



City Council Meeting Amended Agenda

Tuesday, December 7, 2021

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/93052835954>**

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

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

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266 and 80290, Councilmembers may 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 930 5283 5954. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/93052835954>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

21-2510 Closed Session Agenda

1:30 p.m.- Regular Session

- **Pledge of Allegiance**
- **Invocation (Mayor)**

Dr. Tyrone Partee, Senior Pastor at Maranatha Christian Center.

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to the Santee Project Hope Youth Ambassadors for successful completion of the ambassador program and their contributions to the Santee Neighborhood. (Esparza)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

21-2532 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Peralez from the Regular Meeting of the Community and Economic Development Committee on November 22, 2021 due to illness.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Peralez)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 21-2511 Amendment to the Agreement with Opengov, Inc. for Data and Transparency Portal Software.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement for Data and Transparency Portal with OpenGov, Inc. (Redwood City, CA) to add up to five one-year options to extend the agreement through December 31, 2026 for ongoing subscriptions, support, and maintenance services with a maximum compensation of \$59,000 for the first option beginning January 1, 2022 through December 31, 2022, subject to the annual appropriation of funds.

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

2.8 21-2512 Amend Purchase Orders with SC Anderson Group International for Mold and Fungi Abatement and Disposal Services.

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase orders OP 57966 and OP 57714 with SC Anderson Group International (Bakersfield, CA) for the purchase of mold and fungi abatement and disposal services, to extend the term of the purchase orders from December 31, 2021 through June 30, 2022 and to increase compensation by a cumulative amount of \$301,000, for a revised maximum compensation not-to-exceed \$780,000.

CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. ER19-083. (Finance)

2.9 21-2513 Report on Request for Proposal for a Project Management Information System for the Airport.

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an agreement with PMWeb, Inc. (Wakefield, MA) to provide a project management information system for the Airport Department, including related professional services such as implementation, training, maintenance, and support, for a maximum compensation not to exceed \$300,170 during the initial one-year term beginning on or about December 8, 2021 through November 30, 2022, subject to the appropriation of funds;

(b) Negotiate and execute amendments and change orders as required for any unanticipated changes such as additional software subscriptions, optional modules, integrations, and related professional services for a contingency amount not to exceed \$30,000 during the initial term, subject to the appropriation of funds;

(c) Exercise up to four one-year options to extend the term of the agreement through November 30, 2026, subject to the appropriation of funds; and

(d) Negotiate and execute additional agreements with PMWeb, Inc. leveraging the same Request for Proposal to provide project management information systems, including related professional services such as implementation, training, maintenance, and support, for other City departments as requested, subject to substantially the same material terms and conditions as the agreement for the Airport Department and the appropriation of funds.

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

2.10 21-2514 Authorization to Negotiate and Execute Grant Agreements with County of Santa Clara and Law Foundation of Silicon Valley for Eviction Prevention Legal Services and Outreach.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a contract with the Law Foundation of Silicon Valley, in an amount not to exceed \$1,400,000 for a term retroactive from September 13, 2021 through June 30, 2023 to provide outreach and education to low income San José residents on the eviction moratorium protections and provide in person and virtual legal services at the Eviction Prevention Help Centers; and
- (b) Negotiate and execute a Cost Sharing Agreement with the County of Santa Clara for up to \$1,250,000 for its Community Health and Business Engagement Team to provide outreach to tenants and landlords on the eviction moratorium, CA COVID-19 Rental Assistance program, and provide application assistance to Santa Clara County residents for a term retroactive from October 1, 2021 through June 30, 2022.

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

2.11 21-2531 Update on Eviction Prevention Help Center and Expansion of Legal Support and Services.

Recommendation: (a) Accept the report on the Housing Department's efforts to provide rental assistance, legal services, education and support to vulnerable households in the City of San José at Eviction Prevention Help Centers;

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

- (1) Decrease the Measure E - 10% Homelessness Prevention Reserve by \$575,000; and
- (2) Establish a Measure E - Homeless Legal Services appropriation to the Housing Department in the amount of \$575,000.

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

2.12 21-2515 Affordable Housing Impact Fee Fiscal Year 2020-2021 Annual and Five-Year Report.

Recommendation: Accept the Fiscal Year 2020-2021 Annual and Five-Year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's Affordable Housing Impact Fee.

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

2.13 21-2516 Extension of the City of San José's Bridge Housing Ordinance Under Title 5 Chapter 5.09 of the San José Municipal Code.

Recommendation: Approve an ordinance to extend the Bridge Housing Ordinance set to expire January 1, 2022 to January 1, 2025 in accordance with authority under Assembly Bill 1745.

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

2.14 21-2517 Actions Related to Food Distribution Agreements.

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

- (a) Amendment to an agreement with Bateman Community Living, LLC for supplemental Senior Nutrition Program services at San José community centers to increase maximum compensation by \$390,000 from January 1, 2022, through March 31, 2022, for an aggregate compensation of \$1,170,000;
 - (b) Amendment to an agreement for food and necessities services with Catholic Charities of Santa Clara County, to increase maximum compensation by \$360,000 from January 1, 2022, through March 31, 2022, for an aggregate compensation of \$2,370,169;
 - (c) Amendment to an agreement for food and necessities services with Loaves and Fishes to increase maximum compensation by \$653,645 from January 1, 2022, through March 31, 2022, for an aggregate compensation of \$3,168,424;
 - (d) Amendment to agreements for meal and grocery delivery services to individual homes with Off the Grid, LLC to increase maximum compensation by \$2,328,000 from January 1, 2022, through March 31, 2022, for an aggregate compensation of \$23,889,056;
 - (e) Amendment to an agreement for food and necessities services with San José Conservation Corps to increase maximum compensation by \$2,700,000 from January 1, 2022, through March 31, 2022, for an aggregate compensation of \$9,100,000;
 - (f) Amendment to an agreement with the Silicon Valley Center for Nonprofits for volunteer services to extend the term from January 1, 2022, through March 31, 2022;
 - (g) Amendment to an agreement for meal preparation and delivery services to temporary shelters with Team San José for a maximum compensation of \$900,000 from January 1, 2022, through March 31, 2022, for an aggregate compensation of \$4,622,000;
 - (h) Amendment to an agreement for meal and grocery delivery services to individual homes with The Health Trust for a maximum compensation of \$396,000 from January 1, 2022, through March 31, 2022, for an aggregate compensation of \$2,244,000.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Parks, Recreation and Neighborhood Services)

2.15 21-2518 Willow Glen Community Benefit Improvement District Financial Report Fiscal Year 2020-2021.

Recommendation: Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2020-2021, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 6. (Public Works)

2.16 21-2519 Fiscal Year 2021 Traffic Impact Fee Report.

Recommendation: Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)

2.17 21-2551 First Quarter Financial Reports for Fiscal Year 2021-2022.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 18, 2021:
(a) Accept the First Quarter (period ended September 30, 2021) Financial Reports for Fiscal Year 2021-2022 for the following programs:
(1) Debt Management;
(2) Investment Management;
(3) Revenue Management; and
(4) Purchasing and Risk Management.
(b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$641,761.52.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)
[Public Safety, Finance and Strategic Support Committee referral 11/18/2021 - Item (c)1]

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 21-2533 City of San José Council District Redistricting Public Hearing. - TO BE HEARD LAST

Recommendation: (a) Conduct a Public Hearing for City of San José Council District Redistricting.
(b) Approve an ordinance to establish and declare boundaries of the City Council Districts using the 2020 federal Census data.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Clerk)
TO BE HEARD LAST

3.4 21-2520 Annual Comprehensive Financial Report for Fiscal Year Ended June 20, 2021. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1

Recommendation: Accept the Fiscal Year 2020-2021 Annual Comprehensive Financial Report for the City of San José.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)
TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1

3.5 21-2521 External Auditor's Report: Report to Those Charged with Governance for Fiscal Year Ended June 30, 2021. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1

Recommendation: Accept the Report to Those Charged with Governance for the fiscal year ended June 30, 2021 as issued by Macias Gini & O'Connell LLP, the City of San José external auditor.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)
TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1

3.6 21-2522 Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2021.

Recommendation: Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2020-2021.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

3.7 21-2527 Approval of the Issuance of Multifamily Housing Revenue Notes and the Loan of the Proceeds thereof and Approving Related Documents for Vitalia (formerly The Bascom Apartments) Project.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance of a multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Vitalia), Series 2021F-1” (the “2021F-1 Note”) and a multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Vitalia), Series 2021F-2” in an aggregate principal amount not to exceed \$35,672,716 (the “2021F-2 Note”) (together with the 2021F-1 Note, the “2021F Notes”);
- (b) Approving the loan of 2021F Notes proceeds to Bascom Affordable Housing, LP, a California limited partnership, to finance the construction and development of a 79-unit multifamily development known as Vitalia, formerly known as Bascom Apartments located at 3090 South Bascom Avenue in San José (the “Development”);
- (c) Approving in substantially final form the Funding Loan Agreement, the Project Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, and related documents (collectively, the “2021F Note Documents”); and
- (d) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director, Debt and Treasury Management or their designees, to execute and deliver the 2021F Note Documents together with any documents ancillary to the 2021F Note Documents.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 6. (Finance/Housing)

3.8 21-2523 Declaration of Surplus Construction Funds and Authorization of Funds Transfer to Redemption Fund to Redeem Bonds City of San José Limited Obligation Improvement Bonds Improvement District No. 99-218SJ (Hellyer-Piercy) Bond Series 24Q.

Recommendation: Adopt a resolution to determine surplus and order the disposition of funds remaining in the Improvement Fund, Redemption Fund and Reserve Fund for the Hellyer-Piercy Improvement District, Number 99-218SJ to:

- (a) Authorize from the Improvement Fund: a credit to the owner(s) that have fully prepaid the assessment, transfer an amount to the City for costs incurred to determine surplus and redeem bonds, transfer an amount to the Redemption Fund to be applied to the redemption of outstanding bonds on March 2, 2022, and apply any remaining balance to the costs of projects authorized to be financed in accordance with the Resolution of Intention;
- (b) Authorize all amounts representing collected assessments and in the Reserve Fund be transferred to the Redemption Fund for the redemption of bonds on March 2, 2022; and
- (c) Authorize the City Manager, the Director of Finance, the Assistant Director of Finance, or the Deputy Director of Finance responsible for managing the City's debt program, for and in the name and on behalf of the City, to execute and deliver refunding instructions to the Fiscal Agent, in such form as may be approved; and to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the actions, including without limitation (i) determining the amounts to be transferred to the Redemption Fund and applied to the redemption of the bonds, and the amount to be applied to authorized project costs, and (ii) executing all certificates, instructions, and other document proposed to be delivered in connection with these actions.

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. Council District 2. (Finance/Public Works)

3.9 21-2524 Amendment to the Vendor Agreement with Vision Services Plan for Employees and Retirees.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Vision Service Plan for vision care benefits for City employees, retirees, and their dependents extending the term of the Agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed Agreement amount from \$7,671,477 to a revised not to exceed amount of \$13,745,682, 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. (Human Resources)

3.10 21-2525 BART Silicon Valley Phase II Extension Project Update.

Recommendation: Accept Santa Clara Valley Transportation Authority staff's update on the Bay Area Rapid Transit (BART) Silicon Valley Phase II Extension Project and provide feedback to the Project team.
CEQA: Santa Clara Valley Transportation Authority's BART Silicon Valley Phase II Extension Project Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report and Section 4(f) Evaluation (February 16, 2018). Council Districts 3, 4, 6. (Public Works/Transportation)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-2526 Actions Related to Declarations Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and the San José Municipal Code.

Recommendation: (a) Adopt a resolution amending the Declaration of the Director of Emergency Services of the City of San José issued June 4, 2020, to extend the term for outdoor operations on private property until January 31, 2022, and amending the Declaration of the Director of Emergency Services of the City of San José issued July 22, 2020 to extend the term for outdoor business operations on closed public streets until June 30, 2022.

(b) Approve an ordinance allowing the continuation of outdoor business operations on private property from February 1, 2022 until December 31, 2022.

CEQA: Categorically Exempt, File No. ER21-286, CEQA Guidelines Section 15304 Minor Alterations to Land. (Economic Development and Cultural Affairs)

8.2 21-2576 Measure E Real Property Transfer Tax Refund Pilot Program for Qualifying Nonprofit Real Property Transfers.

Recommendation: Approve an ordinance adding a new Section 4.59.230 to Chapter 4.59 of Title 4 of the San José Municipal Code to provide a refund under certain circumstances to:

(a) Charitable organizations that:

(1) Provide direct services or make grants in the areas of education, health, housing, or human and services serving extremely low-income San José residents;

(2) Irrevocably use or endow the proceeds from the conveyance of real property subject to the real property transfer tax for a charitable community purpose; and

(3) Within three years of the property sale, fund direct services or make grants in the areas of equal education, health, housing, or human services serving extremely low-income San José residents in an amount to three times (300%) of the Measure E tax paid and refunded.

(b) Charitable organizations, or limited partnerships with a general partner charitable organization, who purchase a qualifying affordable housing site and satisfy certain other 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. (Housing)

[Deferred from 11/30/2021 - Item 8.1 (21-2490)]

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

9.1 21-2528 Successor Agency to the Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2021. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5

Recommendation: Accept the Fiscal Year 2020-2021 Independent Auditor's Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)
TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5

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 21-2577 GPT21-001/GPT21-005/GP21-013/GPT21-006/GPT21-007 - Changes to the Envision San José 2040 associated with the Envision San José 2040 General Plan Four-Year-Review and related to Urban Village Implementation and Policy Modifications (GPT21-005 & GP21-013), Residential Uses in Neighborhood Business Districts (GPT21-001), Vehicle Miles Traveled (VMT) Policies (GPT21-006), Evergreen East Hills Development Policy (GPT21-007), and Planned Growth Capacity Shifts and Shared Capacity (GPT21-005).

Recommendation: Adopt a resolution approving the General Plan Text and Diagram Amendments associated with the Envision San José 2040 General Plan Four-Year Review.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR and Supplemental EIR to the Envision San José General Plan Final Program EIR and addenda thereto (City Council Resolution No. 80300). Planning Director recommends approval of staff recommendation. Planning Commission recommends approval of Planning staff recommendation with the changes recommended by the Four-Year Review Task Force in those instances where they differ from the Planning staff's recommendations. (9-1-1 : Oliverio opposed; Garcia absent). (Planning, Building and Code Enforcement)
[Deferred from 11/30/2021 - Item 10.2 (21-2492)]

- **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.