



City Council Meeting MINUTES

**Tuesday, May 11, 2021
1:30 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

May 11, 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.

21-1004: CLOSED SESSION. See Page 16 for Closed Session Minutes.

The Council of the City of San José convened into Open Session at 1:32 p.m.

- **Call to Order and Roll Call**

9:00 a.m. - Closed Session

21-1004 Closed Session: Absent: Jimenez

1:30 p.m. – Regular Afternoon Session

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

Absent: Councilmembers - All present.

6:00 p.m. – Evening Session was Canceled.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 5)**

Councilmember Magdalena Carrasco paid tribute to mothers, and Monique Valenzuela, vocalist, performed a beautiful song honoring mothers for the invocation.

- **Orders of the Day**

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 2.7 “Approval of Mental Health Awareness Month” deferred to 5/18/21; Item 2.15 “Amicus Curiae Brief” added to the

agenda; and 3.6, “Return Together” Added Under Orders of the Day, requiring a Determination by a Two-Thirds (2/3) Vote of the Members of the Council Present at the Meeting, or, if Less than Two-Thirds (2/3) of the Members of the Council Present at the Meeting, a Unanimous Vote of those Members Present that there is a need to take Immediate Action. *SEE AMENDED ITEM 3.6 Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d).* (11-0.)

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 21-1149 Approval of City Council Minutes.

- (a) City Council Regular Meeting Minutes of December 1, 2020.
 - (b) City Council Special Meeting - City Roadmap From COVID to Recovery Minutes of March 15, 2021.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Meeting Minutes were approved. (11-0.)

2.2 Final Adoption of Ordinances.

None provided.

2.3 21-1148 Approval of Council Committee Minutes.

- (a) Regular Smart Cities and Service Improvements Committee Meeting Minutes of March 4, 2021.
- (b) Regular Smart Cities and Service Improvements Committee Meeting Minutes of April 1, 2021.
- (c) Regular Community and Economic Development Committee Meeting Minutes of March 22, 2021.
- (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 21, 2021.
- (e) Regular Neighborhood Services and Education Committee Meeting Minutes of April 8, 2021.

2.3 (Cont'd.)

(f) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of April 15, 2021.

(g) Regular Transportation and Environment Committee Meeting Minutes of April 5, 2021.

Action: The Council Committee Minutes were approved. (11-0.)

2.4 21-1146 **Mayor and Council Excused Absence Requests.**

Request for an excused absence for Councilmember Esparza from the Regular Meeting of the San José City Council on May 4, 2021 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza)
[Rules Committee referral 5/5/2021 - Item A.1.a]

Action: The excused absence for Councilmember Esparza was approved. (11-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 21-1008 **Approval of Mental Health Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on April 14, 2021:

(a) Approve May 2021 as Mental Health Awareness Month scheduled on May 11, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 4/14/2021 - Item G.1.a]

Deferred to May 18, 2021 per Orders of the Day

2.8 21-1009 Actions Related to the Purchase Orders for Plumbing Services.

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with Burr Plumbing and Pumping, Inc. (San José, CA) and with AB JDD Plumbing Heating & Air Conditioning, Inc. (San José, CA) for plumbing services for an initial twelve-month period, starting on or about May 12, 2021 and ending on or about May 11, 2022, for a total cumulative compensation not-to exceed amount of \$990,000; and

(b) Exercise up to four additional one-year options to extend the term of the purchase orders with the last option year ending on or about May 11, 2026, subject to the annual 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/Public Works)

Action: **Resolution No. 79988** regarding purchase orders with Burr Plumbing and Pumping, Inc. and with AB JDD Plumbing Heating & Air Conditioning, Inc. was adopted. (11-0.)

2.9 21-1010 Water Service Agreement for 9084-9183 Fire Department Training Center and Emergency Operations Center Relocation Project.

Approve an agreement with the San José Water Company for installation of water facilities to serve the new Fire Department Training Center and Emergency Operations Center, in the amount of \$186,840.

CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. Council District 7. (Public Works)

Action: The agreement with San José Water Company was approved. (11-0.)

2.10 21-1115 Retroactive Approval of the Sound the Alarm Day of Action Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 5, 2021:

(a) Retroactively Approve the Sound the Alarm Day of Action Event scheduled on May 8, 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. (Cohen)

[Rules Committee referral 5/5/2021- Item G.1.c]

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

2.11 21-1123 Retroactive Approval of Multiple Special Events Sponsored by Council District 7 as City Council 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 May 5, 2021:

(a) Retroactively approve the Dumpster Day held at Dove Hill Park scheduled on April 24, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the Stonegate Elementary Paint Night scheduled on April 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Retroactively approve the Black April Remembrance at the Viet Museum scheduled on April 30, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Approve and accept donations from various individuals, businesses, or community groups to support the events. (Esparza)

[Rules Committee referral 5/5/2021 - Item G.1.d]

Action: Retroactive approval of the City Council Sponsored Special Events was approved. (11-0.)

2.12 21-1130 Approval of the Keep Coyote Creek Beautiful Commendation Sponsored by Council District 3 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 May 5, 2021:

(a) Approve the Keep Coyote Creek Beautiful Commendation scheduled on May 11, 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. (Peralez)

[Rules Committee referral 5/5/2021 - Item G.1.e]

Councilmember Raul Peralez pulled item 2.12 to express gratitude for the dedicated, passionate volunteers that have helped to keep Coyote Creek beautiful. Deb Kramer, Executive Director, thanked Council for the recognition and spoke to the diversity and beauty of Coyote Creek and hopes for maintaining the vision.

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

2.13 21-1137 Retroactive Approval of Recognizing the Natalia Smüt Lopez Lighting Ceremony and Approval of Proclamation Sponsored by Council Districts 5 and 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 May 5, 2021:

(a) Retroactively approve the Natalia Smüt Lopez Lighting Ceremony scheduled from May 7, 2021 to May 13, 2021 and approve Proclamation event scheduled on May 11, 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. (Carrasco and Foley)

[Rules Committee referral 5/5/2021 - Item G.1.f]

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

2.14 21-1144 Approval of District 10 SAP Grant for Almaden Valley Women's Club.

As recommended by the Rules and Open Government Committee on May 5, 2021:

Approve a \$2,500 SAP grant from Council District 10 to support the efforts of the Almaden Valley Women's Club to provide recreational and cultural opportunities to the community. (Mahan)

[Rules Committee referral 5/5/2021 - Item G.2]

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

2.15 21-1161 Amicus Curiae Brief in support of Defendants-Appellees in the Ninth Circuit Case of ACA Connects - America's Communications Association vs. Rob Bonta, in his official capacity as Attorney-General of California.

Authorize the City Attorney to join in Amicus Curiae brief being drafted by the County of Santa Clara on behalf of California local governmental entities in support of the California Attorney General in defending a challenge to S.B. 822 which provides net neutrality protections. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Attorney)

Item added per Orders of the Day

Action: Authorization of the City Attorney to join in the Amicus Curiae brief was accepted. City Attorney, Nora Frimann noted that this had additionally been heard during the morning Closed Session. (11-0.)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 21-1023 Approval of the Terms of an Agreement with the San José Police Officers' Association (SJPOA) for the Term of July 1, 2021 Through June 30, 2022.

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the San José Police Officers' Association (SJPOA) for the term of July 1, 2021 through June 30, 2022, 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)

Public Comments: Blair Beekman provided comments.

Mayor Sam Liccardo highlighted key points and hopeful steps brought forward in the agreement. Director of Employee Relations/Human Resources, Jennifer Schembri and Assistant City Manager Jennifer Maguire responded to questions regarding civilianizing positions.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 79989** approving the terms of a collective bargaining agreement between the City and the San José Police Officers' Association (SJPOA) was adopted. (11-0.)

3.4 21-1011 Actions Related to Continued Exploration of Pension Obligation Funding Strategies.

Direct the City Administration and the Office of the City Attorney to take the following actions related to the further exploration of the issuance of Pension Obligation Bonds as a funding option for the City's unfunded accrued liabilities in the Federated City Employees' Retirement System and the Police and Fire Department Retirement Plan:

- (a) Proceed with planning and preparation of bond documents and court validation documents necessary for the issuance of Pension Obligation Bonds ("POBs") and return to City Council on June 29, 2021 with the necessary actions to proceed with court validation;
- (b) Prepare a Pension Obligation Funding Policy for City Council review and approval;
- (c) Coordinate with the Office of Retirement Services to schedule a joint meeting(s) with Council and both Retirement Boards to develop an understanding of the respective Retirement Boards' investment strategy for the POBs proceeds; and

3.4 (Cont'd.)

(d) Return to Council for approval of POBs financing plans with accompanying analysis of risks and benefits after the POBs are successfully validated.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance)

Director of Finance Julia H. Cooper offered a presentation.

Public Comments: Blair Beekman provided comments.

Motion: Councilmember Matt Mahan moved approval of recommendations including his memorandum dated May 10, 2021. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, actions Related to Continued Exploration of Pension Obligation Funding Strategies were accepted, including the May 10, 2021 memorandum from Councilmember Matt Mahan requesting more detailed analysis:

1. In order to thoroughly understand the risks involved with issuing pension obligation bonds (POBs), direct the City Manager to highlight, in Fall 2021, a detailed POB risk and benefit analysis that includes a long-term, year-by-year projection of the potential impacts on the unfunded actuarial liability (UAL) and General Fund contributions toward the UAL, of both issuing and not issuing substantial POBs under the following market scenarios:
 - a. Investment expectations are met (i.e. the 6.625% discount rate),
 - b. A severe market downturn akin to 2001/2002 or 2007/2008,
 - c. Prolonged underperformance (achieving 4 to 5% returns every year),
 - d. And more generally, a best case and worst case scenario.
- (11-0.)

3.5 21-1012 **Annexation Area No. 2 to Convention Center Facilities District No. 2008-1.**

(a) Accept the landowner approval forms to annex hotel property into Convention Center Facilities District No. 2008-1 as Annexation No. 2.

(b) Adopt a resolution:

(1) Approving the annexation of territory to Convention Center Facilities District No. 2008-1 and levying a special tax within Annexation No. 2; and

(2) Directing the City Clerk to record a notice of special tax lien.

(c) Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the Convention Center Facilities District Revenue Fund:

(1) Increase the revenue estimate for Convention Center Facilities District Special Tax by \$4,582,360; and

(2) Increase the Unrestricted Ending Fund Balance by \$4,582,360.

CEQA: Determination of Consistency to the San José Downtown Strategy 2000 Environmental Impact Report (Resolution No. 72767), and Addenda thereto, File No. PP08-002. Council Districts 3, 4 and 6. (Public Works/Finance/City Manager)

3.5 (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, (a) Landowner approval forms to annex hotel property into Convention Center Facilities District No. 2008-1 as Annexation No. 2 was accepted; (b) **Resolution No. 79990** approving Annexation of Area No. 2 to Convention Center Facilities District No. 2008-1 and (c) Funding Sources **Resolution No. 79991** and Appropriation **Ordinance No. 30567** were adopted. (11-0.)

3.6 21-1046 Return Together.

As recommended by the Rules and Open Government Committee on April 28, 2021, approve an ordinance adding Chapter 14.11 to Title 14 of the San José Municipal Code that includes requirements that were in the City Attorney's draft "Travel and Hospitality Worker Return Together" ordinance and that impose greater standards or additional enforcement provisions than in recently enacted Senate Bill 93.

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

[Rules Committee referral 3/24/2021 - Item G.3]

[Deferred from 4/13/2021 - Item 3.4 (21-691); 4/27/2021 - Item 3.3 (21-890); 5/4/2021 - Item 3.7 (21-954)]

Public Comments: Offering comments were Blair Beekman, Sarah McDermott (Unite Here Local 19), Alma Verado, Enrique Fernandez and Raquel Alvarez (Local 19), Jocelyn, Amanda Lopez and another employee of the Fairmont Hotel, Roland LeBrun, Delores and Maria (Double Tree Hotel), Louise (Working Partnerships), Deio (childcare provider), Kay Roth and Olivia Garcia.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez and carried unanimously, **Ordinance No. 30568** adding Chapter 14.11 to Title 14 of the San José Municipal Code, which includes requirements that impose greater standards or additional enforcement provisions than in recently enacted Senate Bill 93, was passed for publication. (11-0.)

3.7 21-1047 Public Purpose Bonds Issued by a Joint Powers Authority for Moderate-Income Rental Housing.

Accept the staff report on public purpose bonds issued by a joint powers authority (JPA) for moderate-income housing, and direct the Administration not to move forward with releasing a term sheet in order to pursue membership in one or more JPAs for moderate-income housing at this time.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance/Housing)

[Deferred from 4/27/2021 - Item 3.7 (21-885); 5/4/2021 - Item 3.8 (21-955)]

Director of Finance Julia H. Cooper; and Jacky Morales-Ferrand gave presentation expressing concerns regarding flaws.

(Item Continued on the Next Page)

3.7 (Cont'd.)

Public Comments: Providing public comment were: Jon Penkower, California Statewide Communities Development Authority; Jeffrey Buchanan, Working Partnerships; Blair Beekman; Tim Beaubien (Santa Clara County Association of Realtors); former Councilmember Johnny Khamis and Brian Darby.

Councilmember Matt Mahan directed questions to public speaker John Penkauer.

Motion: Councilmember David Cohen moved approval of the memorandum he coauthored with Councilmember Matt Mahan dated May 7, 2021.

Mayor Sam Liccardo posed questions to Director of Housing Jacky Morales-Ferrand regarding staff capacity. She indicated that independent consultants have also been critical, and there's no such thing as a pilot for this. Division Manager, Housing, Kristen Clements offered additional information.

Substitute Motion: Vice Mayor Chappie Jones expressed concerns regarding "the resource and risk scenario" and offered a substitute motion to accept the staff report including only #3 from the May 7 memorandum to include a list of alternative methods that city staff might pursue to build or otherwise secure missing middle housing in the near future. Councilmember Maya Esparza seconded the motion.

Action: On a call for the question, the substitute motion passed, with acceptance of the staff report on public purpose bonds issued by a joint powers authority (JPA) for moderate-income housing was accepted, including the joint memorandum from Vice Mayor Chappie Jones and Councilmember Maya Esparza, dated May 7, 2021, directing staff to:

- Pursue Alternative #2: Direct staff to work with the Bay Area Housing Finance Authority to create a Bay Area JPA to issue this type of bond.
- Include updates on the progress of this effort at each Housing Crisis Workplan Update.

Also including Item #3 from the joint memorandum from Councilmembers Mahan and Cohen, dated May 7, 2020, to "Include a list of alternative methods that city staff might pursue to build or otherwise secure missing middle housing in the near future".

(11-0.)

4. PUBLIC SAFETY SERVICES

4.1 21-1019 Fireworks Ordinance Workplan Status Report.

As recommended by the Public Safety, Finance and Strategic Support Committee on April 15, 2021, accept the status report on the implementation of the Fireworks Ordinance Workplan Pre-Fourth of July 2021. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Fire/Police/Planning, Building and Code Enforcement) [Public Safety, Finance and Strategic Support Committee referral 4/15/2021 - Item (d)3]

(Item Continued on the Next Page)

4.1 (Cont'd.)

Hector Estrada, Deputy Fire Chief/Fire Marshal offered a presentation. SJPD Captain Jason Ta continued with the enforcement strategy and work plan items. Staff and Public Information Manager, SJFD, Erica Ray, responded to questions.

Public Comments: Blair Beekman provided comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, the status report on implementation of the Fireworks Ordinance Workplan Pre-Fourth of July 2021 was accepted. (11-0.)

4.2 21-1020 **Amendment to Title 10 (Social Host Ordinance) and to 2020-2021 Schedule of Fees and Charges for Illegal Fireworks.**

(a) Approve an ordinance amending Chapter 10.17 of Title 10 of the City of San José Municipal Code to:

- (1) Add Sections 10.17.060 and 10.17.070 to define Social Host and Strictly Liable;
- (2) Amend Section 10.17.030 to define private and public property;
- (3) Amend Section 10.17.100 to impose strict liability on social hosts for fireworks violations at their property and/or gatherings;
- (4) Add Section 10.17.130 to provide a billing mechanism for charging responsible parties for emergency response costs associated with fireworks violations; and
- (5) Add Section 10.17.140 to include an administrative appeal procedure for recipients to dispute the imposition or amount of a response charge.

(b) Adopt a resolution amending the 2020-2021 Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish response charges for emergency responses related to fireworks violations.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Fire/Police/City Manager)

Hector Estrada, Deputy Fire Chief/Fire Marshal offered a presentation.

Public Comments: Blair Beekman provided comments.

Councilmember Maya Esparza moved her memorandum dated May 10, 2021 with the addition that all offices be included in the media outreach. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, (a) **Ordinance No. 30569** amending Chapter 10.17 of Title 10 of the City of San José Municipal Code was passed for publication; and (b) **Resolution No. 79992** amending the 2020-2021 Schedule of Fees and Charges (Resolution No. 72737, as amended) was adopted, with the addition of Councilmember Maya Esparza's May 10, 2021 memorandum to:

1. Accept Staff recommendations regarding the adoption of the Social Host Ordinance and amended 2020-2021 Schedule of Fees and Charges to establish charges for emergency responses related to fireworks violations.

(Item Continued on the Next Page)

4.2 (Cont'd.)

2. Direct the City Manager in coordination with the Fire Chief to develop a social media outreach and education campaign regarding the Social Host Ordinance and amended Schedule of Fees and Charges to be implemented ahead of July 4th, 2021.

Including adding social media outreach and education campaign similar to street racing, and with all offices to be included in the media outreach

(11-0.)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-1021 Amendment to San José Clean Energy 2021 Service and Rate Changes.

Adopt a resolution:

(a) Amending San José Clean Energy's (SJCE) GreenSource default product beginning May 15, 2021 by increasing its renewable energy content to 55% and increasing its rates to 8% above Pacific Gas and Electric Company's (PG&E) generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment, provided that SJCE's 100% renewable energy TotalGreen product will continue to be 0.5-1 cent per kWh higher than GreenSource;

(b) Establishing a third product called GreenValue, with rates set at parity to PG&E generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment; and

(c) Establishing the SJ Cares program for CARE (California Alternate Rates for Electricity) and FERA (Family Electric Rate Assistance) customers, for whom GreenSource generation service will be set at parity to PG&E generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment.

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

Director, Community Energy Department, Lori Mitchell and Zach Struyk Assistant Director provided a presentation and responded to questions.

Public Comments: Blair Beekman and Jackie Fournier provided comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Matt Mahan and carried unanimously, **Resolution No. 79993** approving an Amendment to San José Clean Energy 2021 Service and Rate Changes was adopted. (11-0.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-1022 Final Public Hearing and Approval of the Fiscal Year 2021-22 Annual Action Plan for the U.S. Department of Housing and Urban Development. - NOT TO BE HEARD BEFORE 5:00 P.M.

(a) Conduct a final public hearing on the Fiscal Year 2021-22 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development (HUD).

(b) Adopt a resolution to:

(1) Approve the Fiscal Year 2021-22 Annual Action Plan;

(2) Authorize the Director of Housing to submit the FY 2021-22 Annual Action Plan to HUD; and

(b)(3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the FY 2021-22 Annual Action Plan and all related contract amendments, extensions and changes.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project specific CEQA clearance. (Housing)

Public Comments: Blair Beekman provided comments.

Deputy Director of Housing, Ragan Henninger responded to questions from Council.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, (a) A final public hearing on the Fiscal Year 2021-22 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development (HUD) was conducted; and (b) **Resolution No. 79994** approving the Fiscal Year 2021-22 Annual Action Plan for the U.S. Department of Housing and Urban Development was adopted. (11-0.)

8.2 21-1048 Approval of Supported Isolation and Quarantine Funding Agreement with Santa Clara County.

Adopt a resolution to:

(a) Authorize the City Manager to negotiate and execute a Cost Sharing Agreement with the County of Santa Clara for up to \$10,000,000 to provide supported isolation and quarantine services to City residents toward containing and mitigating community spread of COVID-19 in the City of San José (Isolation and Quarantine Support Program) for a term retroactive from December 31, 2020 through June 30, 2021; subject to the appropriation of funds; and

(b) Accept \$640,000 from the County to provide meals to non-San José residents who are staying in motels as part of the County's Isolation and Quarantine Support Program.

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

(Item Continued on the Next Page)

8.2 (Cont'd.)

A presentation was provided by Director of Housing Jacky Morales-Ferrand; Consuelo Hernandez Director, Office of Supportive Housing, Santa Clara County; and Hong Cao Program Manager, Office of Supportive Housing, Santa Clara County.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 79995** approving the Supported Isolation and Quarantine Funding Agreement with Santa Clara County was adopted. (10-0-1. Absent: Jimenez.)

8.3 21-1147 Response to City Council Direction for Sanctioned Encampment. - Deferred to 5/18/2021 per Administration.

Accept the report providing a response to City Council direction to implement a sanctioned encampment program for the duration of the public health emergency and provide direction on the level of services for the sanctioned encampment.

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

Deferred to 5/18/2021 per Administration.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use Items

None provided.

OPEN FORUM

1. Blair Beekman spoke to the future of subsidy plans for low-income citizens.
2. Caller #1 spoke on why he has become active in local politics and addressed the fact that the fountain doesn't work at the Rose Garden.

ADJOURNMENT

The Council of the City of San José adjourned at 7:40 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Ruth Krantz

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council: May 9, 2023

Toni J. Taber, CMC

City Clerk

rmk/05-11-2021MIN

City of San José



SAN JOSÉ CITY COUNCIL CLOSED SESSION

MAY 11, 2021

The Council of the City of San José convened into Closed Session at 9:00 a.m.
This meeting was teleconferenced from remote locations.

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

Absent: Councilmembers - Jimenez.

Closed Session Item(s) discussed:

A. 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

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to 54956.9(d)(2) and (e)(1) of the Government Code:

Number of matter(s) to be discussed: 1

C. 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: 1

Name of Case: ACA CONNECTS – AMERICA’S COMMUNICATIONS ASSOCIATION, et al. Plaintiffs-Appellants, vs. ROB BONTA, in his official capacity as Attorney General of California

D. 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.sanjoseca.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.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

4. 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.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
- 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 Union of Operating Engineers, Local No. 3 (OE#3)
- 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

By unanimous consent, Council recessed from the Closed Session at 11:45 a.m. to reconvene in Regular Open Session at 1:30 p.m. in Council Chambers.