



City Council Meeting Amended Agenda

Tuesday, September 29, 2020

1:30 PM

Virtual Meeting <https://sanjoseca.zoom.us/j/91325378626>

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.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. 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 ilegislate 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 913 2537 8626. Click *9 to raise a hand to speak. 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/91325378626>
 - 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>.

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select "Interpretation."
Click the language you would like to hear.

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).

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

- **Call to Order and Roll Call**

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

[20-1133](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - CANCELLED

*The previously scheduled evening session was cancelled

- **Pledge of Allegiance**

- **Invocation (District 8)**

Jody Ngo - President of UStar Productions & La Raza Club, Overfelt High School

- **Orders of the Day**

To be heard after Ceremonial Items

Pursuant to Rules and Open Government Committee action, for today's meeting, Councilmember comments are limited to 15 minutes per item per councilmember.

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

**JOINT CITY OF SAN JOSE CITY COUNCIL/SAN JOSE FINANCING AUTHORITY AGENDA
TO BE HEARD IMMEDIATELY AFTER CONSENT****• Adjournment**

Liv Alterhaug Ames died September 3, 2020, in her home in San Jose, CA at the age of 72 after a 9 month battle with pancreatic cancer.

She is survived by her husband of 42 years, Larry Ames, and 3 sons Lewis, Logan, and Leif.

Liv loved nature, exploring - especially by bicycle, and photography. She volunteered extensively for many environmental organizations and inspired many to get involved.

She will be remembered most for her uniqueness, caring spirit, and love for her family.

• 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.**

[20-1139](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30479 - An Ordinance if the City of San José Rezoning Certain Real Property if Approximately 0.16-Gross Acre Situated on the West Side of Meridian Avenue Approximately 470 Feet South of Fruitdale Avenue (931 Meridian Avenue) (APN: 284-03-011) from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District.

[Passed for Publication on 9/15/2020 - Item 10.1(a) (20-1053)]

(b) Ordinance No. 30480 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Chapter 20.30, Part 2, Section 20.30.460 to Require All Accessory Buildings Meet Certain Requirements; Amend Section 20.30.470 to Allow Any Exterior Alteration is Only Limited Accommodating Ingress/Egress Requirements; Amend Section 20.30.480 to Allow Accessory Dwelling Units to Be Attached to Another Detached Accessory Dwelling Unit; Amend Part 2.5 Section 20.80.150 to Revise the Definition of Incidental Transient Occupancy; Amend Part 9 Section 20.80.700 to Allow Home Occupation in an Accessory Dwelling Unit; and to Add Clarifying Language to Section 20.30.100 and Table 20.50 of Chapter 20.30, Section 20.40.100 and Table 20.90 of Chapter 20.40, Section 20.50.100 and Table 20-110 of Chapter 20.50, and Section 20.75.200 and Table 20.156 of Chapter 20.75; and to Make Other Technical, Non-Substantive, or Formatting Changes within Those Sections of Title 20 of the San José Municipal Code.

[Passed for Publication on 9/15/2020 - Item 10.1(b) (20-1054)]

2.3 Approval of Council Committee Minutes.[20-1160](#)**Approval of Council Committee Minutes.****Recommendation:**

(a) Regular Neighborhood Services and Education Committee Meeting Minutes of August 13, 2020.

(b) Regular Neighborhood Services and Education Committee Meeting Minutes of September 10, 2020.

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

Attachments

[\(a\) 8/13/2020 NSE Minutes](#)

[\(b\) 9/10/2020 NSE 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** [20-1134](#) **Amendment to Agreement with Hall Energy Law PC for Legal Services Related to Power Procurement for San José Clean Energy.**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a third amendment to the agreement with Hall Energy Law PC for legal services related to power procurement for San José Clean Energy for Fiscal Years 2020 through 2023 and increasing the amount of compensation by \$400,000 for a total amount not to exceed \$720,000.

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

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

2.8 [20-1138](#) **Boards and Commissions Appointments.**

Recommendation: Approve the following Boards and Commissions appointments:
(a) Housing and Community Development Commission:
 (1) District 8 Seat: Huy Tran to a term ending June 30, 2023.
(b) Human Services Commission:
 (1) Citywide Seat: Katherine Reyes to a term ending December 31, 2022.

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

Attachments [Memorandum](#)
 [Application - Housing and Community Development Commission](#)
 [Application - Human Services Commission](#)
 [Conflicts of Interest - Housing and Community Development Commission](#)
 [Conflicts of Interest - Human Services Commission](#)

2.9 [20-1121](#) **Award of a Construction Contract for Alma Ave Pavement Rehabilitation Project.**

Recommendation: (a) Approve award of a construction contract for the Alma Ave Pavement Rehabilitation Project, to the low bidder, J.J.R. Construction, Inc. in the amount of \$939,015.
(b) Approve an approximate 15% contingency in the amount of \$140,852.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3, 6, 7.
(Transportation)

Attachments [Memorandum](#)

2.10 [20-1191](#) **Approval of the 2020 Coastal Clean Up Month Sponsored by Mayor 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 September 23, 2020:
(a) Approve the Coastal Cleanup Month activities scheduled during the month of September 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
(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. (Mayor)
[Rules Committee referral 9/23/2020- Item G.1.a.]

Attachments [Memorandum](#)

2.11 [20-1192](#) **Conflict of Interest Code Biennial Update.**

Recommendation: Adopt a resolution amending the Conflict of Interest Code for the City of San José.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Clerk)
[Rules Committee referral 9/23/2020- Item A.1.a.]

Attachments [Resolution](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 [20-1123](#)

Temporary Expansion of Business Tax Financial Hardship Exemptions.

Recommendation:

Approve an ordinance amending Chapter 4.76 of Title 4 of the San José Municipal Code to add a new Section 4.76.345.6 to temporarily expand, retroactive to October 1, 2020, eligibility for the existing financial hardship exemptions for low revenue generating small businesses and small business owners with limited household incomes to include all persons engaged in business in the City who satisfy certain financial hardship requirements.

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](#)
[Ordinance](#)
[Presentation](#)

3.4 [20-1127](#) **Vacation of a Portion of Marburg Way with Reservation of a Public Sanitary Sewer Easement Within the Area Being Vacated. - DEFERRED**

Recommendation:

Conduct a Public Hearing and adopt a resolution to authorize the following:

- (a) Approve the report of the Director of Public Works setting forth the facts justifying the vacation of a portion of Marburg Way with the reservation of a public sanitary sewer easement within the vacated area (“Subject Portion”);
- (b) Vacate the Subject Portion which is unnecessary for current or prospective public use as a street;
- (c) Direct the City Clerk to record a certified copy of the resolution of vacation for the Subject Portion with the Office of the Recorder, County of Santa Clara;
- (d) Declare the Subject Portion of the City-owned Marburg Way as “exempt surplus land” to the needs of the City under Cal. Gov. Code §54221(f)(1)(D) as the land is not necessary for the City of San José’s use and is being transferred to another local agency for a necessary use; and
- (e) Direct the City Manager to negotiate and execute a Purchase and Sale Agreement and Quitclaim Deed, and all other necessary documents to effectuate the transfer to the Santa Clara Valley Transportation Authority from the City of San José, for the sale of the Subject Portion of the surplus City-owned Marburg Way for \$1 by direct negotiation under San José Municipal Code Section 4.20.080 as the transferee is a governmental agency.

CEQA: Determination of Consistency with the BART Extension to Milpitas, San José, and Santa Clara Final EIR, BART Extension to Milpitas, San José, and Santa Clara Final Supplemental EIR, and BART Silicon Valley Phase 1 -Berryessa Extension Final 2nd Supplemental EIR, and Addenda thereto, Resolution No. 76126. Council District 3. (Economic Development/Public Works)

DEFERRED TO 10/6/2020 PER ADMINISTRATION

Attachments [Memorandum](#)

3.5 [20-1128](#) **Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Page Street Studios Development. - DEFERRED**

Recommendation:

(a) Adopt a resolution:

(1) Authorizing the issuance of tax-exempt multifamily housing revenue note designated as "City of San José California Multifamily Housing Revenue Note (Page Street Studios), Series 2020B-1 and Series 2020B-2 in an aggregate principal amount not to exceed \$29,500,000 (together, the "Series 2020B Note");

(2) Approving a loan of Series 2020B Note proceeds to Page Street, L.P., a California limited partnership sponsored by Charities Housing Development Corporation a California nonprofit corporation, to finance the acquisition, construction and development of the 82-apartment multifamily rental housing development known as the Page Street Studios located at 329-353 Page Street in San José (the "Development");

(3) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, and Regulatory Agreement and Declaration of Restrictive Covenants (the "Series 2020B Note Documents"); and

(4) Authorizing and directing the City Manager, Director of Housing, the Director of Finance, Assistant Director of Finance, the Deputy Director of Debt and Treasury Management and Debt Administrator or their designees, to execute and deliver the Series 2020B Note Documents and related or ancillary to the Series 2020B Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development's rents and income to increase to up to 60% of Area Median Income (low income) for new tenants in the event of the expiration or termination of Section 8 subsidy contracts, and for all tenants in the event of a foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds; and

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to the above change to the City Loan terms.

CEQA: Mitigated Negative Declaration, Page Street Housing Project, File Nos. SP17-037 and AT18-012, dated 10/19/18. Council District 6. (Housing/Finance)

DEFERRED TO 10/27/2020 PER ADMINISTRATION

Attachments [Memorandum](#)

3.6 [20-1129](#) **Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Alum Rock Family Housing. - DEFERRED**

Recommendation:

(a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Alum Rock Family Housing), Series 2020A” (the “2020 Note”) in a principal amount not to exceed \$36,855,974;

(2) Approving the loan of 2020 Note proceeds to Alum Rock Family Housing, L.P., a California limited partnership created by Affirmed Housing Group, a California for-profit corporation, to finance the construction and development of an 87-apartment multifamily development known as Alum Rock Family Housing located at 2380 Alum Rock Avenue, in San José (the “Development”);

(3) Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (collectively, the “2020 Note Documents”);

(4) Authorizing a reduction in the City’s issuance and annual monitoring fees in the approximate amount of \$600,000 during the term of the 2020 Note notwithstanding the City’s Policy for Issuance of Multifamily Housing Revenue Bonds, as provided below; and

(5) Authorizing and directing the City Manager, Director of Housing, Director of Finance, or their designees, to execute and deliver the 2020 Note Documents together with any documents ancillary to the 2020 Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development’s rents and income up to 60% AMI (low-income) for new tenants in subsidized apartments 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 feasibility of the Development and allowed by other funds; and

(2) Authorizing the Director of Housing, or Designee, to negotiate and execute loan documents, amendments, and all other documents related to this action.

CEQA: Statutorily Exempt per Public Resources Code Section 21080(b)

(1) and CEQA Guidelines Section 15369, File No. ER20-109. Council District 5. (Housing/Finance)

DEFERRED TO 10/27/2020 PER ADMINISTRATION

Attachments [Memorandum](#)

4. PUBLIC SAFETY SERVICES

- 4.1 [20-1124](#) **Independent Police Auditor 2019 Year End Report. - NOT TO BE HEARD BEFORE 4:00 P.M. AND TO BE HEARD CONCURRENTLY WITH ITEM 4.2**

Recommendation: Accept the 2019 Independent Police Auditor Year End Report.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)
NOT TO BE HEARD BEFORE 4:00 P.M. AND TO BE HEARD CONCURRENTLY WITH ITEM 4.2

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Presentation](#)
[Letters from the Public](#)

- 4.2 [20-1125](#) **San José Police Department Internal Affairs Unit - 2019 Department Initiated Investigations Report. - NOT TO BE HEARD BEFORE 4:00 P.M. AND TO BE HEARD CONCURRENTLY WITH ITEM 4.1**

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2019.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
NOT TO BE HEARD BEFORE 4:00 P.M. AND TO BE HEARD CONCURRENTLY WITH ITEM 4.1

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

4.3 [20-1126](#) **Police Reforms Process and Timeline. - NOT TO BE HEARD BEFORE 4:00 P.M.**

Recommendation: Accept the update on actions related to:

- (a) The sequencing and coordination of major Police Reforms Work Plan elements, including the use of force review and reimagining community safety work, with the recruitment efforts for a new Chief of Police;
- (b) Framing the use of force and reimagining community safety community engagement process; and
- (c) Consultant timing to conduct a use of force review and make recommendations on additional amendments to the San Jose Police Department Duty Manual or other protocols that further align San Jose with 21st Century Policing best practices.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager/Independent Police Auditor)
NOT TO BE HEARD BEFORE 4:00 P.M.

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

5. TRANSPORTATION & AVIATION SERVICES

5.1 [20-1159](#) **Better Bike Plan 2025. - DEFERRED**

Recommendation: As recommended by the Transportation and Environment Committee on August 31, 2020, accept the Better Bike Plan 2025.
CEQA: Determination of Consistency to the Envision General Plan 2040 Final Programmatic Environmental Impact Report, File No. ER20-156. (Transportation)
[Transportation and Environment Committee referral 8/31/2020 - Item (d)1]
DEFERRED TO 10/6/2020 PER ADMINISTRATION

Attachments [Memorandum](#)
[Presentation](#)
[Attachment A](#)
[Attachment B](#)
[Letters from the Public](#)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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.

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) [20-1130](#) C20-013 and SP20-027 - Conforming Rezoning and Special Use Permit on Certain Real Property Located at 796 Delmas Avenue.

Recommendation: (a) Approve an ordinance rezoning that certain real property located on the northeast corner of Delmas Avenue and West Virginia Street from the R-2 Two-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District on an approximately 0.18-gross acre site.
(b) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow an existing commercial building to be occupied with a church/religious assembly use located on the northeast corner of Delmas Avenue and West Virginia Street (796 Delmas Avenue).
CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities. Council District 3. (Planning, Building and Code Enforcement)

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

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda****10.2 [20-1131](#) CP19-021 - Administrative Hearing on the Appeal of the Planning Commission's Approval of Conditional Use Permit No. CP19-021 for the Bascom Residential Care Facility Project.****Recommendation:**

(a) Conduct an Administrative Hearing to consider the Appeal of the Planning Commission's approval of Conditional Use Permit No. CP19-021, for the Bascom Residential Care Facility Project, which permits the demolition of four commercial buildings totaling approximately 6,030 square feet, and the removal of two ordinance-size trees and four non-ordinance sized trees for the construction of a one to three-story, 83-unit state-licensed Residential Care Facility for the Elderly with approximately 72,380 square feet of above grade floor area and an approximately 30,240 square feet of basement containing 7,750 square feet of activity rooms, staff room, utility rooms, and 22,450 square feet of parking and circulation on an approximately 1.23-gross acre site located to the west of South Bascom Avenue, approximately 177 feet southerly of Dry Creek road (2375 and 2395 South Bascom Avenue).

(b) Adopt a resolution denying the permit appeal and approving, subject to conditions, Conditional Use Permit No. CP19-021, for the Bascom Residential Care Facility Project, which permits the demolition of four commercial buildings totaling approximately 6,030 square feet, and the removal of two ordinance-size trees and four non-ordinance sized trees for the construction of a one to three-story, 83-unit state-licensed Residential Care Facility for the Elderly with approximately 72,380 square feet of above grade floor area and an approximately 30,240 square feet of basement containing 7,750 square feet of activity rooms, staff room, utility rooms, and 22,450 square feet of parking and circulation on an approximately 1.23-gross acre site located to the west of South Bascom Avenue, approximately 177 feet southerly of Dry Creek road (2375 and 2395 South Bascom Avenue).

CEQA: Mitigated Negative Declaration for the Bascom Residential Care Facility Project. Council District 9. (Planning, Building and Code Enforcement)

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

- 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 JOSE CITY COUNCIL/SAN JOSE FINANCING AUTHORITY
AGENDA**

***TO BE HEARD IMMEDIATELY AFTER CITY COUNCIL CONSENT CALENDAR**

1:30 p.m.

September 29, 2020

Virtual Meeting

- Call to Order and Roll Call

1. [20-1132](#) **Amendment to Certain Agreements Related to the Interim Financing Program to Finance Capital Improvements at the San José-Santa Clara Regional Wastewater Facility.**

Recommendation:

(a) Adopt a resolution of the City Council approving and authorizing the execution and delivery of a Second Amendment to the Credit Agreement and a Second Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association, related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing or refinancing Wastewater System and Treatment Plant Projects to extend the term of the Credit Agreement and the Notes and to revise the calculation of interest and fees for the Notes and authorizing other related actions in connection therewith.

(b) Adopt a resolution of the City of San José Financing Authority Board approving and authorizing the execution and delivery of a Second Amendment to the Credit Agreement and a Second Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing or refinancing Wastewater System and Treatment Plant Projects to extend the term of the Credit Agreement and the Notes and to revise the calculation of interest and fees for the Notes and authorizing other related actions in connection therewith.

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. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance/Environmental Services)

TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments

[Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[Second Amendment to Credit Agreement](#)

[Second Amended and Restate Fee Letter Agreement](#)

- Open Forum
- Adjournment

Liv Alterhaug Ames died September 3, 2020, in her home in San Jose, CA at the age of 72 after a 9 month battle with pancreatic cancer.

She is survived by her husband of 42 years, Larry Ames, and 3 sons Lewis, Logan, and Leif.

Liv loved nature, exploring - especially by bicycle, and photography. She volunteered extensively for many environmental organizations and inspired many to get involved.

She will be remembered most for her uniqueness, caring spirit, and love for her family.

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.