



# City Council Meeting Synopsis

**Tuesday, May 14, 2019**

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



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

- **Call to Order and Roll Call**

9: 40 a.m.- Closed Session, Call to Order in Council Chambers  
Absent: Carrasco

1:33 p.m.- Regular Session, Council Chambers, City Hall

- **Invocation**

Ensamble Folclórico Colibrí provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved with no changes. (11-0)

- **Adjournment**

This meeting will be in memory of Freedom Fighter O Den Ly Tong who passed away on April 5th, 2019, at the age of 74. Ly Tong, former Pilot of the South Vietnamese Air Force and Vietnamese American anti communists freedom fighter earned the title “Vietnamese James Bond,” notably from the Cuban and Vietnamese Communities around the world. Ly Tong will be missed by many and remembered for his 28 day hunger strike to rename San José’s Little Saigon. He had an unmovable spirit and was truly a “man of steel.”

**• Closed Session Report**

No report.

**1. CEREMONIAL ITEMS**

1.1 Mayor Liccardo and Councilmember Sergio Jimenez presented a Commendation to Greg Peck, Chair of the Neighborhood Leadership Council and community leader.

1.2 Mayor Liccardo and Councilmember Sylvia Arenas presented a Proclamation to recognize May 2019 as Mental Health Awareness Month.

1.3 Mayor Liccardo and Councilmember Magdalena Carrasco presented a Proclamation for National Melanoma Awareness month.

1.4 Mayor Liccardo and Councilmember Dev Davis presented a Proclamation declaring the month of May 2019 as “Building Safety Month” in the City of San José.

**Heard in the Evening**

1.5 Mayor Liccardo and Councilmember Pam Foley presented a Commendation to the Ida Price Charter Middle School Percussion Ensemble for their outstanding performance at the 2019 WGI Percussion World Championships.

**Heard in the Evening**

**2. CONSENT CALENDAR**

The Consent Calendar was approved as recommended, with Items 2.2, 2.9, 2.10 and 2.11 pulled and voted on separately, and the below listed actions taken as indicated. 11-0

**2.1 Approval of City Council Minutes.****2.2 19-330 Final Adoption of Ordinances.**

**Recommendation:** (a) Ord No. 30264 An Ordinance of the City of San José Amending Section 3.48.140 Of Chapter 3.48 of Title 3 of the San José Municipal Code to Allow Loan Repayment Plans after Severance from City Employment.

**Adopted.**

**11-0**

(b) Ord No. 30267 - An Ordinance of the City of San José Adding a New Chapter 10.50 to Title 10 of The San José Municipal Code to Prohibit Spectators at Street Races and Reckless Driving Exhibitions.

**Adopted.**

**11-0**

**2.3 Approval of Council Committee Minutes.**

**2.4 19-366 Request for Excused Absence for Councilmember Jimenez.**

**Recommendation:** Request for an excused absence for Councilmember Jimenez, from the Regular Meeting of the Smart Cities and Service Improvements Committee on May 2, 2019 due to authorized City Business at the Chaplain Dave Bridgen Southern Police Substation Naming Ceremony in San José, CA.

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

**Approved.**

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 19-314 Actions Related to the Agreement with the City and County of San Francisco for the 2018 Urban Areas Security Initiative Grant.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to execute a First Amendment to the Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the additional 2018 Urban Areas Security Initiative grant allocation of \$270,945.

**Resolution No. 79074 Adopted.**

(b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Increase the City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2018 by \$90,315 to \$385,315;

(2) Increase the City-Wide Expenses appropriation to the City Manager's Office/Office of Emergency Management for the Urban Areas Security Initiative Grant - OEM 2018 by \$90,315 to \$555,437;

(3) Increase the City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2018 by \$90,315 to \$152,315; and

(4) Increase the estimate for Revenue from Federal Government by an additional \$270,945 to \$1,093,067.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/Fire/City Manager)

**Ordinance No. 30269 Adopted.**

**Resolution No. 79075 Adopted.**

**11-0**

**2.8 19-315 Actions Related to the Agreements with AST LLC and Oracle America, Inc. for Service Request Management/Customer Relationship Management Software Solution.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute an Amendment to the Agreement with AST LLC (Naperville, IL) for a Customer Relationship Management Software Solution to increase the compensation by \$65,000 for a total maximum compensation of \$539,483 to provide supplemental technical support, issue resolution, and technical development services for new features and enhancements for the MySanJosé application;

(b) Negotiate and execute amendments and/or change orders to the agreements with AST LLC and Oracle America, Inc. (Redwood City, CA) for the Service Request Management/Customer Relationship Management Software Solution for additional technical support, feature/enhancement development, additional software and hosting, and related professional services as required, subject to the appropriation of funds; and

(c) Increase contingency by \$100,000 to cover any additional in-scope changes or requirements to the agreements with AST LLC or Oracle America Inc. for the Service Request Management/Customer Relationship Management Software Solution for a total contingency not to exceed \$200,000 during the initial five-year term ending on November 30, 2021, subject to the appropriation of funds.

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

(Finance)

**Resolution No. 79076 Adopted.**

**2.9 19-316 Actions Related to the 2019-2020 Transportation Development Act, Article 3 State Grant for Bicycle and Pedestrian Projects.**

**Recommendation:**

Adopt a resolution:

(a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2019-2020 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$1,183,758 for bicycle and pedestrian projects;

(b) Making the certifications and assurances required under the TDA3 grant; and

(c) Authorizing the City Manager or designee to accept TDA3 grant funding awarded from Metropolitan Transportation Commission, and to negotiate and execute any grant documents to effectuate the grant.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

**Resolution No. 79077 Adopted.**

**11-0**

**2.10 19-331 Retroactive Approval of the Community Meeting: A Discussion on Public Safety Sponsored by Council District 9 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 May 1, 2019:  
(a) Retroactively approve the Community Meeting: A Discussion on Public Safety scheduled on April 22, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley)  
[Rules Committee referral 05/01/19 - Item G.1.a]  
**Approved as Recommended.**  
**11-0**

**2.11 19-365 Approval of the City of San José Department of Transportation (DOT) Town Hall for Spanish-Speaking Residents Sponsored by Council District 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 May 8, 2019:  
(a) Approve the DOT Spanish Town Hall scheduled on May 16, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)  
[Rules Committee referral 5/8/19 - Item G.1.c]  
**Approved as Recommended.**  
**11-0**

### **3. STRATEGIC SUPPORT**

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

City Manager, David Sykes reported the commencement of Viva Calle events on Sunday, May 19, 2019. Up to 125 thousand people are expected.

#### **3.2 Labor Negotiations Update.**

**3.3 19-317 Public Hearing on the Proposed Operating and Capital Budgets and the Proposed Fees and Charges Report for Fiscal Year 2019-2020.**

**Recommendation:** Conduct a Public Hearing on the City's Proposed Operating and Capital Budgets for the Fiscal Year 2019-2020, the Proposed Five-Year Capital Improvement Program for 2020-2024, and the Proposed Fees and Charges Report for the Fiscal Year 2019-2020. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)  
**Public hearing conducted.**  
**No further action was taken or required.**

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1 19-318 North San José Area Development Policy Update.**

**Recommendation:** Accept the status report on work to propose minor amendments to the North San José Area Development Policy to make 8,000 units of the existing housing capacity available for development. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Planning, Building, and Code Enforcement)  
**Approved as recommended, including approval of Memorandum from Mayor Liccardo with the following recommendation:**

**1. In parallel with Staff’s effort to pursue the policy update under consideration, explore options that would more readily enable housing development in North San José, and return to Council in early August with a workload and feasibility assessment of various options that forward the goal of advancing housing with an enhanced amount and incentives for affordable housing, including but not limited to the following options:**

**a. Allowing individual projects to move forward on a case-by-case basis that have conducted their own environmental analysis.**

**b. Commencing a new programmatic environmental impact study on North San José, utilizing statewide adoption of VMT to guide creation of a new development policy.**

**2. As described in previous Council directives, priority for entitlement would be provided to projects producing onsite and/or an enhanced quantity of affordable housing, providing new retail and amenities, and having geographical or functional (i.e., a permanent shuttle) proximity to transit.**

**This was addended with direction to staff to return with recommendations to incorporate the Daniel Rose Fellowship’s proposal into the North San José Neighborhood Plan.**

**(10-0-1. Absent: Carrasco)**

**4.2 19-319 Public Hearing on the 2019-2020 Annual Action Plan for the Use of the U.S. Department of Housing and Urban Development.**

**Recommendation:** (a) Conduct a Public Hearing on the draft Fiscal Year 2019-2020 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development; and  
(b) Provide Housing Department staff with input on the draft Fiscal Year 2019-2020 Annual Action Plan and funding priorities.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)  
**Not heard before 2:30 p.m.**  
**Public hearing conducted.**  
**No further action was taken or required.**

## **5. NEIGHBORHOOD SERVICES**

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

**6.1 19-320 Report on Bids and Award of Contract for the 2019 Local Streets Concrete & ADA Ramps Project.**

**Recommendation:** (a) Report on bids and award of a construction contract for the 2019 Local Streets Concrete & ADA Ramps Project, to the low bidder, FBD Vanguard Construction, Inc. in the amount of \$6,593,025.  
(b) Approve a five percent contingency in the amount of \$329,651.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)  
**Heard jointly with Item 6.2**  
**Approved as Recommended.**  
**11-0**

**6.2 19-321 Report on Bids and Award of Contract for the 2019 Local Streets Rubberized Slurry Seal Project.**

**Recommendation:** (a) Report on bids and award of a construction contract for the 2019 Local Streets Rubberized Slurry Seal Project to the low bidder, Pavement Coatings Co., in the amount of \$7,093,892.  
(b) Approve a five percent contingency in the amount of \$354,695.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)  
**Heard jointly with Item 6.1**  
**Approved as Recommended.**  
**11-0**

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

### **8. PUBLIC SAFETY**

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

**• Open Forum**

- 1. Ray Perez commented on bus passengers in San Jose and how efficient the bus services are.
- 2. Andrew Boone reported alleged issues with The Bicycle and Pedestrian Advisory Committee, asserting that meetings are neither timely posted to City website, nor are members sent information. This, he says, violates the State Brown Act.
- 3. Brian Darby commented on adaptor equipment for people with disabilities and requested information on people with knowledge on starting a private, non-profit organization.
- 4. Pascual Mendivil commented on perceived marginalization of Southside Chavez Plaza and the lack of a library named for Southside vis-a-vis their demographics.

- **Council recessed at 3:58 p.m.**
- **Council resumed at 6:03 p.m.**

**10. LAND USE**

**OPEN GENERAL PLAN HEARING (FIRST CYCLE)**

**10.1 Land Use on Consent Calendar**

- (a) **19-322 C19-006 - Conforming Rezoning of the Real Property Located at 2001 Fortune Drive.**

**Recommendation:** Approve an ordinance rezoning certain real property located on the north side of Fortune Drive, approximately 500 feet westerly of Lundy Avenue (2001 Fortune Drive) from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District on an approximately 9.26-gross acre site.  
 CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 4.  
 (Planning, Building and Code Enforcement)  
**Ordinance No. 30270 passed for publication.**  
**(7-0-4. Absent: Jimenez, Carrasco, Davis, Esparza)**

- (b) **19-323 C18-028 - Conventional Rezoning of the Real Property Located at 12 South 11th Street.**

**Recommendation:** (1) Adopt a resolution approving the 12 South 11th Street Rezoning Project Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended.  
**Resolution No. 79078 Adopted.**  
**(7-0-4. Absent: Jimenez, Carrasco, Davis, Esparza)**

*(Item Continued on the Next Page)*

**(b) 19-323 C18-028 - Conventional Rezoning of the Real Property Located at 12 (Conto'd)**

(2) Approve an ordinance rezoning certain real property located at on the east side of South 11th Street, approximately 170 feet southerly E. Santa Clara Street (12 South 11th Street) from the CG Commercial General Zoning District to the R-M Multiple Residence Zoning District on an approximately 0.15-gross acre site.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-2; Leyba and Vora absent). Council District 3. (Planning, Building and Code Enforcement)

**Ordinance No. 30271 passed for publication.**

**(7-0-4. Absent: Jimenez, Carrasco, Davis, Esparza)**

**(c) 19-324 GPT19-002 - City-Initiated General Plan Text Amendment to the Envision San José 2040 General Plan to Allow Additional General Plan Hearing for 100% Deed Restricted Affordable Housing Projects.****Recommendation:**

Adopt a resolution approving the General Plan Text Amendment to the Envision San José 2040 General Plan to establish an additional General Plan Hearing cycle for non-City-initiated amendments for 100% deed restricted affordable housing projects, and to create an Affordable Priority Planning Area Overlay.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval of the General Plan Text Amendment with revisions to the text to remove the word “publicly funded” and add clarifying language to the term “continued affordability” in the Affordable Priority Planning Area Overlay (6-0-1; Vora absent). (Planning, Building and Code Enforcement)

**Resolution No. 79079 Adopted.**

**(7-0-4. Absent: Jimenez, Carrasco, Davis, Esparza)**

**(d) 19-325 PDC17-054/PD17-026 - Planned Development Zoning and Planned Development Permit of the Real Property located at 2601 Nuestra Castillo Court, 2605 La Hacienda Court, and the Alum Rock Transit Center.****Recommendation:**

(1) Approve an ordinance rezoning certain real property situated on the northwest corner of Nuestra Castillo Court and South Capitol Avenue (2601 Nuestra Castillo Court, 2605 La Hacienda Court, and Alum Rock Transit Center), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to reflect the current parking spaces required per Chapter 20.90 of the Municipal Code for multi-family developments on an approximately 9.3-gross acres; and

**Ordinance No. 30272 passed for publication.**

**(7-0-4. Absent: Jimenez, Carrasco, Davis, Esparza)**

*(Item Continued on the Next Page)*

**(d) 19-325 PDC17-054/PD17-026 - Planned Development Zoning and Planned (Cont'd)...**

(2) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning District to amend the parking requirements to reflect the current parking spaces required per Chapter 20.90 of the Municipal Code for multi-family developments.

CEQA: Categorically Exempt, CEQA Guidelines Section 15305 Minor Land Alteration in Land Use Limitations. Planning Commission recommends approval (6-0-1; Vora absent). Council District 5.

(Planning, Building and Code Enforcement)

**Resolution No. 79080 Adopted.**

**(7-0-4. Absent: Jimenez, Carrasco, Davis, Esparza)**

### END OF CONSENT CALENDAR

### 10 Land Use - Regular Agenda

**10.2 19-327 SP18-016 - Conduct a Public Hearing on an Appeal of the Environmental Determination for a Special Use Permit for Real Property Located at 27 South First Street.**

**Recommendation:**

(a) Conduct an Administrative Hearing to consider the Appeal of the Planning Director's reliance on the Addendum to the Downtown Strategy 2040 Environmental Impact Report (Addendum) in accordance with the California Environmental Quality Act (CEQA) for a Special Use Permit (File No. SP18-016) to allow the demolition of a one-story, 24,696 square-foot commercial building and development of a 22-story residential tower with up to 374 dwelling units and ground floor commercial uses on an approximately 0.6-acre site, in the Downtown Primary Commercial Zoning District located at 27 South First Street.

**Approved as Recommended.**

**(9-0-2. Absent: Davis, Diep)**

(b) Adopt a resolution denying the appeal and upholding the Planning Director's reliance on the Addendum, and finding that:

(1) The City Council has read and considered the Addendum for the 27 South First Street Mixed-Use Project and related administrative record related to Special Use Permit File No. SP18-016;

(2) The Addendum for the 27 South First Street Mixed-Use Project was prepared and completed in full compliance with the California Environmental Quality Act of 1970, as amended, together with State and local implementation guidelines; and

(3) Reliance on the Addendum for the 27 South First Street Mixed-Use Project reflects the independent judgment and analysis of the City of San José; and

(4) Preparation of an environmental impact report is not required because the following events did not occur as outlined in Section 21166 of the Public Resources Code: (i) Substantial changes are proposed in the project which will require major revisions of the environmental report, (ii) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report, or

*(Item Continued on the Next Page)*

**10.2 19-327 SP18-016 - Conduct a Public Hearing on an Appeal of the (Cont'd)...**

(iii) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942). Council District 3. (Planning, Building, and Code Enforcement)

**Resolution No. 79081 Adopted.**  
**(9-0-2. Absent: Davis, Diep)**

**10.3 19-326 GP18-015/PDC18-038 - General Plan Amendment and a Planned Development Zoning of the Real Property Located at 1202 and 1250 Campbell Avenue.****Recommendation:**

(a) Recommend that the City Council deny the applicant's request to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Light Industrial to Transit Residential on the 3.0-gross acre site.

(b) Recommend that the City Council deny the applicant's request to rezone the subject site to the A(PD) Planned Development Zoning District to allow 295 residential units and 20,000 square feet of commercial office.

CEQA: Statutorily Exempt, CEQA Guideline Section 15270, Projects Which Are Disapproved. Planning Commission recommends continued processing of the application so that the General Plan amendment, zoning amendment, and related land use permit may be considered together in the fall. (4-2-1; Leyba and Oliverio opposed, and Yesney absent). Council District 3. (Planning, Building and Code Enforcement)

**Approved as Recommended.**  
**(9-1-1. Noes: Diep, Absent: Davis)**

**GENERAL PLAN HEARING (FIRST CYCLE) CLOSED****• Open Forum**

There were no cards.

**• Adjournment:** 7:46 p.m.

**This meeting will be in memory of Freedom Fighter O Den Ly Tong who passed away on April 5th, 2019, at the age of 74. Ly Tong, former Pilot of the South Vietnamese Air Force and Vietnamese-American anti-communists freedom fighter earned the title "Vietnamese James Bond," notably from the Cuban and Vietnamese Communities around the world. Ly Tong will be missed by many and remembered for his 28 day hunger strike to rename San Jose's Little Saigon. He had an unmovable spirit and was truly a "man of steel."**

**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.