) Adopt a resolution adopting the 6211 Santa Teresa Boulevard Fuel Station Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared and circulated for public review, in accordance with the California Environmental Quality Act, as amended.

(c) Adopt a resolution denying the permit appeal and approving, subject to conditions, a Conditional Use Permit to allow the demolition of an existing approximately 2,100 square foot pump canopy and associated fueling station equipment, the removal of 11 ordinance-sized trees and 3 non-ordinance-sized trees, and the construction of a new approximately 1,800-square foot fueling canopy and an 817-square foot addition to the existing 2,239-square foot building for a total of approximately 3,056 square feet for a retail store with 24-hour use, fueling station, a patio with a seating area, site improvements and discontinuation of the non-conforming auto repair use on an approximately 0.47-gross acre site.

CEQA: 6211 Santa Teresa Blvd. Fuel Station Project Mitigated Negative Declaration. Council District 2. (Planning, Building and Code Enforcement)

- **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. 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 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.