



City Council Meeting Amended Agenda

Tuesday, August 31, 2021

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/93052835954>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, 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.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

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

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/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 legislate 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 930 5283 5954. 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/93052835954>
 - 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>.

• Call to Order and Roll Call

9:30 a.m. - Closed Session

[21-1885](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

- Pledge of Allegiance
- Invocation (District 7)

Pastor Bill McCorquodale, Chaplain for the United Veterans Council of Santa Clara County.

- Orders of the Day

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to the PRNS Placemaking Team for connecting people to people, building community pride and transforming parks with positive programming through Viva Parks. (Arenas)

1.2 Presentation of a Commendation to the PRNS Aquatics Team for their incredible achievement activating our City-operated pools providing positive, family friendly aquatics activities. (Esparza)

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.

[21-1925](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30627 - An Ordinance of the City of San José Adjusting the Deadline to Enact a Redistricting Ordinance as Permitted Under Charter Section 403.

[Passed for Publication on 8/17/2021 - Item 2.7(a) (21-1781)]

(b) Ordinance No. 30650 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.53 Gross Acre Situated on the Northeast Corner of Story Road and South Jackson Avenue (2305 Story Road (APN: 484-35-022) from the CP Commercial Pedestrian Zoning District to The CN Commercial Neighborhood Zoning District.

[Passed for Publication on 8/17/2021 - Item 10.2(b) (21-1785)]

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** [21-1788](#)**Biennial Peer Review of the City Auditor's Office.****Recommendation:**

Approve an Agreement with the Association of Local Government Auditors (ALGA) to perform an audit of the City Auditor's Office for Fiscal Year 2019-20 and FY 2020-21, pursuant to the peer review guidelines of ALGA, in exchange for reimbursement of expenses for the audit team and the provision of reciprocal audit services by the City Auditor's Office.

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

Attachments [Memorandum](#)
[Agreement](#)

2.8 [21-1886](#) **Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard. - DEFERRED**

Recommendation:

(a) Adopt a resolution:

(1) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 1,381 square foot portion of North Almaden Boulevard located northeast of the North Almaden Boulevard and East Santa Clara Street intersection (“Subject Property”);

(2) Conditionally vacating the Subject Property, which after the satisfaction of the condition, will be superseded by relocation;

(3) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and

(4) Declaring the Subject Property “exempt surplus land” to the needs of the City.

(b) Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute:

(1) Purchase and Sale Agreement with the adjacent property owners Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A), in exchange for the conditionally vacated 674 square feet and Assessor’s Parcel Number 259-35-055 being voluntarily annexed to the Convention Center Facilities District;

(2) Purchase and Sale Agreement with adjacent property owner Bit Holdings Sixty-Eight, Inc. for the sale of approximately 707 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with to Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070 in the amount of \$1; and

(3) All other documents necessary to complete the transactions.

CEQA: Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, H18-038. Council District 3. (Economic Development and Cultural Affairs/Public Works)

DEFERRED TO 9/14/2021 PER ADMINISTRATION

Attachments [Resolution](#)

2.9 [21-1891](#) **Retroactive Approval of City Hall Rotunda Free Use for Fire Captain Written Exam on Saturday, August 14, 2021.**

Recommendation: Adopt a resolution authorizing retroactive “Free Use” for a written exam held at City Hall on Saturday, August 14, 2021 for the Fire Department, Fire Captain promotional process.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates and Fares without changes to or expansion of services and not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Fire)

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

2.10 [21-1887](#) **Amendment to the Master Agreement with CMG Landscape Architecture for 8496 - St. James Park Phase I Design Project.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment to the Master Agreement with CMG Landscape Architecture for St. James Park Phase I Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$1,595,878 from \$1,025,000 to \$2,620,878 and extend the contract duration to December 31, 2022.

CEQA: Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion (Resolution No. 79770), File No. PP16-037. (Parks, Recreation and Neighborhood Services).

Attachments [Memorandum](#)

2.11 [21-1888](#) **Funding Agreements with Union Pacific Railroad for the Warm Springs Subdivision.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Funding Agreements between the City of San José and the Union Pacific Railroad for surface crossing improvements across the rail tracks at certain locations along the Warm Springs Subdivision at an estimated cost to the City of approximately \$410,504 with all work expected to be completed by the end of 2021.

CEQA: Categorically Exempt, File No. PP19-036, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Attachments [Memorandum](#)

2.12 [21-1940](#) **Retroactive Request for Travel for Mayor Liccardo.****Recommendation:**

As recommended by the Rules and Open Government Committee on August 25, 2021:
Retroactively authorize travel for Mayor Liccardo to attend a meeting with President Joe Biden in Washington, D.C. from July 11 - 13, 2021.
Source of Funds: Mayor's Office Budget.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo)
[Rules Committee referral 8/25/2021 - Item G.2]

Attachments [Memorandum](#)

2.13 [21-1945](#) **Retroactive Approval of Movie Night Sponsored by Council District 5 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 August 25, 2021:
(a) Retroactively approve the Movie Night Event scheduled on August 20, 2021 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. (Carrasco)
[Rules Committee referral 8/25/2021 - Item G.1.a]

Attachments [Memorandum](#)

2.14 [21-1952](#) **Retroactive Approval of Community Paint Night Community Event Sponsored by Council District 8 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 August 25, 2021:
(a) Retroactively approve the Community Paint Night scheduled on July 30, 2021 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. (Arenas)
[Rules Committee referral 8/25/2021 - Item G.1.b]

Attachments [Memorandum](#)

2.15 [21-1956](#) **VEBA Advisory Committee Appointment.**

Recommendation: As recommended by the Rules and Open Government Committee on August 25, 2021, approve the appointment of Carlos Garibay, nominated by the Police Officers' Association as the Police Officers' Association active employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term beginning September 21, 2021 and ending May 31, 2024.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 8/25/2021 - Item F.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 [21-1889](#) **Actions Related to Purchase Orders for Concrete Removal and Replacement Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with Duran Construction Group (San José, CA), Golden Bay Construction, Inc. (Hayward, CA), and JJR Construction, Inc. (San Mateo, CA), for the purchase of concrete removal and replacement services for an initial twelve-month period starting on or about September 1, 2021 and ending on or about August 31, 2022, for a cumulative compensation not-to-exceed amount of \$4,450,000;
 - (b) Approve a contingency of \$445,000 for unanticipated demand for removal and replacement of concrete, subject to the appropriation of funds; and
 - (c) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about August 31, 2026, 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.
(Finance)

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

3.4 [21-1913](#) **Actions Related to Purchase Orders for Citywide Radio Upgrade Assurance Program. - DEFERRED**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute annual purchase orders with Motorola Solutions, Inc. (“Motorola”) (Chicago, IL) for radio equipment and services leveraging a Radio Upgrade Assurance plan under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority (“SVRIA”) dated June 26, 2020 in an amount not to exceed \$5,743,108 in Fiscal Year 2021-2022 and a ten-year total not to exceed \$11,500,000, including estimated sales tax, beginning on or about August 31, 2021 and ending June 30, 2031, subject to the appropriation of funds; and
- (b) Amend purchase orders as required for unanticipated changes in requirements, quantities, and sales tax for a contingency amount not to exceed \$800,000 for the ten-year term, 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).

DEFERRED TO 9/14/2021 PER ADMINISTRATION

3.5 [21-1941](#) **Amendment to the Hotspot Agreement with AT&T for Connected Devices During COVID-19 Response.**

Recommendation:

- (a) Accept the staff report.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment to the AT&T Hotspot Agreement to purchase up to 7,860 hotspot devices, 1,500 Chromebooks, and 16,360 lines of service for students and members of the public impacted by COVID-19 for a one-year term not to exceed \$4,600,000, subject to award of federal Emergency Connectivity Funding.

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

[Rules Committee referral 8/25/2021 - Item A.1.a]

Attachments [Memorandum](#)
[Presentation - est. 5 minutes](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

- 5.1 [21-1890](#) Tax Equity and Fiscal Responsibility Act Hearing with Respect to the Proposed Issuance of One or More Issues of Series B Subordinated Commercial Paper Notes.

Recommendation: (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) hearing with respect to the proposed issuance by the City of one or more issues of tax-exempt Series B subordinated commercial paper notes (“Series B Notes”) in an aggregate principal amount not to exceed \$600,000,000 pursuant to a plan of finance in order to provide proceeds to pay or reimburse all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport terminal and ancillary facilities that are included in or are consistent with the Airport Master Plan for the Norman Y. Mineta San José International Airport; and

(b) Adopt a resolution approving, for purposes of Section 147(f) of the Internal Revenue Code of 1986, the issuance of Series B Notes, in an aggregate principal amount together with certain other commercial paper notes not to exceed \$600,000,000 to be issued from time to time, to finance and refinance the Facilities at the Airport described in the Notice of Public Hearing.

CEQA: Environmental Impact Report for Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497 and SCH#2018102020), File No. PP18-103, and addenda thereto.
(Finance/Airport)

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

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [21-1892](#) **Allocation of Community Benefit Payment from Google.****Recommendation:**

(a) Approve staff's recommended funding allocation of the \$3,000,000 community benefit payment from Google as follows:

(1) Outreach to tenants and landlords on the eviction moratorium and rental relief funding in the amount of \$1,250,000;

(2) Capacity building for nonprofit organizations in the amount of \$1,000,000;

(3) Preservation pilot program in the amount of \$500,000; and

(4) Land trust predevelopment work in the amount of \$250,000.

(b) Adopt the following 2021-2022 Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund:

(1) Increase the estimate for Other Revenue by \$3,000,000; and

(2) Establish the Google Community Benefits City-wide appropriation to the Office of Economic Development and Cultural Affairs in the amount of \$3,000,000.

CEQA: Downtown West Mixed-Use Plan Environmental Impact Report, GP19-009, PDC19-039, PD19-029 (State Clearinghouse # 2019080493, City Council Resolution No 80018). (Economic Development and Cultural Affairs/Housing/City Manager)

Attachments

[Memorandum](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

- 8.2 [21-1897](#) **Authorization to Negotiate and Execute Grant Agreements and Grant Amendments for Multiple Homeless Programs in Fiscal Year 2021-2022.**

Recommendation:

(a) Adopt a resolution authorizing the Director of Housing to negotiate and execute FY 2021-2022 agreements and amendments for the following homeless programs and services:

(1) Hygiene and Basic Needs Services:

(i) Shower and Laundry Program at Grace Baptist Shelter;

(ii) Dignity on Wheels Mobile Showers, Laundry and Rest Stop;

(iii) UPLIFT Transit Pass Program;

(2) Homeless Systems Support:

(i) Security System at Boccardo Reception Center;

(ii) Countywide Centralized Shelter Hotline;

(iii) Employment Initiative;

(iv) Program and Grant Administration;

(3) Housing Opportunities:

(i) Rapid Rehousing Programs;

(ii) Homelessness Prevention System;

(iii) Motel Vouchers for Families;

(iv) Women in Supported Housing;

(v) Permanent Affordable Housing at the SureStay Hotel;

(vi) Interim Housing at the Plaza Hotel;

(vii) Care Coordination Project; and

(viii) Shelter and Housing Support for Homeless Youth.

(b) Adopt the following Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the Measure E - 10% Homelessness Prevention Reserve appropriation by \$1,000,000; and

(2) Increase the Measure E - Homelessness Prevention appropriation to the Housing Department by \$1,000,000.

(c) Adopt the following Appropriation Ordinance Amendments in the Homeless Housing, Assistance, and Prevention Fund:

(1) Decrease the Emergency Shelters appropriation to the Housing Department by \$2,500,000; and

(2) Establish a Countywide Centralized Shelter Hotline appropriation to the Housing Department in the amount of \$1,500,000; and

(3) Establish a Homeless Youth appropriation to the Housing Department in the amount of \$1,000,000.

(d) Adopt the following Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Decrease Unrestricted Ending Fund Balance by \$200,000; and

(2) Establish a \$200,000 Crisis Response Interventions appropriation to the Housing Department in the amount of \$200,000.

CEQA: Not a Project, File No. PP17-009, 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.
(Housing/City Manager)

Attachments [Memorandum](#)
[Presentation - est. 10 minutes](#)

8.3 [21-1895](#) **Approval of a Loan Commitment to First Community Housing for the Development of McEvoy Apartments, a New Affordable Apartment Community.**

Recommendation:

- (a) Adopt a resolution:
- (1) Approving a total commitment of up to \$20,000,000 in Measure E funding reserved in the General Fund for a Construction-Permanent Loan to First Community Housing, or an affiliated entity, for the McEvoy Apartments, a new affordable development to be located at 280 McEvoy Street, which is being developed to offer 222 rent-and income-restricted apartments for extremely low-income, very low-income, low-income at 80% of Area Median Income households and two unrestricted manager's unit ("Development");
 - (2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments and all other documents, including any amendments thereto, related to the City financing for the Development; and
 - (3) Approving a loan-to-value ratio of greater than 100% for this loan.
- (b) Adopt the following Appropriation Ordinance Amendments in the General Fund:
- (1) Decrease the Measure E - 45% Extremely Low Income Reserve appropriation by \$15,625,000;
 - (2) Decrease the Measure E - 35% Low Income Reserve appropriation by \$4,375,000;
 - (3) Establish a Measure E - 45% Extremely Low Income appropriation to the Housing Department in the amount of \$15,625,000; and
 - (4) Establish a Measure E - 35% Low Income appropriation to the Housing Department in the amount of \$4,375,000.
- CEQA: Addendum to the Diridon Station Area Plan Final Environmental Impact Report (SCH#2011092022, Resolution No. 77096), File Nos. GP17-015, C18-034, SP18-059, and T19-017.
(Housing/City Manager)

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation - est. 5 minutes](#)

8.4 [21-1894](#) **Approval of a Loan Commitment to Algarve Apartments Development, LP, for the Development of the Algarve (The Dahlia) Development, a New Affordable Apartment Community.**

Recommendation:

(a) Adopt a resolution:

(1) Approving a total commitment of up to \$10,500,000 in Low and Moderate Income Housing Asset Funds for a Construction-Permanent Loan to Algarve Apartments Development, LP, a California limited partnership, or an affiliated development entity, for the Algarve (also known as The Dahlia) Development, located at 1135 East Santa Clara Street, San José, which is being developed to provide 90 affordable, rent restricted apartments, and one unrestricted manager's home;

(2) Authorizing the loan terms to allow an increase in the Algarve Development's rents and income restrictions up to 60% AMI (low income) for new tenants in subsidized units in the event of expiration or termination of Project Based Vouchers, and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the Algarve Development and allowed by other funds;

(3) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for Development; and

(4) Approving a loan-to-value ratio of greater than 100% for this loan.

(b) Adopt the following Appropriation Ordinance amendments in the Low-and Moderate-Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation by \$10,500,000; and

(2) Increase the Housing Loans and Grants appropriation to the Housing Department by \$10,500,000.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. (Housing/City Manager)

Attachments

[Memorandum](#)

[Resolution](#)

[Presentation - est. 5 minutes](#)

8.5 [21-1896](#) **Approval of a Loan Commitment to ROEM Development Corporation for the Development of 961 Meridian Apartments, a New Affordable Apartment Community. - DROP**

Recommendation:

- (a) Adopt a resolution:
- (1) Approving a total commitment of up to \$8,250,000 in Low and Moderate Income Housing Asset Funds and \$6,750,000 in Inclusionary Fee Funds for a Construction-Permanent Loan to ROEM Development Corporation, or an affiliated entity, for the 961 Meridian Apartments, a new affordable development to be located at 961 Meridian Ave, which is being developed to offer 231 rent-and income-restricted apartments for extremely low-income, very low-income, low-income households and two unrestricted manager's units;
 - (2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments and all other documents, including any amendments thereto, related to the City financing for the Development; and
 - (3) Approving a loan-to-value ratio of greater than 100% for this loan.
- (b) Adopt the following Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:
- (1) Decrease the Housing Project Reserve appropriation by \$8,250,000; and
 - (2) Increase the Housing Loans and Grants appropriation to the Housing Department by \$8,250,000.
- (c) Adopt the following Appropriation Ordinance Amendments in the Inclusionary Fee Fund:
- (1) Decrease the Housing Project Reserve appropriation by \$6,750,000; and
 - (2) Increase the Housing Loans and Grants appropriation to the Housing Department by \$6,750,000.
- CEQA: Environmental Impact Report for the Meridian Apartments Project (SCH#2019050006, Resolution No. 79499), File No. SP19-064. (Housing/City Manager)
- DROP

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

8.6 [21-1893](#) **Actions Related to the Affordable Housing Siting Policy. - TO BE HEARD AT 6:00 P.M.**

Recommendation:

(a) Accept the staff report regarding the proposed City of San José's Affordable Housing Siting Policy, including an annual report out to the Community and Economic Development City Council Committee, and authorize a plan that is applicable to all housing developments that accept Housing Department funding, based on the distribution of homes as follows:

(1) In Phase One (initial three-year period effective July 1, 2021), 30 percent of affordable homes located in Category 1 neighborhoods, 50 percent in Category 2 neighborhoods, and 20 percent in Category 3 neighborhoods, as shown in the Siting Policy Map;

(2) In Phase Two (after initial three-year period), 60 percent of affordable homes located in Category 1 neighborhoods, 30 percent in Category 2 neighborhoods, and 10 percent in Category 3 neighborhoods; and

(3) Limit funding in high-impacted census block groups where 50 percent or more of existing homes are deed-restricted and the block group contains 200 or more homes.

(b) Adopt a resolution approving the Affordable Housing Siting Policy and the Affordable Housing Siting Policy Map and repealing the former Dispersion Policy under Resolution 67604.

(c) Direct the Housing Department to identify potential nonprofit partners to administer a predevelopment and land acquisition loan program for sites in Category 1 neighborhoods.

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

(Housing)

TO BE HEARD AT 6:00 P.M.

Attachments

[Memorandum](#)

[Supplemental Memorandum, 8/31/2021](#)

[Memorandum from Peralez, Esparza & Jimenez, 8/27/2021](#)

[Memorandum from Liccardo, Jones, Cohen, Foley & Mahan, 8/2](#)

[Memorandum from Arenas, 8/30/2021](#)

[Presentation - est. 15 minutes](#)

[Resolution](#)

[Slide Show from NEHP](#)

[Letters from the Public - 1 of 2](#)

[Letters from the Public - 2 of 2](#)

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

- (a) [21-1898](#) **PDC20-002 - Planned Development Rezoning for Property Located on an Approximately 28.99-gross acre site (2376 South Evergreen Loop). - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

(1) Adopt a resolution adopting the Evergreen Circle Rezoning Project Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA).

(2) Approve an ordinance rezoning an approximately 28.99-gross acre site from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to increase the allowable commercial square footage from up to 344,000 square feet to up to 370,000 square feet.

CEQA: Mitigated Negative Declaration for Evergreen Circle Rezoning.
(Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

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

- (b) [21-1899](#) C21-013, C21-015 & C21-016 - City Initiated Conforming Rezoning to align the Zoning Ordinance with the General Plan. - TO BE HEARD AFTER ITEM 10.1(a)

Recommendation: Approve an ordinance rezoning 62 certain real properties consisting of 51 properties from the CP Commercial Neighborhood Zoning District to the CIC Combined Industrial/Commercial Zoning District, nine properties from the CP Commercial Pedestrian Zoning District to the LI Light Industrial Zoning District, and two properties from the CN Commercial Neighborhood Zoning District to the IP Industrial Park Zoning District, located in various locations in the City in accordance with Senate Bill 1333.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

TO BE HEARD AFTER ITEM 10.1(a)

Attachments [Memorandum](#)
[Memorandum from Jimenez, 8/30/2021](#)
[Ordinance](#)
[Letters from the Public](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

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

FOR RECEIPT:

Tract: 10473

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

District: 10

Lots/Units: 12/10

Type: SFD

Developer: Brasilia Hills LLC

- 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

JOINT CITY OF SAN JOSÉ CITY COUNCIL AND FINANCING AUTHORITY AGENDA

1:30 p.m.

August 31, 2021

Hybrid Meeting - Council Chambers and Virtually

- Call to Order and Roll Call

1. [21-1900](#) **Actions Related to the City of San José Financing Authority's Commercial Paper Program. - TO BE HEARD AFTER ITEM 10.1(b)**

Recommendation:

(a) City Council adopt a resolution to:

(1) Authorize the execution and delivery of amendments to certain financing documents, including an amendment to a Letter of Credit and Reimbursement Agreement, and authorizing other related actions in connection with the City of San José Financing Authority's Lease Revenue Commercial Paper Notes in order to increase the not-to-exceed aggregate principal amount thereof to \$175 million and to extend the expiration date and commitment available under such Letter of Credit and Reimbursement Agreement to March 2025; and

(2) Authorize the negotiation, execution and delivery of one or more additional extensions to the Letter of Credit issued under the Letter of Credit and Reimbursement Agreement or the commitment available under such Letter of Credit and Reimbursement Agreement based on substantially the same terms and conditions for a duration of time that the City Designated Officers deem necessary, advisable or prudent, provided that no such extension shall require an annual fee in excess of 1.00% of the commitment available thereunder.

(b) City of San José Financing Authority Board "(Authority Board)" adopt a resolution to:

(1) Authorize the execution and delivery of amendments to certain financing documents, including an amendment to a Letter of Credit and Reimbursement Agreement and authorizing other related actions in connection with the City of San José Financing Authority's Lease Revenue Commercial Paper Notes in order to increase the not-to-exceed aggregate principal amount thereof to \$175 million and to extend the stated expiration date and commitment available under such Letter of Credit and Reimbursement Agreement to March 2025; and

(2) Authorize the negotiation, execution and delivery of one or more additional extensions to the Letter of Credit issued under the Letter of Credit and Reimbursement Agreement or the commitment available under such Letter of Credit and Reimbursement Agreement based on substantially the same terms and conditions for a duration of time that the Authority Designated Officers deem necessary, advisable or prudent, provided that no such extension shall require an annual fee in excess of 1.00% of the commitment available thereunder.

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. (Finance)

TO BE HEARD AFTER ITEM 10.1(b)

Attachments [Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[Agreement - Amended LOC and Reimbursement](#)

[Agreement - Supplemental Trust](#)

[Agreement - Amendment to Sublease](#)

[Presentation, est. 6 minutes](#)

- Open Forum
- 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.