



City Council Meeting Amended Agenda

Tuesday, June 15, 2021

11:00 AM

Virtual Meeting - <https://sanjoseca.zoom.us/j/91325378626>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



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

Welcome to the San José City Council meeting!

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

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

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

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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

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

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

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

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

- 1) By Phone: (888) 475 4499. Webinar ID is 913 2537 8626. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

For Closed Captions, please visit the City’s YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-1363 Closed Session Agenda

11:00 a.m. - Regular Session

- **Pledge of Allegiance**

- Invocation (District 6)

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

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

Recommendation: 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 \$1.8 million, 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)

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

Recommendation: (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)

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

Recommendation: (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)

2.10 21-1367 Non-profit Charitable Reuse Agreements. - RECOMMEND DEFERRAL

Recommendation: 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)
RECOMMEND DEFERRAL TO 6/22/21 PER ADMINISTRATION

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

Recommendation: (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)

2.12 21-1398 Status Update on Purified Water Project.

Recommendation: 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)

2.13 21-1369 Report on Request for Proposal for Bill Printing and Mailing Services.

Recommendation: 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)

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.

Recommendation: 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. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

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.

Recommendation: 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)

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

Recommendation: 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)

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

Recommendation: 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)

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).

Recommendation: 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)

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

Recommendation: 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 (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)

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

Recommendation: 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)

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

Recommendation: 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)

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.

Recommendation: 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.

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]

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.

Recommendation: 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]

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 21-1378 Mayor's June Budget Message for Fiscal Year 2021-2022.

Recommendation: (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)

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

Recommendation: 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)

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

Recommendation: (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)

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

Recommendation: (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, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Environmental Services)

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

Recommendation: (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, Adjustment to Fees, Rates and Fares without changes to or expansion of services. Council Districts 2, 4, 7, and 8. (Environmental Services)

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.

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

3.9 21-1383 Real Estate Services Audit.

Recommendation: 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]

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.

Recommendation: 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)

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

Recommendation: 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]

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

Recommendation: (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)

3.13 21-1405 Actions Related to the Agreements Between the City of San José and the East Side Union High School District for Community Wireless Network. - RECOMMEND DEFERRAL

Recommendation: (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)

RECOMMEND DEFERRAL TO 6/22/2021 PER ADMINISTRATION

4. PUBLIC SAFETY SERVICES

4.1 21-1388 Ordinance Amending Title 16 (Gaming Control).

Recommendation: 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)]

4.2 21-1393 Ordinance Regulating the Sale, Lease and Transfer of Firearms and Firearms Ammunition in San José at Retail.

Recommendation: 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)

4.3 21-1406 Police Reforms Work Plan: Reimagining Community Safety Status Report. - TO BE HEARD AT 6:30 P.M.- RECOMMEND DEFERRAL

Recommendation: (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)]
TO BE HEARD AT 6:30 P.M.
RECOMMEND DEFERRAL TO 6/22/21 PER ADMINISTRATION

5. TRANSPORTATION & AVIATION SERVICES

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.

Recommendation: (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.
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)

6.2 21-1399 Actions Related to Power Procurement.**Recommendation:** 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 long-duration storage combined with dispatchable power, by \$310,000,000 from \$426,800,000 to an amount not to exceed \$736,800,000 in aggregate in Calendar Years 2022 through 2034.

(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)

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.

Recommendation: 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.

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)

8. COMMUNITY & ECONOMIC DEVELOPMENT

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

Recommendation: (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)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting.
This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.