



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
February 11, 2021 to February 18, 2021

DATE: February 24, 2021

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Breathe California, dated February 15, 2021, regarding Prioritization of Tobacco Retailer Licensing Ordinance.
2. Letter from Ram Ganapathi, dated February 15, 2021, regarding water rate hike protest.
3. Letter from Tobacco-Free Coalition of Santa Clara County, dated February 16, 2021, (no subject).
4. Letter from East San Jose PEACE Partnership, received February 16, 2021, regarding East San Jose PEACE Partnership - Police Chief Hiring.
5. Letter from Jim Gailey, dated February 16, 2021, regarding Please for everyone's sake Stop SJ Water rate increases.
6. Letter from Taylor Czasnojc, dated February 17, 2021, regarding Tobacco Ordinance for Prioritization.
7. Letter from Santa Clara County Office of Education regarding Recognizing March as Youth Arts Month.

Toni J. Taber, CMC
City Clerk

Fw: Prioritization of Tobacco Retailer Licensing Ordinance

Agendadesk <Agendadesk@sanjoseca.gov>

Tue 2/16/2021 8:50 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

📎 1 attachments (228 KB)

San Jose prioritization 2021-TRL.pdf;

Agenda Desk

City of San José | Office of the City Clerk
200 East Santa Clara St. – Tower 14th Fl.
San José, CA 95113-1905
Phone 408.535.1275 | Fax 408.292.6207
agendadesk@sanjoseca.gov

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From: Margo Sidener [REDACTED] >

Sent: Monday, February 15, 2021 3:26 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: Prioritization of Tobacco Retailer Licensing Ordinance

[External Email]

Dear Mayor and Councilmembers, Please find attached our agency's letter regarding the need to strengthen San Jose's tobacco retail licensing program. We urge you to give it your highest consideration during this month's annual prioritization of issues facing the Council. The matter has not decreased in urgency during last year's wait. I would be happy to answer any questions that you might have regarding our support for this action. Please do not hesitate to contact me. Thanks for your Consideration, Margo

Margo Leathers Sidener, MS, CHES

Chief Executive Officer



1469 Park Avenue, San Jose, CA 95126

Phone: (408) 998-5865 | Web: www.lungsrus.org

Breathe California is dedicated to fighting lung disease, advocating for clean air and promoting public health in our local communities.

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**Breathe California
of the Bay Area,
Golden Gate, and
Central Coast**

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Chief Executive Officer
Margo Sidener, MS, CHES

A member of the
Breathe America™
Alliance

February 24, 2020

The Honorable Mayor Sam Liccardo and Councilmembers
City of San José
200 East Santa Clara Street
San Jose, CA 95113

Dear Mayor and Councilmembers:

I am writing to urge you to give the very highest prioritization to the adoption of an ordinance that strengthens your tobacco retailer licensing law. Specifically, Breathe California calls for a ban on the sale of flavored tobacco, including e-cigarettes, AND the prohibition of sale of tobacco within 1,000 feet of any school or youth-attracting area such as a youth or community center in the City of San Jose.

As you know, four out of five youth who have tried tobacco started with a flavored product. The tobacco industry uses flavored tobacco products to entice vulnerable populations; these products both mask the harshness of tobacco and make it more difficult to quit. Education alone cannot change this, despite accumulating research to prove the harm and sometimes deadliness of these products. Education must be accompanied by strong public policy.

Allowing tobacco to be sold near schools or youth-sensitive areas compounds the problem, both by increasing youth access and by ever-present marketing of these deadly products. We should not depend on our children to resist these forces.

Our hope for state or national regulation has been thwarted by Big Tobacco, which succeeded in its bid to place a referendum of CA SB 793 on the ballot, deferring action for almost 2 years, and by the pandemic that has commandeered all public health resources. It is even more vital that cities become involved in this fight.

COVID 19 does not affect all populations equally. It is more serious in those populations with existing health inequities, which are the same populations that are targeted by the tobacco and vaping industries, and it is more serious if contracted by smokers and vapers. COVID 19---the newest reason to protect our youth and vulnerable communities from tobacco addiction.

Breathe California was founded in San Jose in 1911 and has a mission to fight lung disease in all its forms. As the local clean air and healthy lungs leader, Breathe California works with its communities to promote lung health. Thus, our organization is dedicated to eliminate negative impacts caused by tobacco use and to prevent initiation.

Again, we urge you to prioritize adoption of a strong tobacco retailer ordinance with the above provisions as the number one issue to be tackled by the San Jose City Council this year.

Sincerely,

Margo Sidener, MS, CHES, Chief Executive Officer

Fw: water rate hike protest

Agendadesk <Agendadesk@sanjoseca.gov>

Tue 2/16/2021 8:49 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Tuesday, February 16, 2021 7:45 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: Fw: water rate hike protest

From: Ram Ganapathi [REDACTED] >
Sent: Monday, February 15, 2021 8:56 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: water rate hike protest

[External Email]

Hello

I'm writing to protest the proposed rate hikes by SJ Water.
Please consider this a protest against all of the rate increases described in the attachment sent to our address along with the last water bill.

Thank you.

Ram Ganapathi
[REDACTED]



1775 Story Road, Suite 120
San Jose, CA 95122

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

February 16, 2021

Dear Mayor and Council Members,

The Tobacco-Free Coalition of Santa Clara County, which consists of more than 20 organizations and individuals interested in promoting the health of our citizens, is urging you to move forward with a strong ordinance to protect San Jose residents from drifting secondhand smoke in multi-unit housing (duplexes, apartments, townhomes, and condos).

Secondhand smoke exposure is harmful and potentially deadly. The U.S. Surgeon General has stated that there is no risk-free level of exposure to secondhand smoke. It can contribute to health problems such as asthma, heart disease, lung cancer and stroke. Children, the elderly and the disabled — our most vulnerable citizens — are also the most vulnerable to secondhand smoke.

While many laws have been passed in both in California and in San Jose that protect residents from exposure to secondhand smoke, the residents of multi-unit housing are not protected from secondhand in their own homes. The home is a prominent source of secondhand smoke exposure for both young and old multi-unit housing residents. In fact, due to the coronavirus shelter in place order, many more people may be exposed in their homes.

Across Santa Clara County more than 1 in 2 residents living in multi-unit housing are exposed to secondhand smoke in their home. Higher exposure rates are also correlated with different racial groups, lower income levels and educational attainment.

A strong ordinance would include these key provisions to protect all residents of multi-unit housing:

- **Any building with 2 or more units** - so that even duplex residents who share a wall are protected
- **Condominiums and townhomes** - so that residents who own their multi-unit home are protected
- **All smoke** - so that residents are protected from all exposure, not just traditional cigarette smoke

These provisions are common sense and will prevent differing protections for residents. In fact, Los Gatos, Palo Alto, Monte Sereno, Santa Clara, Sunnyvale and Santa Clara County have already passed smokefree housing policies that restrict smoking in multi-unit housing with these provisions.

Our coalition urges you to consider the health of San Jose residents and protect them from dangerous secondhand smoke in their homes.

Sincerely,

Vanessa Marvin, Co-Chair

A black rectangular redaction box covering the signature of Vanessa Marvin.

Carol Baker, Co-Chair

A black rectangular redaction box covering the signature of Carol Baker.

Fw: East San Jose PEACE Partnership - Police Chief Hiring

City Clerk <city.clerk@sanjoseca.gov>

Tue 2/16/2021 7:46 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>; Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov> 1 attachments (113 KB)

PEACE Letter_Police Chief Hiring_2.12.2021.pdf;

From: Camille Fontanilla [REDACTED] >**Sent:** Friday, February 12, 2021 9:47 PM**Subject:** East San Jose PEACE Partnership - Police Chief Hiring

[External Email]

Dear Mayor Liccardo, Councilmembers and City Manager Sykes,

On behalf of the East San Jose PEACE Partnership, I am sending the attached letter on behalf of our voting membership. We stand with the community organizations who have already reached out, especially the San Jose/Silicon Valley NAACP regarding changes to the Police Chief hiring process; changes that allow more robust and authentic engagement and decision-making by the people most impacted by law enforcement.

We hope that you center equity and justice in this process and heed our collective community recommendations.

Sincerely,

Camille Llanes-Fontanilla, MPA
She/Her/Hers

[REDACTED]

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February 10, 2021

Dear City Manager Sykes, Mayor Liccardo, and Council Members:

We are writing you on behalf of the East San Jose PEACE Partnership in order to (1) establish a reliable process for recruiting and selecting candidates that maximizes community input and provide appropriately diverse candidate pools; and (2) recruit and hire the best SJPD chief to ensure the safety and prosperity of all San José communities while also instituting necessary departmental reforms. The PEACE Partnership reflects the disappointment our community feels with the search and resultant candidate pool that at one time included a discredited candidate from Minneapolis as a finalist, and currently only has one outside candidate. This recruitment process did not generate a candidate pool that appropriately represented the diversity and talents of our region.

We share these concerns with you in the spirit of being constructive. We would like to propose the following revisions to the search and hiring process for the SJPD Chief in order to promote best interest of the City and its people.

- The current search, and candidate pool, should be cancelled as a “failed search” in the parlance of other public institutions. All candidates should be asked to re-apply in the revised recruitment process. A substantial, meaningful period should be allotted to undergo a new search process as outlined here. Extending the process by two weeks is not an adequate re-boot of the search in our view.
- An explicit Community Search Committee should be established ASAP. This Committee may pull members from existing community oversight boards that is reflective of the communities most impacted by police activity in the City of San Jose, while still being a separate and independent entity. This Committee would be temporary, serving only for the purposes of recruiting and vetting candidates for Chief. Ideally, the Committee would be composed of one representative from each Council District and approximately 12 representatives from community organizations and individuals with direct and timely concerns with policing in San José. These individuals can be unhoused residents, representatives from over-policed communities, young leaders who were protesting racism and police violence since the murder of George Floyd, and/or public defenders with significant experience with those targeted by SJPD. We believe that such a Committee would best represent the diversity of our city, including the most system-impacted populations.
- An initial task of the Community Search Committee would be to approve a new recruitment contractor, preferably led by professionals of color, with an established record of providing diverse candidate pools leading to successful public hires in other major metropolitan areas. Furthermore, the selected contractor must conduct a wide, open, public search in the most transparent manner possible.
- The second major task of the Community Search Committee would be to review the initial applicant pool and recommend the “short list” of candidates to be invited for interviews.



- The third major task of the Community Search Committee would be to give feedback on and/or rank candidates based on their interview performance to inform the final selection for SPJD Chief.
- During the period allotted to search for a new SJPd chief, interim leadership for SJPd should be restricted from (1) approving or denying permanent promotions within the agency; (2) making any significant, permanent policy changes within the agency.

We sincerely believe that these revisions to the recruitment and hiring process for SJPd Chief (now and in the future) will vastly improve the quality and diversity of candidate pools while providing more public confidence in the final hire. Such confidence and legitimacy are necessary for the success of any SJPd Chief, and for the ability for our communities and community organizations to establish healthy, productive relationships with local law enforcement agencies.

We thank you for considering our recommendations and we look forward to lending our support in the design and implementation of this new path forward.

Sincerely,

East San Jose PEACE Partnership

The East San Jose PEACE Partnership is a community collaborative working together to build a healthy, peaceful, and empowered community in our city's 95116, 95122, and 95127 zip codes. We are made up of over 15 different stakeholders, representing East San Jose residents, youth leaders, grassroots community organizations, businesses, healthcare organizations, social services, as well as Santa Clara County and San Jose government agencies. The complete list of our membership can be found here <https://esjpeace.wordpress.com/>

Fw: Please for everyone's sake Stop SJ Water rate increases

Agendadesk <Agendadesk@sanjoseca.gov>

Wed 2/17/2021 8:38 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Tuesday, February 16, 2021 8:17 PM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: Fw: Please for everyone's sake Stop SJ Water rate increases

From: jim gailey [REDACTED] >
Sent: Tuesday, February 16, 2021 6:01 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Please for everyone's sake Stop SJ Water rate increases

[External Email]

For the sake of every soul in San Jose stop the extortion by SJWC. It's obscene and unending. Please help the many people who are at their mercy, which is none at all.
Jim Gailey.

[Sent from Yahoo Mail for iPhone](#)

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Fw: Tobacco Ordinance for Prioritization

Agendadesk <Agendadesk@sanjoseca.gov>

Wed 2/17/2021 11:14 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov> 1 attachments (41 KB)

Taylor Czasnojc Letter to SJ City Council.docx.pdf;

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agendadesk@sanjoseca.gov

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From: Taylor Czasnojc [REDACTED] >**Sent:** Wednesday, February 17, 2021 11:07 AM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** Tobacco Ordinance for Prioritization

[External Email]

Dear Mayor and Council Members,

The Tobacco-Free Coalition of Santa Clara County, which consists of more than 20 organizations and individuals interested in promoting the health of our citizens, is urging you to strengthen your tobacco retailer

licensing law and restrict flavored tobacco products in the City of San Jose.

We understand this issue will be considered during your upcoming prioritization process and urge you to move it forward to protect the health of San Jose residents.

Attached please find my letter of support.

Sincerely,

Taylor Czasnojc

Emerging Community Leader

Dear Mayor and City Council Members,

My name is Taylor Czasnojc, and I am an Emerging Community Leader at Breathe California and a student at Santa Clara University.

When I was a senior in high school, it was not uncommon to smoke nicotine. People would smoke in bathrooms during class, they would smoke in their cars at lunch, and they would smoke with their friends after school. One day, the school realized the extent of this issue among the student population. Instead of trying to isolate the problem only among those who engage in smoking, the school felt the best solution was to monitor bathroom usage. This was the location where most students would vape, especially with others. As a result, only one to two students could use the bathroom at a time in a school full of 2500 students. This drastically affected everyone's ability to learn, as going to the bathroom would cause people to wait up to an hour in line during class time. Today, these people still suffer from a nicotine addiction. Even more unfortunate, people who were second-hand smokers before, have now become more deeply involved, by engaging directly in vaping practices themselves.

I know that this is not an uncommon occurrence in high schools in San Jose and across the nation. I have witnessed my close friends manage their life around their Juul or puff bar, and this was sometimes ignited from just a single, second-hand exposure to smoking. I urge you, City Council Members, to ban the sale of flavored tobacco products near all schools and youth sensitive areas. Through the mitigation of sales in these impressionable areas, it can help lower the likelihood of young people engaging in smoking practices and continuing to perpetuate the probability of other at-risk groups' second-hand smoking exposure. As a student that is on their way to enter the "real world," my hope for the next generation is that they will never have to watch their friends slowly become addicted to nicotine right in front of their eyes and face the detrimental effects of second-hand smoking.

Through my internship experience thus far at Breathe California, I have heard many other members of the community's experiences with the repercussions of tobacco use. Many members of this community have felt that this issue is deeply rooted in the easy accessibility of tobacco products within close proximity to schools. Most of the respondents that I have interviewed about this topic have at least one close friend or family member that is addicted to one or more tobacco products.

With the presented data in mind, the Tobacco-Free Coalition of Santa Clara County, which consists of more than 20 organizations and individuals interested in promoting the health of our citizens, is urging you to strengthen your tobacco retailer licensing law and restrict flavored tobacco products in the City of San Jose. Thank you for taking the time to read this letter and consider the prioritization of this issue.

Sincerely,
Taylor Czasnojc
Emerging Community Leader



**RESOLUTION
RECOGNIZING MARCH AS YOUTH ARTS MONTH**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2237-1**

WHEREAS, Santa Clara County Board of Education is committed to supporting the arts to inspire and prepare students for success in the 21st century and allowing them to develop as productive, contributing members of a strong community, and;

WHEREAS, we share the vision of ensuring that students have access to high-quality arts education that is culturally relevant and inclusive in all forms as part of a comprehensive education that sparks curiosity, imagination, creativity, and joy;

WHEREAS, the Santa Clara County Office of Education houses the largest collection of adjudicated student artwork in the state, obtained through our annual Young Artist Showcase county-wide competition;

WHEREAS, the Santa Clara County Office of Education's Artspiration is a county-wide arts education initiative focused on professional development, student engagement, advocacy, and communication;

WHEREAS, Artspiration has established partnerships throughout the county and the state to strengthen support and advocacy for youth arts within Santa Clara County, including ArtsEd Connect, CA Alliance for Arts Education, CA County Superintendents Educational Services Association Arts Initiative, Children's Discovery Museum, City of San Jose - Office of Cultural Affairs, CREATE CA, CreaTV, KQED Education, Mineta San Jose International Airport, Montalvo Arts Center, New Museum Los Gatos, San Jose Downtown Association, San Jose Museum of Art, San Jose Museum of Quilts and Textiles, San Jose State University, Sixth District PTA, Stanford Live Education, SV Creates, Symphony Silicon Valley, The Red Ladder Theatre Company, The Tech Museum of Innovation, and The Walt Disney Family Museum;

WHEREAS, the Santa Clara County Office of Education has partnered with the Mineta San Jose International Airport to showcase high school student art to travelers coming through San Jose;

WHEREAS, Artspiration is leading the way in local arts education by providing free training for Teaching Arts who support students in kindergarten through grade 12 on the California Arts Standards for Public Schools;

WHEREAS, according to the California Department of Education, Fine Arts are taught in almost 60,000 classes in Santa Clara County. Studies have proven that arts learning strategies and arts integration help teachers to recognize and build upon critical thinking skills, curiosity, flexibility, communication, innovation, collaboration and are the traits required for post-secondary and workplace success;

WHEREAS, each March Arts Education is celebrated in local schools, school districts, community arts organizations, and larger communities;

THEREFORE, BE IT RESOLVED that the County Board of Education recognizes the month of March as Youth Arts Month and supports arts education in Santa Clara County and encourages arts in our classrooms and celebrates students' creativity, inspiration, and joy through artistic expression.


PASSED AND ADOPTED by the County Board of Education at a meeting held on February 20, 2019 by the following vote:

AYES: President Kamei, Vice President Song, Trustees Di Salvo, King, Mah, Ortiz and Rossi

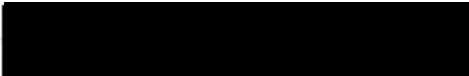
NOES: none

ABSTAIN: none

ABSENT: none



Rosemarie Kamei, President
Santa Clara County Board of Education



Mary Ann Dewan, Ph.D.
County Superintendent of Schools