City Council Meeting Agenda

Tuesday, September 15, 2020

1:30 PM

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

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

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

Welcome to the San José City Council meeting!

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

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.

- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.

- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.

- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.

- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

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

- **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.
- 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 ilegislate application used by City Council and staff.
2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

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

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

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

1) By Phone: (888) 475 4499. Webinar ID is 913 2537 8626. Click *9 to raise a hand to speak.
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
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session
See Separate Agenda

20-1055 Closed Session Agenda

1:30 p.m.- Regular Session

6:00 p.m. - Evening Session
***RECOMMEND CANCELLATION EVENING SESSION**

- Pledge of Allegiance
- Invocation (District 8)
- 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

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.

20-1059 **Approval of City Council Minutes.**

Recommendation: (a) City Council Special Meeting Amended Minutes of July 28, 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.

20-1056 **Final Adoption of Ordinances.**

Recommendation: (a) Ordinance No. 30466 - An Ordinance of The City Of San José Granting Hummingbird Energy Storage, LLC, a Franchise to Use or to Lay and Use, Interconnection and Transmission Wiring and Appurtenances for the Purpose of Transmitting and Distributing Electricity In, Along, Across, Upon and Under Certain Public Streets and Rights-Of-Way within the City of San José.
[Passed for Publication on 8/25/2020 - Item 3.4 (20-925)]
(b) Ordinance No. 30471 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 19.70 Gross Acres Situated on the Southeast Corner of East Brokaw Road and Junction Avenue (550-600 East Brokaw Road) (APN: 237-08-079) from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.
[Passed for Publication on 8/25/2020 - Item 10.1 (a) (20-933)]
(c) Ordinance No. 30472 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.28 Gross Acre Situated on 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.
[Passed for Publication on 8/25/2020 - Item 10.1 (b)(a) (20-934)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

20-1060 **Mayor and Council Excused Absence Requests.**

Recommendation: Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the AD-HOC Committee for Housing Construction and Development Services on August 27, 2020 due to illness.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 20-1029 **Amendment to Master Services Agreement with Logik Systems, Inc. for Hosted E-Discovery and Document Management.**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fifth Amendment to the Master Services Agreement with Logik Systems, Inc. for hosted e-discovery and document management, increasing the maximum amount of compensation by $91,250, for a total compensation amount of $320,549, and extending the term beginning September 28, 2017 through September 27, 2021.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

2.8 20-1030 **Amendment to Consultant Services Agreement with Kimley Horn & Associates, Inc. for the Airport Runway Incursion Mitigation/Design Standards Analysis Study.**

Recommendation: Approve a Third Amendment to the Consultant Services Agreement with Kimley Horn & Associates, Inc. for the Runway Incursion Mitigation/Design Standards Analysis Study at the Norman Y. Mineta San José International Airport, extending the term of the Agreement to September 30, 2021, with no change in maximum compensation.
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)

2.9 20-1031 **Actions Related to Purchase Orders with Telos Identity Management Solutions, LLC for Designated Aviation Channeling Services at the Mineta San José International Airport.**

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute purchase order(s) with Telos Identity Management Solutions, LLC (Ashburn, VA) for Designated Aviation Channeling services at the Airport, including related professional services, equipment, materials, software subscription and transaction fees, support, and maintenance, for an initial two-year term beginning October 1, 2020, and up to 5 one-year options to extend the term through September 30, 2027, for a maximum compensation not to exceed $118,930 for the first year from October 1, 2020 through September 30, 2021, subject to the appropriation of funds; and
(b) Amend purchase order(s) during the initial term to increase compensation for up to $100,000 from contingency for increases in demand and unanticipated expenses to ensure full regulatory compliance and optimize system performance and operation, subject to the appropriation of funds.

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

2.10 20-1032 **Fourth Quarter Financial Reports for Fiscal Year 2019-2020.**

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on August 20, 2020, accept the Fourth Quarter (period ending June 30, 2020) Financial Reports for Fiscal Year 2019-2020 for the following programs:
(a) Debt Management;
(b) Investment Management; and
(c) Revenue Management.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

2.11 20-1033 **Temporary Amendment to the City of San José Investment Policy.**

Recommendation: Adopt a resolution approving revisions to Council Policy 1-12, "City of San José Investment Policy", to temporarily increase the average weighted maturity of the investment portfolio from 2 years to 2.5 years through June 30, 2021.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance)

2.12 20-1048 **Airport Concession Disadvantaged Business Enterprise Program for Federal Fiscal Years 2021-2023.**

Recommendation: Adopt a resolution:
(a) Approving the proposed Airport Concession Disadvantaged Business Enterprise (ACDBE) program update in accordance with the regulations of the Federal Aviation Administration (FAA) for the Norman Y. Mineta San José International Airport;
(b) Approve the three-year ACDBE race-neutral goal of 10.10% for all Airport Concessions, other than car rentals, for Federal Fiscal Years (FFY) 2021-2023;
(c) Approve the three-year ACDBE race-neutral goal of 0.40% for rental cars for FFY 2021-2023;
(d) Authorizing the City Manager to submit the three-year ACDBE program to the FAA; and
(e) Authorizing the City Manager to make revisions to the three-year ACDBE plan as requested by the FAA.

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)

2.13 20-1049 Parking Citation Delinquent Fee Amnesty Program.

Recommendation: (a) Adopt a resolution establishing a time limited Parking Citation Delinquent Fee Amnesty Program ("Amnesty Program") to temporarily reduce outstanding parking citations back to the original issued fine amount by waiving accumulated delinquent fees on outstanding parking citations issued on or before March 19, 2020.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with the City's current parking citation processing and collection vendor, Turbo Data Systems, for additional services related to the administration of the Amnesty Program for an amount not to exceed $200,000.
CEQA: Not a Project, File No. PP17-003, Agreements and Contracts that will result in no physical changes to the environment; and Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares and Charges. (Transportation)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 20-1035 Coronavirus Relief Funds for Resident Assistance Efforts. - RECOMMEND DEFERRAL

Recommendation: Approve the Resident Assistance funding allocation plan for approximately $2 million in Coronavirus Relief Funds.
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. (City Manager)
[Deferred from 9/1/2020 - Item 3.4 (20-971)]
RECOMMEND DEFERRAL TO 9/22/2020 PER ADMINISTRATION

3.4 20-1036 **Conduct Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing and Adopt Resolution Approving the Reissuance of $48,250,000 Of California Enterprise Development Authority Revenue Obligations for the Benefit of Valley Christian Schools.**

Recommendation: (a) Hold a Tax Equity and Fiscal Responsibility Act ("TEFRA") Public Hearing for the reissuance of up to $48,250,000 in tax-exempt obligations ("the "2017 Obligations") by the California Enterprise Development Authority (the "Authority" or "CEDA"). The proceeds of the 2017 Obligations were loaned to Valley Christian Schools, a California nonprofit religious corporation, duly organized and existing under the laws of the State of California (the "School") pursuant to that certain Loan Agreement, dated as of June 1, 2017, by and among First Republic Bank, the California Enterprise Development Authority and the School (the "Loan Agreement"). The proceeds of the 2017 Obligations loaned to the School were used for the purpose of (1) financing, refinancing or reimbursing the School for (i) the construction, installation and equipping of elementary school buildings and playground and parking improvements located at 1500 Leigh Avenue, San José, California, and a high school baseball stadium and field and various improvements, and (ii) the acquisition, construction, installation, improvement, renovation, furnishing and equipping of a junior high school and high school campus owned by the Borrower located at 100 Skyway Drive, San José, California, and an acquisition of approximately 11.37 acres of land immediately adjacent thereto.
(b) Consideration of a resolution approving the reissuance of 2017 Obligations by the Authority in a principal amount of up to $48,250,000 to be used to refinance the cost associated with certain educational facilities and to pay certain expenses incurred in connection with the reissuance of the 2017 Obligations.
CEQA: Valley Christian Schools Planned Development Rezoning Environmental Impact Report (Resolution No. 76915), and Addenda thereto, File No. PDC12-12-012; Mitigated Negative Declaration for the Valley Christian Elementary School. File No. CP01-06-047. (Finance)

4. PUBLIC SAFETY SERVICES

4.1 20-1042 Fireworks Ordinance Workplan Status Update.

Recommendation: Accept the status report on the implementation of the Fireworks Ordinance Workplan Post-Fourth of July 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. (Fire)
[Rules and Open Government Committee referral 8/19/2020 - Item G.2]

4.2 20-1045 Release of Police Department Video Footage.

Recommendation: As recommended by the Rules and Open Government Committee on August 26, 2020:

(a) The Council deem as "incidents of extraordinary public interest" the three publicized encounters between SJPD officers and protesters during the May 2020 period of unrest, as identified on (http://www.sjpd.org/records/protest_videos.html) and in the Council memorandum dated June 5, 2020 from Vice Mayor Jones and Council Members Peralez, Diep, and Carrasco, and Mayor Liccardo as:

(1) The incident involving the collision between the police motorcycle and the running pedestrian;

(2) The incident involving a physical altercation between police and a male who is pulled back behind the police line by multiple officers, and subjected to repeated blows by police; and

(3) The incident involving an officer responding to a protester with expletives, including "shut up, b***h."

(b) Within 2 weeks of Council vote on this item, the City Manager shall release body-worn camera or other City-generated video and audio clips regarding each of the incidents of extraordinary public interest identified in paragraph (a), under the following conditions:

(1) All video sources shall be provided, but where multiple such sources exist and production of all sources would unduly consume time and labor, the City shall identify the three videos that most clearly and fully capture the event;

(2) At least ten minutes of footage prior to the actual interaction or event shall be provided in each case, to ensure the viewer has the benefit of the full context of the incident; and

(3) Provision of this video shall be limited only by the exceptions outlined in state law under SB 748 for responses to Public Record Act requests for video of "critical incidents," mandating disclosure except where would doing so would "substantially interfere" with an ongoing criminal or administrative investigation, such as "endangering a witness' or confidential source's safety," as demonstrated by clear and convincing evidence.

(c) Return to Council with an ordinance or Council Policy requiring release of body-worn camera footage under similar conditions similar to those described in Paragraph (b) for all incidents that the Council deems to be "police incidents of extraordinary public interest," unless Staff recommends different conditions based on public input and Staff's experience.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 08/26/2020- Item G.4]

4.3 20-1046 **Police Department Duty Manual Amendments. - CONTINUED FROM 8/18/2020**

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; and
(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)]

4.4 20-1047 **Police Department Preliminary After Action Report for the Public Protests, Civil Unrest, and Law Enforcement Response from May 29 - June 7, 2020.**

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 from 8/25/2020 - Item 4.1 (20-928)]

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1050 Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the Markham Plaza II Apartments Located at 2010 Monterey Road.

Recommendation: (a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") public hearing for the issuance not to exceed $25,000,000 in tax-exempt private-activity bonds by City to finance the acquisition by Markham Plaza II, L.P and rehabilitation of the Markham Plaza II Apartments, formerly Tully Gardens II Apartments, a 152-unit apartment complex located at 2010 Monterey Road in San José.

(b) Adopt a resolution approving the issuance of Revenue Bonds by the City in an aggregate principal amount not to exceed $25,000,000 to finance the acquisition and rehabilitation of a 152-unit multifamily rental housing facility for the benefit of Markham Plaza II, LP, a California limited partnership, or an entity to be created by Core Affordable Housing, LLC (or an affiliate), and certain other matters relating thereto; and

(1) A change in the existing affordability restriction for Markham Plaza II Apartments (formerly Tully Gardens II Apartments) to allow a change from 151 units affordable to extremely low-income ("ELI") households at up to 30% of Area Median Income ("AMI") and one unrestricted manager's unit to 76 units affordable to ELI households at up to 30% of AMI and 75 units to be restricted affordable to very low-income households for new or over income tenants only at up to 35% of AMI;

(2) An increase to rents and income up to 60% AMI (low-income) for all units in the event of foreclosure or for new tenants in subsidized units in the event of the expiration or involuntary termination of subsidy contracts, provided the City has determined the increase is needed for feasibility of the development and allowed by other funds;

(3) The extension of the existing City's loan term by an additional 17 years; until the 55th anniversary of the closing of the bond financing, and a decrease in the City's loan interest rate from 4.77% fixed, compounded annually to 3% fixed, compounded annually;

(4) The subordination of the City's Deeds of Trust to a County option to purchase the land, provided that the City shall have a right of first refusal to purchase the land; and

(5) The Director of Housing to negotiate and execute any City loan documents, grant documents, amendments, and all other documents related to these actions.

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

8.2 20-1051 Approval of a Loan Commitment to Blossom Hill, L.P. for the Development of Blossom Hill Senior Apartments.

Recommendation: (a) Adopt a resolution

(1) Approving a total commitment of up to $18,375,000 in Low and Moderate Income Housing Asset Funds for a Construction-Permanent Loan to Charities Housing Development Corporation of Santa Clara County, or an affiliated entity, for the Blossom Hill Senior Apartments, a new affordable development to be located at 397 Blossom Hill Road, which is being developed to offer 147 rent--and income--restricted apartments for extremely low-income and very low-income senior households and two unrestricted manager's unit ("Development").

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments and all other documents, including any amendments thereto, related to the City financing for the Development.

(3) Approving a loan-to-value ratio of greater than 100% for this loan.

(b) Adopt the following 2020-2021 Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation by $18,375,000; and

(2) Increase the appropriation to the Housing Department for Housing Loans and Grants by $18,375,000.

CEQA: Mitigated Negative Declaration for the Blossom Hill Senior Apartments Mixed-Use Project, File Nos. CP18-022 and T18-034. (Housing/City Manager)

8.3 20-1052 Approval of a Loan Commitment to MP Moorpark Associates, L.P., for the Development of 1710 Moorpark Development.

Recommendation: (a) Adopt a resolution:

(1) Approving up to a total commitment of up to $10,971,000 in Low and Moderate Income Housing Asset Funds for a Construction-Permanent Loan to MidPen Housing Corporation, or an affiliated development entity, for the 1710 Moorpark project, located at 1710 Moorpark, which is being developed to offer 106 affordable, rent-restricted apartments, and two unrestricted manager's units ("Development");

(2) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for Development;

(3) Approving a loan-to-value ratio of greater than 100% for this loan; and

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

(b) Adopt the following Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation by $10,971,000; and

(2) Increase the Housing Loans and Grants appropriation to the Housing Department by $10,971,000.

CEQA: Not a Project, PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 6. (Housing/City Manager)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

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

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item

10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

(a) 20-1053 **C20-006-Conforming Rezoning of Certain Real Property Located at 931 Meridian Avenue.**

Recommendation: Approve an ordinance rezoning an approximately 0.16-gross acre site, located on the west side of Meridian Avenue, approximately 470 feet south of Fruitdale Avenue (931 Meridian Avenue), from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian 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)
TO BE HEARD IMMEDIATELY AFTER CONSENT

(b) 20-1054 **PP20-011- Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code for Proposed Quarterly Zoning Code Update.**

Recommendation: (1) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto (SCH#2009072096). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs;

(2) Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to:

(i) amend Part 4.5, Accessory Dwelling Units, to make minor clarifying text alterations within Sections 20.30.460, 'Single-Family Dwelling' lot, 20.30.470, 'Junior Accessory Dwelling Units - Single family dwelling lot,' and 20.30.480, 'Two-Family and Multi-Family Dwelling lots;

(ii) amend Part 2.5 - Transient Occupancy as an Incidental Use to a Residence, to make a minor clarifying text change to Section 20.80.150;

(iii) amend Part 9, Home Occupations Section 20.80.700, to include Accessory Dwelling Units; and

(iv) amend Tables 20-50, 20-90, 20-110, and 20-150 within Sections 20.30.100, 20.40.100, 20.50.100, and 20.75.200 to change permitting requirements for day care center uses from a Conditional Use to a Special Use; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto (SCH#2009072096). (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

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

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.