



City Council Meeting Amended Agenda

Tuesday, May 11, 2021

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
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



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

Welcome to the San José City Council meeting!

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

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

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

- 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. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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

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

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

*** COVID-19 NOTICE ***

Consistent with 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

[21-1004](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - Cancelled

*The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**
- **Invocation (District 5)**

Monique Valenzuela

- **Orders of the Day**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

*** SEE NEW ITEM 2.15, " Amicus Curiae Brief in support of Defendants-Appellees in the Ninth Circuit Case of ACA Connects – America’s Communications Association vs. Rob Bonta, in his official capacity as Attorney-General of California” TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d); Council Agenda Items’ Placement After Rules During Social Distancing Period Resolution No. 79485.**

*** SEE AMENDED ITEM 3.6, "RETURN TOGETHER” TO BE ADDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d).**

- Closed Session Report

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.

[21-1149](#)**Approval of City Council Minutes.****Recommendation:**

- (a) City Council Regular Meeting Minutes of December 1, 2020.
 - (b) City Council Special Meeting - City Roadmap From COVID to Recovery Minutes of March 15, 2021.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [\(a\) 12/1/2020 CC Draft Minutes](#)
- [\(b\) 3/15/2021 CC SM Draft Minutes](#)

2.2 Final Adoption of Ordinances.**2.3 Approval of Council Committee Minutes.**

[21-1148](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Smart Cities and Service Improvements Committee Meeting Minutes of March 4, 2021.
 - (b) Regular Smart Cities and Service Improvements Committee Meeting Minutes of April 1, 2021.
 - (c) Regular Community and Economic Development Committee Meeting Minutes of March 22, 2021.
 - (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 21, 2021.
 - (e) Regular Neighborhood Services and Education Committee Meeting Minutes of April 8, 2021.
 - (f) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of April 15, 2021.
 - (g) Regular Transportation and Environment Committee Meeting Minutes of April 5, 2021.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [\(a\) 3/4/2021 Smart Cities Minutes](#)
- [\(b\) 4/1/2021 Smart Cities Minutes](#)
- [\(c\) 3/22/2021 CED Minutes](#)
- [\(d\) 4/21/2021 ROGC Minutes](#)
- [\(e\) 4/8/2021 NSE Minutes](#)
- [\(f\) 4/15/2021 PSFSS Minutes](#)
- [\(g\) 4/5/2021 T&E Minutes](#)

2.4 Mayor and Council Excused Absence Requests.[21-1146](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

- Request for an excused absence for Councilmember Esparza from the Regular Meeting of the San José City Council on May 4, 2021 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)
- [Rules Committee referral 5/5/2021 - Item A.1.a]

Attachments

- [Memorandum](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.**

- 2.7 [21-1008](#) Approval of Mental Health Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.--Recommend Deferral**

Recommendation:

As recommended by the Rules and Open Government Committee on April 14, 2021:

(a) Approve May 2021 as Mental Health Awareness Month scheduled on May 11, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 4/14/2021 - Item G.1.a]

Recommend Deferral to 5/18/2021

Attachments [Memorandum](#)

- 2.8 [21-1009](#) Actions Related to the Purchase Orders for Plumbing Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with Burr Plumbing and Pumping, Inc.

(San José, CA) and with AB JDD Plumbing Heating & Air

Conditioning, Inc. (San José, CA) for plumbing services for an initial twelve-month period, starting on or about May 12, 2021 and ending on or about May 11, 2022, for a total cumulative compensation not-to exceed amount of \$990,000; and

(b) Exercise up to four additional one-year options to extend the term of the purchase orders with the last option year ending on or about May 11, 2026, subject to the annual 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/Public Works)

Attachments [Memorandum](#)

2.9 [21-1010](#) Water Service Agreement for 9084-9183 Fire Department Training Center and Emergency Operations Center Relocation Project.

Recommendation: Approve an agreement with the San José Water Company for installation of water facilities to serve the new Fire Department Training Center and Emergency Operations Center, in the amount of \$186,840. CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. Council District 7. (Public Works)

Attachments [Memorandum](#)
[Agreement](#)

2.10 [21-1115](#) Retroactive Approval of the Sound the Alarm Day of Action Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2021:
(a) Retroactively Approve the Sound the Alarm Day of Action Event scheduled on May 8, 2021 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. (Cohen)
[Rules Committee referral 5/5/2021- Item G.1.c]

Attachments [Memorandum](#)

2.11 [21-1123](#) **Retroactive Approval of Multiple Special Events Sponsored by Council District 7 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2021:

- (a) Retroactively approve the Dumpster Day held at Dove Hill Park scheduled on April 24, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Stonegate Elementary Paint Night scheduled on April 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Black April Remembrance at the Viet Museum scheduled on April 30, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Esparza)
[Rules Committee referral 5/5/2021 - Item G.1.d]

Attachments [Memorandum](#)

2.12 [21-1130](#) **Approval of the Keep Coyote Creek Beautiful Commendation Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2021:

- (a) Approve the Keep Coyote Creek Beautiful Commendation scheduled on May 11, 2021 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. (Perez)

[Rules Committee referral 5/5/2021 - Item G.1.e]

Attachments [Memorandum](#)

- 2.13** [21-1137](#) **Retroactive Approval of Recognizing the Natalia Smüt Lopez Lighting Ceremony and Approval of Proclamation Sponsored by Council Districts 5 and 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2021:
(a) Retroactively approve the Natalia Smüt Lopez Lighting Ceremony scheduled from May 7, 2021 to May 13, 2021 and approve Proclamation event scheduled on May 11, 2021 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. (Carrasco and Foley)
[Rules Committee referral 5/5/2021 - Item G.1.f]

Attachments [Memorandum](#)

- 2.14** [21-1144](#) **Approval of District 10 SAP Grant for Almaden Valley Women's Club.**

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2021:
Approve a \$2,500 SAP grant from Council District 10 to support the efforts of the Almaden Valley Women's Club to provide recreational and cultural opportunities to the community.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Mahan)
[Rules Committee referral 5/5/2021 - Item G.2]

Attachments [Memorandum](#)

- 2.15** [21-1161](#) **Amicus Curiae Brief in support of Defendants-Appellees in the Ninth Circuit Case of ACA Connects - America's Communications Association vs. Rob Bonta, in his official capacity as Attorney-General of California.**

Recommendation: Authorize the City Attorney to join in Amicus Curiae brief being drafted by the County of Santa Clara on behalf of California local governmental entities in support of the California Attorney General in defending a challenge to S.B. 822 which provides net neutrality protections.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Attorney)

Attachments [Memorandum](#)

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** [21-1023](#) **Approval of the Terms of an Agreement with the San José Police Officers' Association (SJPOA) for the Term of July 1, 2021 Through June 30, 2022.**

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the San José Police Officers' Association (SJPOA) for the term of July 1, 2021 through June 30, 2022, and authorizing the City Manager to execute the agreement with those terms.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)
 [Resolution](#)

3.4 [21-1011](#) Actions Related to Continued Exploration of Pension Obligation Funding Strategies.

Recommendation: Direct the City Administration and the Office of the City Attorney to take the following actions related to the further exploration of the issuance of Pension Obligation Bonds as a funding option for the City's unfunded accrued liabilities in the Federated City Employees' Retirement System and the Police and Fire Department Retirement Plan:

- (a) Proceed with planning and preparation of bond documents and court validation documents necessary for the issuance of Pension Obligation Bonds ("POBs") and return to City Council on June 29, 2021 with the necessary actions to proceed with court validation;
- (b) Prepare a Pension Obligation Funding Policy for City Council review and approval;
- (c) Coordinate with the Office of Retirement Services to schedule a joint meeting(s) with Council and both Retirement Boards to develop an understanding of the respective Retirement Boards' investment strategy for the POBs proceeds; and
- (d) Return to Council for approval of POBs financing plans with accompanying analysis of risks and benefits after the POBs are successfully validated.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Finance)

Attachments [Memorandum](#)
 [Memorandum from Mahan, 5/10/2021](#)
 [Presentation - 5 minutes](#)

3.5 [21-1012](#) Annexation Area No. 2 to Convention Center Facilities District No. 2008-1.

Recommendation:

- (a) Accept the landowner approval forms to annex hotel property into Convention Center Facilities District No. 2008-1 as Annexation No. 2.
 - (b) Adopt a resolution:
 - (1) Approving the annexation of territory to Convention Center Facilities District No. 2008-1 and levying a special tax within Annexation No. 2; and
 - (2) Directing the City Clerk to record a notice of special tax lien.
 - (c) Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the Convention Center Facilities District Revenue Fund:
 - (1) Increase the revenue estimate for Convention Center Facilities District Special Tax by \$4,582,360; and
 - (2) Increase the Unrestricted Ending Fund Balance by \$4,582,360.
- CEQA: Determination of Consistency to the San José Downtown Strategy 2000 Environmental Impact Report (Resolution No. 72767), and Addenda thereto, File No. PP08-002. Council Districts 3, 4 and 6. (Public Works/Finance/City Manager)

Attachments [Memorandum](#)
 [Resolution](#)

3.6 [21-1046](#) **Return Together.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 28, 2021, approve an ordinance adding Chapter 14.11 to Title 14 of the San José Municipal Code that includes requirements that were in the City Attorney's draft "Travel and Hospitality Worker Return Together" ordinance and that impose greater standards or additional enforcement provisions than in recently enacted Senate Bill 93.

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

[Rules Committee referral 3/24/2021 - Item G.3]

[Deferred from 4/13/2021 - Item 3.4 (21-691); 4/27/2021 - Item 3.3 (21-890); 5/4/2021 - Item 3.7 (21-954)]

Attachments

[Memorandum](#)

[Supplemental from City Attorney, 5/6/2021](#)

[Supplemental from City Attorney, 4/13/2021](#)

[Ordinance](#)

[Letter from Assemblymember Kalra](#)

[Letters from the Public 1 of 6](#)

[Letters from the Public 2 of 6](#)

[Letters from the Public 3 of 6](#)

[Letters from the Public 4 of 6](#)

[Letters from the Public 5 of 6](#)

[Letters from the Public 6 of 6](#)

3.7 [21-1047](#) Public Purpose Bonds Issued by a Joint Powers Authority for Moderate-Income Rental Housing.

Recommendation: Accept the staff report on public purpose bonds issued by a joint powers authority (JPA) for moderate-income housing, and direct the Administration not to move forward with releasing a term sheet in order to pursue membership in one or more JPAs for moderate-income housing at this time.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance/Housing)

[Deferred from 4/27/2021 - Item 3.7 (21-885); 5/4/2021 - Item 3.8 (21-955)]

Attachments [Memorandum](#)
[Supplemental Memorandum, 4/29/2021](#)
[Memorandum from Jones and Esparza, 5/7/2021](#)
[Memorandum from Mahan and Cohen, 5/7/2021](#)
[Presentation - 10 minutes](#)
[Letters from the Public - 1 of 2](#)
[Letters from the Public - 2 of 2](#)

4. PUBLIC SAFETY SERVICES

4.1 [21-1019](#) Fireworks Ordinance Workplan Status Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on April 15, 2021, accept the status report on the implementation of the Fireworks Ordinance Workplan Pre-Fourth of July 2021.

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/Police/Planning, Building and Code Enforcement)

[Public Safety, Finance and Strategic Support Committee referral 4/15/2021 - Item (d)3]

Attachments [Memorandum](#)
[Presentation, 4/15/2021](#)
[Letters from the Public](#)
[Presentation - 15 minutes](#)

4.2 [21-1020](#) Amendment to Title 10 (Social Host Ordinance) and to 2020-2021 Schedule of Fees and Charges for Illegal Fireworks.

Recommendation:

(a) Approve an ordinance amending Chapter 10.17 of Title 10 of the City of San José Municipal Code to:

- (1) Add Sections 10.17.060 and 10.17.070 to define Social Host and Strictly Liable;
- (2) Amend Section 10.17.030 to define private and public property;
- (3) Amend Section 10.17.100 to impose strict liability on social hosts for fireworks violations at their property and/or gatherings;
- (4) Add Section 10.17.130 to provide a billing mechanism for charging responsible parties for emergency response costs associated with fireworks violations; and
- (5) Add Section 10.17.140 to include an administrative appeal procedure for recipients to dispute the imposition or amount of a response charge.

(b) Adopt a resolution amending the 2020-2021 Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish response charges for emergency responses related to fireworks violations.

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

Attachments [Memorandum](#)
 [Ordinance](#)
 [Resolution](#)
 [Memorandum from Esparza, 5/10/2021](#)
 [Presentation - 15 minutes](#)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [21-1021](#) Amendment to San José Clean Energy 2021 Service and Rate Changes.**Recommendation:**

Adopt a resolution:

(a) Amending San José Clean Energy's (SJCE) GreenSource default product beginning May 15, 2021 by increasing its renewable energy content to 55% and increasing its rates to 8% above Pacific Gas and Electric Company's (PG&E) generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment, provided that SJCE's 100% renewable energy TotalGreen product will continue to be 0.5-1 cent per kWh higher than GreenSource;

(b) Establishing a third product called GreenValue, with rates set at parity to PG&E generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment; and

(c) Establishing the SJ Cares program for CARE (California Alternate Rates for Electricity) and FERA (Family Electric Rate Assistance) customers, for whom GreenSource generation service will be set at parity to PG&E generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment.

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

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation - 10 minutes](#)
 [Letters from the Public](#)

7. NEIGHBORHOOD SERVICES**8. COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 [21-1022](#) Final Public Hearing and Approval of the Fiscal Year 2021-22 Annual Action Plan for the U.S. Department of Housing and Urban Development. - NOT TO BE HEARD BEFORE 5:00 P.M.

Recommendation: (a) Conduct a final public hearing on the Fiscal Year 2021-22 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development (HUD).
 (b) Adopt a resolution to:
 (1) Approve the Fiscal Year 2021-22 Annual Action Plan;
 (2) Authorize the Director of Housing to submit the FY 2021-22 Annual Action Plan to HUD; and
 (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the FY 2021-22 Annual Action Plan and all related contract amendments, extensions and changes.
 CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project specific CEQA clearance. (Housing)
 NOT TO BE HEARD BEFORE 5:00 P.M.

Attachments [Memorandum](#)
 [Resolution](#)

8.2 [21-1048](#) Approval of Supported Isolation and Quarantine Funding Agreement with Santa Clara County.

Recommendation:

Adopt a resolution to:

- (a) Authorize the City Manager to negotiate and execute a Cost Sharing Agreement with the County of Santa Clara for up to \$10,000,000 to provide supported isolation and quarantine services to City residents toward containing and mitigating community spread of COVID-19 in the City of San José (Isolation and Quarantine Support Program) for a term retroactive from December 31, 2020 through June 30, 2021; subject to the appropriation of funds; and
- (b) Accept \$640,000 from the County to provide meals to non-San José residents who are staying in motels as part of the County's Isolation and Quarantine Support Program.

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

Attachments

[Memorandum](#)
[Presentation - 12 minutes](#)
[Resolution](#)

**8.3 [21-1147](#) Response to City Council Direction for Sanctioned Encampment. -
RECOMMEND DEFERRAL TO 5/18/2021 PER ADMINISTRATION**

Recommendation:

Accept the report providing a response to City Council direction to implement a sanctioned encampment program for the duration of the public health emergency and provide direction on the level of services for the sanctioned encampment.

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)

RECOMMEND DEFERRAL TO 5/18/2021 PER
ADMINISTRATION

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.