



City Council Meeting Amended Agenda

Tuesday, August 25, 2020

11:00 AM

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

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

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

*** COVID-19 NOTICE ***

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

How to observe the Meeting (no public comment):

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

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

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 913 2537 8626. Click *9 to raise a hand to speak.
- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

• Call to Order and Roll Call

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

20-920 Closed Session Agenda

11:00 a.m. - Regular Session

6:00 p.m. - Evening Session

*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Pledge of Allegiance
- Invocation (District 7)
- 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.

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

20-953 Approval of City Council Minutes.

Recommendation: (a) City Council Special Meeting Minutes of July 28, 2020.
(b) Regular City Council Meeting Minutes of August 11, 2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

2.2 Final Adoption of Ordinances.

20-940 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30455 - An Ordinance of the City of San José Amending Section 2.08.820 of Chapter 2.08 of Title 2 of the San José Municipal Code to Add an Additional Four Temporary Nonvoting Members to the Arts Commission with Terms from August 11, 2020 to December 31, 2020.
[Passed for Publication on 8/11/2020 - Item 3.7 (20-898)]
(b) Ordinance No. 30459 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.90 Gross Acre Situated on the North Side of Bark Lane, Approximately 150 Feet West of Weyburn Lane (7201 Bark Lane), from the A(PD) Planned Development Zoning District to the RM(PD) Planned Development Zoning District.
[Passed for Publication on 8/11/2020 - Item 10.1(a)(2) (20-853)]
(c) Ordinance No. 30460 - An Uncodified Ordinance of the City of San José Temporarily Extending the Term of Specified Land Use Permits by Two Years from the Set Expiration Date, and Tree Removal Permits by Eight Months from the Set Expiration Date.
[Passed for Publication on 8/11/2020 - Item 10.1(b) (20-854)]
(d) Ordinance No. 30461 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.01 Gross Acres Situated on the West Side of San Felipe Road, Approximately 2,000 Feet North of Yerba Buena Road (4349 San Felipe Road) (APN: 676-36-007) from the R-1-5 Single-Family Residence Zoning District to the A(PD) Planned Development Zoning District.
[Passed for Publication on 8/11/2020 - Item 10.1(c)(1) (20-855)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 20-921 Approval of Unemployment Insurance Appropriation Ordinance Adjustments to Increase Payment of Claims and Access Reserves.

Recommendation: Adopt the following Appropriation Ordinance Amendments in the Unemployment Insurance Fund:

- (a) Increase the Payment of Claims appropriation by \$500,000; and
- (b) Decrease the Unemployment Insurance Claims Reserve by \$500,000.

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. (Human Resources/City Manager)

2.8 20-922 Actions Necessary to Accept the Assistance to Firefighters Grant Program - COVID-19 Supplemental Funds from the Department of Homeland Security Federal Emergency Management Agency.

Recommendation: (a) Adopt a resolution authorizing the City Manager to take all actions necessary to effectuate an award and performance under the Department of Homeland Security Federal Emergency Management Agency's award under its Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental of \$301,125, including City matching funds of \$45,169 for a total of \$346,293.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (1) Establish a City-Wide Expenses appropriation to the Fire Department for the Assistance to Firefighters Grant - COVID-19 Supplemental 2020 in the amount of \$346,293;
- (2) Decrease the Non-Personal/Equipment appropriation to the Fire Department by \$45,169; and
- (3) Increase the estimate for Revenue from Federal Government by \$301,124.

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

2.9 20-938 Retroactive Approval of Silicon Valley LGBTQ+ Pride Week City Hall Lighting Display Sponsored by Council District 9 and Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: (a) Retroactively approve Silicon Valley LGBTQ+ Pride Week scheduled on August 25- September 1, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley & Davis)
[Rules Committee referral 8/12/2020 - Item A.1.a]

3. STRATEGIC SUPPORT

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

20-923 (a) City Manager's COVID 19 Update (Verbal Report)
(b) City Manager's Report on Other City Matters (Verbal Report)
TO BE HEARD BEFORE CONSENT CALENDAR

3.2 Labor Negotiations Update.

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

3.3 20-924 San José Food Distribution Update. - DEFERRED

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on August 6, 2020, accept the report on the update on food and necessities distribution work in support of the City's Pandemic Response which reviews accomplishments, lessons learned, and the transition back to Santa Clara County.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)
[Smart Cities and Service Improvements Committee referral 8/6/2020 - Item (d)2]
DEFERRED TO 9/1/20 PER ADMINISTRATION

3.4 20-925 Public Hearing on the Grant of Franchise to Hummingbird Energy Storage, LLC for Electric Services.

Recommendation: Conduct a Public Hearing and approve an ordinance granting a franchise to Hummingbird Energy Storage, LLC for the purpose of transmitting and distributing electric service in the City's public rights-of-way.
CEQA: Initial Study/Mitigated Negative Declaration for the Hummingbird Energy Storage Project, File No. CP19-020. Council District 2. (Public Works)

3.5 20-926 Community Plan to End Homelessness 2020-25.

Recommendation: Adopt a resolution to endorse the Community Plan to End Homelessness 2020-25.
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/City Manager)
RECOMMEND - NOT TO BE HEARD BEFORE 4:00 P.M. PER ADMINISTRATION

3.6 20-927 Council Policy Priority # 5: Commercial Linkage Impact Fee. - DEFERRED

Recommendation: (a) Approve an ordinance adding Chapter 5.11 to Title 5 of the San José Municipal Code enacting a requirement that new non-residential development pay a commercial linkage fee for the provision of affordable housing.
(b) Adopt a resolution establishing the amounts of commercial linkage fees in accordance with Chapter 5.11 of Title 5 of the San José Municipal Code.
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. (Economic Development/Housing)
DEFERRED TO 9/1/2020 PER ADMINISTRATION

3.7 20-947 Proposition 16 on the November 3, 2020 California General Election Ballot.

Recommendation: Receive analysis and adopt a support position for Proposition 16 on the November 3, 2020 California General Election ballot.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Deferred from 8/18/2020 - Item 3.6 (20-872)]
TO BE HEARD LAST

4. PUBLIC SAFETY SERVICES

- 4.1 20-928 Police Department Preliminary After Action Report for the Public Protests, Civil Unrest, and Law Enforcement Response from May 29 - June 7, 2020. - DEFERRED**

Recommendation: Accept the Police Department's After-Action Report for the public protests, civil unrest, and law enforcement response from May 29 - June 7, 2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
DEFERRED TO 9/15/2020 PER ADMINISTRATION

- 4.2 20-970 Police Department Duty Manual Amendments. - CONTINUED FROM 8/18/2020 Item 4.4**

Recommendation: (a) Approve amendments to the Police Department Duty Manual referenced as one through five in the July 27, 2020 Memo that follow the direction provided by the City Council as part of the police reforms work plan.
(b) Direct the City Manager to:
(1) Strengthen amendment six, to ban the use of rubber bullets in any crowded setting.
(2) Ban the use of the Carotid Restraint for any purpose other than self-defense of the officer or defense of another person, and only where the officer or other person's life is under imminent and serious threat of death--commensurate with the necessary predicate for the use of a firearm.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police)
[Deferred from 8/11/2020 - Item 4.1 (20-851); Continued from 8/18/2020 - Item 4.4 (20-884)]

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-929 Actions Related to the Development of Airport Connector and Stevens Creek Lines.

Recommendation: Direct staff, in collaboration with all jurisdictions involved, to pursue the development of both the Airport Connector and Stevens Creek Transit Lines in parallel paths:

(a) Develop the partnerships, project definition, and funding to deliver a publicly funded and operated transit solution; and

(b) Develop the legal and procedural processes to allow for a privately funded and operated transit solution.

CEQA: Not a Project, File No. PP17-001, Feasibility and Planning studies with no commitment to future actions. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 20-930 Actions Related to the Integrated Resource Plan and Power Procurement.**Recommendation:** Adopt a resolution:

(a) Approving two portfolios to be submitted to the California Public Utilities Commission as part of the 2020 Integrated Resource Plan as follows:

(1) Portfolio resulting in 46 million metric tons of carbon emissions from the electric system by 2030;

(2) Portfolio resulting in 38 million metric tons of carbon emissions from the electric system by 2030 as the preferred portfolio.

(b) Amending Subsection A of Resolution No. 78711 to modify some of the criteria for the 2018 Integrated Resource Plan approved by City Council, and approving 2020 Integrated Resource Plan criteria that prioritize building additional renewable resources to meet state and local low-carbon goals and CPU regulatory requirements.

(c) Authorizing the Director of Community Energy to use the findings from the Integrated Resource Plan modeling analysis to finalize, approve, and submit to the California Public Utilities Commission the 2020 Integrated Resource Plan; provided that such final plan reflects the criteria and includes the two portfolios approved by City Council herein; and provided further that the Director will submit the final 2020 Integrated Resource Plan to City Council pursuant to an information memorandum within ten days of filing the plan with the California Public Utilities Commission;

(d) Subject to the Energy Risk Management Policy, the appropriation of funds, and Risk Oversight Committee approval of all contracts with a duration of five years or more, increasing the authority granted to the Director of Community Energy or her designee for the procurement of:

(1) Long-term renewable energy by \$500,000,000 for a total not to exceed amount of \$1,500,000,000 in aggregate in Calendar Years 2024 through 2043; and

(2) Short- and medium-term power supply products, other than Resource Adequacy products, by \$212,000,000 to an amount not to exceed \$275,000,000 in aggregate in Calendar Years 2024 through 2032.

(e) Amending Resolution No. 79109 to authorize the Director of Community Energy or her designee to use \$130,000,000 previously authorized for long-term power supply contracts for the Calendar Years 2021 through 2023 for either long-term or short-term power supply products other than Resource Adequacy; provided that, energy procurement shall not exceed the coverage ratios established in the Risk Management Regulations.

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

6.2 20-931 Actions Related to the Issuance of Non-Exclusive Franchise Agreements for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.

Recommendation: (a) Conduct a public hearing on the applications of the companies listed below for Non-Exclusive Franchises for the non-exclusive collection, transport, and disposal of residential clean-out material and construction and demolition debris:

- (1) Yellowsack Inc.;
- (2) A-Force Roll Off, LLC;
- (3) Mohammed Abdo dba iDump - San José Dumpster Rentals.

(b) Adopt ordinances granting the franchises for these companies.

(c) Approve the Non-Exclusive Franchise Agreements with these companies for the collection, transport, and disposal of residential clean-out material and construction and demolition debris, for the term beginning the effective date of the ordinance granting the franchise through June 30, 2021.

CEQA: Categorically Exempt, File No. ER20-162, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

6.3 20-932 2019 San Francisco Bay Area Integrated Regional Water Management Plan and Proposition 1 Integrated Regional Water Management Program Grant.

Recommendation: (a) Adopt a resolution:

(1) Approving the 2019 San Francisco Bay Area Integrated Regional Water Management Plan, a comprehensive, non-binding water plan that analyzes and prioritizes water supply, wastewater and recycled water, stormwater and flood protection, and watershed management and habitat protection and restoration needs and projects in the nine county Bay Area region; and

(2) Authorizing the City Manager to negotiate and execute a Local Project Sponsor Agreement with the Association of Bay Area Governments (ABAG) to effectuate a \$3,203,550 grant with City matching funds of 65% for a total project cost of \$9,215,000 relating to the River Oaks Stormwater Capture Project for the term ending on or about September 2024, and all related documents necessary for the grant.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Storm Sewer Capital Fund:

(1) Establish an estimate for Revenue from State of California in the amount of \$1,518,000; and

(2) Establish the River Oaks Stormwater Capture Project appropriation to the Public Works Department in the amount of \$1,518,000.

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. (Public Works/Environmental Services/City Manager)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-941 Report on Economic Indicators to Evaluate Need for Continuing the Eviction Moratorium and Extension of COVID-19 Eviction Moratorium to September 30, 2020.

Recommendation: (a) Accept the staff report on economic indicators to guide City Council's decision-making regarding the eviction moratorium.
(b) Adopt a resolution extending the temporary moratorium through September 30, 2020 on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Housing)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

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

- Council will recess until 6:00 p.m.

10. LAND USE

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

10.1 Land Use on Consent Calendar

- (a) **20-933** **C19-050 - Conforming Rezoning for Real Property located at 550-600 East Brokaw Road.**

Recommendation: Approve an ordinance rezoning that certain real property located on the southeast corner of East Brokaw Road and Junction Avenue (550-600 East Brokaw Road) from an A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 19.70-acre site.

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. File No. C19-050. Council District 3. (Planning, Building and Code Enforcement)

- (b) **20-934** **PDC18-041 & PD18-047 - Planned Development Rezoning and Planned Development Permit for Real Property located at 1168 Brace Avenue.**

Recommendation: (a) Approve an ordinance rezoning that certain real property located at the south side of Brace Avenue approximately 280 feet easterly of Newport Avenue (1168 Brace Avenue) from the R-1-8 Single-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District to allow up to four single-family attached residences on an approximately 0.28-gross acre site.

(b) Adopt a resolution approving, subject to conditions, the partial demolition of an existing single-family residence and the removal of three ordinance-size trees for the construction of four multi-family units on an approximately 0.28-gross acre site.

CEQA: Categorically Exempt, CEQA Guidelines Section 15303(b) for New Construction or Conversion of Small Structures. File Nos.

PDC18-041 & PD18-047. Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

10.2 20-935 Administrative Hearing on the Appeal of the Planning Commission's Approval of Conditional Use Permit Amendment No. CPA16-035-01 for the Bascom Andoil Carwash Amendment Project.

Recommendation: (a) Conduct an Administrative Hearing to consider the Appeal of the Planning Commission's approval of the Conditional Use Permit Amendment, Permit No. CPA16-035-01, for the Bascom Andoil Carwash Amendment Project, which permits the addition of an automatic car wash, the reduction in overall project square footage, and site improvements at an existing gas station on an approximately 0.8-gross acre lot located at 3702 South Bascom Avenue.

(b) Adopt a resolution denying the permit appeal and approving, subject to conditions, Conditional Use Permit Amendment No. CPA16-035-01, for the Bascom Andoil Carwash Amendment Project, which permits the addition of an automatic car wash, the reduction in overall project square footage, and site improvements at an existing gas station on an approximately 0.8-gross acre site, on the southeast corner of South Bascom Avenue and Woodard Road (3702 South Bascom Avenue). CEQA: Categorically Exempt, CEQA Guidelines Section 15332 (Class 32), Infill Development Projects. Council District 9. (Planning, Building and Code Enforcement)

- Open Forum

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

- Adjournment

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

11:00 a.m.

August 25, 2020

Virtual Meeting

- Call to Order and Roll Call

1. 20-936 City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2020A (Civic Center Refunding Project).

Recommendation: (a) City Council take the following actions:

(1) Conduct a Public Hearing for the approval of the issuance by the City of San José Financing Authority of Taxable Lease Revenue Bonds, Series 2020A (Civic Center Refunding Project) in order to finance the acquisition and construction of public improvements of the City of San José consisting of a full build-out of existing space within the 4th and San Fernando Garage for office space which will be occupied by the San José Community Energy Department and other City operations (the “Community Energy Department Project”); and

(2) Adopt a resolution approving and authorizing the execution of documents and approving related actions in connection with the issuance by the City of San José Financing Authority of Taxable Lease Revenue Bonds, Series 2020A (Civic Center Refunding Project) in the maximum principal amount not to exceed \$365,000,000 in connection with the refinancing of certain public capital improvements of the City of San José and the financing of the Community Energy Department Project.

(b) City of San José Financing Authority Board adopt a resolution authorizing the issuance and sale of the Taxable Lease Revenue Bonds, Series 2020A (Civic Center Refunding Project) in the maximum principal amount not to exceed \$365,000,000 in connection with the refinancing of certain public capital improvements of the City of San José and the financing of the Community Energy Department Project, and approving and authorizing the execution of documents and approving related actions.

CEQA: Categorically Exempt, File No. PP19-030, CEQA Guidelines Section 15301, Existing Facilities, and;

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)

UNDER BOTH THE DEBT MANAGEMENT POLICY AND SAN JOSÉ MUNICIPAL CODE SECTION 4.34.200, APPROVAL OF THE ISSUANCE OF THE LEASE REVENUE BONDS REQUIRES A TWO-THIRDS VOTE BY THE CITY COUNCIL (8 VOTES)

2. 20-937 City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2020B (Ice Centre Project).

Recommendation: (a) City Council take the following actions:

(1) Conduct a public hearing for the approval of the issuance by the City of San José Financing Authority of Taxable Lease Revenue Bonds, Series 2020B (Ice Centre Project) (the “2020B Bonds”) in order to finance the acquisition and construction of public improvements of the City of San José consisting of two additional ice rinks and related facilities at the Solar4America Ice Centre at San José;

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

(a) The Second Amended and Restated Ice Centre Lease and Management Agreement between the City of San José and Sharks Ice, LLC;

(b) The Agreement for the Fourth Expansion of the Ice Centre of San José between the City of San José and Sharks Ice, LLC; and

(c) All other documents necessary to effectuate the Second Amended and Restated Ice Centre Lease and the Agreement for the Fourth Expansion of the Ice Centre;

(3) Adopt a resolution approving and authorizing the execution of documents and approving related actions in connection with the issuance by the City of San José Financing Authority of the 2020B Bonds in the maximum principal amount not to exceed \$155,000,000 in connection with the refunding of the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project) (“2008E Bonds”) and the financing of the Ice Centre Project;

(4) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the Ice Centre Revenue Fund:

(a) Increase the Beginning Fund Balance by \$919,284;

(b) Decrease the estimate for Revenue from the Use of Money/Property by \$1,980,479;

(c) Decrease the Ice Centre Debt Service Payment appropriation to the Finance Department by \$2,249,247;

(d) Decrease the Repairs - Structures appropriation to the Finance Department by \$440,865;

(e) Decrease the Repairs - Mechanical appropriation to the Finance Department by \$278,000;

(f) Decrease the Repairs - Miscellaneous appropriation to the Finance Department by \$165,000;

(g) Decrease the Repairs - Electrical appropriation to the Finance Department by \$90,000;

(h) Decrease the Repairs - Unanticipated/Emergency appropriation to the Finance Department by \$75,000;

(i) Establish the Refunding of Previous Base Rent Payments to the Finance Department in the amount of \$1,553,040;

(j) Establish a Transfer to the General Fund - Administrative Expenses appropriation in the amount of \$75,000;

(k) Increase the Ice Centre Oversight Expenses appropriation to the Finance Department by \$23,546;

(l) Establish the Capital Rehabilitation Reserve in the amount of 585,000; and

(m) Increase the Unrestricted Ending Fund Balance by \$331.

(b) City of San José Financing Authority Board adopt a resolution authorizing the issuance and sale of the Taxable Lease Revenue Bonds, Series 2020B (Ice Centre Project) in the maximum principal amount not to exceed \$155,000,000 in connection with the refunding of the Series 2008E Bonds and the financing of the Ice Centre Project and approving and authorizing the execution of documents and approving related actions.

CEQA: Initial Study/ Mitigated Negative Declaration for the Solar4America Ice Facility Expansion Project (Resolution No. 79388).
(Finance/City Manager)

UNDER BOTH THE DEBT MANAGEMENT POLICY AND SAN JOSÉ MUNICIPAL CODE SECTION 4.34.200, APPROVAL OF THE ISSUANCE OF THE LEASE REVENUE BONDS REQUIRES A TWO-THIRDS VOTE BY THE CITY COUNCIL (8 VOTES)

- 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 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.