



City Council Meeting MINUTES

Tuesday, June 15, 2021

2:30 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



MINUTES OF THE CITY COUNCIL

June 15, 2021

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 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 was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.

The Council meeting was teleconferenced from remote locations.

21-1363: CLOSED SESSION. See Page 29 for Closed Session Minutes.

The Council of the City of San José convened into Open Session at 2:30 p.m.

- **Call to Order and Roll Call**

9:35 a.m. - Closed Session

21-1363 Closed Session: All Present.

2:30 p.m. – Regular Afternoon Session

Present: Councilmembers - Carrasco, Arenas, Davis, Mahan, Jimenez, Jones, Cohen, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 6)**

The Silicon Valley Gay Men's Chorus performed "Seize the Day" from the musical *Newsies* as a celebration of LGBTQ+ Pride.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved with no changes.

- **Closed Session Report**

City Manager, David Sykes announced that the Council confirmed his selection of Chris Burton as the new Director Planning, Building and Code Enforcement (PBCE) on an 8-3 vote, replacing Rosalynn Hughey upon her promotion to Deputy City Manager.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

Public Comments: Blair Beekman provided comments.

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 21-1364 Agreement with Cruz Strategies for State Legislative Advocacy Services.

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Cruz Strategies, LLC to provide state legislative advocacy services for a six-year term beginning July 1, 2021 through June 30, 2027, with a maximum compensation amount not to exceed \$1,800,000, subject to City Council appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

Action: **Resolution No. 80066** regarding an agreement with Cruz Strategies, LLC was adopted. (11-0.)

2.8 21-1365 Set a Public Hearing on the Levy of the Proposed Downtown Business Am.

(a) Preliminarily approve the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council.
(b) Adopt a resolution of intention to levy the annual assessment for Fiscal Year 2021-2022, suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for the business tax financial hardship exemption under the City's General Business Tax Ordinance, and set Tuesday, June 29, 2021 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.
CEQA: Statutorily Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

Action: The report as filed by the Downtown Business Improvement District Advisory Board was approved, and **Resolution No. 80067** regarding the Levy of the Proposed Downtown Business Improvement District Assessments was adopted, with Tuesday, June 29, 2021 at 1:30 p.m. Set as the date and time for the public hearing on the levy of the proposed assessments. (11-0.)

2.9 21-1366 Set a Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments.

(a) Preliminarily approve the 2021-2022 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council.
(b) Adopt a resolution of intention to:
 (1) Levy the annual assessment for Fiscal Year 2021-2022; and
 (2) Set Tuesday, June 29, 2021 at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.
CEQA: Statutorily Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

(Item Continued on the Next Page)

2.9 (Cont'd.)

Action: The 2021-2022 Budget Report as filed by the Japantown Business Improvement District Advisory Board was approved, and **Resolution No. 80068** regarding the Levy of the Proposed Downtown Japantown Business Improvement District Assessments was adopted, with Tuesday, June 29, 2021 at 1:30 p.m. Set as the date and time for the public hearing on the levy of the proposed assessments. (11-0.)

2.10 21-1367 Non-Profit Charitable Reuse Agreements. DEFERRED

Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, each with a term from July 1, 2021 through June 30, 2022.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

DEFERRED TO 6/22/2021 PER ADMINISTRATION

2.11 21-1368 Amendments to San José Municipal Code Chapter 15.14 (Sewer Use Regulations) and Administrative Citation Schedule of Fines.

(a) Approve an ordinance amending various Sections of Chapter 15.14 of Title 15 of the San José Municipal Code, Sewer Use Regulations, to incorporate findings from a 2019 Pretreatment Compliance Audit and make other technical and conforming changes to the sewer use regulations.
(b) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 15.14 Sewer Use Regulations.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Environmental Services)

Action: (a) **Ordinance No. 30614** regarding amendment of various Sections of Chapter 15.14 of Title 15 of the San José Municipal Code was passed for publication, and
(b) **Resolution No. 80069** amending the Administrative Citation Schedule of Fines for violations of Chapter 15.14 Sewer Use Regulations was adopted. (11-0.)

2.12 21-1398 Status Update on Purified Water Project.

Accept the report of no progress in negotiations with Santa Clara Valley Water District on a Purified Water Project.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)

Director, Environmental Services, Kerrie Romanow and Environmental Services Department Deputy Director Jeff Provenzano spoke to challenges and responded to Councils' concerns.

Public Comments: Paul Soto, Roland LeBrun, Blair Beekman, and Kathryn Hedges provided comments.

2.12 (Cont'd.)

Director of Cultural Affairs/Deputy Director Economic Development, Kerry Adams Hapner was allowed to respond to public comment, and Council discussion ensued.

Mayor Sam Liccardo asked that Staff return in August with updates.

Action: The Status Update on the Purified Water Project was accepted, with staff to return with an update in August 2021. (11-0.)

2.13 21-1369 A and Mailing Services.

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an agreement with InfoSend, Inc. (Anaheim, CA) for bill printing and mailing services for an initial one-year term beginning on or about June 16, 2021 through June 30, 2022 with a maximum compensation not to exceed \$215,000, subject to the appropriation of funds;

(b) Negotiate and execute amendments and change orders as required to address seasonal variations, budgetary constraints, or unanticipated changes in demand, subject to the appropriation of funds; and

(c) Exercise up to six one-year options to extend the term of the agreement through June 30, 2028 for ongoing services, 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)

Action: The report on Request for Proposal for Bill Printing and Mailing Services was accepted, and **Resolution No. 80070** regarding an agreement with InfoSend, Inc. (Anaheim, CA) was adopted. (11-0.)

2.14 21-1370 Amendment to Purchase Order OP 59626 with Currie Equipment, LLC dba JS Cole Company for Earthmoving and Construction Equipment Rental Services.

Adopt a resolution authorizing the City Manager to amend open purchase order OP 59626 with Currie Equipment, LLC (Novato CA) dba JS Cole Company for earthmoving and construction equipment rental services, to increase compensation by \$350,000 for a revised total amount not-to-exceed \$600,000 from December 1, 2020 through November 30, 2021.

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

Action: **Resolution No. 80071** regarding an Amendment to Purchase Order OP 59626 with Currie Equipment, LLC dba JS Cole Company for Earthmoving and Construction Equipment Rental Services was adopted. (11-0.)

2.15 21-1371 Set a Public Hearing for the Fiscal Year 2021-2022 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 3, 2021, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via video conference should the City Council not meet in-person, to approve the placement of the 2021-2022 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2021-2022 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
- (b) Direct the Director of Finance to file the Fiscal Year 2021-2022 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2021 instead of July 5, 2021; and
- (c) Direct the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

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

Action: **Resolution No. 80072** regarding setting a Public Hearing for the Fiscal Year 2021-2022 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments was adopted with direction as indicated. (11-0.)

2.16 21-1372 Set a Public Hearing for the Fiscal Year 2021-2022 Annual Residential Solid Waste Collection Service Charges.

Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 3, 2021, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via video conference should the City Council not meet in-person, to approve the placement of the 2021-2022 annual Residential Solid Waste Collection Service Charges on the 2021-2022 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and
- (b) Direct the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

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

Action: **Resolution No. 80073** regarding setting a Public Hearing for the Fiscal Year 2021-2022 Annual Residential Solid Waste Collection Service Charges was adopted with direction as indicated. (11-0.)

2.17 21-1373 Amendment to the Master Agreement with Callander Associates for Landscape Architecture, Architecture, Environmental, and Engineering Consultant Services.

Adopt a resolution authorizing the City Manager to negotiate and execute a first amendment to the Master Agreement with Callander Associates for landscape architecture, architecture, environmental, and engineering consultant services, to increase the overall compensation from \$750,000 to \$831,000 and thereby enable the completion of active projects.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future actions. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 80074** regarding an Amendment to the Master Agreement with Callander Associates was adopted. (11-0.)

2.18 21-1374 Amendment to the Agreement with AECOM Technical Services, Inc. for Design-Build of the Fourth Street 84-Inch Interceptor Phase VI-A Project. (Formerly Known as 60-Inch Brick Interceptor Phase VI-A Project).

Approve the Fifth Amendment to the Consultant Agreement with AECOM Technical Services, Inc. (AECOM) by extending the term of the Agreement from June 30, 2021 to December 30, 2022, which will allow AECOM to continue providing technical services and further support the delivery of the Project with no additional compensation. CEQA: Determination of Consistency with the Mitigated Negative Declaration for Sewer Interceptor Phase VIA Public Project (Resolution No. 77626), File No. PP10-160. (Public Works)

Action: An amendment to the Agreement with AECOM Technical Services, Inc. for Design-Build of the Fourth Street 84-Inch Interceptor Phase VI-A Project was approved. (11-0.)

2.19 21-1375 Actions Related to the 9699 - Mineta San José International Airport General Aviation Run-Up Pad Relocation.

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute the 9699 - Mineta San José International Airport - General Aviation Run-Up Pad Relocation Project to the low bidder, Granite Rock Company, in an amount of \$1,209,566, contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration; and
- (b) Establish a construction contingency of 10% in the amount of \$120,957.

CEQA: Environmental Impact Report for Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497 and SCH#2018102020), File No. PP18-103. (Public Works/Airport)

Action: **Resolution No. 80075** regarding Actions Related to the 9699 - Mineta San José International Airport General Aviation Run-Up Pad Relocation was adopted. (11-0.)

2.20 21-1376 Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2021-2022.

Adopt a resolution:

(a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners' Association for Fiscal Year 2021-2022, as filed or modified by Council;

(b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council; and

(c) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services and PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3.
(Transportation/Public Works)

Action: **Resolution No. 80076** regarding Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2021-2022 was adopted (11-0.)

2.21 21-1377 Amendment to Funding Agreement with VTA for the US101/De La Cruz Boulevard - Trimble Road Interchange Improvement Project.

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a second amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the US101/De La Cruz Blvd - Trimble Rd Interchange Improvement Project to extend the term of the agreement to December 31, 2025.

CEQA: Categorically Exempt, File No. ER20-247, CEQA Guidelines Section 15301 Existing Facilities. Council Districts 3 and 4. (Transportation)

Action: **Resolution No. 80077** regarding an Amendment to Funding Agreement with VTA for the US101/De La Cruz Boulevard - Trimble Road Interchange Improvement Project was adopted. (11-0.)

2.22 21-1411 Approval of Juneteenth City Hall Lighting Display Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on June 2, 2021:

(a) Approve the City Hall Lighting Display Event for the celebration of Juneteenth, scheduled on June 19, 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.

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2.22 (Cont'd.)

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jones)
[Rules Committee referral 6/2/2021- Item G.1.b]

Vice Mayor Chappie Jones noted the significance of Juneteenth and invited everyone to a celebration at the Fairgrounds on Saturday from 12-7 p.m. Norma Callender spoke on Juneteenth from a generational perspective from many years of fighting for civil rights, and Jayden Morgan spoke on what it means from a young person's perspective.

Public Comments: Ikoinezomi, native to Nigeria, expressed appreciation, and Paul Soto provided additional comments.

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.23 21-1418 **Approval of Viva Parks Community Events as Citywide Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

As recommended by the Rules and Open Government Committee on June 2, 2021:

- (a) Retroactively approve Viva Parks Community Events scheduled in June as Citywide Special Events and approve the expenditure of funds.
- (b) Approve Viva Parks Community Events scheduled in June through August as Citywide Special Events and approve the expenditure of funds.
- (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. (City Clerk)
[Rules Committee referral 6/2/2021 - Item G.1.c]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.24 21-1484 **Boards and Commissions Appointments.**

Approve the following Boards and Commissions appointment:

- (a) Youth Commission:

(1) District 9 Seat: Appoint Agam Singh for a term of July 1, 2021 to May 31, 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 6/9/2021 - Item A.1.a]

Action: The Board and Commission appointment was approved. (11-0.)

2.25 21-1508 Approval of National Night Out as a City Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on June 9, 2021:

(a) Approve the National Night Out scheduled on August 3, 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. (City Clerk)

Rules Committee referral 6/9/2021 - Item G.1.b]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.26 21-1515 Approval of Koch Lane Dumpster Day Event Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on June 9, 2021:

(a) Approve the Koch Lane Dumpster Day Event scheduled on June 26, 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. (Foley)

[Rules Committee referral 6/9/2021 - Item G.1.c]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.27 21-1500 Resolution Supporting Working Partnerships USA Solidarity Fund for Santa Clara Valley Transportation Authority (VTA) Mass Shooting Victims.

Adopt a resolution of the Council of the City of San José approving Working Partnerships USA's establishment of a Santa Clara Valley Transportation (VTA) Solidarity Fund to collect and distribute donations for victims of the VTA Rail Yard mass shooting.

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

[Rules Committee referral 6/9/2021 - Item A.1.a]

Action: **Resolution No. 80078** Supporting Working Partnerships USA Solidarity Fund for Santa Clara Valley Transportation Authority (VTA) Mass Shooting Victims was adopted. (11-0.)

- 2.28 21-1501 Amicus Curiae Brief in Support of the Federal Government Defending its Abandonment of the Public Charge Rule in *Cook County v. Wolf* (N.D. Ill).**
Authorize the City Attorney to join in Amicus Curiae brief being drafted by the County of Los Angeles and City of Chicago in support of the federal government opposing a coalition of states seeking to defend the Public Charge Rule and opposing their motion to intervene and motion for relief from judgment in *Cook County v. Wolf*.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Attorney)
[Rules Committee referral 6/9/2021 - Item A.1.a]

Action: Authorization of the City Attorney to join in the Amicus Curiae Brief in Support of the Federal Government Defending its Abandonment of the Public Charge Rule in *Cook County v. Wolf* (N.D. Ill) was approved. (11-0.)

- 2.29 21-1499 Adoption of the Resolution by the Board of Supervisors of the County of Santa Clara Recommending Additional Law Enforcement Training, Policies and Community Outreach on Hate Crimes.**
As recommended by the City Council on May 25, 2021, adopt a resolution referred by the County Hate Crimes Task Force to the Santa Clara County Board of Supervisors on June 22, 2021, affirming the City's commitment to addressing hate crimes by developing a coordinated, region-wide response aligning our efforts with the County.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)
[Deferred from 5/25/2021 - Item 3.6 (21-1266)]
[Rules Committee referral 6/9/2021 - Item A.1.a]
Deferred to 6/29/2021 Per Administration

3. STRATEGIC SUPPORT

- 3.3 21-1378 Mayor's June Budget Message for Fiscal Year 2021-2022.**
(a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2021-2022.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Public Comments: Twenty-four speakers provided comments.

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3.3 (Cont'd.)

Mayor Sam Liccardo provided an introduction and recommendations. Director of Parks, Recreation and Neighborhood Services, John Cicirelli; Jeff Ruster, Director of Strategic Partnerships; and City Manager, David Sykes responded to questions.

Motion: Councilmember Matt Mahan moved approval of his memorandum dated June 14, 2021, including changes regarding eligibility of ARP funds as noted below in “Action”, which includes Councilmember Maya Esparza’s recommendations outlined in her June 11, 2021 memorandum. Councilmember Dev Davis seconded the motion.

Councilmember Sylvia Arenas asked that stakeholders and staff direct discussions through June and July and bring this topic to an August joint meeting of the Neighborhood Services and Education Committee. The maker of the motion and seconder agreed to include the recommendation in the motion.

Action: Council reviewed, discussed and approved the Mayor's June Budget Message for Fiscal Year 2021-2022; and, on a call for the question, the motion carried unanimously, and (b)

Resolution No. 80079, authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed was adopted, including approval of the memorandum from Councilmember Matt Mahan dated June 14, 2021 requesting the City Manager assess and return with recommended spending priorities in the Fall (timed to coincide with Council direction pertaining to unspent American Rescue Plan (ARP) funds); and to include Councilmember Esparza’s direction as outlined in her June 11, 2021 memo attached to item 3.8, directing staff to explore options to relieve debt incurred by residents during the pandemic through fees and fines issued by the City of San José, utilizing a portion of the remaining \$50.1M of American Rescue Plan funds, focusing on fees and fines that disproportionately impact low-income communities and return to Council with recommendations. Including the addition that staff return with a recommendation on economic empowerment for resident most impacted by COVID-19. Also including Councilmember Sylvia Arenas’ recommendation that stakeholders and staff direct discussions through June and July and bring this topic to an August joint meeting of the Neighborhood Services and Education Committee (NSE). (11-0.)

3.4 21-1391 Approval to Increase the Library Parcel Tax Rates for Fiscal Year 2021-2022.

Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2021-2022 by 1.57% over the fiscal year 2020-2021 rates and approving the placement of the Library Parcel Tax on the fiscal year 2021-2022 Santa Clara County Property Tax Roll.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Finance/Library)

Public Comments: Blair Beekman, Caller “5140” and Roland LeBrun provided comments.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 80080** regarding increase of the Library Parcel Tax Rates for Fiscal Year 2021-2022 was adopted. (11-0.)

3.5 21-1394 Sewer Service and Use Charges and Storm Sewer Service Charges.

(a) Adopt a resolution setting the following Sewer Service and Use Charge rates for 2021-2022:

- (1) Single-Family Residential: \$41.64 (Monthly Rate).
- (2) Multi-Family Residential: \$27.90 per unit (Monthly Rate).
- (3) Mobile Home: \$31.43 per unit (Monthly Rate).
- (4) Non-Monitored Commercial and Industrial: See Attachment A to staff memorandum.

(5) Monitored Industrial: See Attachment A to staff memorandum.

(b) Adopt a resolution setting the following Storm Sewer Service Charge rates for 2021-2022:

- (1) Single-Family Residential and Duplex: \$7.87 (Monthly Rate).
- (2) Mobile Home: \$3.94 per unit (Monthly Rate).
- (3) Residential Condominium: \$4.30 per unit (Monthly Rate).
- (4) Large Multi-Family Residential (5 or more units): \$4.30 per unit (Monthly Rate).
- (5) Small Multi-Family Residential (3-4 units): \$14.95 (Monthly Rate).
- (6) Commercial, Institutional and Industrial: See Attachment B to staff memorandum.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Environmental Services)

Public Comments: Paul Soto and Roland LeBrun provided comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, (a) **Resolution No. 80081** setting Sewer Service and Use Charge rates for 2021-2022 and (b) **Resolution No. 80082** Storm Sewer Service Charge rates for 2021-2022 were adopted. (11-0.)

3.6 21-1395 Residential Garbage and Recycling Rates for Single-Family and Multi-Family Residential Solid Waste Services.

(a) Hold a Public Hearing on the proposed 2021-2022 Residential Garbage and Recycling rates and charges.

(b) Adopt a resolution effective July 1, 2021 to:

(1) Increase residential solid waste service rates for single-family households up to 17 percent;

(2) Increase residential solid waste service rates for multi-family households up to seven percent.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

Budget Director Jim Shannon responded to questions.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Paul Soto, Blair Beekman and Roland LeBrun offered public testimony.

Mayor Sam Liccardo closed the public hearing.

City Clerk Toni Taber, read the following into the record: “Subsequent to the Environmental Services Department memorandum dated May 24, 2021, the City Clerk’s Office has received valid written protests representing 195 parcels. The total number of valid written protests equal 727 of the total of all written protests during public protest period; together with the three speakers protesting the rate change today, this represents less than 1 percent of all property owners impacted by the change in rates. Therefore, the council may consider staffs’ recommendation on recycle rate increases.

Valerie Osmond, Environmental Services, and Director, Environmental Services, Kerrie Romanow, responded to questions.

Action: A public hearing was held, and upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, (b) **Resolution No. 80083** regarding Residential Garbage and Recycling Rates for Single-Family and Multi-Family Residential Solid Waste Services was adopted. (9-2. Noes: Arenas, Foley.)

The Council adjourned for a break and returned at 7 p.m. with all members of Council present.

3.7 21-1397 Public Hearing and Approval of San José Municipal Water System Water Rates for 2021-2022.

(a) Hold public hearings on San José Municipal Water System 2021-2022 potable and recycled water rates and charges.

(b) Adopt resolutions updating San José Municipal Water System potable and recycled water rates and charges, effective July 1, 2021.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. Council Districts 2, 4, 7, and 8. (Environmental Services)

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3.7 (Cont'd.)

Environmental Services Department Deputy Director Jeff Provenzano provided an overview.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Caller “5140”, Steve Benet and Roland LeBrun provided comments.

Mayor Sam Liccardo closed the public hearing.

City Clerk Toni Taber, read the following into the record: “Subsequent to the Environmental Services Department memorandum dated June 11, 2021, the City Clerk’s Office has received eleven additional potable water protests, bringing the total number of valid written protests to 151 to the proposed potable water rate. Those protests have been received in response to the proposed recycle water rate. The total number of all written protests during public protest period, together with the three speakers protesting the rate change today, represents less than 1 percent of all customers impacted by the change in the retail water rate. Therefore, the council may consider staffs’ recommendations for municipal water system rate.”

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sergio Jimenez and carried unanimously, (a) **Resolution No. 80129** recognizing a public hearing held, and (b) **Resolution No. 80084** regarding approval of San José Municipal Water System Water Rates for 2021-2022 was adopted. (11-0.)

3.8 21-1379 **Approval of the 2021-2022 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.**

(a) Adopt resolutions approving the Operating Budget for 2021-2022 for the City of San José, the Capital Budget for 2021-2022 for the City of San José, and the Five-Year Capital Improvement Program for 2022-2026 for the City of San José as revised by the Mayor’s Budget Message and directing the City Manager to prepare final documents for adoption.

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2021-2022.

(c) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to:

- (1) Add a new Part 78 to establish the American Rescue Plan Fund;
- (2) Add a new Part 79 to establish the Affordable Housing Impact Fee Fund;
- (3) Add a new Part 80 to establish the Homeless Housing, Assistance, and Prevention Fund; and

(4) Add a new Part 81 to establish the Ice Centre Expansion Bond Fund.

(d) Adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to revise Section 15 (Public Involvement) to provide oversight of ballot measures that increase tax revenues.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical Environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project

(Item Continued on the Next Page)

3.8 (Cont'd.)

which may result in a potentially significant physical impact on the environment. (City Manager)

Public Comments: Paul Soto and Simon provided comments.

Motion: Councilmember Maya Esparza moved approval of the recommendations, including her memorandum dated June 11, 2021. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, (a) **Resolution No. 80085, Resolution No. 80086** and **Resolution No. 80087** approving the Operating Budget for 2021-2022 for the City of San José, the Capital Budget for 2021-2022 for the City of San José, and the Five-Year Capital Improvement Program for 2022-2026 for the City of San José; (b) **Resolution No. 80088** establishing the Schedule of Fees and Charges for 2021-2022 were adopted; and (c) **Ordinance No. 30615** amending Chapter 4.80 of Title 4 of the San José Municipal Code was passed for publication; and (d) **Resolution No. 80094** amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to revise Section 15 (Public Involvement) was adopted, including the June 11, 2021 memorandum from Councilmember Maya Esparza, directing Staff to explore options to relieve debt incurred by residents during the pandemic through fees and fines issued by the City of San José, utilizing a portion of the remaining \$50.1M of American Rescue Plan funds, focusing on fees and fines that disproportionately impact low-income communities and return to Council with recommendations. (11-0.)

3.9 21-1383 Real Estate Services Audit.

As recommended by the Community and Economic Development Committee on May 24, 2021, accept the audit report that reviews the processes for tracking City properties and revenues by Real Estate Services in the Office of Economic Development.

CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Community and Economic Development Committee referral 5/24/2021 - Item (d)2]

City Auditor Joe Rois and Economic Development Director, Nanci Klein and Kevin Ice provided a report.

Public Comments: Paul Soto and Speaker “5140” expressed criticism.

Chief Information Officer Rob Lloyd responded to the budget impact of this software procurement and implementation using in-house project management.

Motion: Councilmember Dev Davis moved approval of this report, including that this item to be referred to the Smart Cities Committee in January of 2022, and with the target date for completion in bringing the comprehensive system together being Q4 of 2022; also, that the item be returned to the Smart Cities Committee for periodic updates to ensure coordination across departments. The motion was seconded by Councilmember Sylvia Arenas.

(Item Continued on the Next Page)

3.9 (Cont'd.)

Economic Development Director, Nanci Klein offered additional comments on requirements

Action: On a call for the question, the Real Estate Services Audit Report was accepted, with staff directed to refer this item to the Smart Cities Committee in January of 2022. With the target date for completion in bringing the comprehensive system together being Q4 of 2022, and with this item to be returned to the Smart Cities Committee for periodic updates to ensure coordination across departments. (11-0.)

3.10 21-1389 **Approval of the Terms of an Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the Term of July 1, 2021 through June 30, 2024.**

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the term of July 1, 2021 through June 30, 2024, 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)

Councilmember Sylvia Arenas recused herself due to a conflict of interest.

Public Comments: Paul Soto provided comments.

City Manager, David Sykes offered appreciation to OE3 negotiating team.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 80089** approving the Terms of an Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3) was adopted. (10-0-0-1. Recused: Arenas.)

3.11 21-1387 **Office of Immigrant Affairs Activities and Welcoming San José Plan 2021-2024 Report.**

As recommended by the Neighborhood Services and Education Committee on May 20, 2021, accept the report of the Office of Immigrant Affairs and Welcoming San José Plan 2.0, 2021- 2024.

CEQA: Not a project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

[Neighborhood Services and Education Committee referral 5/20/2021 - Item (d)1]

Zulma Maciel, Director, Office of Racial Equity, and she and Immigrant affairs Manager Chris Cambises responded to questions.

Public Comments: Ten members of the public offered comments.

(Item Continued on the Next Page)

3.11 (Cont'd.)

Motion: Councilmember Magdalena Carrasco moved her memorandum dated June 15, 2021.

Councilmember Maya Esparza offered a friendly amendment, asking that her memorandum of June 10, 2021 be included. Councilmember Magdalena Carrasco agreed to the inclusion of the memorandum. Councilmember Maya Esparza seconded the motion.

Action: On a call for the question, the Office of Immigrant Affairs Activities and Welcoming San José Plan 2021-2024 Report was accepted, including the June 15, 2021 memorandum from Councilmember Magdalena Carrasco accepting the status report and directing City Staff to:

1. Direct the Office of Race and Equity to coordinate with SJPD, Non-Profits, such as Nextdoor Solutions/Bill Wilson Center, YWCA, and other government agencies to ensure that our immigrant community impacted by domestic violence, human trafficking, sex trafficking, and sexual orientation discrimination gain access to the necessary support and intervention services.
2. Develop a strategic and comprehensive dialogue with the local immigrant community to help further understand self-identification terms and have a greater engagement around the term 'Latina/o/x'.
3. Direct the Office of Race and Equity in the WSJ Plan to keep anti-Blackness language and add anti-hate language. With the rise of hate crimes against our Asian immigrant community, it is critical to include language that will protect our communities against those who inflict harm.

Also including Councilmember Maya Esparza's memorandum dated June 10, 2021, to accept the Office of Immigrant Affairs Activities and Welcoming San José Plan 2021-2024 Report, and direct staff to:

1. Return to Council with further analysis, and community engagement and feedback from immigrant communities and other communities of color regarding the preferred terminologies of these communities, and a strategy for utilizing terminology that is as inclusive and culturally sensitive to all of our diverse communities as possible.
2. With regard to addressing Anti-Blackness and other forms of discrimination within our immigrant communities, return to Council:
 - a. with a strategy focused first on intragroup dialogue. In order to provide a strong foundation for future intergroup dialogue, convene initial conversations around AntiBlackness and other forms of discrimination. Intragroup discussions are fundamental due to issues of intergenerational trauma, history, and violence.
 - b. Based on the learnings from intragroup community dialogues, develop a strategy to promote inter-group, inter-community dialogues that will bridge divisions and allow participants to understand the lived experiences of those from different racial and national backgrounds. These community dialogues should be centered on AntiBlackness and use this as a foundation upon which to build inclusive dialogues around the lived experiences of community members and the effects of bias and discrimination.

(10-0-1. Absent: Cohen.)

3.12 21-1392 Status Report on the November 2018 Ballot Measure T - The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond.

(a) Accept the status report on the workplan and implementation updates for projects included in the approved 2018 Measure T Bond measure.

(b) Approve the proposed community center/emergency shelter priority list as stated in Table 9 and approve the workplan related to the clean water projects as proposed in Table 3 of the staff memorandum.

CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Matt Cano, Director of Public Works and Katherine Brown, Deputy Director of Public Works, provided the presentation.

Public Comments: Julianna Pendleton (Audubon Society), Eddie Garcia, Blair Beekman, Gabriel (LUNA), Wyann (Mothers Out Front), Arvin Kumar, Sammy Beza, Dave (Sierra Club), Tiki Hill (VeggieLution), Pila (Green Society), Tim (San Jose Parks Foundation), Paul Soto, Tony Romero, Maria Palazio, Steve Benet, Abi, Amanda, Shani Kleinhaus (Audubon society), Jeremy Barouse, Esther Jones, Teresia Mendoza (Evergreen Neighborhood Leadership), Monica (silicon valley youth), Peter (D7), and Mike (D4) provided comments.

Deputy Director of Parks, Recreation and Neighborhood Services, Nicolle Burnham and Fire Chief Robert Sapien, Jr. responded to questions.

Motion: Councilmember Sylvia Arenas moved approval of the memorandum she coauthored with Councilmembers Cohen and Carrasco, and requested that a strategy be brought forward with no funds expended until a work plan is developed. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the Status Report on the November 2018 Ballot Measure T was accepted, with the inclusion of the joint memorandum from Councilmembers Arenas, Cohen and Carrasco, dated June 15, 2021, to:

- 1) Accept staff report and recommendations.
- 2) Reaffirm Council commitment to the voters – as reiterated in the June 2, 2020 City Council meeting – to use any savings from Measure T’s Environmental and Flood Protection Projects category to fund a local water quality project.
- 3) Direct the City Manager to allocate all remaining funds from the 5-year Municipal Improvements Capital Improvement Program for the Measure T’s Environmental and Flood Protections Projects to bond-eligible water quality improvements at Lake Cunningham in order to return the lake to a level of quality that allows aquatic recreation and to reduce future die off of fish in the lake.

Including additional direction that this item return to Council to bring forward the results of the current study and a strategy before any funds are expended. (11-0.)

Actions Related to the Agreements Between the City of San José and the East Side Union High School District for Community Wireless Network. - DEFERRED

(a) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute the Third Amendment to the Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to increase funding by \$1,377,741 for a revised total funding amount of \$5,476,183 for ongoing operations, maintenance, support, and technology refreshes for the James Lick, William C. Overfelt, and Yerba Buena High School attendance areas and to extend the term of the agreement through December 31, 2026.

(2) Negotiate and execute the Third Amendment to the Agreement for East Side Union High School District Community Wi-Fi Deployment between the City of San José and SmartWAVE Technologies LLC (Alpharetta, GA) to reflect final costs for the William C. Overfelt and Yerba Buena High School attendance areas, reduce compensation by \$43,972 for a revised maximum compensation of \$3,263,018 for the initial term ending December 31, 2021, and add scope of work and estimated costs for technology refreshes at the James Lick, William C. Overfelt and Yerba Buena High School attendance areas during agreement option terms through December 31, 2026, subject to the appropriation of funds.

(3) Negotiate and execute a Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to design, build, and/or maintain a Community Wireless Network in the District for a term of five years through 2026, with the City's contribution amount not to exceed \$3,900,000 to fund the implementation, maintain services and replacement of technology for five attendance areas: Independence, Andrew P. Hill, Oak Grove, Mt. Pleasant, and Silver Creek.

(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund:

(1) Increase the East Side Union High School District Community Wireless Network Project appropriation to the Public Works Department by \$1,377,769; and

(2) Increase the estimate for Revenue from Local Agencies by \$1,377,769. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library/City Manager)

DEFERRED TO 6/22/2021 PER ADMINISTRATION

4. PUBLIC SAFETY SERVICES

4.1 21-1388

Ordinance Amending Title 16 (Gaming Control).

Approve an ordinance amending Title 16 of the San José Municipal Code, the Gaming Control Ordinance, to:

- (a) Repeal obsolete sections addressing pre-1999 stock ownership, licensing for pre-1999 landowners, provisional key employee licenses, and public telephone access for 911 and 311 calls;
 - (b) Modify the process for the promulgation of gaming regulations;
 - (c) Require that the Gaming Administrator issue a monthly notice, to the Chief of Police, with the expected date of completion of any investigations that are not concluded within 180 days;
 - (d) Eliminate the requirement that the Chief of Police prepare two annual reports, one evaluating the impact of Cardroom Gambling on crime in the San José metropolitan area, and the other a compliance report addressing regulatory issues pertaining to cardroom gambling in San José;
 - (e) Require the cardrooms to implement and comply with a system of internal controls for key employee licenses and work permits and require that the cardrooms comply with their approved internal controls document;
 - (f) Update and add definitions for various terms; and
 - (g) Make other technical, non-substantive, or formatting changes.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Police)
[Deferred from 5/25/2021 - Item 4.1 (21-1182)]

Public Comments: Blair Beekman and Paul Soto provided comments.

Police Chief Anthony Mata responded to questions from Mayor.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, **Ordinance No. 30616** Amending Title 16 (Gaming Control) was passed for publication.

4.2 21-1393

Ordinance Regulating the Sale, Lease and Transfer of Firearms and Firearms Ammunition in San José at Retail.

Approve an ordinance repealing Part 3 of Chapter 10.32 of Title 10 of the San José Municipal Code and amending Title 6 of the San Jose Municipal Code to add Chapter 6.90 to regulate the sale, lease, and transfer of firearms and firearms ammunition in San José at retail.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Police)

Public Comments: Ten members of the public provided comments, including Blair Beekman, Paul Soto, Caller “4085”, Sunna, Don Rachel, Brian Darby, and Reverend Eric Swanson,

(Item Continued on the Next Page)

4.2 (Cont'd.)

Staff responded to questions.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Chappie Jones and carried unanimously, **Ordinance No. 30617** Regulating the Sale, Lease and Transfer of Firearms and Firearms Ammunition in San José at Retail was passed for publication. (11-0.)

Motion: Councilmember Maya Esparza moved to extend the meeting curfew to 12:30 a.m. Councilmember Raul Perez seconded the motion. The motion passed on an 8-3 vote. (8-3. Noes: Foley, Davis, Jones.)

4.3 21-1406 **Police Reforms Work Plan: Reimagining Community Safety Status Report. - DEFERRED**

(a) As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2021, accept a status report on the Police Reforms Work Plan: Reimagining Community Safety work.

(b) Discussion and direction to the Administration on:

(1) Expanding the scope of the Reimagining Community Safety process;

(2) The organizational framework and leadership model for the process; and

(3) The City's commitment of resources in support of the process.

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

(City Manager)

[Public Safety, Finance and Strategic Support Committee referral 5/20/2021 - Item (d)1] [Deferred from 6/8/2021 - Item 4.1 (21-1323)]

DEFERRED TO 6/22/2021 PER ADMINISTRATION

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-1396 **Public Hearing and Resolution Approving the San José Municipal Water System 2020 Urban Water Management Plan and Water Shortage Contingency Plan.**

(a) Hold a public hearing to allow community input regarding the draft Water Shortage Contingency Plan prior to its adoption.

(b) Hold a public hearing to allow community input regarding the draft Urban Water Management Plan prior to its adoption.

(c) Adopt a resolution:

(1) Approving the San José Municipal Water System 2020 Water Shortage Contingency Plan;

(2) Approving the Urban Water Management Plan; and

(3) Directing staff to file the plans with the California Department of Water Resources.

(Item Continued on the Next Page)

6.1 (Cont'd.)

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies; and Not a Project, File No. PP17-009. Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 2, 4, 7 and 8. (Environmental Services)

Public hearings for both San José Municipal Water System 2020 Urban Water Management Plan and Water Shortage Contingency Plan were heard jointly.

Mayor Sam Liccardo opened the public hearings.

Public Comments: Public comments were provided by Blair Beekman, Paul Soto, Brian Darby and Roland LeBrun.

Mayor Sam Liccardo closed the public hearings.

Director, Community Energy Department, Lori Mitchell responded to questions.

Action: Public hearings were held to allow community input. Upon motion by Councilmember Maya Esparza, seconded by Vice Mayor Chappie Jones and carried unanimously, (c) **Resolution No. 80090** (1) approving the San José Municipal Water System 2020 Water Shortage Contingency Plan; (2) approving the Urban Water Management Plan; and (3) directing staff to file the plans with the California Department of Water Resources, was adopted. (11-0.)

6.2 21-1399 Actions Related to Power Procurement.

Adopt a resolution:

(a) Increasing the authority granted to the Director of Community Energy or her designee to negotiate and execute contracts, including but not limited to long-term Power Purchase Agreements, subject to the Energy Risk Management Policy, the appropriation of funds, and Risk Oversight Committee approval of all contracts with a duration of five years or more, for the procurement of:

(1) Power supply products, other than Resource Adequacy products, including but not limited to renewable projects and shaped or dispatchable power products, by \$298,000,000 from \$2,373,700,000 to an amount not to exceed \$2,671,700,000 in aggregate in Calendar Years 2021 through 2043; and

(2) Resource Adequacy including but not limited to storage projects combined with dispatchable power, by \$310,000,000 from \$488,000,000 to an amount not to exceed \$798,000,000 in aggregate in Calendar Years 2021 through 2043.

(Item Continued on the Next Page)

6.2 (Cont'd.)

(b) Authorizing the Director of Community Energy or her designee, in consultation with the City Attorney's Office, to negotiate and execute consultant and cost-sharing agreements with California Community Power and other Community Choice Aggregators, in an amount not to exceed a total of \$320,000 per year in aggregate, to conduct necessary activities to identify, evaluate, and negotiate potential California Community Power energy programs and projects, including but not limited to: (1) issuing requests for information and request for proposals, (2) evaluating bids submitted through competitive solicitations, (3) negotiating contracts with selected bidders, and (4) related activities.

(c) Authorizing the Director of Community Energy or her designee to negotiate and execute exclusivity agreements with shortlisted bidders in San José Clean Energy competitive power procurement processes.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)

Motion: Councilmember David Cohen moved approval of item #2 of his memorandum dated June 15, 2021 including approval of the Staff Report. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the motion passed unanimously, and **Resolution No. 80091** regarding Actions Related to Power Procurement was adopted, including Councilmember David Cohen's memorandum dated June 15, 2021 to

1. Accept the Staff Report.

2. Request that a report come back to Transportation and Environment Committee with a feasibility study for aligning SJCE standards with Peninsula Clean Energy and other CCA providers.

Additionally, this report should give a cross-industry analysis to determine the prevailing labor standards within the CalCCA membership and what regulatory authority CalCCA has to enforce labor and procurement agreements.

(11-0.)

7. NEIGHBORHOOD SERVICES

- 7.1 21-1402 Amendment to Chapter 6.87 - Tobacco Retail License of Title 6, Business Licenses and Regulations of the San José Municipal Code in Alignment with City Council Policy Priority #12: Flavored Tobacco and E-Cigarettes, Items 1, 2 and 3/Protecting Our Youth from the E-Cigarette Epidemic. - DEFERRED**
- Approve an ordinance amending Chapter 6.87, Tobacco Retail License of Title 6, Business Licenses and Regulations, of the San José Municipal Code to prohibit the sale of flavored tobacco and e-cigarettes (or other flavored tobacco products), prevent further overconcentration of tobacco retail businesses, and reduce youth access to tobacco products in alignment with City Council Policy Priority #12: Flavored Tobacco and E-Cigarettes, Items 1, 2, and 3 / Protecting our Youth from the E-Cigarette Epidemic.

(Item Continued on the Next Page)

7.1 (Cont'd.)

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

DEFERRED TO SEPTEMBER 2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-1401 Summary Vacation of a Portion of Moorpark Avenue Along the 1710 Moorpark Avenue Frontage.

(a) Adopt a resolution:

(1) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of an approximately 1,146 square foot portion of Moorpark Avenue along the 1710 Moorpark Avenue frontage ("Subject Portion") with the reservation of a public service easement over the area being vacated;

(2) Summarily vacating the Subject Portion, which is excess; and

(3) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

(b) Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute:

(1) A landscape easement agreement with MP Moorpark Associates, L.P., a California limited partnership across an approximately 720 square foot area within the Subject Portion; and

(2) All other documents necessary to complete the transaction.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines section 15369 Ministerial Project pursuant to Government Code Section 65913.4; and Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 6. (Economic Development)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, (a) **Resolution No. 80092** approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of an approximately 1,146 square foot portion of Moorpark Avenue along the 1710 Moorpark Avenue frontage, including the Subject Portion which is in excess; and (b) **Resolution No. 80093** regarding negotiation and execution of a landscape easement agreement with MP Moorpark Associates, L.P., a California limited partnership across an approximately 720 square foot area within the Subject Portion; and all other documents necessary to complete the transaction were adopted. (10-0-1. Absent: Carrasco.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

None provided.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

10 Land Use - Regular Agenda

None provided.

OPEN FORUM

1. Brian Darby offered accolades to emergency worker that saved someone's life at an incident that occurred at 7-11.
2. Paul Soto expressed his hurt feelings by not having a question he'd asked earlier met with courtesy.
3. Roland LeBrun offered criticism of last night's Traffic Commission meeting being held at the same time as the budget hearing.
4. Blair Beekman spoke on East Bay Energy and subsidies for low-income residents and the need for open public policies.

ADJOURNMENT

The Council of the City of San José adjourned at 12:15 a.m.

• Notice of City Engineer's Pending Decision on Final Maps

FOR APPROVAL:

Tract: 10539

Location: S/S of Prune Way and Olsen Drive and N/S of 280-Junipero Serra Freeway

District: 1

Lots/Units: 20/96

Type: MFA

Developer: Pulte Group

Minutes Recorded, Prepared and Respectfully Submitted by,

Ruth Krantz

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council _____

Attest:

Toni J. Taber, CMC
City Clerk

rmk/06-15-2021 MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

JUNE 15, 2021

The Council of the City of San José convened into Closed Session at 9:31 a.m.
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Carrasco, Davis, Esparza, Mahan, Jimenez, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - All present.

Closed Session Item(s) discussed:

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

1. Case Name: 2017 Flood Litigation
Name(s) of Plaintiffs: Numerous
Parties(s) Involved: Defendants: CITY OF SAN JOSE, SANTA CLARA VALLEY WATER DISTRICT, COUNTY OF SANTA CLARA, CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) AND DIVISION OF SAFETY OF DAMS (DSOD)
Court: Superior Court of California, County of Santa Clara
Case No.: 18CV321600, 18CV321601, 18CV321602, 18CV321603, 18CV321604, 18CV321613, 18CV321761, 18CV322210, 18CV323345, 18CV324263, 18CV324794, 18CV325153, 18CV325282, 18CV325283, 18CV325285, 18CV325287, 18CV325289, 18CV325346
Amount of Damages according to proof.
Money or Other
Relief Sought:

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code:

Number of matter(s) to be discussed: 2

C. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Department or Agency: Planning, Building and Code Enforcement

Title: Director

D. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Department or Agency: City Auditor's Office

Title: City Auditor

E. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

- | | | |
|----|---|---|
| 1. | Organization or
Name and Title of
Unrepresented
Employees: | Association of Engineers & Architects (AEA) |
| | Nature of
negotiations: | wages/salaries, hours, working conditions, etc. |
| | Name of Existing
Contract or MOA: | Memorandum of Agreement — City of San José
and Association of Engineers & Architects (AEA) |
| | How to Obtain a copy
of Existing Contract
or MOA: | Web:
http://www.sanjoseca.gov/index.aspx?NID=508
Telephone – Employee Relations: (408) 535-
8150 |

- | | | |
|----|---|---|
| 2. | Organization or
Name and Title of
Unrepresented
Employees: | Association of Maintenance Supervisory
Personnel (AMSP) |
| | Nature of
negotiations: | wages/salaries, hours, working conditions, etc. |
| | Name of Existing
Contract or MOA: | City of San José - Association of Maintenance
Supervisory Personnel (AMSP) Benefit &
Compensation Summary |

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

3. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

4. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

5. Organization or Name and Title of Unrepresented Employees: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

6. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session at 1:53 p.m. to reconvene in Regular Open Session at 2:30 p.m. in the Council Chambers.