



City Council Meeting Amended Agenda

Tuesday, October 27, 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:

- 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 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. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/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.

For Closed Captions, please visit the City's YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream

<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select "Interpretation." Click the language you would like to hear.

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn "Interpretation" (Phiên dịch).

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).

- **Call to Order and Roll Call**

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

20-1291 Closed Session Agenda

1:30 p.m. - Regular Session

- **Pledge of Allegiance**

- **Invocation (District 9)**

2020 District 9 Stars

- **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.

20-1314 Approval of City Council Minutes.

Recommendation: (a) City Council Regular Meeting Minutes of September 15, 2020
(b) City Council Regular Meeting Minutes of September 29, 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.

2.3 Approval of Council Committee Minutes.

20-1313 Approval of Council Committee Minutes.

Recommendation: (a) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of September 17, 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.

2.4 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 20-1270 Stipend for Employees Working from Home Due to COVID-19 Pandemic.**Recommendation:** Adopt a resolution to:

- (a) Authorize the City Manager to negotiate with the following bargaining units and execute a Side Letter Agreement with those bargaining units that agree to the terms set forth in the staff memorandum to Council related to a \$200 stipend for eligible employees working from home due to the COVID-19 pandemic:
- (1) Association of Building, Mechanical, and Electrical Inspectors (ABMEI);
 - (2) Association of Engineers and Architects (AEA);
 - (3) Association of Legal Professionals (ALP);
 - (4) Association of Maintenance Supervisor Personnel (AMSP);
 - (5) City Association of Management Personnel (CAMP);
 - (6) International Association of Firefighters, Local 230 (IAFF);
 - (7) International Brotherhood of Electrical Workers (IBEW);
 - (8) Municipal Employees' Federation (MEF);
 - (9) International Union of Operating Engineers, Local #3 (OE#3);
 - (10) San Jose Police Officers' Association (POA); and
 - (11) International Union of Operating Engineers, Local #3 Peace Officers Park Rangers Association (POPRA).
- (b) Approve a \$200 stipend for eligible executive management and professional employees in Unit 99 consistent with the terms of the Side Letter Agreement with the City's bargaining units.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (City Manager)

2.8 20-1271 Approval of the Terms of the Settlement Agreement Concerning Attorney Fees with the International Association of Firefighters, Local 230, International Federation of Professional and Technical Engineers, Local 21, and Operating Engineers, Local 3.

- Recommendation:** Approve a settlement in the amount of \$110,000 to the International Association of Firefighters, Local 230 (IAFF), International Federation of Professional and Technical Engineers, Local 21 (IFPTE), and Operating Engineers, Local 3 (OE#3) for attorney's fees related to the Alternative Pension Reform Framework Agreement and authorize the City Attorney to execute a Settlement Agreement.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

2.9 20-1272 Amendment to Declaration of Champions Way Parcel as Surplus Property.

Recommendation: Adopt a resolution declaring a portion of the City-owned Champions Way property (APN 230-59-002) as surplus to the needs of the City pursuant to Cal. Gov. Code §54221(b)(1).
CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053), the General Plan 2040 FEIR (SCH# 2009072096), the General Plan 2040 FSEIR (SCH# 2009072096), and addenda thereto. Council District 3. (Economic Development)

2.10 20-1273 Actions Related to Purchase Orders with the American Association of Airport Executives for a Computer-Based Training System at the San José International Airport.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute purchase order(s) with the American Association of Airport Executives (Alexandria, VA) for a Computer-Based Training System at the Airport, including related professional services, software subscription, support, and maintenance, for an initial two-year term beginning November 1, 2020 and up to five one-year options to extend the term through October 31, 2027 for a maximum compensation not to exceed \$224,800 during the first year of the initial two-year term, subject to the appropriation of funds; and
(b) Amend purchase order(s) as required to adjust for increases in badged personnel and unanticipated expenses to ensure regulatory compliance and to 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)

2.11 20-1274 Amendment to Master Agreement with Cooperative Personnel Services for Recruitment Projects.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement with CPS HR Consulting, for recruitment projects, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$540,000, with each service order subject to appropriation of funds.

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

2.12 20-1275 Award of Construction Contract for Aborn Roadway Improvement Project.

Recommendation: (a) Approve award of a construction contract for the Aborn Roadway Improvement Project, to the low bidder, Redgwick Construction, Co. in the amount of \$644,998.

(b) Approve an approximate 15% contingency in the amount of \$96,750.

CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 8. (Transportation)

2.13 20-1276 Second Amendment to Consultant Agreement with HMM Engineers for the US 101/Blossom Hill Road Interchange Improvement Project.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Second Amendment to the consultant agreement between the City and HMM Engineers for the US 101/Blossom Hill Road Interchange Improvement Project to expand the scope of services related to Design Services During Construction, increase the maximum total amount of compensation by \$428,800 from \$5,363,700 to \$5,792,500, and extend the term of the agreement from December 31, 2021 to July 31, 2023.

CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. Council District 2. (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 20-1278 Summary Vacation of a Street Easement Located at 1605 Industrial Avenue with Reservation of a Public Storm Drain Easement and a Public Sanitary Sewer Easement within the Area Being Vacated.

Recommendation: Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of the street easement (“Subject Portion”) at 1605 Industrial Avenue with the reservation of a public storm drain easement and a public sanitary sewer easement within the area being vacated;
 - (b) Summarily vacating the Subject Portion, which has been determined to be excess, and reserving a public storm drain easement and public sanitary sewer easement within the area being vacated; and
 - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: Mitigated Negative Declaration for the 1605 Industrial Avenue Project. File No. PD18-044. Council District 3. (Public Works)

3.4 20-1300 Acceptance of Retirement Plans’ Comprehensive Annual Investment Fee Reports for Calendar Year 2019.

Recommendation: Accept the following reports:

- (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2019.
 - (b) Federated City Employees’ Retirement System Comprehensive Annual Fee report for calendar year 2019.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Retirement Services)
[Deferred from 10/20/2020 - Item 3.6 (20-1238)]

3.5 20-1305 Redistricting Commission.

Recommendation: As recommended by the Rules and Open Government Committee on October 14, 2020:

- (a) Open application period for the Redistricting Commission pursuant to Article IV, Section 403 of the City Charter from approval date to December 13, 2020;
- (b) Agendize appointment of the Redistricting commission for January 12, 2021; and
- (c) Set the date for Councilmembers to nominate Commissioners no later than January 7, 2021.

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

[Deferred from 10/7/2020 - Item G.3 (ROGC 20-249)]

[Rules Committee referral 10/14/2020 - Item G.2]

4. PUBLIC SAFETY SERVICES

4.1 20-1280 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 Committee referral 08/19/2020 - Item G.2; 09/09/2020 - Item G.3]
[Deferred from 9/15/2020 - Item 4.1 (20-1042)]

4.2 20-1292 Actions Related to the Approval of the Proposed 2020-2022 Spending Plan for the Supplemental Law Enforcement Services Grant and the Revised 2019-2021 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.

Recommendation: (a) Approve the proposed 2020-2022 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,593,797 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum to Council and in the event State SLES Grant payments are less or more than expected.
(b) Approve the revised 2019-2021 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$2,477,518.
(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:
(1) Establish an estimate for Revenue from State of California in the amount of \$1,646,728;
(2) Increase the appropriation to the Police Department for the SLES Grant 2019-2021 in the amount of \$896,728; and
(3) Establish the SLES Grant 2020-2022 appropriation to the Police Department in the amount of \$750,000.

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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-1281 Public Hearing for Airline Support Program.

Recommendation: (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration, to Alaska Airlines and Volaris Airlines.

(b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined in the table of the staff memorandum to Council.

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

5.2 20-1277 Consultant Agreement with HNTB Corporation for the US 101/Mabury-Berryessa-Oakland Corridor Improvements Project.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement between the City and HNTB Corporation for engineering consultant services for the US

101/Mabury-Berryessa-Oakland Corridor Improvements Project for a term from date of execution to December 31, 2025, with the City's option to extend for up to two one-year extensions, for an amount not to exceed \$7,500,000.

CEQA: Not a Project, File PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 3 and 4. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 20-1282 Approval of the Payne Avenue Master Plan Located at 3257 Payne Avenue. - NOT TO BE HEARD BEFORE 5:00 P.M.

Recommendation: Approve the Master Plan for a 1.9-acre neighborhood park with phasing plan for a community center located at 3257 Payne Avenue.
CEQA: Categorically Exempt, File No. ER19-082, CEQA Guidelines Section 15332. In-Fill Development Projects. Council District 1. (Parks, Recreation and Neighborhood Services)
NOT TO BE HEARD BEFORE 5:00 P.M.

7.2 20-1283 Actions Related to the St. James Park Capital Vision and Performing Arts Pavilion Project.

Recommendation: (a) Adopt a resolution certifying the St. James Park Capital Vision and Performing Arts Pavilion Project Environmental Impact Report (EIR) and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopt a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA).
(b) Approve the St. James Park Updated Capital Vision (i.e., Master Plan) to guide future rehabilitation of this downtown park.
CEQA: St. James Park Capital Vision and Performing Arts Pavilion Project Environmental Impact Report (EIR), File No. PP16-037.
Council District 3. Planning Commission recommends approval (7-0).
(Parks, Recreation and Neighborhood Services)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1285 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Page Street Studios Development.

Recommendation: (a) Adopt a resolution:

(1) Authorizing the issuance of tax-exempt multifamily housing revenue note designated as "City of San José California Multifamily Housing Revenue Note (Page Street Studios), Series 2020B 1 and Series 2020B 2 in an aggregate principal amount not to exceed \$29,500,000 (together, the "Series 2020B Note");

(2) Approving a loan of Series 2020B Note proceeds to Page Street, L.P., a California limited partnership sponsored by Charities Housing Development Corporation a California nonprofit corporation, to finance the acquisition, construction and development of the 82 apartment multifamily rental housing development known as the Page Street Studios located at 329-353 Page Street in San José (the "Development");

(3) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, and Regulatory Agreement and Declaration of Restrictive Covenants (the "Series 2020B Note Documents"); and

(4) Authorizing and directing the City Manager, Director of Housing, the Director of Finance, Assistant Director of Finance, the Deputy Director of Debt and Treasury Management and Debt Administrator or their designees, to execute and deliver the Series 2020B Note Documents and related or ancillary to the Series 2020B Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development's rents and income to increase to up to 60% of Area Median Income (low income) for new tenants in the event of the expiration or termination of Section 8 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 and allowed by other funds; and

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to the above change to the City Loan terms.

CEQA: Mitigated Negative Declaration, Page Street Housing Project, File Nos. SP17-037 and AT18-012, dated 10/19/18. Council District 6. (Housing/Finance)

[Deferred from 9/29/2020 - Item 3.5 (20-1128)]

8.2 20-1286 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Alum Rock Family Housing.

Recommendation: (a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Alum Rock Family Housing), Series 2020A” (the “2020 Note”) in a principal amount not to exceed \$36,855,974;

(2) Approving the loan of 2020 Note proceeds to Alum Rock Family Housing, L.P., a California limited partnership created by Affirmed Housing Group, a California for profit corporation, to finance the construction and development of an 87 apartment multifamily development known as Alum Rock Family Housing located at 2380 Alum Rock Avenue, in San José (the “Development”);

(3) Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (collectively, the “2020 Note Documents”);

(4) Authorizing a reduction in the City’s issuance and annual monitoring fees in the approximate amount of \$600,000 during the term of the 2020 Note notwithstanding the City’s Policy for Issuance of Multifamily Housing Revenue Bonds, as provided below; and

(5) Authorizing and directing the City Manager, Director of Housing, Director of Finance, or their designees, to execute and deliver the 2020 Note Documents together with any documents ancillary to the 2020 Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development’s rents and income up to 60% AMI (low income) for new tenants in subsidized apartments in the event of expiration or termination of Project Based Vouchers, and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds; and

(2) Authorizing the Director of Housing, or Designee, to negotiate and execute loan documents, amendments, and all other documents related to this action.

CEQA: Statutorily Exempt, ER20-109, Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, File No. ER20-109. Council District 5. (Housing/Finance)

[Deferred from 9/29/2020 - Item 3.6 (20-1129)]

8.3 20-1287 Internal Transfer for Affordable Housing Sites.**Recommendation:** Adopt a resolution:

(a) Authorizing the Director of Housing to negotiate and execute any documents required under California Redevelopment Law for the transactions herein, and any amendments or modification thereto, including, but not limited to, the affordability restrictions; and
(b) Authorizing the transfer of the following three City-owned real properties, totaling approximately 1.02 acres of land, to the Housing Department to be funded from the Low and Moderate Income Housing Asset Funds for the future construction of affordable housing in exchange for the appraised values of the properties consistent with the California Redevelopment Law:

(1) 3707 Williams Road (Assessor Parcel Number 299-32-074) from the Department of Parks, Recreation and Neighborhoods Service for the appraised amount of \$6,200,000;

(2) 1749 Mt. Pleasant Road (Assessor Parcel Number 647-24-042), from the Fire Department for the appraised amount of \$900,000;

(3) 430 Park Avenue (Assessor's Book 259, Page 46, unassigned parcel), from the Office of Economic Development for the appraised amount of \$555,000.

CEQA: Statutorily Exempt, File No. ER20-107, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 1, 3, 5. (Economic Development/Fire/Housing/Parks, Recreation and Neighborhood Services)

8.4 20-1289 Update on the 6th Cycle Regional Housing Needs Allocation.**Recommendation:** Accept the staff report informing the Council of the Regional Housing Needs Allocation process.

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)

9. REDEVELOPMENT – SUCCESSOR AGENCY**10. LAND USE**

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **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.