



City Council Meeting Amended Agenda

Tuesday, June 16, 2020

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

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

* COVID-19 NOTICE *

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

How to observe the Meeting (no public comment):

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 12:00 p.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: 915 6205 3469. Click *9 to raise a hand to speak.
- 2) By online <https://zoom.us/j/91562053469>.
 - 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.

• Call to Order and Roll Call

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

1) By phone (888) 475-4499. Webinar ID is 957 2717 1874. Click *9 to raise a hand to speak.

2) By online: <https://sanjoseca.zoom.us/j/95727171874>. CLOSED SESSION ONLY.

For open session, please see [<https://zoom.us/j/91562053469>]

[20-030](#) Closed Session Agenda

Attachments [Agenda](#)

11:00 a.m. - Regular Session

- **Invocation (District 6)**

Rev. Stephenie Rose Cooper, Holy Family Episcopal Church.

- **Pledge of Allegiance**

- **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.

*SEE NEW ITEM “2.15 - Amendment to the Agreement with The Health Trust for Meal Services.” TO BE ADDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION AND THE NEED TO TAKE ACTION AROSE AFTER THE POSTING OF THE AGENDA. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.F.1.b; Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d); Placement of Council Agenda Items After Rules, Resolution No. 79485.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

[20-671](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30423 - An Ordinance of the City of San José Amending Section 3.36.1290 of Chapter 3.36 of Title 3 of the San José Municipal Code to Allow for Continuation of Survivorship Benefits for Active Fire Members Killed in the Line of Duty.

[Passed for Publication on 6/2/2020 - Item 2.8 (20-587)]

(b) Ord No. 30425 - An Ordinance of the City of San José Authorizing an Amendment to the Contract Between the City of San José and the Board of Administration of the California Public Employees' Retirement System.

[Passed for Publication on 6/2/2020 - Item 3.3 (a) (20-602)]

(c) Ord No. 30426 - An Ordinance of the City of San José Amending Section 3.49.030 of Chapter 3.49 of Title 3 of the San José Municipal Code to Amend the City of San José California Defined Contribution Plan for Unit 99 Employees.

[Passed for Publication on 6/2/2020 - Item 3.3 (b) (20-602)]

(d) Ord No. 30428 - An Ordinance of the City of San José Adding Chapter 9.61 to Title 9 of the San José Municipal Code Requiring the Wearing of Face Coverings for the Duration of the Current COVID-19 Health Emergency.

[Passed for Publication on 6/2/2020 - Item 3.5(b) (20-611)]

(e) Ord No. 30430 - An Ordinance of the City of San José Amending Section 2.08.4000 of Chapter 2.08 (Planning Commission) of the San José Municipal Code Limiting the Term of Planning Commission Appointment to two Consecutive Four-Year Terms, Prohibiting the Appointment of More Than Two Planning Commissioners Residing in The Same Council District, and Providing for a Supermajority Vote (8 Or More) of the Council to Override the Prohibition on More than two Planning Commissioners Residing in the same Council District.

[Passed for Publication on 6/2/2020 - Item 8.1 (20-607)]

Attachments [\(d\) Ordinance](#)

[\(e\) Ordinance](#)

2.3 Approval of Council Committee Minutes.**2.4 Mayor and Council Excused Absence Requests.****2.5 City Council Travel Reports.**

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 [20-641](#) Surplus Sale of City-Owned Champions Way Parcel.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement and Quitclaim Deed, and all other necessary documents, between Cap Tranche 2 LLC and the City of San José, for sale of the surplus City-owned Champions Way property (APN 230-59-002), located in the City of Santa Clara, for \$1. CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053), the General Plan 2040 FEIR (SCH# 2009072096), the General Plan 2040 FSEIR (SCH# 2009072096), and addenda thereto. Council District 3. (Economic Development)

Attachments [Memorandum](#)

2.8 [20-645](#) Actions Related to the Purchase Order with Harris Blade Rental for Construction and Earthmoving Equipment Rental Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Harris Blade Rental (Livermore, CA) for construction and earthmoving equipment rental services for an initial twelve-month period, starting on or about June 17, 2020 and ending on or about June 16, 2021, for an amount not-to-exceed \$200,000; and
- (b) Exercise up to four additional one-year options to extend the term of the purchase order with the last option year ending on or about June 16, 2025, 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)

Attachments [Memorandum](#)

2.9 [20-646](#) **Amendment to the Agreement with SimpliGov LLC for a Business Process Automation Platform.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute the First Amendment to the Agreement with SimpliGov LLC (San Francisco, CA) for a Business Process Automation Platform to purchase additional professional services for training and support, accelerate development of up to 25 additional workflows, and increase compensation by \$90,400 for a revised maximum compensation of \$192,325 for the initial term ending April 30, 2021; and

(b) Increase contingency by \$20,000 to cover any additional in-scope changes or requirements for a total contingency not to exceed \$40,000 during the initial 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)

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

2.10 [20-647](#) **Five-Year Funding Plan for Permanent Local Housing Allocation Program Funding from California Department of Housing and Community Development.**

Recommendation:

Adopt a resolution:

(a) Approving a five-year expenditure plan for the Permanent Local Housing Allocation (PLHA) Program formula allocation of an estimated \$26 million over five years from the California Department of Housing and Community Development (HCD); and

(b) Authorizing staff to apply for PLHA funds and, when awarded, to accept the award, and to negotiate and execute an HCD Standard Agreement and all other necessary related documents.

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. (Housing)

Attachments [Memorandum](#)
[Resolution](#)
[Letters from the Public](#)

2.11 [20-648](#) **Report on Bids and Award of Contract for the 9331-Sanitary Sewer Repairs FY 2019-2020 Package III Project.**

Recommendation: Report on bids and award of contract for the 9331-Sanitary Sewer Repairs FY 2019-2020 Package III to the low bidder, Express Sewer & Drain, Inc., in the amount of \$1,030,707, and approve a contingency in the amount of \$103,071.

CEQA: Categorically Exempt, File No. PP17-029, CEQA Guideline Sections 15301 Existing Facilities and 15302 Replacement or Reconstruction. Council District 1. (Public Works)

Attachments [Memorandum](#)

2.12 [20-653](#) **Report on Bids and Award of Contract for the 9202 - All Inclusive Lincoln Glen Park Project.**

Recommendation: Report on bids and award of construction contract for the 9202 - All Inclusive Lincoln Glen Park Project to the low bidder, Redwood Engineering Construction, Inc., for the base bid and Bid Alternates No. 1 through No. 5 in the amount of \$1,391,840 and approve a contingency in the amount of \$139,184.

CEQA: Categorically Exempt, File No. PP18-023, CEQA Guidelines Section 15301 Existing Facilities. Council District 6. (Public Works)

Attachments [Memorandum](#)

2.13 [20-660](#) **Set a Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments.**

Recommendation: Preliminarily approve the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2020-2021, to suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance and set Tuesday, June 30, 2020 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

[Deferred from 6/9/2020 - Item 2.8 (20-616)]

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

2.14 [20-661](#) **Set a Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments.**

Recommendation: Preliminarily approve the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2020-2021 and set Tuesday, June 30, 2020 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

[Deferred from 6/9/2020 - Item 2.9 (20-617)]

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

2.15 [20-721](#) **Amendment to the Agreement with The Health Trust for Meal Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute two Continuation and Amendment to the Agreements to Provide Meals for a Limited Duration between the City of San José and The Health Trust (San José, CA) to prepare and deliver frozen meals to higher risk-eligible individuals aged 60+ and to unhoused individuals to add up to two (2) options to extend the term through August 31, 2020 for an aggregate maximum compensation not to exceed amounts of \$542,233 for service in San José and \$153,219 for service in Santa Clara County and outside of San José.

CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

- [20-649](#) (a) City Manager's COVID-19 Update (Verbal Report)
 (b) City Manager's Report on Other City Matters (Verbal Report)
TO BE HEARD BEFORE CONSENT

3.2 Labor Negotiations Update.

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

3.3 [20-650](#) **Mayor's June Budget Message for Fiscal Year 2020-2021.**

Recommendation: (a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2020-2021.
 (b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)
 [Memorandum from Peralez, 6/15/2020](#)
 [Memorandum from Arenas, 6/15/2020](#)
 [Memorandum from Esparza, 6/15/2020](#)
 [Memorandum from Jones, 6/16/2020](#)
 [Memorandum from Carrasco, 6/16/2020](#)
 [Replacement Memorandum from Khamis, 6/16/2020](#)
 [Letters from the Public](#)

3.4 [20-651](#) **Approval to Increase the Library Parcel Tax Rates for Fiscal Year 2020-2021.**

Recommendation: Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2020-2021 by 2.91% over the fiscal year 2019-2020 rates and approving the placement of the Library Parcel Tax on the fiscal year 2020-2021 Santa Clara County Property Tax Roll. CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance)

Attachments [Replacement Memorandum](#)
 [Resolution](#)
 [Letters from the Public](#)

3.5 [20-652](#) **Approval of the 2020-2021 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.**

Recommendation:

(a) Adopt resolutions approving the Operating Budget for 2020-2021 for the City of San José, the Capital Budget for 2020-2021 for the City of San José, and the Five-Year Capital Improvement Program for 2021-2025 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2020-2021.

(c) Adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to add Section 22 (Real Property Transfer Tax Revenues).

(d) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to:

(1) Add a new Part 72 to establish the Building Development Fee Program Fund;

(2) Add a new Part 73 to establish the Planning Development Fee Program Fund;

(3) Add a new Part 74 to establish the Citywide Planning Fee Program Fund;

(4) Add a new Part 75 to establish the Fire Development Fee Program Fund;

(5) Add a new Part 76 to establish the Public Works Development Fee Program Fund; and

(6) Add a new Part 77 to establish the Public Works Small Cell Permitting Fee Program Fund.

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

Attachments [2020-2021 Operating Budget](#)
[2020-2021 Capital Budget and 2021-2025 Capital Improvement I](#)
[2020-2021 Proposed Fees & Charges Report](#)
[TPAC Supplemental](#)
[\(a\)\(1\) Resolution](#)
[\(a\)\(2\) Resolution](#)
[\(a\)\(3\) Resolution](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)
[\(d\) Ordinance](#)

3.6 [20-659](#) **Extension of Banking Service Agreements with Wells Fargo Bank.**

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Negotiate and execute amendments to extend the terms of current agreements with Wells Fargo for general banking and lockbox services, merchant card services, and securities custodial services from July 1, 2020 to June 30, 2022, subject to the appropriation of funds; and
(b) Issue two new Requests for Proposals for 1) general banking, lockbox and merchant card services, and 2) securities custodial services.
CEQA: Not a Project, File No. PP17-003, Agreement/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-654](#) **Actions Related to the Acquisition of 71 Vista Montana Drive Property.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute:

(a) An Agreement with Delaware Retail Control, LLC, et al., for the purchase by the City of San José of approximately 4.21 acres located at the western corner of Vista Montana and Renaissance Drive in San José, identified as Assessor's Parcel Number 097-52-027, for a price of \$22,875,000, and all other documents necessary to effectuate the property transfer to the City of San José; and

(b) A Two-Year Exclusive Negotiating Agreement with Charities Housing Development Corporation of Santa Clara County to prepare a proposal to City of San José for the future development of an affordable housing project on the 71 Vista Montana property.

CEQA: Statutorily Exempt, File No. ER20-112, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 4. (Economic Development/Housing).

Attachments [Replacement Memorandum](#)
[Supplemental Memorandum](#)
[Presentation](#)

8.2 [20-655](#)

Approval of a Loan Commitment to Eden Housing, Inc. for the Development of an Affordable Apartment Community Located at 5647 Gallup Drive and 1171 Mesa Drive to be Known as Gallup-Mesa Apartments.

Recommendation:

(a) Adopt a resolution:

(1) Approving a total commitment of \$5,250,000 in Low and Moderate Income Housing Asset Funds and \$500,000 in Affordable Housing Impact Funds for a Construction-Permanent Loan totaling \$5,750,000 to Eden Housing, Inc. (“Developer”) for a new 46 unit affordable housing development to be located at 5647 Gallup Drive and 1171 Mesa Drive, in order to offer rent- and income-restricted apartments for extremely low-income, very low-income and low-income households (“Project”);

(2) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents regarding City construction and permanent financing for the Project;

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

(4) Approving the following affordability mix for the Project in order to allow more flexibility without compromising the intent of providing affordable and permanent supportive housing: 15 units will be income-restricted at 25% of Area Median Income (“AMI”); one unit will be income-restricted at 30% of AMI; 11 units will be income-restricted at 40% of AMI; 12 units will be income-restricted at 50% of AMI; two units will be income-restricted at 60% AMI; four units will be income-restricted at 80% AMI; and one unit will be an unrestricted manager’s unit; and

(5) Authorizing the Director of Housing to negotiate and execute a Ground Lease with the Developer of the City-owned properties located at 5647 Gallup Drive and 1171 Mesa Drive for a term of seventy-five (75) years, and any other documents or amendments related thereto including an extension of that certain Exclusive Negotiations Agreement between City and Developer dated September 25, 2017, as amended, for the purpose of constructing and operating the Project.

(b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation by \$5,050,000; and

(2) Increase the Committed Projects Reserve appropriation by \$5,050,000.

(c) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

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

(2) Establish the Committed Projects Reserve in the amount of \$500,000.

CEQA: Exempt, File No. ER20-109, CEQA Guidelines section 15369
Ministerial Project pursuant to Government Code Section 65913.4
[Public Resources Code section 21080(b)(1)]. Council District 10.
(Housing/City Manager)

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

8.3 [20-658](#)

**TEFRA Hearing on the Issuance of Tax-Exempt Multifamily Revenue Bonds
for the Markham Plaza II Apartments Located at 2010 Monterey Road.**

Recommendation:

(a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") public hearing for the issuance of not to exceed \$25,000,000 in tax-exempt private-activity bonds by City to finance the acquisition by Markham Plaza II, LP and rehabilitation of the Markham Plaza II Apartments, formerly Tully Gardens II Apartments, a 152-unit apartment complex located at 2010 Monterey Road in San José (the "Development").

(b) Adopt a resolution approving the issuance of Revenue Bonds by the City in an aggregate principal amount not to exceed \$25,000,000 to finance the acquisition and rehabilitation of a 152-unit multifamily rental housing facility for the benefit of Markham Plaza II, LP, a California limited partnership, or an entity to be created by Core Affordable Housing, LLC (or an affiliate), and certain other matters relating thereto.

(c) Adopt a resolution authorizing:

(1) A change in the existing affordability restriction for Markham Plaza II Apartments (formerly Tully Gardens II Apartments) to allow a change from 151 units affordable to extremely low-income ("ELI") households at up to 30% of Area Median Income ("AMI") and one unrestricted manager's unit to 76 units affordable to ELI households at up to 30% of AMI and 75 units to be restricted affordable to very low-income households for new or over income tenants only at up to 35% of AMI;

(2) An increase to rents and income up to 60% AMI (low-income) for all units in the event of foreclosure or for subsidized units in the event of the expiration or involuntary termination of subsidy contracts, provided the City has determined the increase is needed for feasibility of the Development and allowed by other funds;

(3) The extension of the existing City's loan term by an additional 17 years, until the 55th anniversary of the closing of the bond financing, and a decrease in the City's loan interest rate from 4.77% fixed, compounded annually to 3% fixed, compounded annually;

(4) The subordination of the City's Deeds of Trust to a County option to purchase the land, provided that the City shall have a right of first refusal to purchase the land; and

(5) The Director of Housing to negotiate and execute any City loan documents, grant documents, amendments, and all other documents related to these actions.

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

Council District 7. (Housing/Finance)

[Deferred from 5/19/2020 - Item 8.1 (20-555)]

Attachments [Memorandum](#)
[Supplemental Memorandum, 5/18/2020](#)
[Supplemental Memorandum, 6/16/2020](#)
[Memorandum from Esparza, 6/15/2020](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)

8.4 [20-714](#) **Economic Recovery Temporary Cap on New or Increased Infrastructure Fees for Development.**

Recommendation: Adopt a resolution approving a temporary cap on (i) any future new fees on new development citywide for public infrastructure (excluding affordable housing); and (ii) future increases to the existing Diridon Basic Infrastructure Impact Fee. The temporary maximum rates in the recommendation would apply to building permits issued before January 1, 2023 as follows:

- (a) Retail/Industrial: \$8.16 per square foot
- (b) Office/R&D: \$12.20 per square foot
- (c) Hotel: \$5,962.00 per room
- (d) Residential: \$5,470.00 per unit

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.

(Economic Development)

[Deferred from 6/9/2020 - Item 8.1 (20-630)]

Attachments [Memorandum](#)
[Memorandum from Mayor, 6/15/2020](#)
[Memorandum from Peralez, 6/15/2020](#)
[Resolution](#)
[Presentation](#)
[Letters from the Public](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 [20-656](#) **Successor Agency Board Approval of the July 1, 2020 - June 30, 2021
Administrative Budget and Annual Recognized Obligation Payment Schedule
2020-21.**

Recommendation: Successor Agency Board adopt resolutions approving the:
(a) Administrative Budget for July 1, 2020 through June 30, 2021; and
(b) Recognized Obligation Payment Schedule 2020-21 (the “ROPS
20-21”) and authorizing payment of expenditures for items on ROPS
20-21, which details the obligations of the Successor Agency for the
period of July 1, 2020 through June 30, 2021.
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)

Attachments [Memorandum](#)
 [\(a\) Resolution](#)
 [\(b\) Resolution](#)

**ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY
OF SAN JOSE**

10. LAND USE

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [20-657](#)**HL20-001 - Historic City Landmark Designation for 170 Park Center Plaza (Former Bank of California).****Recommendation:**

Adopt a resolution designating the former Bank of California located at 170 Park Center Plaza as a City Landmark site with cultural, aesthetic, or engineering interest or value as documented in the Nomination Application.

CEQA: Categorically Exempt. CEQA Guidelines Section 15331, Historic Resource Restoration/Rehabilitation. Historic Landmarks Commission recommends approval. Council District 3. (Planning, Building and Code Enforcement)

Attachments[Memorandum](#)[Resolution](#)[Presentation](#)[Letters from the Public - 1 of 2](#)[Letters from the Public - 2 of 2](#)

10.3 [20-716](#) **H19-016 - Site Development Permit for Certain Real Property Located at the Northeast Corner of South Almaden Boulevard and Park Avenue (150 S. Almaden Boulevard).**

Recommendation: (a) Adopt a resolution certifying the City View Plaza Project Tower Supplemental Environmental Impact Report (SCH#2018022032) and making certain findings concerning significant impacts, mitigation measures, and alternatives, adopting a Statement of Overriding Considerations, and adopting the related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA); and

(b) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of nine existing on-site buildings (including candidate City Landmarks), the removal of 14 ordinance size trees, and the construction of an approximately 3.79 million square foot development comprised of 24,000 square feet of ground floor retail and 3,640,033 square feet of office space and including a request for 24-hour construction and Downtown Design Guidelines exceptions on an approximately 8.1-gross acre site on certain real property located at the northeast corner of South Almaden Boulevard and Park Avenue.

CEQA: City View Plaza Project Tower Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942). Planning Commission recommends approval (6-0). File No. H19-016. Council District 3. (Planning, Building and Code Enforcement)

[Deferred from 6/2/2020 - Item 10.2 (20-608), 6/9/2020 - Item 10.3 (20-633)]

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[Memorandum from Mayor and Peralez, 6/5/2020](#)
[Presentation](#)
[Letters from the Public - 1 of 2](#)
[Letters from the Public - 2 of 2](#)

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

FOR RECEIPT:

Tract: 10539

Location: S/S of Prune Way and Olsen Drive and N/S of 280-Junipero Serra Freeway

District: 1

Lots/Units: 9/96

Type: MFA

Developer: Pulte Group

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

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