



# **City Council Meeting Minutes**

**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



**\* 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.*

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session **22-1649: See Pages 12-14 for Closed Session Minutes.**  
Councilmembers Absent: All present.

11:00 a.m. - Regular Session  
Councilmembers Present: All present virtually and in Council Chambers.

- **Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

- **Invocation (District 10)**

Pastor Mariellen Yoshino of the Almaden Hills United Methodist Church offered the invocation.

- **Orders of the Day**

There were no changes to the Orders of the Day. No vote was required.

- **Adjournment**

Councilmember Raul Peralez offered that today's meeting is adjourned in memory of Camdan McWright who passed away on October 21, 2022. Camdan was an amazing young man who played for the San Jose State University Football Team and enjoyed being a member of the Spartan community. Camdan brought joy to everything he did, and he will be dearly missed by everyone who knew him.

- **Closed Session Report**

None provided.

# **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Maya Esparza presented the commendation to the PRNS Aquatics and Placemaking Teams, recognizing their exceptional contributions to our communities through the Aquatics and Viva Parks programs.
- 1.2 Councilmember Pam Foley and Councilmember Raul Peralez offered the proclamation declaring November 20, 2022 as Word Day of Remembrance to commemorate the victims of traffic violence and their families.
- 1.3 Mayor Sam Liccardo presented the commendation virtually 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.

# **2. CONSENT CALENDAR**

Mayor Sam Liccardo requested to have a separate vote for Item 2.14.

Public Comment: Blair Beekman offered public testimony regarding the Consent Calendar.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. Item 2.14 was pulled by Mayor Liccardo to be taken separately. (11-0.)

## **2.1 Approval of City Council Minutes.**

None provided.

## **2.2 22-1694 Final Adoption of Ordinances.**

(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)]

*(Item Continued on the Next Page)*

## 2.2 (Cont'd.)

(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)]

Action: (a) **Ordinance No. 30838**, (b) **Ordinance No. 30839**, and (c) **Ordinance No. 30840** were adopted. (11-0.)

## 2.3 22-1712

### **Approval of Council Committee Minutes.**

(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.

Action: The Council Committee Minutes were approved. (11-0.)

## 2.4 Mayor and Council Excused Absence Requests.

None provided.

## 2.5 City Council Travel Reports.

None provided.

## 2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

## 2.7 22-1650

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

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)

Action: **Resolution No. 80757** was adopted. (11-0.)

**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.**

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)

Action: **Resolution No. 80758** was adopted. (11-0.)

**2.9 22-1693 Appointment to the Fire Retiree Seat on the Board of Administration for the Police and Fire Retirement Plan.**

(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)

**DEFERRED TO 11/29/2022 PER ADMINISTRATION.**

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

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)

Action: The San José Municipal Water System’s Water Supply Assessment for the Seely Avenue Mixed Use Project was approved. (11-0.)

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

Approve San José Municipal Water System’s Water Supply Assessment for the Orchard Parkway Data Center Project.

*(Item Continued on the Next Page)*

## 2.11 (Cont'd.)

CEQA: Statutorily Exempt, File No. PP17-001, Feasibility and Planning Studies; CEQA Guidelines Section 15262. Council District 4.  
(Environmental Services)

Action: The San José Municipal Water System's Water Supply Assessment for the Orchard Parkway Data Center Project was approved. (11-0.)

## 2.12 22-1654

### **Amendment to the Purchase Order with SNF Polydyne, Inc. for Cationic Emulsion Polymer.**

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)

Action: **Resolution No. 80759** was adopted. (11-0.)

## 2.13 22-1655

### **Amendment to the Purchase Order with Kemira Water Solutions, Inc. for Ferric Chloride.**

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)

Action: **Resolution No. 80760** was adopted. (11-0.)

## 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.**

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

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## 2.14 (Cont'd.)

(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)

Director, Department of Transportation, John Ristow responded to questions.

Mayor Sam Liccardo requested to have a separate vote for Item 2.14.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 80761** was adopted. (10-1-0. Noes: Liccardo.)

## 2.15 22-1657

### **Amendment to the Settlement and Parkland Agreement for the Santana Row Development.**

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)

Action: The first amendment to the Settlement and Parkland Agreement for the Santana Row Development was approved. (11-0.)

## 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.**

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)

Action: The purchase of additional quantities of approved military equipment for use by the San José Police Department and authorizing the Department to seek grant funding for a bomb identification, mitigation, and disposal robot was approved. (11-0.)

## 2.17 22-1659

### **Heritage Tree List Update Resolution.**

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)

Action: **Resolution No. 80762** was adopted. (11-0.)

**2.18 22-1692**

**VEBA Advisory Committee Appointment.**

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]

Action: The appointment to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term beginning December 1, 2022 and ending May 31, 2024 was approved. (11-0.)

**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.**

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]

Action: The City Council Sponsored Special Event was approved. (11-0.)

**2.20 22-1715**

**Retroactive Approval of Alviso Community Garden Ribbon Cutting Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on November 9, 2022:

(a) Retroactively approve the Alviso Community Garden Ribbon Cutting scheduled on November 5, 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. (Cohen)  
[Rules Committee referral 11/9/2022 - Item B.3]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0.)



**2.21 22-1717 Approval of Santa Teresa Dumpster Day Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on November 9, 2022:

(a) Approve the Santa Teresa Dumpster Day 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. (Mahan)

[Rules Committee referral 11/9/2022 - Item B.4]

Action: The City Council Sponsored Special Event was approved. (11-0.)

### **3. STRATEGIC SUPPORT**

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

City Manager, Jennifer Maguire offered the verbal strategic report and announced the “Holiday San José” Campaign put on by the City Manager’s office of Economic Development and Cultural Affairs. The campaign hopes to encourage the community to support local small businesses through holiday shopping in San José while exploring the Cities culture and recreational activities. The “Holiday San José” Map and Guide were displayed and is available to view on the link provided below.

<https://www.sjeconomy.com/how-we-help/programs-and-services/holiday-san-jose>

#### **3.2 Labor Negotiations Update.**

None provided.

**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.**

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)

City Manager, Jennifer Maguire stated the City and the International Association of Firefighters Local 230 (IAFF) are very pleased with the overall tentative agreement to amend the IAFF Local 230’s current Memorandum of Agreement with the City to extend the term through June 30, 2024. The agreement has been ratified by the IAFF Local 230.

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### 3.3 (Cont'd.)

Action: Upon motion by Mayor Sam Liccardo, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 80763** was adopted. (11-0.)

Council recessed for lunch at 12:31 p.m. and returned from lunch at 1:31 p.m. and proceeded with the Ceremonial Items.

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

- 5.1 22-1660 Downtown Transportation Plan.**  
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.  
6.1 Council Districts 3 and 6. (Transportation)

Director, Department of Transportation, John Ristow; Deputy Director, Jessica Zenk; Division Manager, Ramses Madou; Planning Manager, Wilson Tam offered the presentation and responded to questions.

Public Comments: (In person speaker) Blair Beekman, (Zoom speakers) Erica Pinto, and Paul Soto offered public testimony regarding the item.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80764** was adopted. (11-0.)

## **6. ENVIRONMENTAL & UTILITY SERVICES**

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

Director, Lori Mitchell and Senior Environmental Program Manager, Kate Ziemba offered the presentation and responded to questions.

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## 6.1 (Cont'd.)

Public Comments: (In person speaker) Blair Beekman and (Zoom speaker) Paul Soto offered public testimony regarding the item.

Action: Upon motion by Mayor Sam Liccardo, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 80765** was adopted. (10-0-1. Absent: Arenas.)

## **7. NEIGHBORHOOD SERVICES**

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

Deputy Director, Andrea Flores Shelton; Beautify SJ Division Manager, Olympia Williams offered the presentation and responded to questions.

Public Comments: (Zoom speaker) Paul Soto offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Matt Mahan and carried unanimously, the status report on BeautifySJ- Neighborhood Blight Reduction evaluation plan and results for graffiti, litter removal, illegal dumping, and Dumpster Days was accepted. (10-0-1. Absent: Arenas.)

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1 22-1666 Downtown Residential High-Rise Program.**  
(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,

*(Item Continued on the Next Page)*

## 8.1 (Cont'd.)

(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)

Housing Catalyst, Office of Economic Development and Cultural Affairs, Jerad Ferguson; Director, Office of Economic Development and Cultural Affairs, Nanci Klein; Director, Housing Department, Jacky Morales-Ferrand; Deputy Director, Housing Department, Rachel VanderVeen; and Deputy City Manager, Rosalynn Hughey offered the presentation and responded to questions.

Public Comments: (In Person speakers) Blair Beekman, Gary Dillabou, (Zoom Speakers) David Bini, Nate LaBlanc, Louis Mirante, Fred Buzo, Erica Valentine, Mundo Escarcega (UA Local 393), Brian Pors (UA Local 393), Louise Auerhahn, Huascar Castro, Vince Rocha, Paul Ring, Erik Schoennauer, Ali Sapirman, Ruthie Callahan, Paul Soto, and Caller 'Events SVH' offered public testimony regarding the item.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, (a) The report on the Downtown Residential High-Rise Program was accepted; (b) **Resolution No. 80766** and (c) **Resolution No. 80767** were adopted; and (d) **Ordinance No. 30846** was passed for publication. Including the joint memorandum by Councilmember David Cohen and Councilmember Sergio Jimenez, dated November 15, 2022, recommending to: (1) Accept the staff report on the Downtown Residential High-Rise Program. (2) Accept item (b)(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) (3) Accept item (c) Adopting a Resolution amending the 2022-2023 Schedule of Fees and Charges to implement item (b)(1) (4) Defer items (b)(2) and (d) pending a more comprehensive analysis. (10-0-1. Absent: Arenas.)

**8.2 22-1667**

**Housing Crisis Work Plan.**

**HEARD CONCURRENTLY WITH ITEM 8.3**

(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 Teamwork 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)

Housing Catalyst, Office of Economic Development and Cultural Affairs, Jerad Ferguson; Deputy Director, Housing Department, Rachel VanderVeen; and Deputy Director, Department of Planning, Building, and Code Enforcement, Michael Brilliot offered the presentation and responded to questions.

Public Comments: (In Person speaker) Blair Beekman, (Zoom Speakers) Paul Soto, and caller ‘Catalyze SV’ offered public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, (a) The final status report on the implementation of the Housing Crisis Work Plan was accepted and (c) **Resolution No. 80768** was adopted. (8-0-3. Absent: Cohen, Esparza, Liccardo.)

**8.3 22-1702**

**Maximizing Affordable Homes within Projects Receiving City Financing.**

**HEARD CONCURRENTLY WITH ITEM 8.2**

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]

Housing Catalyst, Office of Economic Development and Cultural Affairs, Jerad Ferguson; Deputy Director, Housing Department, Rachel VanderVeen; and Deputy Director, Department of Planning, Building, and Code Enforcement, Michael Brilliot offered the presentation and responded to questions.  
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### 8.3 (Cont'd.)

Public Comments: (In Person speaker) Blair Beekman, (Zoom Speakers) Paul Soto, and caller 'Catalyze SV' offered public testimony regarding the item.

Action: Upon motion by Mayor Sam Liccardo, seconded by Councilmember Dev Davis and carried unanimously, the actions were accepted regarding Maximizing Affordable Homes within Projects Receiving City Financing. (8-1-2. Noes: Foley. Absent: Cohen, Esparza.)

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

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)

Deputy Director, Housing Department, Rachel VanderVeen and Deputy Director, Department of Planning, Building, and Code Enforcement, Michael Brilliot offered the presentation and responded to questions.

Public Comments: (In Person speaker) Blair Beekman, (Zoom Speakers) Paul Soto, and Mathew Reed offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, the staff report regarding the City Initiatives Roadmap- North San José: Housing Strategy and Proposed Land Use Framework was accepted. (10-0-1. Absent: Esparza.)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

#### **10.1 Land Use on Consent Calendar**

##### **10.1(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.**

Approve an ordinance rezoning that certain real property of approximately 0.24-gross acre 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)

Public Comments: (Zoom Speaker) Paul Soto offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, **Ordinance No. 30847** was passed for publication. (9-0-2. Absent: Cohen, Esparza.)

## END OF CONSENT CALENDAR

### 10 Land Use - Regular Agenda

#### • Open Forum

1. Sandra urged council to identify an alternative site that is not located at Noble Avenue.
2. Robert Mickanen spoke to an alternative site being selected without facts presented, the site being dedicated as a park solely, and urged council to vote no.
3. Mary Lou Hughes stated her opposition to build tiny homes near schools and children and urged council to vote no.
4. Jasmine urged council to vote no on tiny home sites and spoke to accountability.
5. Sarah requested to change the time for open forum public comments so that it's more accommodating and accessible for working families and expressed opposition to tiny homes near schools and libraries.
6. Yami Hunt spoke to her children enjoying the Noble Avenue Park and urged council to approve the site as a solely a park.
7. Tom Wilson spoke to the Water District Agreement documents, urged to preserve the Noble Avenue Park protecting wildlife, and urged council to vote no.
8. Yin Liao urged council to vote no and stated not to place tiny homes next to schools or libraries.
9. Elva Camacho Wilson stated she voted for Measure A and urged council to vote no on the 29<sup>th</sup>.
10. Blair Beekman stated the events that happened on 9/11 fueled his commitment to surveillance technology and open democracy.
11. Paul Soto spoke to the Chicano Park in San Diego being protected its city process and its citizens.

#### • Adjournment

The Council of the City of San José adjourned at 6:15 p.m. in memory of Camdan McWright who passed away on October 21, 2022. Camdan was an amazing young man who played for the San Jose State University Football Team and enjoyed being a member of the Spartan community. Camdan brought joy to everything he did and he will be dearly missed by everyone who knew him.

Minutes Recorded, Prepared and Respectfully Submitted by,



Yasmin Johnson, Deputy City Clerk

yj/11-15-22/MIN

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/FINANCING AUTHORITY AGENDA  
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).  
HEARD IMMEDIATELY AFTER CONSENT**

(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.

*(Item Continued on the Next Page)*



## San José City Council/ Financing Authority Item (Cont'd.)

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)

Director of Finance, Julia H. Cooper; Deputy Director, Debt & Treasury Management, Qianyu Sun; Director of Environmental Services, Kerrie Romanow; Assistant Director of Environmental Services, Napp Fukuda offered the presentation and responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, (1)(a)(1) **Resolution No. 80769**, (1)(a)(2) **Resolution No. 80770**, and (1)(b) City of San José Financing Authority Board (SJFA) **Resolution No. 157** were adopted. (11-0.)

- **Open Forum**

There were no members of the public who wished to speak during this portion of the meeting.

- **Adjournment**

The Council of the City of San José adjourned the joint meeting at 12:30 p.m.

## CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 15, 2022

The Council of the City of San José convened into Closed Session at 9:30 a.m.  
The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Cohen, Carrasco,  
Davis, Esparza, Arenas, Foley, Mahan.

Absent: Councilmembers - All present.

### CLOSED SESSION ITEM(S) DISCUSSED:

#### A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: In re: Claim of Weekley  
Name(s) of  
Parties(s) Involved:  
Court: Workers Compensation Appeals Court  
Case No.: ADJ13891601; ADJ13867824  
Amount of Money Benefits  
or Other Relief  
Sought:
2. Case Name: In re: Claim of Biddle  
Name(s) of  
Parties(s) Involved:  
Court: Workers Compensation Appeals Court  
Case No.: ADJ12312456  
Amount of Money Benefits  
or Other Relief  
Sought:

#### B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(3) of the  
Government Code:

Number of matter(s) to be discussed: 1

Facts: former employee alleges wrongful termination of employment.

#### C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 1

**D. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT  
CODE SECTION 54957.6:**

**City Negotiator: Jennifer Schembri, Director of Employee Relations**

**Employee Organizations:**

- |  |   |
|--|---|
| <b>1. Organization or<br/>Name and Title of<br/>Unrepresented<br/>Employees:<br/>Nature of<br/>negotiations:<br/>Name of Existing<br/>Contract or MOA:<br/>How to Obtain a<br/>copy of Existing<br/>Contract or MOA:</b> | <b>Municipal Employees’ Federation, AFSCME Local 101,<br/>AFL-CIO (MEF)<br/><br/>wages/salaries, hours, working conditions, etc.<br/><br/>Memorandum of Agreement — City of San José and<br/>Municipal Employees’ Federation, AFSCME Local 101,<br/>AFL-CIO<br/>Web: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-<br/>government/departments/employee-relations/labor-<br/>relations-information/bargaining-units-labor-contract-info</a><br/>Telephone – Employee Relations: (408) 535-8150</b> |
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- |  |   |
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| <b>2. Organization or<br/>Name and Title of<br/>Unrepresented<br/>Employees:<br/>Nature of<br/>negotiations:<br/>Name of Existing<br/>Contract or MOA:<br/>How to Obtain a<br/>copy of Existing<br/>Contract or MOA:</b> | <b>San José Police Officers’ Association<br/>(SJPOA)<br/><br/>wages/salaries, hours, working conditions, etc.<br/><br/>Memorandum of Agreement — City of San José and San<br/>José Polices’ Association<br/>Web: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-<br/>government/departments/employee-relations/labor-<br/>relations-information/bargaining-units-labor-contract-info</a><br/>Telephone – Employee Relations: (408) 535-8150</b> |
|--|---|

By unanimous consent, Council recessed from the Closed Session at 10:30 a.m.; to reconvene in Regular Open Session at 11:00 a.m. in Council Chambers.