City Council Meeting
Amended Agenda

Tuesday, November 15, 2022
11:00 AM
Hybrid Meeting - Council Chambers and Virtually -
https://sanjoseca.zoom.us/j/88957084529

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:

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

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at https://www.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. Please go to the Clerk's Records Database https://records.sanjoseca.gov/Pages/Search.aspx for the final document, or you many 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 José Resolution Nos. 80628, 80659, 80685 and 80724, 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 889 5708 4529. 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/88957084529
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
See Separate Agenda

22-1649 Closed Session Agenda

11:00 a.m. - Regular Session

- Pledge of Allegiance

- Invocation (District 10)

  Pastor Mariellen Yoshino, Almaden Hills United Methodist Church.

- 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 proclamation declaring November 2022 as National Family Literacy Month to celebrate and encourage families to learn and read together. (Carrasco)

1.2 Presentation of a commendation to the PRNS Aquatics and Placemaking teams recognizing their exceptional contributions to our communities through the Aquatics and Viva Parks programs. (Esparza)

1.3 Presentation of a proclamation declaring November 20, 2022 as Word Day of Remembrance to commemorate the victims of traffic violence and their families. (Foley and Peralez)

1.4 Presentation of a commendation to the Safety Team and Principal of William C. Overfelt High School recognizing their emergency preparedness and swift response to saving a student's life. (Mayor)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

22-1694 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30838 - An Ordinance of the City of San José approving a Third Amendment to Development Agreement with Jackson-Taylor Partners, LLC, Relative to the Development of the Japantown Corporation Yard Redevelopment Project on Certain Real Property Located at 696 North Sixth Street and Authorizing the City Clerk to Execute the Third Amendment to the Development Agreement and Cause the Same to be Recorded with the Santa Clara County Recorder's Office.
[Passed for Publication on 10/25/2022 - 10.3(a) (22-1575)]
(b) Ordinance No. 30839 - An Uncodified Ordinance of the City of San José Temporarily Extending the Term of Specified Land Use and Historic Preservation Permits by Two Years from Their Expiration Dates Due to Persistent Adverse Economic and Public Health Impacts from the COVID-19 Pandemic.
[Passed for Publication on 10/25/2022 - 10.1(a) (22-1573)]
(c) Ordinance No. 30840 - An Ordinance of the City of San José Authorizing the Director of Finance to Administer an Accounts Receivable Amnesty Program which Forgives Unpaid Penalties, Interest, and Collection Expenses Accruing to the City of San José General Fund and Other Funds for Certain Accounts Billed from April 1, 2020 through August 31, 2021.
[Passed for Publication on 11/1/2022 - 3.4 (22-1606)]

2.3 Approval of Council Committee Minutes.

22-1712 Approval of Council Committee Minutes.

Recommendation: (a) Regular Smart Cities and Service Improvements Committee Minutes of October 6, 2022.
(b) Regular Smart Cities and Service Improvements Committee Minutes of September 1, 2022.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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 22-1650 Agreement for Professional Consultant Services for On-Call Architectural and Engineering Services at Norman Y. Mineta San José International Airport.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute two Master Consultant Agreements with Kimley Horn & Associates, Inc., and Burns & McDonnell Engineering Company, Inc. for On-Call Architectural and Engineering Services at Norman Y. Mineta San José International Airport, for a period of seven years from execution, in a total amount not to exceed $28,000,000 per consultant over the term of the agreement.
CEQA: Not a Project, File No. PP17-002, Consultant services for design/study/inspection, or other professional services with no commitment to future action. (Airport)

2.8 22-1172 Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through December 15, 2022 during the Governor's Proclaimed COVID State of Emergency.

Recommendation: Adopt a resolution finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

2.9 22-1693 Appointment to the Fire Retiree Seat on the Board of Administration for the Police and Fire Retirement Plan. - RECOMMEND DEFERRAL TO 11/29/2022

Recommendation: (a) Appoint Richard Santos as the Fire Retiree Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a fourth term ending November 30, 2026.
(b) If a vacancy remains, direct the City Clerk to continue recruitment efforts.

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

RECOMMEND DEFERRAL TO 11/29/2022

2.10 22-1652 **San José Municipal Water System's Water Supply Assessment for the Seely Avenue Mixed Use Project.**

Recommendation: Approve San José Municipal Water System's Water Supply Assessment for the Seely Avenue Mixed Use Project.
CEQA: Statutorily Exempt, File No. PP17-001, Feasibility and Planning Studies; CEQA Guidelines Section 15262. Council District 4. (Environmental Services)

2.11 22-1653 **San José Municipal Water System's Water Supply Assessment for the Orchard Parkway Data Center Project.**

Recommendation: Approve San José Municipal Water System's Water Supply Assessment for the Orchard Parkway Data Center Project.
CEQA: Statutorily Exempt, File No. PP17-001, Feasibility and Planning Studies; CEQA Guidelines Section 15262. Council District 4. (Environmental Services)

2.12 22-1654 **Amendment to the Purchase Order with SNF Polydyne, Inc. for Cationic Emulsion Polymer.**

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Amend purchase order OP 62535 with SNF Polydyne, Inc. (Riceboro, GA) for cationic emulsion polymer to increase compensation by $546,328, for a revised maximum compensation not-to-exceed $932,448 for the period ending on July 12, 2023.
(b) Exercise up to three additional one-year options to extend the term of the purchase order, with the last option ending on or about July 12, 2026, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003. Agreements/Contracts (New or Amended) that do not result in physical changes to the environment. (Finance)

2.13 22-1655 **Amendment to the Purchase Order with Kemira Water Solutions, Inc. for Ferric Chloride.**

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase order OP 62260 with Kemira Water Solutions, Inc. (Atlanta, GA) for ferric chloride to increase compensation by $1,200,000, for a revised maximum compensation not-to-exceed $2,500,000 for the period ending on June 30, 2023.

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

2.14 22-1656 **Actions Related to the Purchase Order with Los Loza Inc. and Anderson's Tree Care Specialists, Inc. for Tree Planting and Establishment Services.**

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute purchase orders with Los Loza Inc. (Hayward, CA) and Anderson's Tree Care Specialists, Inc. (San José, CA), for tree planting and establishment services for an initial one-year term beginning on or about November 16, 2022, and ending on or about November 15, 2023, with a total combined maximum compensation not-to-exceed $2,500,000;
(b) Approve a contingency of $250,000 for unanticipated demand for tree planting, establishment, and maintenance projects, subject to the appropriation of funds; and
(c) Exercise up to four additional one-year options to extend the term of the purchase orders with the last option ending on or about November 15, 2027, subject to the annual appropriation of funds.
CEQA: Categorically Exempt, File No. ER22-238, CEQA Guidelines Section 15304 Minor Alterations to Land. (Finance)

2.15 22-1657 **Amendment to the Settlement and Parkland Agreement for the Santana Row Development.**

Recommendation: Approve the first amendment to the Settlement and Parkland Agreement for the Santana Row Development.
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)

2.16 22-1658 **Authorization to Purchase Additional Quantities of Approved Military Equipment and Authorization to Seek Grant Funding for a Bomb Identification, Mitigation, and Disposal Robot.**

Recommendation: Approve the purchase of additional quantities of approved military equipment for use by the San José Police Department and authorize the Department to seek grant funding for a bomb identification, mitigation, and disposal robot.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police)

2.17 22-1659 Heritage Tree List Update Resolution.

Recommendation: Adopt a resolution to update the Heritage Tree List in San José pursuant to Chapter 13.28 and Chapter 13.32 of the San José Municipal Code.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Transportation)

2.18 22-1692 VEBA Advisory Committee Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on November 2, 2022, approve the following appointment to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term beginning December 1, 2022 and ending May 31, 2024:
(a) Aidan Guy, nominated by the San José Police Officers' Association (POA) as the POA's active employee member.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)
[Rules Committee referral 11/2/2022 - Item B.6]

2.19 22-1681 Approval of District 2 Fall Festival Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on November 2, 2022:
(a) Approve the District 2 Fall Festival scheduled on November 19, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)
[Rules Committee referral 11/2/2022 - Item B.3]

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 22-1651 Approval of the Terms of an Agreement with the International Association of Firefighters, Local 230 (IAFF, Local 230) to Amend Articles in the Current Memorandum of Agreement Between the City and IAFF, Local 230 (MOA) and Extend the Term of the MOA Through June 30, 2024.

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and IAFF, Local 230 to amend articles in the current Memorandum of Agreement (MOA) between the City and IAFF, Local 230 and extend the term of the MOA through June 30, 2024, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 22-1660 Downtown Transportation Plan.

Recommendation: Adopt a resolution adopting the Downtown Transportation Plan.
CEQA: Determination of Consistency with the Final Environmental Impact Report and Supplemental Program Environmental Impact Report (Resolution No. 76041) and addenda thereto, File No. ER22-257. Council Districts 3 and 6. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 22-1661 City Initiative Roadmap - Clean Energy Resilience: Electric Vehicle Fast Charging Hub Pilot.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute tolling agreement(s) with vendor(s) to deploy a public electric vehicle direct current fast-charging hubs pilot program in Fiscal Year 2023-2024 or Fiscal Year 2024-2025, at either privately owned locations or City-owned locations in low-income and disadvantaged communities, with tolling payments based on performance and subject to San José Clean Energy's control of variable retail pricing.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

7. NEIGHBORHOOD SERVICES

7.1 22-1665 BeautifySJ - Neighborhood Blight Reduction Status Report.

Recommendation: As recommended by the Neighborhood Services and Education Committee on October 13, 2022, accept a status report on BeautifySJ - Neighborhood Blight Reduction evaluation plan and results for graffiti, litter removal, illegal dumping, and Dumpster Days.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 10/13/2022 - Item (d)3]

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1666 Downtown Residential High-Rise Program.

Recommendation: (a) Accept the report on the Downtown Residential High-Rise Program.
(b) Adopt a resolution authorizing updates and an expansion of the Downtown Residential High-Rise Program applicable to projects located in the Downtown Planned Growth Area as described in the Envision San José 2040 General Plan, that are 10 or more floors or stories in height (not including any nonresidential uses) where the highest occupied floor has a floor level elevation that is at least 150 feet above street level and:

(1) Reducing the in lieu fees due for those projects under the Inclusionary Housing Ordinance to the amount of $0 for all projects obtaining building permits by June 30, 2025, and obtaining certificates of occupancy for the project before June 30, 2029,

(2) Reducing the adjusted in lieu fees required under the Inclusionary Housing Ordinance Section 5.08.525 to $0 for those rental projects that include 5% of units to be affordable to households earning 100% of area median income and obtain building permits on or after July 1, 2025, obtain certificates of occupancy for the rental project before June 30, 2033.

(c) Adopt a resolution amending the 2022-2023 Schedule of Fees and Charges (Resolution No. 72737, as amended) to reduce the Inclusionary In Lieu Fee and the adjusted in lieu fees under the San José Municipal Code Chapter 5.08 to reflect the schedule in the resolution above for qualifying Residential High-Rise Developments receiving certificates of occupancy for 80% of dwelling units by the dates specified in the resolution above.

(d) Approve an ordinance extending a temporary 50% reduction of the Building and Structure Construction Tax and a 50% reduction of the Commercial-Residential-Mobilehome Park Building Tax for qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain building permits on, or prior to, June 30, 2029 and obtain certificates of occupancy before June 30, 2033.

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

8.2 22-1667 Housing Crisis Work Plan. - TO BE HEARD CONCURRENTLY WITH ITEM 8.3

Recommendation: (a) Accept the final status report on the implementation of the Housing Crisis Work Plan.
(b) Transition the Housing Crisis Work Plan to a newly established Housing Catalyst Team Work Plan aligned with the timeline and goals of the Housing Element.
(c) Adopt a resolution amending the Underwriting Guidelines developed by the Housing Department for use in underwriting and structuring affordable housing transactions adopted by Resolution No. 78761, and amended by Resolution No. 79784 to update the per unit construction and permanent funding amount from $125,000 to $325,000.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Economic Development and Cultural Affairs/Housing/Planning, Building and Code Enforcement)
TO BE HEARD CONCURRENTLY WITH ITEM 8.3

8.3 22-1702 Maximizing Affordable Homes within Projects Receiving City Financing. - TO BE HEARD CONCURRENTLY WITH ITEM 8.2

Recommendation: As recommended by the Rules and Open Government Committee on November 2, 2022:
(a) Prioritize Measure E and other City discretionary affordable housing funding for those affordable housing projects that maximize unit count within the constraints of the municipal code, zoning, land use plan, and the City's published design guidelines; and
(b) Direct the Housing Department to communicate clearly to all affordable housing builders seeking City financing that reductions of project unit count for reasons unsupported by City policy will result in their project being deprioritized for City funding.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mayor, Jones, and Carrasco)
[Rules Committee referral 11/2/2022 - Item C.1]
TO BE HEARD CONCURRENTLY WITH ITEM 8.2

8.4 22-1668 City Initiatives Roadmap - North San José: Housing Strategy and Proposed Land Use Framework.

Recommendation: Accept the staff report regarding the North San José housing strategy and next steps.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Housing)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

10.1 Land Use on Consent Calendar

(a) 22-1669 C22-043 - Conforming Rezoning for Certain Real Property Located at 179 Di Salvo Avenue. - NOT TO BE HEARD BEFORE 1:30 P.M.

Recommendation: Approve an ordinance rezoning that certain real property of approximately 0.24-gross acre site located on the west side of Di Salvo Avenue, approximately 80 feet north of Bailey Avenue (179 Di Salvo Avenue) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 6. (Planning, Building and Code Enforcement)
NOT TO BE HEARD BEFORE 1:30 P.M.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Open Forum

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

- Adjournment

JOINT CITY OF SAN JOSÉ CITY COUNCIL/FINANCING AUTHORITY AGENDA - TO BE HEARD IMMEDIATELY AFTER CONSENT

11:00 a.m. November 15, 2022 Hybrid Meeting

- Call to Order and Roll Call

1. 22-1670 Approval of the Sale and Issuance of Bonds and Related Bond Documents for City of San José Financing Authority Wastewater Revenue Bonds, Series 2022B (Green Bonds - Climate Bond Certified). - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation: (a) City Council

(1) Adopt a resolution to approve the issuance and sale of the City of San José Financing Authority Wastewater Revenue Bonds, Series 2022B (Green Bonds - Climate Bond Certified) ("2022B Bonds") in the not-to-exceed principal amount of $300,000,000 to refund the Authority's outstanding Subordinate Wastewater Revenue Notes, Series A, pay the costs of issuing the 2022B Bonds, and approve in substantially final form the Official Statement, Bond Purchase Agreement, Continuing Disclosure Certificate, Installment Purchase Contract, authorize the City Manager and other authorized officers of the City, to execute and deliver these documents and any other related documents as necessary in connection with the issuance and sale of the 2022B Bonds, including a Fourth Amendment to the Credit Agreement by and among City of San José, City of San José Financing Authority and Wells Fargo Bank, National Association, and a Fourth Amended and Restated Fee Letter Agreement.

(2) Adopt a resolution to amend and restate Resolution No. 78382 providing for the allocation of Wastewater System Revenues, the pledge of Wastewater Net System Revenues and establishing covenants to secure the payment of obligations payable from Wastewater System Revenues.

(b) City of San José Financing Authority Board adopt a resolution to authorize the issuance and sale of the 2022B Bonds in the not-to-exceed principal amount of $300,000,000 to refund the Authority's Subordinate Wastewater Revenue Notes, Series A, pay the costs of issuing the 2022B Bonds, and approve in substantially final form the Official Statement, Bond Purchase Agreement, Indenture and Installment Purchase Contract, authorize the Executive Director and other authorized officers of the Authority, to execute and deliver these documents and any other related documents as necessary in connection with the issuance and sale of the 2022B Bonds including a Fourth Amendment to the Credit Agreement by and among City of San José, City of San José Financing Authority and Wells Fargo Bank, National Association, and a Fourth Amended and Restated Fee Letter Agreement.
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/Environmental Services)
TO BE HEARD IMMEDIATELY AFTER CONSENT

- Open Forum
- Adjournment

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

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