City of San José

City of San José
200 East Santa Clara Street
San Jose, CA 95113

Agenda

Joint Meeting for the Rules and Open Government Committee and Committee of the Whole

Committee Members
Chappie Jones, Chair
Raul Peralez, Vice Chair
Sylvia Arenas, Member
David Cohen, Member
Dev Davis, Member

Committee Staff
Lee Wilcox, Assistant City Manager
Toni Taber, City Clerk
Nora Frimann, City Attorney
Gloria Schmanek, City Manager's Office
Henry Smith, Mayor's Office

Wednesday, October 13, 2021 | **2:00 PM** | **Virtual Meeting - https://sanjoseca.zoom.us/j/91241177464**

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution No. 79485 and Resolution No. 80237, the Council Committee meeting will not be physically open to the public and the Committee Members 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:

1) By email to city.clerk@sanjoseca.gov by 9:00 a.m. the day of the meeting.

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

1) By phone 888 475 4499. 91241177464 Click *9 to raise a hand to speak. Press *6 to unmute. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)

2) By online https://sanjoseca.zoom.us/j/91241177464
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 Committee Chair 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.

A. City Council (City Clerk)

1. Review Final Agenda

ROGC 21-771	Review October 19, 2021 Final Agenda a. Add New Items to Final Agenda b. Assign "Time Certain" to Agenda Items (if needed) c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)
Attachments	Agenda Add Sheet

2. Review Draft Agenda

ROGC 21-772	Review October 26, 2021 Draft Agenda a. Add New Items to Draft Agenda b. Assign "Time Certain" to Agenda Items (if needed) c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)
Attachments	Agenda

B. Review of Upcoming Special Meeting Agenda(s)

C. Legislative Update

1. State

2. Federal

D. Meeting Schedules

a. ROGC 21-776 Overview of Senate Bill 9 and Senate Bill 10 and Implications to Planning Policy and Zoning Regulations Study Session. (City Manager)

Recommendation: Schedule a City Council Study Session entitled Overview of Senate Bill 9 and Senate Bill 10 and Implications to Planning Policy and Zoning Regulations for Thursday, October 28, 2021 from 1:30 p.m. - 4:30 p.m. in the Council Chambers and approve the Study Session agenda.

Attachments Memorandum

E. The Public Record

ROGC 21-773 The Public Record for September 30, 2021 - October 7, 2021. (City Clerk)

Recommendation: Receive and file the Public Record for September 30, 2021 - October 7, 2021.

Attachments The Public Record

F. Boards, Commissions and Committees

1. Appointments

2. Work Plans & Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

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

1. Consent Calendar

a. ROGC 21-774 Approval of The Day on the Bay 2021 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. (Cohen)

Recommendation:
1. Approve the Day on the Bay 2021 scheduled on October 16, 2021 as a City Council sponsored Special Event, approve the expenditure of funds, and approve the purchase of gift cards intended as prizes.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.
3. Place the item on the October 19, 2021 Council Agenda for action.

Attachments Memorandum from Cohen

b. ROGC 21-775 Approval of District 2 Events as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)

Recommendation:
1. Approve the Coronado Ave Activation Series scheduled from October 8, 2021 through November 12, 2021 as City Council sponsored Special Events and approve the expenditure of funds for the series;
a. October 8, 2021 Culture Night Market, retroactive approval
b. October 15, 2021 (tentative) Culture Night Market, retroactive approval
c. October 29, 2021 Halloween Costume Contest and Street Dancing
d. November 12, 2021 Villagefest
2. Approve the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed $50 for a free raffle;
3. Approve and accept donations from various individuals, businesses and/or community groups to support the events.
4. Place the items on the October 19, 2021 Council Agenda for action.

Attachments Memorandum from Jimenez

END OF CONSENT

2. ROGC 21-777 Assembly Bill 1400: Guaranteed Healthcare For All. (Carrasco)

Recommendation:

1. Adopt a position of support for AB 1400 (Kalra, Alex Lee, & Santiago) on guaranteed Health Care for All.
2. Recommend this item be agendized for the October 26, 2021 City Council Meeting so that the City's Legislative Representative can advocate the City's support for AB 1400.

Attachments

Memorandum

Letters from the Public

Letter from Assemblymember Kalra

3. ROGC 21-778 Water Shortage Declaration. (Mayor, Jimenez, Peralez, Carrasco, Davis)

Recommendation: Direct the City Manager to:

1. Pursuant to San Jose Municipal Code Section 15.10.300, et seq, declare by resolution a state of water shortage at the 15% level, requiring the imposition of restrictions, including the use of water for outdoor landscape irrigation to no more than two days a week, and any other restrictions deemed appropriate by the City Manager to simplify and make uniform any conflicting restrictions imposed by Valley Water District and the three water retailers that operate in San Jose.

a. Return to Council with a specific watering schedule that will facilitate ease of compliance, and where necessary, enforcement-for example, prohibiting landscape watering on Tuesdays, Wednesdays, and Thursdays.

b. Decline to cite or fine anyone for a first violation, reserving sanctions for repeat offenders who have received multiple notifications of violations, as deemed appropriate by Staff.

c. Return to Council with an outreach strategy, such as a proposed deployment of Resilience Corps members, including multilingual outreach--using the additional funding allocated through the state budget to California's largest 13 cities-who can notify residents about:

1. the City's restrictions,
2. turf replacement and greywater rebates and other incentives,
3. free water-saving devices and services available through water retailers and Valley Water District,
4. free water-wise surveys,
5. how to reset devices for landscape irrigation;
6. and inform residents with door-drop hangers or flyers about their noncompliance and provide information to City Staff.

d. Return to Council to discuss alternatives for imposing more restrictive rules during the winter when watering is less necessary for landscape--i.e., restrictions of 1 or even 0 days per week-to better buttress our water supply for an uncertain 2022.

e. Among other rules the City Manager should consider for a recommendation, where any nonuniformity exists among various water retailers and wholesalers, to include restrictions on:

1. the use of potable water for filling or refilling decorative fountains and ponds more than one foot deep;
2. washing vehicles, except at commercial businesses using recycled water;

3. hosing down buildings, sidewalks, driveways, patios, tennis courts, or other hard surfaces, except to protect health and safety.
4. Restaurants serving water only upon request, and hotels notifying guests they can choose not to have towels and sheets washed every day.
f. Allow the mandate to expire in October 2022, if not revoked or extended by Council.
2. Send a Council resolution urging the Federal Energy Regulatory Commission's Division of Dam Safety and Inspections with a temporary variance from the Anderson Reservoir drawdown level allowing a maximum reservoir elevation of 544 feet, allowing for additional storage of up to 20,000 acre-feet, through November 2022, to enable Valley Water to better manage water supplies.
3. Direct staff to revise the City's existing Water Efficient Landscape Ordinance (WELO) to require only planting drought-tolerant landscapes in new developments, effectively ending the planting of new lawns in the city of San Jose. This should not impede ongoing efforts to "green" areas of San Jose that have suffered from a historic lack of natural investment - prioritizing planting drought tolerant plants and increasing overall tree canopy to blunt urban heat island impacts.
4. Conduct and report on an internal review of City departments to ensure that every department has exceeded our goals of 15% reduction in potable water consumption.

Attachments Memorandum
Early Consideration Response Form

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

2. Neighborhood Services and Education Committee

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole

6. Smart Cities and Service Improvement Committee

I. Open Government

J. 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.

K. Adjournment

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

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 San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1260 as soon as possible, but at least three business days before the meeting/event.

Access the video, the agenda and related reports for this meeting by visiting the City's website.