



CITY COUNCIL MEETING

Amended Agenda

Tuesday, February 13, 2024
1:30 PM

LOCATION:
Council Chambers - 200 E. Santa Clara Street

Attachments and related materials can be viewed [HERE](#)

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

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

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). (Zoom chỉ một)

MATT MAHAN, MAYOR
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
OMAR TORRES, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
DEV DAVIS, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, DISTRICT 10

Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.

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- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; Gọi (408) 535-8430
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THE LEVINE ACT

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit <https://sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://youtube.com/CityofSanJoseCalifornia>
- 4) By Phone: (888) 475 4499. Webinar ID is 94558095100. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 5) Online at: <https://sanjoseca.zoom.us/j/94558095100>
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How to submit written Public Comment before the City Council Meeting:

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 provide spoken Public Comment during the City Council Meeting:

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. 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.

Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor’s discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-

37)

Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers. Do this before the meeting or before the item is heard. This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner. You may remain anonymous, but please fill out a card so we may call you. You can put "anonymous speaker" or "no name" on the card. 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. 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.

Public Comment In Person Only

• Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers
 Open Session, Labor Negotiations Update (See Item 3.2)
 Adjourn to Closed Session in Council Chambers Conference Room, W133
 See Separate Agenda
 1:30 p.m.- Regular Session, Council Chambers, City Hall
 1:30 p.m.- Study Session, Fiscal Year 2024-2025 Budget Priority, Council Chambers, City Hall
 *To be heard immediately following the Regular Council Meeting.
 6:00 p.m.- Evening Session, Council Chambers, City Hall – Cancelled
 *The previously scheduled Evening Session has been cancelled

• Pledge of Allegiance

• Invocation (District 2)

The El Grito de la Cultura Academy dancers

• 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.

• Adjournment

• Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to President Cynthia Teniente-Matson for her Presidential Investiture and serving as the 31st President of San José State University. (Mayor & Torres)

1.2 Presentation of a proclamation declaring February 15, 2023 as Cholangiocarcinoma Awareness Day in the City of San José to raise much-needed awareness of a devastating cancer that occurs in the bile ducts in or outside the liver. (Foley)

1.3 Presentation of a Commendation to Mr. Le Dinh Tho recognizing his outstanding contributions to the Vietnamese-American community, including organizing the flag-raising ceremony at San José City Hall during Lunar New Year celebrations and serving 18 years as Secretary General of the nonprofit Former Vietnam Armed Forces Alliance - Northern California. – CANCELLED

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 **Approval of City Council Minutes.**

2.2 **Final Adoption of Ordinances.**

Recommendation:

(a) Ordinance No. 31008 - An Ordinance of the City of San José Amending Parts 1 and 2 of Chapter 24.10 of Title 24 (Technical Codes) of the San José Municipal Code as a Reach Code to Amend Requirements Related to Electric Vehicle Charging Stations in New Multifamily Developments.

[Passed for Publication on 1/30/2024 - Item 6.1 (24-68246-01)]

(b) Ordinance No. 31009 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to R&D Mendes Enterprises, Inc. DBA Accurate Cleaning Systems.

[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]

(c) Ordinance No. 31010 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to All Points Roll Off, Inc.

[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]

(d) Ordinance No. 31011 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Allied Waste Services of North America, LLC DBA Republic Services of Santa Clara County.

[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]

(e) Ordinance No. 31012 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to American Debris Box Service, Inc.

[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]

(f) Ordinance No. 31013 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises, Inc. DBA Chip It Recycling/JD Services.

- [Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(g) Ordinance No. 31014 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to City-Wide Fibers, Inc.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(h) Ordinance No. 31015 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to David Jaimes DBA D&L Hauling and Demolition Services.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(i) Ordinance No. 31016 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Eco Box Recycling, Inc.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(j) Ordinance No. 31017 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Resource Recovery, Inc. DBA Valley Recycling.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(k) Ordinance No. 31018 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Evergreen Waste Services.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(l) Ordinance No. 31019 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Ferma Greenbox, Inc.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(m) Ordinance No. 31020 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Toca Debris Box, LLC.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(n) Ordinance No. 31021 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to G W Debris Services, LLC.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(o) Ordinance No. 31022 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Garden of Eden Landscapes, Inc. DBA Ground Force Enterprises.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(p) Ordinance No. 31023 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Guadalupe Rubbish Disposal Co., Inc. DBA Guadalupe Recycling & Disposal facility.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(q) Ordinance No. 31024 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to United Recycle Services, LLC.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(r) Ordinance No. 31025 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Jonna Corporation, Inc. DBA Premier Recycle Company.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(s) Ordinance No. 31026 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Lam Hauling, Inc. DBA 7 Days box.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(t) Ordinance No. 31027 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling, Inc.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(u) Ordinance No. 31028 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Peninsula Debris Box Service, LLC.

- [Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(v) Ordinance No. 31029 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Phi Ta DBA Ta Trucking.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(w) Ordinance No. 31030 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Recology South Bay DBA Recology Silicon Valley.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(x) Ordinance No. 31031 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Redwood Services, Inc. DBA Redwood Debris Box Service Trucking, Inc.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(y) Ordinance No. 31032 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Superior Demolition Services, Inc.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(z) Ordinance No. 31033 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Uriel Del Toro DBA Del Toro Haul.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(aa) Ordinance No. 31034 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Waste Connections of California, Inc. DBA Greenteam of San José.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(ab) Ordinance No. 31035 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Yellowsack, Inc.
[Passed for Publication on 1/30/2024 - Item 6.2 (24-68288)]
(ac) Ordinance No. 31036 - An Ordinance of the City of San José Rezoning Five Properties from the A(PD) Planned Development Zoning District to MUC Mixed Use Commercial Zoning District, One Property from LI Light Industrial Zoning District to MUC Mixed Use Commercial Zoning District, One Property from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, and One Property from R-1-5 Single-Family Residential Zoning District to UR Urban Residential Zoning District, All Located on those Certain Real Properties Situated within the City of San José.
[Passed for Publication on 1/30/2024 - Item 10.1(a) (24-68292)]
(ad) Ordinance No. 31037 - An Ordinance of the City of San José Repealing the Application of the Affordable Housing Overlay on Six Sites in North San José, Amending the Zoning District Map to Apply the Housing Element Residential Overlay on Twelve Sites Citywide, and Amending Chapter 20.65.200 Requiring the Six North San José Sites to Allow Residential Use by Right for Housing Developments in Which at Least 20 Percent of the Units are Affordable to Lower Income Households.
[Passed for Publication on 1/30/2024 - Item 10.1(b) (24-68293)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

Request for an excused absence for Councilmember Batra from the Regular Meeting of City Council on February 6, 2024 due to illness.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative

Activities resulting in no changes to the physical environment. (Batra)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 City Manager's Travel to Kansas City, Missouri.

Recommendation:

Authorize travel for City Manager, Jennifer Maguire to Kansas City, Missouri from April 11-13, 2024 to participate in the Large Cities Executive Forum.

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

2.8 Lease Agreement with BSREP II SJ TOWERS, LLC for Property Located at 4 North Second Street, Seventh Floor.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee, to negotiate and execute a lease agreement, and all documents necessary to effectuate the lease, between BSREP II SJ TOWERS, LLC, a Delaware limited liability company, as Landlord, and the City of San José, a municipal corporation of the State of California as Tenant, for the use of approximately 17,845 square feet of office space located at 4 North Second Street, Seventh Floor for 70 months at a rental rate of \$414,394.56 for the first 12 months, \$569,311.60 for months 13-24, \$879,145.80 for months 25-36, \$906,422.40 for months 37-48, \$933,699 for months 49-60, and \$800,813 for months 61-70, totaling \$4,503,786.36 for the term in addition to other costs associated with the lease agreement.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

2.9 Actions Related to the Purchase Order with Security Alert Systems of California, Inc. for Burglar and Fire Alarm Monitoring, Installation, Inspection, Testing, Maintenance, and Repair Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

(a) Execute a purchase order with Security Alert Systems of California, Inc. (Gilroy, CA) for burglar and fire alarm monitoring, installation, inspection, testing, maintenance, and repair services, for a one-year term beginning on or about February 14, 2024, and ending on or about February 13, 2025, for a not-to-exceed amount of \$1,500,000; and

(b) Exercise up to six one-year options to extend the term of the purchase order, with the last option ending on or about February 13, 2031, 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)

2.10 Award of Contract for 10177 – 2022 Bridge Deck Treatment Project (BIC 3) (2018 Measure T).

Recommendation:

- (a) Report on bids and award of a construction contract for 10177 - 2022 Bridge Deck Treatment Project to the lowest responsive, responsible bidder, American Civil Constructors West Coast LLC, in the amount of \$1,467,000; and
- (b) Approve a 10% contingency in the amount of \$146,700.
- CEQA: Categorically Exempt, File No. ER23-009, Exempt pursuant to CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2, 3, 4, 6 and 10. (Public Works/Transportation)

2.11 Acceptance of the Retirement Plans' Annual Comprehensive Financial Reports for Fiscal Years Ending June 30, 2023 and June 30, 2022.**Recommendation:**

- (a) Accept the Police and Fire Department Retirement Plan Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2023 and June 30, 2022; and
- (b) Accept the Federated City Employees' Retirement System Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2023 and June 30, 2022.
- 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)

2.12 2023 Climate Grant Program for the San Fernando Mobility Hubs Project.**Recommendation:**

- (a) Accept and receive 2023 Climate Grant Program funds awarded for the San Fernando Mobility Hubs project.
- (b) Adopt a Resolution of Local Support that indicates the City will:
- (1) Follow all grant program requirements and delivery timelines; and
 - (2) Authorize the City Manager or her designee to negotiate and execute all documents necessary to effectuate the Climate Grant Program funds in an amount not to exceed \$1,139,000 for the San Fernando Mobility Hubs project.
- CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. Council District 3. (Transportation)

2.13 Clean Mobility Options Voucher Pilot Program for Bikeshare en Mayfair Project.**Recommendation:**

- (a) Accept and receive Clean Mobility Options Voucher Pilot Program grant funds awarded for the Bikeshare en Mayfair Project.
- (b) Adopt a Resolution of Local Support that indicates the City will:
- (1) Follow all grant program requirements and delivery timelines; and
 - (2) Authorize the City Manager or her designee to negotiate and execute all documents necessary to effectuate the Clean Mobility Options Voucher Grant in an amount not to exceed \$1,500,000 for the Bikeshare en Mayfair Project.
- CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. Council District 5. (Transportation)

2.14 Recertification of the Sewer System Management Plan.**Recommendation:**

Approve the Sewer System Management Plan prior to submission to the State Water Resources Control Board.

CEQA: Categorically Exempt, File No. ER23-189, CEQA Guidelines Section 15301(b), Existing Facilities and CEQA Guidelines Section 15302, Replacement or Reconstruction. (Transportation/Environmental Services/Public Works)

2.15 Retroactive Approval and Approval of Hoffman Via Monte Property Owner's Meetings Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation:

As recommended by the Rules and Open Government Committee on January 31, 2024:

(a) Retroactively approve the Hoffman Via Monte Property Owner's meeting scheduled on January 11, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve future Hoffman Via Monte Property Owner's meetings occurring bi-monthly until June 30, 2024 as City Council sponsored Special Events and approve the expenditure of funds; and

(c) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Batra)

[Rules Committee referral 1/31/2024 – Item B.3]

2.16 Retroactive Approval and Approval of Multiple District 4 Events Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation:

As recommended by the Rules and Open Government Committee on February 7, 2024:

(a) Retroactively approve the Lunar New Year Celebration scheduled on February 3, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the District 4 Dumpster Day scheduled on February 10, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve the District 4 Tree Planting scheduled on February 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)

[Rules Committee referral 2/7/2024 - Item B.3]

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.**TO BE HEARD AT 9:30 A.M.****3.3 Approval of the 2023-2024 Mid-Year Budget Review Report.****Recommendation:**

(a) Approve the 2023-2024 Mid-Year Budget Review Report.

(b) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 84 to establish the San José Opioid Response Fund.

(c) Extend 3.0 Fire Captain positions in the Fire Department to June 30, 2024.

(d) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2023-2024 Mid-Year Budget Review Report.

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

3.4 2023-2024 City Council Focus Areas Second Quarter Status Report.**Recommendation:**

Accept the second quarter status report on the implementation of the Fiscal Year 2023-2024 City Council Focus Areas.

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

4. PUBLIC SAFETY**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****6.1 Long Term Power Purchase Agreement with Zeta Solar, LLC. - TO BE HEARD IMMEDIATELY AFTER CONSENT****Recommendation:**

Adopt a resolution authorizing the Director of the Energy Department or her designee to negotiate and execute a long-term power purchase agreement with Zeta Solar, LLC, a subsidiary of Longroad Development Company, LLC, to buy renewable energy, renewable energy credits, resource adequacy, battery tolling rights, and attributes associated with a solar photovoltaic and battery storage facility for a term of 20 years beginning 2027 through 2047, in an estimated annual amount of \$11,227,000 and a not-to-exceed amount of \$224,540,000 in aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds.

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

TO BE HEARD IMMEDIATELY AFTER CONSENT

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

Due to Public Hearing Notice SJ# 3778519, public comment for Item 8.1 will also be available by phone: (888) 475 4499, Webinar ID is 94558095100; alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (toll free) or online at: <https://sanjoseca.zoom.us/j/94558095100>

- 8.1 Approval of an Exception to the City Multifamily Housing Revenue Bond Policy Allowing View at Julian Affordable Housing Development to Use an Alternate Bond Issuer and Hold the Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance View at Julian Affordable Housing Development. – TO BE HEARD AFTER ITEM 6.1**

Recommendation:

(a) Adopt a resolution authorizing an exception to the City Council's Multifamily Housing Revenue Bond Policy, Council Policy 1-16, for the issuance of Multifamily Housing Revenue Bonds for View at Julian due to special circumstances, thereby allowing the California Municipal Finance Authority to issue the bonds.

(b) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of \$90,000,000, not to exceed \$125,000,000, of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance the construction of a 300-unit multifamily rental housing development to be located at 950-970 West Julian Street in San José by JEMCOR Development Partners, LLC; and to pay certain expenses incurred in connection with the issuance of the bonds.

(c) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority in an aggregate principal amount of \$90,000,000, not to exceed \$125,000,000, to finance the construction of a new 300-unit multifamily affordable rental housing development to be located at 950-970 West Julian Street in San José, and to pay certain expenses incurred in connection with the issuance of the bonds.

CEQA: Categorically Exempt, File No. H21-044, CEQA Guidelines Section 15332 Infill Development Projects. Council District 6. (Housing/Finance)

– TO BE HEARD AFTER ITEM 6.1

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

No Land Use Items on Consent Calendar

10. Land Use - Regular Agenda

END OF CONSENT CALENDAR

• 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

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

ABOUT THE AGENDA

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.

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://sanjoseca.primegov.com/public/portal?fromiframe=1>. Council Meetings are televised live and rebroadcast on Channel 26.

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.

3. Addressing the Council, Committee, Board or Commission:

- (a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- (b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate.

(California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.

- (c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- (d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- (e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- (f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- (g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.