



# **City Council Meeting Minutes**

**Tuesday, August 15, 2023**

**1:30 PM**

**Hybrid Meeting – Council Chambers and Virtually –**

**<https://sanjoseca.zoom.us/j/88471470054>**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10



- **Call to Order and Roll Call**

- 9:33 a.m. - Closed Session**

- 23-1034** Closed Session: *See Pages 14-17 for Closed Session Minutes*

- Absent: All Present.

- 1:39 p.m. - Afternoon Session**

- Present: Councilmembers - Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley (1:40 p.m.), Batra, Kamei; Mahan.

- Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 7)**

Viet Steps - San José-based Vietnamese American Youth Dance Group provided the invocation through a dance performance.

- **Orders of the Day**

Mayor Matt Mahan suggested deferring Item 6.1 to the October 3, 2023 City Council Meeting.

Motion: Councilmember Peter Ortiz deferred Item 6.1 to the October 3, 2023 City Council Meeting. Vice Mayor Rosemary Kamei seconded the motion.

Friendly Amendment: Councilmember Bien Doan requested a friendly amendment to direct staff to schedule a Study Session prior to the return of the item in October, to consider the recommendations brought forward by Council memorandums written for Item 6.1. The friendly amendment was not by the maker of the motion.

Deputy City Manager Kip Harkness responded to questions on the possibility of a study session.

Substitute Motion: Councilmember Arjun Batra made a substitute motion to defer Item 6.1 to the October 3, 2023 City Council Meeting and directed staff to include a Study Session before October 3 on existing staff recommendations. Councilmember Bien Doan seconded this motion.

Call to Question: Councilmember Pam Foley requested a call to question. (9-2-0; Noes: Batra, Doan.)

Action: On a call to question, *the substitute motion failed*. (2-9-0; Noes: Jimenez, Torres, Cohen, Ortiz, Davis, Candelas, Foley, Kamei, and Mahan)

Action: On a call to question, the underlying motion pass unanimously, Item 6.1 was deferred to the October 3, 2023 City Council Meeting. (11-0-0.)

## • **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Omar Torres presented a commendation to Ed Solis, Recreation Superintendent with the Parks, Recreation & Neighborhood Services' Department, for his incredible tenure at the City of San José and his immeasurable impact through fostering community relations, developing new and innovative programs, and rebuilding the lives of at-risk youth. (Torres)
- 1.2 Councilmembers Arjun Batra, Domingo Candelas, Bien Doan and Vice Mayor Rosemary Kamei presented a proclamation declaring August 15, 2023, as the 76th year of Indian Independence Day to celebrate and recognize the contributions of Indian Americans to the cultural, social, and economic fabric of the City of San José. (Batra, Candelas, Kamei, and Doan)
- 1.3 Not Heard.

## **2. CONSENT CALENDAR**

Public Comment: None provided.

Mayor Matt Mahan pulled Item 2.14 for additional questions, but not for separate consideration.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Consent Calendar was approved as a whole, the below actions were taken as indicated. (11-0-0.)

### **2.1 Approval of City Council Minutes.**

None provided.

### **2.2 Final Adoption of Ordinances.**

None provided.

## 2.3 Approval of Council Committee Minutes.

None provided.

### 2.4 23-1098 Mayor and Council Excused Absence Requests

Request for excused absences for: (a) Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee on August 2, 2023 due to Authorized City Business - attendance of the August 2, 2023 Santa Clara County Local Agency Formation Commission (LAFCO) meeting, located at the Santa Clara County Government Center, San José. (b) Councilmember Davis from the Regular Meeting of Rules and Open Government Committee on August 2, 2023 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Kamei and Davis) [Rules Committee referral 8/9/2023 - Item A.1.a]

Action: The excused absence for (a) Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee on August 2, 2023 and (b) Councilmember Davis from the Regular Meeting of Rules and Open Government Committee on August 2, 2023 were approved. (11-0-0.)

## 2.5 City Council Travel Reports.

None provided.

## 2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

### 2.7 23-1018 Amendment to the Self-Service Luggage Cart Agreement between the City of San José and Smarte Carte, Inc.

Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Self-Service Luggage Cart Agreement between the City of San José and Smarte Carte, Inc. to remove provisions for payments to Smarte Carte by the City for luggage cart services in the Federal Inspection Services Building at the San José Mineta International Airport. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Action: **Resolution No. RES2023-282** was adopted, authorizing the City Manager to negotiate and execute the Third Amendment to the Self-Service Luggage Cart Agreement between the City of San José and Smarte Carte, Inc. (11-0-0.)

### 2.8 23-1019 Acceptance of the California Governor's Office of Planning and Research Adaptation Planning Grant Award.

Adopt a resolution accepting the California Governor's Office of Planning and Research Adaptation Planning Grant in the amount of \$649,970; and authorizing the City Manager, or designee, to negotiate and execute the Grant Agreement and Partnership Agreement, any additional amendments and all related documents, without further City Council action. CEQA: Not a Project, 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)

Action: **Resolution No. RES2023-283** was adopted, accepting the California Governor's Office of Planning and Research Adaptation Planning Grant in the amount of \$649,970. (11-0-0.)

- 2.9            23-1020            California Community Choice Association 2023-2024 Membership.**  
Adopt a resolution authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2023-2024 at a cost not to exceed \$600,000. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy)
- Action: **Resolution No. RES2023-284** was adopted, authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2023-2024 at a cost not to exceed \$600,000. (11-0-0.)
- 2.10           23-1021           Amendment to the Consultant Services Agreement with the San José Downtown Association.**  
Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association to include marketing, promotional, placemaking, business development and parking-related services increasing consultant compensation from \$332,026 to \$1,330,249. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)
- Action: **Resolution No. RES2023-285** was adopted, authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association. (11-0-0.)
- 2.11           23-1022           Restatement of the Lease Agreement Between the City of San José and Jim Angelopoulos, Dba Campus Burgers, Inc., for the City-Owned Property Located at 108 Paseo de San Antonio.**  
Adopt a resolution authorizing the City Manager or designee, to negotiate and execute: (a) A first restatement of the lease dated December 1, 2015 between the City of San José and Jim Angelopoulos, an individual, for the use of approximately 930 square feet of space in the City-owned building located at 108 Paseo de San Antonio, San José, California allowing for an initial term of five years at a rate of \$2,790 per month for the first year with a 3% annual escalator each year thereafter, and two five-year options to extend at then-current fair market rent; and (b) All other documents or amendments necessary to effectuate the first restatement of the lease. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no

physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

Action: **Resolution No. RES2023-286** was adopted, authorizing the City Manager or designee, to negotiate and execute: (a) A first restatement of the lease dated December 1, 2015 between the City of San José and Jim Angelopoulos; and (b) all other documents or amendments necessary to effectuate the first restatement of the lease. (11-0-0.)

**2.12      23-1023**

**Declaration of End of Citywide Water Supply Shortage.**

Adopt a resolution declaring an end to the citywide water supply shortage and superseding Resolution No. 80749. CEQA: Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Action: **Resolution No. RES2023-287** was adopted, declaring an end to the citywide water supply shortage and superseding Resolution No. 80749. (11-0-0.)

**2.13      23-1024**

**Actions Related to the Purchase Orders with Bayscape Management, Inc. and Brightview Landscape Services, Inc. for Landscape Renovation and Repair Services.**

Adopt a resolution authorizing the City Manager or designee to: (a) Negotiate and execute purchase orders with Bayscape Management Inc. dba Bayscape Landscape Management (San José, CA) to extend services for up to two additional one-year option terms for a total of six options through August 20, 2025, subject to the appropriation of funds; and (b) Negotiate and execute purchase orders with Brightview Landscape Services, Inc. (Blue Bell, PA) to extend services for up to two additional one-year option terms for a total of six options through August 20, 2025, subject to the appropriation of funds. CEQA: Categorically Exempt, File No. ER23-151, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. RES2023-288** was adopted, authorizing the City Manager or designee to: (a) Negotiate and execute purchase orders with Bayscape Management Inc. dba Bayscape Landscape Management (San José, CA); and (b) Negotiate and execute purchase orders with Brightview Landscape Services, Inc. (11-0-0.)

**2.14      23-1025**

**Request for Proposal for City-Generated Tow Service Administration.**

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager or designee to: (a) Negotiate and execute an agreement with AutoReturn US, LLC (Las Vegas, NV) for City-Generated Tow Service Administration, including tow management software and associated professional and tow operator services, with an initial term beginning on or about August 16, 2023 and ending August 31, 2025, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$1,139,000 for the initial term, subject to the appropriation of funds; (b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$200,000 during the initial term, subject to the appropriation of funds;

and (c) Exercise up to eight one-year options to extend the term of the agreement through August 31, 2033, or as may be adjusted to align with the software renewal term, 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/Planning, Building and Code Enforcement/Police)

Deputy City Manager Rob Lloyd and Deputy Chief Jaime Jimenez responded to questions.

Action: The Request for Proposal report accepted and **Resolution No. RES2023-289** was adopted, authorizing the City Manager or designee to: (a) Negotiate and execute an agreement with AutoReturn US, LLC (Las Vegas, NV) for City-Generated Tow Service Administration; (b) Negotiate and execute amendments and change orders for unanticipated changes in requirements; and (c) Exercise up to eight one-year options to extend the term of the agreement through August 31, 2033. (11-0-0.)

- 2.15      23-1026      2021 State Homeland Security Grant Program Training and Exercise Funding to the Fire Department.**
- (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the Agreement between the County of Santa Clara and the City of San José for 2021 State Homeland Security Grant Program Funds to increase the maximum amount payable by \$36,000, from \$351,898 to \$387,898, for training to deliver advanced medical care for victims and rescuers in all-hazard disaster events. (b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund: (1) Increase the estimate for Revenue from Federal Government by \$36,000; and (2) Establish a City-Wide Expense appropriation to the Fire Department for the State Homeland Security Grant - Fire 2021 in the amount of \$36,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Fire/City Manager)

Action: (a) **Resolution No. RES2023-290**, (b) **Appropriation Ordinance No. 30940**, and Funding Sources **Resolution No. RES2023-291**, were adopted, authorizing the City Manager or designee to negotiate and execute an amendment to the Agreement between the County of Santa Clara and the City of San José for 2021 State Homeland Security Grant Program Funds; (1) increase the estimate for Revenue from Federal Government by \$36,000; and (2) establish a City-Wide Expense appropriation to the Fire Department. (11-0-0.)

- 2.16      23-1027      Amendment to Consulting Agreement with Safety Compliance Management for Citywide Regulatory/Program Specific Safety Training.**
- Adopt a resolution authorizing the City Manager or designee to negotiate and execute a First Amendment to the Consulting Agreement with Safety Compliance Management for Citywide regulatory/program specific safety training, increasing the amount of compensation by \$200,000 for a total compensation amount not to exceed \$575,000, subject to appropriation of funds. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Human Resources)

Action: **Resolution No. RES2023-292** was adopted, authorizing the City Manager or designee to negotiate and execute a First Amendment to the Consulting Agreement with Safety Compliance Management for Citywide regulatory/program specific safety training. (11-0-0.)

2.17      23-1028

**Amendment to the Contract Package 2 Specific Construction Transportation Management Plan for West Portal Early Works.**

(a) Approve Santa Clara Valley Transportation Authority's First Amendment to Contract Package 2 Construction Transportation Management Plan for West Portal Early Works. (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute minor amendments to the Construction Transportation Management Plan to include minor but substantive edits, annual updates and supplemental plans including but not limited to Event Management, Trucker Management and Traffic Contingency plans. CEQA: File No. ER21-065, Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report for the Santa Clara Valley Transportation Authority's BART Silicon Valley Phase II Extension Project. Council District 6. (Public Works)

Action: (a) Santa Clara Valley Transportation Authority's First Amendment was approved; and (b) **Resolution No. RES2023-293** was adopted, authorizing the Director of Public Works to negotiate and execute minor amendments to the Construction Transportation Management Plan. (11-0-0.)

2.18      23-1029

**Amendment to Master Agreements with Professional Service Industries, Inc., CTE Cal, Inc., and Signet Testing Labs, Inc. for Special Inspection Services for Various City Projects.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the first amendment to the Master Agreements for consultant services with Professional Service Industries, Inc. (CPMS Contract No. 9468-C), CTE Cal, Inc. (CPMS Contract No. 9468-B), and Signet Testing Labs, Inc. (CPMS Contract No. 9468-A) for special inspection services for City funded projects in 2024 and 2025 to revise the following two items in each of the master agreements: (1) extend the term from December 31, 2023, to December 31, 2025, with no increases to the maximum compensation; and (2) revise hourly rate of field inspections. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

Action: **Resolution No. RES2023-294** was adopted, authorizing the City Manager or designee to negotiate and execute the first amendment to the Master Agreements for consultant services with Professional Service Industries, Inc. (CPMS Contract No. 9468-C), CTE Cal, Inc. (CPMS Contract No. 9468-B), and Signet Testing Labs, Inc. (CPMS Contract No. 9468-A). (11-0-0.)



- 2.19      23-1102      Request for Travel Authorization for Councilmember Cohen.**  
 As recommended by the Rules and Open Government Committee on August 9, 2023, authorize travel for Councilmember Cohen to Sacramento, CA from September 20 to 22, 2023 to attend the League of California Cities - Annual Conference and Expo. Source of Fund: Mayor/Council Travel Budget CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 8/9/2023 - Item B.4]
- Action: Travel for Councilmember Cohen to Sacramento, CA from September 20 to 22, 2023 to attend the League of California Cities - Annual Conference and Expo. was authorized. (11-0-0.)
- 2.20      23-1106      Retroactive Approval of Multiple Special Events Sponsored by Council District 8 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 August 9, 2023: (a) Retroactively approve the CERT Community Meeting at Evergreen Branch Library scheduled on May 11, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Community Cleanup at Lake Cunningham scheduled on May 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (c) Retroactively approve the District 8 Community Budget Meeting at East Valley Family YMCA scheduled on June 8, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (d) Retroactively approve the Meadowfair Neighborhood Association Meeting at Meadowfair Park scheduled on June 15, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (e) Retroactively approve the Health Fair and Wellness Walk at Eastridge Mall scheduled on June 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (f) Retroactively approve the Music in the Park at Evergreen Village Square scheduled on July 29, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (g) Retroactively approve the Movie Night at Evergreen Village Square scheduled on August 11, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and (h) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Candelas) [Rules Committee referral 8/9/2023 - Item B.5]
- Action: The City Council Sponsored Special Events were retroactively approved. (11-0-0.)
- 2.21      23-1109      Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 4 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 August 9, 2023: (a) Retroactively approve the District 4 Litter Pick-Up scheduled on August 5, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (b)

Approve the District 4 Vietnamese Mid-Autumn Festival scheduled on September 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 8/9/2023 - Item B.6]

Action: The City Council Sponsored Special Events were retroactively approved. (11-0-0.)

- 2.22          23-1097          Approval of Progressive Pride and Transgender Flag Raisings and 2023 Silicon Valley Pride Lighting Sponsored by Council District 9, Council District 6, and Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**  
(a) Approve the Progressive Pride and Transgender flag raisings and the 2023 Silicon Valley Pride lighting ceremony scheduled from August 21 to 27, 2023 as City Council sponsored Special Events and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley, Davis and Torres) [Rules Committee referral 8/9/2023 - Item A.1.a]

Action: The City Council Sponsored Special Events were approved. (11-0-0.)

### **3. STRATEGIC SUPPORT**

#### **3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

None provided.

#### **3.2 Labor Negotiations Update.**

None provided.

- 3.3          23-1030          Actions Related to the 9157 - Fire Station No. 8 - Relocation (2018 Measure T) Project.**  
(a) Adopt a resolution adopting the Fire Station No. 8 Relocation Project Initial Study/Negative Mitigated Negative Declaration (File No. ER 22-063) and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA). (b) Report on bids and award of a contract for the construction of 9157 - Fire Station No. 8 Relocation Project to the lowest responsive, responsible bidder D.L. Falk Construction, Inc., for the base bid in the amount of \$10,526,000 and approve a 10% contingency in the amount of \$1,052,600. (c) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund (498): (1) Increase the Measure T - Fire Station 8 Relocation appropriation in the amount of \$1,687,000;

and (2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$1,687,000. (d) In accordance with City Council-approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Fire Station 8, which is estimated to exceed \$100,000 annually in the General Fund once the project is complete, will not require a decrease in existing basic neighborhood services. CEQA: Fire Station No. 8 Relocation Project Initial Study/Mitigated Negative Declaration, File No. ER22-063. Council District 3. (Public Works/City Manager)

Public Comments: None provided.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Bien Doan, and carried unanimously, (a) **Resolution No. RES2023-295** was adopted, adopting the Fire Station No. 8 Relocation Project Initial Study/Negative Mitigated Negative Declaration; (b) the Report on Bids and award of Contract was approved; (c) Appropriation **Ordinance No. 30941** was adopted, making amendments in the Public Safety and Infrastructure Bond Fund; and (d) the Council certified the funding of the annual operations and maintenance costs for Fire Station 8, will not require a decrease in existing basic neighborhood services. (11-0-0.)

#### 3.4 23-1031

##### **Soft Story Seismic Retrofit Program Application for the Federal Emergency Management Hazard Mitigation Grant Program Funds.**

Adopt a resolution authorizing the City Manager or designee to: (a) Submit an application and all required documentation to the California Office of Emergency Services Hazard Mitigation Program Grant for a grant award in an amount not to exceed \$25,000,000 with the following scope to implement the Soft Story Seismic Retrofit program and fund partially the seismic retrofitting of selected soft story multifamily buildings in San José as determined by the Notice of Intent submitted by staff on May 10, 2023; (b) Allocate an amount not to exceed \$6,250,000 per year for the duration of the grant, subject to the appropriation of funds, as local matching funds required for the Hazard Mitigation Program Grant; and (c) Negotiate and execute the Hazard Mitigation Program Grant application package, including a State of California Standard Agreement in a total amount not to exceed \$25,000,000, as well as all other documents required or deemed necessary or appropriate to procure and accept a Hazard Mitigation Program Grant award as required by the State of California. CEQA: Not a Project, File No. PP17-006, Grant application with no commitment obligation to enter into an agreement at the time of application (Planning, Building and Code Enforcement/Housing/City Manager)

Deputy City Manager and Acting Housing Director Rosalynn Hughey, Director of Emergency Management Ray Riordan, and Deputy Director of Planning, Building, and Code Enforcement Lisa Joiner provided the presentation and responded to questions.

Public Comments: Blair Beekman and Rocio Molina (Catalyze SV) offered public comments.

Action: Upon motion by Councilmember Arjun Batra, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2023-296** was adopted, authorizing the City Manager or designee to: (a) Submit an application and all required documentation to the California Office of Emergency Services Hazard Mitigation Program Grant for a grant award; (b) Allocate an amount not to exceed \$6,250,000 per year for the duration of the grant; and (c) Negotiate and execute the Hazard Mitigation Program Grant application package. (11-0-0.)

## **6. ENVIRONMENTAL & UTILITY SERVICES**

- 6.1            23-1032            Ordinance Amending Titles 2, 4, and 26 and Adding Title 28 to the San José Municipal Code to Establish a Municipal Utility for Electric Service.**  
(a) Approve an ordinance amending Titles 2, 4, and 26 of, and adding Title 28 to the San José Municipal Code to establish a municipal utility called “San José Power” with the ability to provide retail electric service in selected areas of the city. (b) Authorize the City Manager to submit an Interconnection Application(s) to LS Power as a Participating Transmission Owner of the California Independent System Operator for wholesale access to the California Independent System Operator Transmission grid at new LS Power- owned facilities to potentially allow retail service at Substation B at Guadalupe Parkway and Coleman Avenue to serve new load in a swath of territory along the rail right of way between Diridon Station and the San José Mineta International Airport; and in North San José Alviso region to serve load for planned development and future City or Valley Water facilities. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy)

**Item 6.1 was deferred to the October 3, 2023 City Council Meeting during Orders of the Day.**

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar**

None provided.

### **10 Land Use – Regular Agenda**

None provided.

- **Open Forum**

1. Amin spoke on inequitable challenges of building compliant ADU housing.
2. Blair Beekman spoke on the future of City work and union demands.

- **Adjournment**

The Council of the City of San José adjourned at 3:00 p.m. in memory of former District 10 Councilmember Nancy Pyle, who passed away on July 14, 2023. Nancy was a beloved and award-winning teacher, San José Evergreen Community College Trustee, and served two full terms on the San José City Council from 2004 to 2012. She helped bring numerous businesses to the Blossom Hill and Almaden Expressway corridor.

Minutes Recorded, Prepared, and Respectfully Submitted by,



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Grace Turner,  
Deputy City Clerk

Approved at Council on:

# of Actions: 6

Attest By:



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Toni J. Taber, CMC  
City Clerk, City of San José

## SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

**AUGUST 15, 2023**

The Council of the City of San José convened into Closed Session at 9:33 a.m.  
This meeting was held in City Hall Conference room W-133

**Present Councilmembers** - Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra, Kamei; Mahan.

**Absent Councilmembers** - All Present.

Closed Session Item(s) discussed:

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

1. Case Name: In re: Claim of Hickey  
Name(s) of Partie(s)  
Involved:  
Court: Worker's Compensation Appeals Court  
Case No: ADJ12880450, ADJ12920518, ADJ10831214  
Amount of Money or Other Benefits  
Relief Sought:
2. Case Name: In re: Claim of Loesche  
Name(s) of Partie(s)  
Involved:  
Court: Worker's Compensation Appeals Court  
Case No: ADJ5370526  
Amount of Money or Other Benefits  
Relief Sought:

### **B. 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 Building, Mechanical and Electrical Inspectors (ABMEI)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José

- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/alp>  
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees:  
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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
  3. Organization or Name and Title of Unrepresented Employees:  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Legal Professionals of San José (ALP)  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
  4. Organization or Name and Title of Unrepresented Employees:  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
  5. Organization or Name and Title of Unrepresented Employees:  
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 (CAMP)  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150

6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**  
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 Association of Firefighters (IAFF), Local 230  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>  
Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>  
Telephone – Employee Relations: (408) 535-8150
8. 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 (MEF)  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
9. 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: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/oe-3>  
Telephone – Employee Relations: (408) 535-8150
10. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers’ Association (SJPDA)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.



- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Municipal Employees’ Federation (MEF), AFSCME, Local 101
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpd>
- Telephone – Employee Relations: (408) 535-8150
11. Organization or Name and Title of Unrepresented Employees: **San José Police Officers’ Association (SJPOA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices’ Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/poa>
- Telephone – Employee Relations: (408) 535-8150
12. Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Peace Officer Park Ranger Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/popra>
- Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 1:39 p.m. in the Council Chamber.