



City Council Meeting Amended Agenda

Tuesday, August 3, 2021

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/93052835954>

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.

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 illegislate 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 930 5283 5954. 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/93052835954>
 - 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>.

- Call to Order and Roll Call

9:30 a.m.- Closed Session

[21-1661](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

- Pledge of Allegiance
- Invocation (District 7)

Abe Andrade, the Santa Clara County Fairgrounds.

- 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

1.1 Presentation of a Proclamation Recognizing August 1, 2021 as World Lung Cancer Day. (Foley)

1.2 Presentation of a Proclamation for Breastfeeding Awareness Month. (Arenas)

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.

[21-1718](#)**Approval of City Council Minutes.****Recommendation:**

(a) City Council Regular Meeting Minutes of February 9, 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 [\(a\) 2/9/2021 CC Minutes](#)

2.2 Final Adoption of Ordinances.

[21-1668](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30633 - An Ordinance of the City of San José Amending Title 3 of the San José Municipal Code to Add Section 3.28.725 to Chapter 3.28 Related to Ceasing the Normal Contributions for Tier 1 Members at Thirty Years of Service.

[Passed for Publication on 6/29/2021- Item 2.8 (21-1525)]

(b) Ordinance No. 30642 - An Ordinance of the City of San José Adding Section 10.50.025 to Chapter 10.50 of Title 10 of the San José Municipal Code to Prohibit Encouraging Spectators to Gather at Street Races and Reckless Driving Exhibitions.

[Passed for Publication on 6/29/2021- Item 4.2 (21-1642)]

(c) Ordinance No. 30644 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 27 Gross Acres Situated on the South Side of Mitty Way Bounded by Doyle Road to the West and Moorpark Avenue to the East (5000 Mitty Way) (APN: 381-21-016, -018, -021, -022 and -023) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District.

[Passed for Publication on 6/29/2021- Item 10.1(a) (21-1556)]

(d) Ordinance No. 30645 - An Ordinance of the City of San José rezoning certain real property of approximately 28.86 gross acres generally bounded by Berryessa Road to the north, Coyote Creek, Salamon Court and Berryessa Station Way to the east, Mabury Road to the south, and Valley Transportation Authority right-of-way to the west from the A(PD) Planned Development Zoning District and IP Industrial Park Zoning District to the PQP Public/Quasi-Public Zoning District (APNs: 254-17-008; 254-17-110); from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District (APN: 254-17-111); from the IP Industrial park Zoning District to the PQP Public/Quasi-Public Zoning District (APN 254-17-083); and from the IP Industrial Park Zoning District to the CP Commercial Pedestrian Zoning District (APNs: 254-17-112; 254-17-113).

[Passed for Publication on 6/29/2021- Item 10.4(c) - (21-1626)]

(e) Ordinance No. 30646 - An Ordinance of the City of San José rezoning, subject to conditions, certain real property of approximately 61.5 gross acres situated on the south side of Berryessa Road, east of Coyote Creek, west of the BART tracks corridor and north of Mabury Road (The San José Flea Market; APNs: 254-17-052; 254-17-053; 254-17-007; 254-17-084; 254-17-095), from the A(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District.

[Passed for Publication on 6/29/2021- Item 10.5(b) - (21-1627)]

(f) Ordinance No. 30647 - An Ordinance of the City Council of the City of San José Repealing Section 14.30.035 of Chapter 14.30 of Title 14 of the San José Municipal Code to Acknowledge the Application of the US-101/Oakland/Mabury Traffic Impact Fee to the Flea Market South Development.

[Passed for Publication on 6/29/2021 - Item 10.5(c) - (21-1627)]

(g) Ordinance No. 30648 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2,029- Gross Acres Situated in Various Locations of the City, Including the East Foothills of San José on Sierra Road, on Miracel Mountain Drive North of the Boulder Ridge Golf Club, and in South San José on Casa Loma Road from the R-1-1 Residential Zoning District and A(PD) Planned Development Zoning District to the OS Open Space Zoning District (APNS 595-07-023; 694-01-027; 694-01-030; 742-18-007; 742-12-008; 742-19-001).

[Passed for Publication on 6/29/2021 -Item 10.6 - (21-1631)]

Attachments [\(e\) Second Revised Memorandum, 8/2/2021](#)
[\(e\) Ordinance](#)
[Letters from the Public](#)

2.3 Approval of Council Committee Minutes.

[21-1719](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Neighborhood Services and Education Committee Meeting Minutes of May 20, 2021.
 - (b) Regular Neighborhood Services and Education Committee Meeting Minutes of June 10, 2021.
 - (c) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of June 17, 2021.
 - (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 2, 2021.
 - (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 16, 2021.
 - (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 23, 2021.
 - (g) Regular Smart Cities and Service Improvements Committee Meeting Minutes of June 3, 2021
 - (h) Regular Transportation and Environment Committee Meeting Minutes of June 7, 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

- [\(a\) 5/20/2021 NSE Minutes](#)
- [\(b\) 6/10/2021 NSE Minutes](#)
- [\(c\) 6/17/2021 PSFSS Minutes](#)
- [\(d\) 6/2/2021 ROGC Minutes](#)
- [\(e\) 6/16/2021 ROGC Minutes](#)
- [\(f\) 6/23/2021 ROGC Minutes](#)
- [\(g\) 6/3/2021 Smart Cities Minutes](#)
- [\(h\) 6/7/2021 T&E Minutes](#)

2.4 Mayor and Council Excused Absence Requests.**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.**

2.7 [21-1663](#)**Actions Related to Amendments to Agreements for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.****Recommendation:**

Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of Measure F, the Alternative Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:

- (a) A Ninth Amendment and Continuation Agreement with Renne Public Law Group, LLP (formerly Renne Sloan Holtzman & Sakai LLP) (RPLG) for legal services in connection with labor relations matters, retroactively extending the term from July 1, 2021 through June 30, 2022 with no increase in the amount of compensation;
- (b) A Twelfth Amendment and Continuation Agreement with Hanson Bridgett LLP (Hanson Bridgett) for legal services in connection with the City's retirement plans and other benefit plans and programs, retroactively extending the term from July 1, 2021 through June 30, 2022 and increasing the amount of compensation by \$164,000, for a total amount not to exceed \$719,000; and
- (c) A Twelfth Amendment and Continuation Agreement with Ice Miller LLP (Ice Miller) for legal services in connection with retiree health and dental benefits and related tax issues, retroactively extending the term from July 1, 2021 through June 30, 2022 with no increase in the amount of compensation.

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

Attachments [Memorandum](#)

2.8 [21-1662](#) Appointment to the Board of Administration for the Police and Fire Department Retirement Plan.

Recommendation: (a) Appoint Franco Vado as the Police Department Retiree Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2024.
(b) Appoint Dave Wilson as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2021.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Deferred from 6/29/2021 - Item 2.7 (21-1564)]

Attachments [Memorandum](#)

2.9 [21-1664](#) Award of Contract for the Citywide Outfall Rehabilitation (Six Outfalls) Project.

Recommendation: Award a construction contract for the 7699 - Citywide Outfall Rehabilitation (Six Outfalls) Project to the low bidder, JMB Construction, Inc., in the amount of \$1,775,739 and approve a contingency in the amount of \$266,361.
CEQA: Categorically Exempt, File No. ER20-266, CEQA Guidelines Sections 15301 Existing Facilities and 15302 Replacement Reconstruction. (Public Works)

Attachments [Memorandum](#)

2.10 [21-1720](#) Board and Commissions Appointment.**Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Charter Review Commission:

(1) District 10 Seat: Appoint Tobin Gilman.

(b) Library and Education Commission:

(1) Early Childcare Seat: Appoint Janice Allen to a term expiring June 30, 2025; and

(2) Early Childcare Seat: Appoint Angelica Ramos to a term expiring June 30, 2025.

(c) Neighborhoods Commission:

(1) District 10 Seat: Appoint John Mogannam to a term expiring June 30, 2024.

(d) Parks and Recreation Commission:

(1) District 9 Seat: Appoint Janny Choy to a term expiring June 30, 2025; and

(2) District 10 Seat: Appoint Rich Giammona to a term expiring June 30, 2023.

(e) Senior Citizens Commission:

(1) District 6 Seat: Appoint Sandra Runyan to a term expiring June 30, 2023.

CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

[Rules Committee referral 7/28/2021 - Item A.1.a]

Attachments [Memorandum](#)
 [Application](#)
 [Conflicts of Interest Memorandum](#)

2.11 [21-1727](#) Approval of Breastfeeding 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. - DROP

Recommendation: As recommended by the Rules and Open Government Committee on July 28, 2021:
(a) Approve Breastfeeding Awareness Month scheduled on August 3, 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 7/28/2021 - Item G.1.a]
DROP

Attachments [Memorandum](#)

2.12 [21-1734](#) Retroactive Approval of Brigadoon Public Safety Community Meeting Community Event 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.

Recommendation: As recommended by the Rules and Open Government Committee on July 28, 2021:
(a) Retroactively approve the Brigadoon Public Safety Community Meeting scheduled on July 21, 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 7/28/2021 - Item G.1.b]

Attachments [Memorandum](#)

- 2.13** [21-1744](#) **Retroactive Approval of Arcadia Ballpark Open House Community Event 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.**

Recommendation: As recommended by the Rules and Open Government Committee on July 28, 2021:
(a) Retroactively approve the Arcadia Ballpark Open House scheduled on July 17, 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 7/28/2021 - Item G.1.c]

Attachments [Memorandum](#)

- 2.14** [21-1751](#) **Retroactive Approval of Two Dumpster Days Sponsored by Council District 5 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 July 28, 2021:
(a) Retroactively approve the Dumpster Day Event scheduled on May 8, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Retroactively approve the Dumpster Day Event scheduled on May 22, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
(c) 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)
[Rules Committee referral 7/28/2021- Item G.1.d]

Attachments [Memorandum](#)

2.15 [21-1758](#) Retroactive Approval of Three Special Events Sponsored by Council District 4 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 July 28, 2021:

- (a) Retroactively approve the Alviso Community Ice Cream Social scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the e-Waste Collection Event scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Approve the 2021 Berryessa Arts Festival scheduled on September 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (d) 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 7/28/2021 - Item G.1.e]

Attachments [Memorandum](#)

2.16 [21-1765](#) Approval of the Blue Zones Project Presentation and Reception Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on July 28, 2021:

- (a) Approve the Blue Zones Project Presentation and Reception scheduled on August 18, 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. (Davis)
[Rules Committee referral 7/28/2021 - Item G.1.f]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 [21-1677](#) Appeals Hearing Board Interviews.

Recommendation:

Interview applicants for appointment to the Appeals Hearing Board:

- (a) Appoint applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2021;
- (b) Appoint above applicant to the Public Member Seat on the Appeals Hearing Board for a full term from January 1, 2022 to December 31, 2025;
- (c) Appoint Brett Williamson to the Public Member Seat on the Appeals Hearing Board for a full term from January 1, 2022 to December 31, 2025;
- (d) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Attachments [Memorandum](#)
[Conflicts of Interest Memorandum](#)
[Application](#)

3.4 [21-1665](#) Fiscal Year 2021-2022 Property Tax Levy for General Obligation Bonds.

Recommendation:

Adopt a resolution establishing the Fiscal Year 2021-2022 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and to pay the related administration fee to the County of Santa Clara.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

Attachments [Memorandum](#)
[Supplemental Memorandum, 7/29/21](#)
[Resolution](#)
[Presentation - est. 3 minutes](#)

- 3.5 [21-1666](#) **Public Hearing for the Fiscal Year 2021-2022 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments for the Santa Clara County Secured Property Tax Roll.**

Recommendation: Conduct a Public Hearing on the Fiscal Year 2021-2022 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office, and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2021-2022 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

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

- 3.6 [21-1667](#) **Public Hearing for the Fiscal Year 2021-2022 Annual Residential Solid Waste Collection Service Charges for the Santa Clara County Secured Property Tax Roll.**

Recommendation: Conduct a Public Hearing on the Fiscal Year 2021-2022 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office, and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2021-2022 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

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

10.2 [21-1672](#) C19 016 & CP18 027 Conforming Rezoning and Site Development Permit for Property Located on the northeast corner of Story Road and South Jackson Avenue. - DEFERRED

Recommendation: (a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Rotten Robbie on Story Road project and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).
(b) Approve an ordinance rezoning the approximately 0.53 gross acre site located on the northeast corner of Story Road and South Jackson Avenue from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.53 gross acre site.
(c) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 1,500 square foot convenience store for the construction of an approximately 3,200 square foot convenience store and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off sale alcohol (Type 20 ABC License - Beer and Wine only) with late night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53 gross acre site.
CEQA: Initial Study/Mitigated Negative Declaration (IS/MND) for the Rotten Robbie on Story Road. Council District 5. (Planning, Building and Code Enforcement)
[Continued from 6/22/2021 - Item 10.1(b) (21-1478); Deferred from 6/29/2021 - Item 10.1(b) (21-1630)]
DEFERRED TO 8/17/2021 PER ADMINISTRATION

Attachments [Memorandum](#)
 [Ordinance](#)
 [\(1\) Resolution](#)
 [\(3\) Resolution](#)

- 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.