



City Council Meeting Amended Agenda

Tuesday, November 14, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88471470054>

MATT MAHAN, MAYOR
ROSEMARY KAMEI, 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



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 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.
- 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 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)
- 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/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings>, 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 ilegislare 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 884 7147 0054. 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/88471470054>
 - 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.

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)

To request interpretation in other languages, please email city.clerk@sanjoseca.gov four days prior to the meeting.

• 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

[23-1535](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Evening Session, Council Chambers, City Hall – Cancelled

*The previously scheduled Evening Session has been cancelled.

• Pledge of Allegiance

• Invocation (District 10)

San José Anmol Satsang

• 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 Selina Nguyen recognizing her exceptional leadership by founding the “Gold Star Volleyball” program for girls aged 11-14 at Seven Trees Community Center in the City of San José. (Doan)

1.2 Presentation of a proclamation declaring November 19, 2023, as World Day of Remembrance in the City of San José to commemorate the victims of road traffic violence and their families. (Foley and Doan)

1.3 Presentation of a proclamation declaring November 2023 as American Diabetes Month to bring awareness and promote information and resources to help San José residents manage diabetes. (Ortiz and Candelas)

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.

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 [23-1537](#) Settlement of Andrea Ortega, et al v. City of San José, et al. - DEFERRED

Recommendation: Approve the settlement of a lawsuit brought by Plaintiff Andrea Ortega, et al in the total amount of \$337,500 and authorize the City Attorney to execute a settlement agreement.

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

[Deferred from 11/7/2023 - Item 2.7 (23-1503)]

DEFERRED TO 11/28/2023 PER ADMINISTRATION

2.8 [23-1562](#) **Actions Related to Activate Two Overnight Warming Locations During the Cold Weather Season.**

Recommendation:

Adopt a resolution:

(a) Designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals experiencing homelessness during the cold weather season:

(1) Roosevelt Community Center, 901 E Santa Clara Street, San José, CA 95116; and

(2) Tully Community Branch Library, 880 Tully Road, San José, CA 95111.

(b) Authorizing the Acting Director of Housing or designee to negotiate and execute an agreement with HomeFirst Services of Santa Clara County, in an amount not to exceed \$1,127,190 to implement the Overnight Warming Locations, retroactive to October 1, 2023 through June 30, 2024.

CEQA: Categorically Exempt, File No. ER22-243, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 3 and 7. (Housing) [Deferred from 11/7/2023 - Item 2.13 (23-1490)]

Attachments

[Memorandum](#)

[Resolution](#)

[Letters from the Public](#)

2.9 [23-1538](#) **Amendment to the 2021 State Homeland Security Grant Equipment Funding to the San José Police Department.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the Agreement between the County of Santa Clara and the City of San José for State Homeland Security Grant Program to increase the maximum amount payable from \$387,898 to \$422,898 and to increase the San José Police Department's equipment allocation in the amount of \$35,000; and authorize the City Manager or her designee to negotiate and execute any further amendments, and all related documents, including online certifications and reimbursement requests, without further City Council actions.

(b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Increase the State Homeland Security 2021 City-Wide expenses appropriation for the Police Department by \$35,000; and

(2) Increase the estimate for revenue from federal government by \$35,000.

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. (Police/City Manager)

Attachments [Memorandum](#)

2.10 [23-1539](#) **Actions Related to the Proposed 2023-2025 Spending Plan for the Supplemental Law Enforcement Services Grant and Revised 2022-2024 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.**

Recommendation:

- (a) Approve the proposed 2023-2025 Spending Plan for the Supplemental Law Enforcement Services Grant in the amount of \$1,491,462 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum and in the event State SLES Grant payments are less or more than expected.
- (b) Approve the revised 2022-2024 Spending Plan for the SLES Grant in the amount of \$2,807,583.
- (c) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:
- (1) Increase the estimate for Revenue from State of California by \$2,499,419;
 - (2) Establish the SLES Grant 2023-2025 City-Wide Expenses appropriation to the Police Department in the amount of \$1,200,000; and
 - (3) Increase the SLES Grant 2022-2024 City-Wide Expenses appropriation to the Police Department by \$1,299,419.
- 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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

Attachments [Memorandum](#)

2.11 [23-1540](#) **Actions Related to the Office of Juvenile Justice and Delinquency Prevention Program Fiscal Year 2023 Internet Crimes Against Children Task Force Invited Award and Funding Sources Resolution and Appropriation Amendments.**

Recommendation: (a) Adopt a resolution accepting the 2023 Internet Crimes Against Children Task Force Invited Award in the amount of \$664,004; and authorizing the City Manager or her designee to execute any Grant Agreements, amendments, and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.

 (b) Adopt the following 2023-2024 Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:

 (1) Establish the Internet Crimes Against Children Task Force Invited Awards - Police 2023 City-Wide Expenses appropriation to the Police Department in the amount of \$664,004; and

 (2) Increase the estimate for Revenue from the Federal Government by \$664,004.

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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

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

2.12 [23-1541](#) **Amendment to Master Agreement with SANDIS Civil Engineers Surveyors Planners, Inc. for Central Service Yard Water Main Replacement Project.**

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Master Agreement for consultant services with SANDIS Civil Engineers Surveyors Planners, Inc. (CPMS Contract No. 9433-A), extending the term from December 31, 2023 to December 31, 2025, to complete the Central Service Yard Water Main Replacement Project, with no increase to the maximum compensation.

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

Attachments [Memorandum](#)

2.13 [23-1591](#) **Request for Travel Authorization for Councilmember Cohen.**

Recommendation: As recommended by the Rules and Open Government Committee on November 8, 2023, authorize travel for Councilmember Cohen to Carlsbad, CA from November 29 - December 1, 2023, to attend the League of California Cities Board of Directors Meeting. Source of Fund: Mayor/Council Travel Budget.

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

[Rules Committee referral 11/8/2023 - Item B.5]

Attachments [Memorandum](#)
[Supplemental Memorandum, 11/2/2023](#)

2.14 [23-1594](#) **Retroactive Approval of Multiple Special Events 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 November 8, 2023:

(a) Retroactively approve the Santa Teresa Shredding Day scheduled on October 7, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Retroactively approve the Los Paseos Neighborhood Association Dumpster Day in partnership with the LPNA scheduled on October 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(c) Retroactively approve the Celebration of Vietnamese Community event scheduled on November 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Batra)

[Rules Committee referral 11/8/2023 - Item B.6]

Attachments [Memorandum](#)

2.15 [23-1601](#) **Retroactive Approval of Friends on the Farm Sponsored by Council District 6 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 November 8, 2023:

- (a) Retroactively approve the Friends on the Farm scheduled on November 4, 2023 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. (Davis)
[Rules Committee referral 11/8/2023 - Item B.7]

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 [23-1542](#) **Authorizing the Departments of Finance and Energy to Evaluate the Feasibility of Energy Prepayment Transactions.**

Recommendation:

(a) Authorize the Departments of Finance and Energy to evaluate the feasibility of reducing San José Clean Energy power purchase costs by financing energy prepayment transactions through the California Community Choice Financing Authority, a Joint Power Authority and conduit issuer of tax-exempt bonds.

(b) Adopt a resolution authorizing the Director of Finance, the Director of Energy, the Assistant Director of Finance, and the Assistant Director of Energy or their designees to join the California Community Choice Financing Authority if necessary, including execution of any required documents and the payment of membership fees under City Manager authority, subject to the appropriation of funds.

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/Energy)

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

3.4 [23-1543](#) **Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2022.**

Recommendation:

Accept the following reports:

(a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2022.

(b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2022.

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

Attachments [Memorandum](#)
[Annual Fee Report 2022 - Federal](#)
[Annual Fee Report 2022 - Police & Fire](#)
[Presentation](#)

4. PUBLIC SAFETY SERVICES

4.1 [23-1544](#) **San José Police Department Cannabis Regulations.****Recommendation:**

(a) As recommended by the Public Safety, Finance and Strategic Support Committee on October 19, 2023:

(1) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, making other administrative corrections, and repealing Resolution No. RES2023-222.

(2) Accept the update to the hours of operation in the City Manager Regulations for Medical and Non-medical Cannabis to align with the State of California's allowed operating hours.

(b) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to:

(1) Update the identification badge requirements; and

(2) Make other technical, non-substantive, or formatting changes.

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. (Police)

[Public Safety, Finance, and Strategic Support Committee on 10/19/2023 - Item (d)3]

Attachments

[Memorandum](#)

[Supplemental Memorandum, 11/3/2023](#)

[Memorandum from Jimenez , 10/19/2023](#)

[Resolution](#)

[Ordinance](#)

[Presentation - est. 10 minutes](#)

4.2 [23-1549](#) **Response to the Investigations of Police Misconduct in San José Report by Moeel, Lah, Fakhoury, LLP.**

Recommendation:

As referred by the Public Safety, Finance and Strategic Support Committee on October 19, 2023:

(a) Accept the report responding to the Investigations of Police Misconduct in San Jose report by Moeel, Lah, Fakhoury LLP (MLF Report); and

(b) Direct the City Manager and the Independent Police Auditor to reject the “hybrid model” of police oversight proposed in the MLF Report, and pursue alternative policy options as outlined in the accompanying staff memorandum.

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

[Public Safety, Finance, and Strategic Support Committee on 10/19/2023 - Item (d)4]

Attachments

[Memorandum](#)

[Attachment](#)

[Memorandum from Jimenez, Torres, Cohen & Foley, 11/9/23](#)

[Presentation - 10 minutes](#)

[Letters from the Public](#)

4.3 [23-1588](#) **San José Police Department Division of Cannabis Regulation. - TO BE HEARD AFTER ITEM 4.1**

Recommendation: Review and discuss the possibility of expanding the San José Police Department Division of Cannabis Regulation’s responsibilities to include regulating licensed tobacco retailers.

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. (Jimenez)

[Public Safety, Finance, and Strategic Support Committee on 10/19/2023 - Item (d)3]

[Rules Committee referral 11/8/2023 - Item A.1.a]

TO BE HEARD AFTER ITEM 4.1

Attachments [Memorandum](#)

[Memorandum from Jimenez, 10/19/2023](#)

[Presentation, 10/19/2023](#)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [23-1551](#) **Long Term Renewable Energy Agreement with Sun Pond.****Recommendation:**

Adopt a resolution authorizing the Director of the Department of Energy or Director's designee to negotiate and execute a long-term agreement with Sun Pond, 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 2026 through 2046, in an estimated annual amount of \$11,566,000 and a not-to-exceed amount of \$231,320,000 in aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; the terms of this resolution superseding Section (c) of Resolution No. RES2023-9.

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

[Deferred from 10/24/2023 - Item 6.1 (23-1426) and 11/7/2023 - Item 6.1 (23-1499)]

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

7. NEIGHBORHOOD SERVICES**7.1** [23-1556](#) **BeautifySJ Neighborhood Blight Reduction Status Report.****Recommendation:**

As recommended by the Neighborhood Services and Education Committee on October 12, 2023, accept a status report on BeautifySJ - Neighborhood Blight Reduction evaluation plan and results for graffiti, litter removal, illegal dumping, and Dumpster Days.

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

[Neighborhood Services and Education Committee on 10/12/2023 - Item (d)1]

Attachments [Memorandum](#)
[Memorandum from Mahan, Ortiz & Candelas, 11/9/2023](#)
[Presentation - est. 10 mins](#)
[Letters from the Public](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 [23-1557](#) **Approval of an Exception to the City Multifamily Housing Revenue Bond Policy Allowing Modera the Alameda 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 the Acquisition of Modera the Alameda Development. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

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 Modera The Alameda due to special circumstances, thereby allowing the California Municipal Finance Authority to issue the bonds as qualified 501(c)(3) bonds.

(b) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$100,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance the acquisition of a 168-unit apartment complex located at 787 The Alameda in San José by Catalyst Impact Fund, a California nonprofit public benefit corporation or an affiliate; 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 not to exceed \$100,000,000 to finance the acquisition of an existing building located at 787 The Alameda, and to pay certain expenses incurred in connection with the issuance of the bonds.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 6. (Housing/Finance)
TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(c\) Resolution](#)
[Presentation - est. 5 minutes](#)
[Letters from the Public](#)

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.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **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**

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

FOR APPROVAL:

Tract: 10595

Location: Southeast corner of N. Capitol Avenue and Penitencia Creek Road (905 N. Capitol Ave.)

District: 4

Lots/Units: 4/32

Type: SFA

Proposed Decision: Approved

Developer: Trumark

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 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.