



City Council Meeting Minutes

Tuesday, June 20, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

MATT MAHAN, MAYOR
ROSEMARY KAMEI, 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**

9:34 a.m. - Closed Session 23-793: *See Pages 38-42 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra. (Council Chambers Conference Room, W133.)

Absent Councilmembers: All present.

1:40 p.m. - Regular Session:

Present Councilmembers: Mahan, Kamei, Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra. (City Hall, Council Chambers.)

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 6)**

Father Friar Lawrance Namato from the Assyrian Church of the East offered the invocation and opened in prayer.

- **Orders of the Day**

Public Comment: (Zoom) Paul Soto and Blair Beekman offered public comment regarding the Orders of the Day.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sergio Jimenez and carried unanimously, the Orders of the Day and the Agenda were approved, *including the deferral of Item 2.15, with the addition of Item 2.38 to the Consent Calendar.* (10-0-1; Absent: Batra)

- **Closed Session Report**

City Attorney, Nora Frimann reported that the City Attorney's Office received authority to file a lawsuit. When the lawsuit is filed, it will be made available to the public.

1. CEREMONIAL ITEMS - TO BE HEARD AT 1:30 P.M.

- 1.1 Councilmember Dev Davis presented the proclamation recognizing July as Parks and Recreation Month to promote building strong, vibrant and resilient communities through the power of parks and recreation and to celebrate the vital role park and recreation professionals play in bringing people together, providing essential services, and fostering growth in our community.
- 1.2 Councilmember Omar Torres presented the commendation to Juanita Morales-Euresti for her dedicated service as Director of the San José Vet-Center in the City of San José.
- 1.3 Councilmember Pam Foley presented the commendation recognizing the San José Pickleball Club for their dedication to utilizing the sport of pickleball to create a welcoming space that fosters new connections and relationships for the collective good of our community.

2. CONSENT CALENDAR

Councilmember Arjun Batra requested to recuse himself from Item 2.19.

Mayor Matt Mahan requested to recuse himself from Item 2.25.

Councilmember Peter Ortiz requested to pull Item 2.23 to make a comment.

Public Comment: (Zoom) Blair Beekman and Paul Soto provided public testimony on the Consent Calendar items *as a whole*.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved *as a whole*. *Items 2.19 and 2.25 were voted on separately, the below actions were taken as indicated.* (11-0-0)

2.1 23-958 Approval of City Council Minutes.

(a) Regular City Council Meeting Minutes of April 11, 2023. (b) Regular City Council Meeting Minutes of May 16, 2023. (c) City Council Study Session Meeting Minutes of March 23, 2023. (d) City Council Study Session Meeting Minutes of March 30, 2023. (e) City Council Study Session Meeting Minutes of May 10, 2023. (f) City Council Study Session Meeting Minutes of May 11, 2023. (g) City Council Special Meeting Minutes of May 25, 2023. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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

2.2 23-964 Final Adoption of Ordinances.

(a) Ordinance No. 30915 - An Uncodified Ordinance of the City of San José Approving the Annual Budget Reports for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22 for Fiscal Year 2023-2024 as Filed or Modified by the City Council, and Confirming and Levying the Individual Assessments, as Filed or Modified

by the City Council, Specified in the Resolutions. [Passed for Publication on 6/6/2023 – Item 2.16

(b) (23-823)] (b) Ordinance No. 30916 - An Uncodified Ordinance of the City of San José Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2023-2024 as Filed or Modified by the City Council, and Confirming and Levying the Individual Assessments, as Proposed or Modified by the City Council, Specified in the Resolution. [Passed for Publication on 6/6/2023 - Item 2.18(b) (23-825)]

(c) Ordinance No. 30917 - An Uncodified Ordinance of the City of San José Approving the Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2023-2024 as Filed or Modified by the City Council, and Confirming and Levying the Individual Assessments as Proposed or Modified by the City Council Specified in the Resolution [Passed for Publication on 6/6/2023 - Item 2.21(b) (23-828)]

(d) Ordinance No. 30918 - An Uncodified Ordinance of the City of San José Adopting Service Rates for the Residential Garbage and Recycling Program Effective July 1, 2023, as Specified in the Resolution. [Passed for Publication on 6/6/2023 - Item 6.2(c) (23-837)]

(e) Ordinance No. 30919 - An Uncodified Ordinance of the City of San José Establishing Charges for Potable Water Service and Recycled Water Service Effective July 1, 2023, Specified in the Resolutions. [Passed for Publication on 6/6/2023 - Item 6.3(d) (23-828)]

(f) Ordinance No. 30920 - An Uncodified Ordinance of the City of San José Approving the Japantown Business Improvement District Budget Report for Fiscal Year 2023-2024, as Filed or Modified by the City Council, and Levying the Japantown Business Improvement District Assessments for Fiscal Year 2023-2024 Specified in the Resolution. [Passed for Publication on 6/6/2023 - Item 8.1(b) (23-839)]

(g) Ordinance No. 30921 -An Uncodified Ordinance of the City of San José Approving the Downtown Business Improvement District Budget Report for Fiscal Year 2023-2024, as Filed or Modified by the City Council, and Levying the Downtown Business Improvement District Assessments for Fiscal Year 2023-2024 Specified in the Resolution. [Passed for Publication on 6/6/2023 - Item 8.2(b) (23-840)]

(h) Ordinance No. 30926 - An Ordinance of the City of San José Amending Section 12.06.030 of Chapter 12.06 of Title 12 of the San José Municipal Code to Amend the Definition of A Candidate to Conform with State Law, and Section 12.06.220 of Chapter 12.06 of Title 12 of the San José Municipal Code to Amend the Definition of Agent to Include an Elected Officer's Staff. [Passed for Publication on 6/13/2023 - Item 3.8 (23-881)]

(i) Ordinance No. 30927 - An Ordinance of the City Of San José Amending Part 2, Part 3, Part 4, Part 5, Part 6, and Part 8 to Chapter 6.88 of Title 6 of the San José Municipal Code to Modify the Annual External Audit Requirement, Add Definitions, Approve Other Changes to Update the San José Municipal Code to Align with State Regulations, and Make Other Technical, Non-Substantive or Formatting Changes. [Passed for Publication on 6/13/2023 - Item 4.1(a) (23-877)]

(j) Ordinance No. 30928 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 13.05 Gross Acres Situated on the North Side of Berryessa Road, Approximately 1,100 Feet Westerly of Lundy Avenue (1655 Berryessa Road)

(APNs: 241-03-023, 241-03-024, & 241-03-025) from the LI Light Industrial and An Agricultural Zoning Districts to the R-M(PD) and CP(PD) Planned Development Zoning Districts. [Passed for Publication on 6/13/2023 - Item 10.2(b) (23-879)]

(k) Ordinance No. 30929 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Sections 20.80.763, 20.80.770, 20.80.775 and 20.80.780 from Part 9.75 of Chapter 20.80, and to Make Other Technical, Non-Substantive, or Formatting Changes within those Sections of Title 20 of the San José Municipal Code. [Passed for Publication on 6/13/2023 - Item 10.3(b) (23-880)]

(l) Ordinance No. 30925 - An Uncodified Ordinance of the City of San José to Amend and Establish Various Fees and Charges, Effective July 1, 2023, Specified in the Schedule of Fees and Charges Resolution. [Passed for Publication on 6/13/2023 - Item 3.6(c) (23-875)]

Action: (a) **Ordinance No. 30915**, (b) **Ordinance No. 30916**, (c) **Ordinance No. 30917**, (d) **Ordinance No. 30918**, (e) **Ordinance No. 30919**, (f) **Ordinance No. 30920**, (g) **Ordinance No. 30921**, (h) **Ordinance No. 30926**, (i) **Ordinance No. 30927**, (j) **Ordinance No. 30928**, (k) **Ordinance No. 30929**, and (l) **Ordinance No. 30925** were adopted. (11-0-0)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 23-897 Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.

Adopt a resolution authorizing the City Attorney to negotiate and execute a Tenth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the amount of compensation by \$250,000, for a total amount of compensation not to exceed \$2,550,000. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: **Resolution No. RES2023-206** was adopted. (11-0-0)

- 2.8 23-898 Appropriation Ordinance Amendments for City Litigation Reserve. - DROP** Adopt the following 2022-2023 Appropriation Ordinance amendments in the General Fund:
- (a) Decrease the City Litigation Reserve by \$450,000; and
 - (b) Increase the Non-Personal /Equipment appropriation to the City Attorney's Office by \$450,000.
- 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 Attorney)

DROPPED.

2.9 23-796 Board of Fair Campaign and Political Practices Evaluator and Investigator Services Agreement.

Approve an agreement with Hanson Bridgett, LLP to provide legal and investigative services as the Evaluator and Investigator to the San José Board of Fair Campaign and Political Practices for four-year term beginning July 1, 2023 through June 30, 2027 in the amount not to exceed \$300,000, subject to appropriation of funds.

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

Action: The agreement with Hanson Bridgett, LLP to provide legal and investigative services as the Evaluator and Investigator to the San José Board of Fair Campaign and Political Practices was approved. (11-0-0.)

2.10 23-893 Approval of Updated Campaign Contribution Limits.

Adopt the resolution approving the updated campaign contribution limits in accordance with San José Municipal Code Section 12.06.210.C.

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

Action: **Resolution No. RES2023-207** was adopted. (11-0-0)

- 2.11 23-900 Termination of the Director of Emergency Services' January 3, 2023, Proclamation of the Existence of a Local Emergency due to Storms.**
Adopt a resolution terminating the Director of Emergency Services' January 3, 2023 Proclamation of the Existence of a Local Emergency for the public safety threat of high water flows and flooding due the extreme storms in January 2023.
CEQA: Statutory Exempt, Section 15269, Emergency Projects
Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)
- Action: **Resolution No. RES2023-227** was adopted. (11-0-0)
- 2.12 23-901 Amendment to Title 3 of the San José Municipal Code for Federated Employees' Retirement Plan Tier 2 Survivorship Benefits.**
Approve an ordinance amending Sections 3.28.1470 and 3.28.1480 of Chapter 3.28 of Title 3 of the San José Municipal Code to clarify the eligibility definitions and benefits for Tier 2 survivors of retirees who die before retirement in the Federated City Employees' Retirement Plan.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Manager)
- Action: **Ordinance No. 30930** amending Sections 3.28.1470 and 3.28.1480 of Chapter 3.28 of Title 3 of the San José Municipal Code was passed for publication. (11-0-0)
- 2.13 23-903 Community Stabilization and Opportunity Pathways Fund Commission.**
Approve staff's recommendation to appoint a new member to the Community Stabilization and Opportunity Pathways Fund Commission to replace an appointee that has since withdrawn.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Economic Development and Cultural Affairs)
- Action: The staff's recommendation to appoint a new member to the Community Stabilization and Opportunity Pathways Fund Commission to replace an appointee that has since withdrawn was approved. (11-0-0)
- 2.14 23-904 Agreement with the County of Santa Clara for the Development and Implementation of County of Santa Clara Percent for Art-Funded Public Art Projects.**
Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute an agreement to provide the County of Santa

Clara with professional services for the development and implementation of percent for art-funded public art projects, and for the County of Santa Clara to compensate the City an amount of up to \$800,000 for these services.

CEQA: Categorically Exempt, File No. ER20-225, CEQA Guidelines Section 15300.2. (Economic Development and Cultural Affairs/City Manager)

Action: **Resolution No. RES2023-228** was adopted. (11-0-0)

2.15 23-907

Actions Related to the First Church of Christ Scientist Project Located at 39 East St. James Street.

(a) Approve the expenditure of City funds of \$200,000 to replace the protective containment wrap on the First Church of Christ Scientist located at 39 East St. James Street and lien the property to recoup all related costs upon sale of the property.

(b) Adopt the following 2022-2023 Appropriation Ordinance adjustments in the General Fund:

(1) Decrease the Personal Services appropriation to the Planning, Building and Code Enforcement Department by \$200,000; and

(2) Increase the Non-Personal/Equipment appropriation to the Public Works Department by \$200,000.

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. Council District 3. (Economic Development and Cultural Affairs/City Manager)

DEFERRED DURING ORDERS OF THE DAY.

2.16 23-905

Actions Related to the Grant Funds from the United States Environmental Protection Agency for the Environmental Stewardship Program.

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

(1) Negotiate and execute a grant agreement or award documentation and take all other actions necessary to accept, disburse, and utilize the United States Environmental Protection Agency grant for the Environmental Stewardship Program for the term of July 1, 2023, through June 30, 2027, in any amount awarded, but anticipated to be \$419,002; and

(2) Negotiate and execute agreements upon award of the grant with those entities involved in the grant application process, or other similar grantees, in a total amount not to exceed the grant award:

(i) Children's Discovery Museum, a non-profit 501(c)(3) corporation, for the term July 1, 2023, through June 30, 2027, to conduct

environmental outreach, education, and engagement;

(ii) International Children Assistance Network, a non-profit 501(c)(3) corporation, for the term July 1, 2023, through June 30, 2027, to conduct Vietnamese-language outreach;

(iii) Mujeres Empresarias Tomando Accion, a woman-owned small business, for the term July 1, 2023, through June 30, 2027, to conduct Spanish-language outreach and engagement;

(iv) Keep Coyote Creek Beautiful, a non-profit 501(c)(3) corporation, for the term July 1, 2023, through June 30, 2027, to conduct volunteer trash cleanups and community outreach and education; and

(v) East Side Union High School District, high school(s), and feeder elementary schools within areas targeted by the Grant, for the term July 1, 2023, through June 30, 2027, to coordinate environmental coordination and outreach.

(b) Adopt the following FY 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the estimate for Revenue from Federal Government by \$104,750; and

(2) Establish an Environmental Stewardship Program appropriation to the Environmental Services Department in the amount of \$104,750.

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 impact on the environment. (Environmental Services/City Manager)

Action: (a) **Resolution No. RES2023-229**, (b) Appropriation **Ordinance No. 30931**, and (b) Funding Sources **Resolution No. RES2023-230** were adopted. (11-0-0)

2.17 23-906

Actions Related to the Purchase Order with Tucker Construction, Inc. for as Required Board-Up Services.

Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the term of the purchase order with Tucker Construction, Inc. (San José, CA) for as required board-up services, with the last option ending on or about July 5, 2027, subject to 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)

Action: **Resolution No. RES2023-231** was adopted. (11-0-0)

2.18 23-908

Actions Related to the Purchase Orders with HCI Environmental & Engineering Service and Tucker Construction, Inc. for the Removal and Disposal of Trash, Debris and Bio-Waste at Encampment Sites.

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute purchase orders with HCI Environmental & Engineering Service (Corona, CA) to extend services for up to four additional six-month option terms for a total of ten options through December 30, 2025, subject to the appropriation of funds; and
- (b) Negotiate and execute purchase orders with Tucker Construction, Inc. (San José, CA) to extend services for up to four additional six-month option terms for a total of ten options through December 30, 2025, subject to the appropriation of funds.

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

Action: **Resolution No. RES2023-232** was adopted. (11-0-0.)

2.19 23-909

Actions Related to Citywide Open Purchase Order with AT&T for FirstNet Products and Services.

Adopt a resolution authorizing the City Manager to:

- (a) Amend citywide open purchase order OP 62482 with AT&T (Atlanta, GA) for the purchase of as-required AT&T FirstNet products and services through CalNet to increase compensation by \$1,000,000 for a revised maximum compensation of \$3,500,000 for the current option ending August 7, 2023, subject to the appropriation of funds;
- (b) Negotiate and execute additional annual options to extend the purchase order as required, subject to the appropriation of funds, and
- (c) Negotiate and execute FirstNet-related contract documentation as required, 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)

Councilmember Arjun Batra requested to recuse himself from the item, due to his shares with AT&T.

Public Comment: (Zoom) Blair Beekman and Paul Soto provided public testimony.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, **Resolution No. RES2023-233** was adopted. (10-0-1; Recused. Batra)

2.20 23-941

Amendment to the Purchase Order with Jensen Landscape Services, LLC for Landscape and Irrigation Maintenance Services.

Adopt a resolution authorizing the City Manager to amend purchase order OP 59024 with Jensen Landscape Services, LLC (Milpitas, CA) for landscape and irrigation maintenance services to increase the total compensation by \$343,929 for a maximum compensation not-to-exceed \$854,929 for the twelve-month period ending June 30, 2024.

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

Action: **Resolution No. RES2023-234** was adopted. (11-0-0.)

2.21 23-911

Report on Request for Proposal for Portable and Vehicle-Mounted Automated License Plate Readers.

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

- (a) Negotiate and execute purchase orders with Flock Group, Inc. (Atlanta, GA) as required for portable automated license plate reader equipment leases, including associated data storage, software, and professional services, leveraging the terms and conditions of the existing agreement for a combined maximum compensation not to exceed \$650,000 for the initial term beginning on or about June 21, 2023 and ending June 30, 2024, subject to the appropriation of funds;
- (b) Amend purchase orders with Flock Group, Inc. as required to adjust for unexpected changes in requirements and demand, subject to the appropriation of funds;
- (c) Negotiate and execute purchase orders with Flock Group, Inc. for up to nine one-year option terms through June 30, 2034, subject to the appropriation of funds;
- (d) Negotiate and execute the Third Amendment to the agreement for Body Worn Camera and Evidence Management System with Axon Enterprises Inc. (Scottsdale, AZ) to update the agreement name, allow for the purchase of vehicle-mounted automated license plate readers as required, increase compensation by \$205,590 for the current five-year option term ending June 30, 2026 for a revised maximum compensation of \$6,957,763, and add one additional five-year option for a total of two five-year options to extend the agreement through June 30, 2031, subject to the appropriation of funds; and
- (e) Negotiate and execute amendments, change orders, and exercise of options to the agreement with Axon Enterprises Inc. as required to purchase additional software, equipment, and related services at the same unit pricing and consistent with the same material terms and conditions as the original agreement and solicitation, subject to the appropriation of funds.

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

Action: The report on the request for proposal for portable and vehicle-mounted automated license plate readers was accepted and **Resolution No. RES2023-235** was adopted. (11-0-0)

2.22 23-912 Amendment to the Agreement with Ernst & Young, LLP for COVID-19 Consulting Support.

Adopt a resolution authorizing the City Manager to negotiate and execute the Fifth Amendment to the Agreement with Ernst & Young, LLP (San José, California) for consulting support to assist the City of San José in strategic management of COVID-19 funding sources and provide technical guidance related to a comprehensive disaster cost recovery model, to increase compensation by \$350,000 for a revised amount not-to-exceed \$1,850,000 and extend the contract term to December 31, 2023.

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

Action: **Resolution No. RES2023-236** was adopted. (11-0-0)

2.23 23-913 Memorandum of Disposition and Development Agreement for the Girasol Senior Apartments Located at 1710 Alum Rock Avenue.

Approve the release of the Memorandum of Disposition and Development Agreement with MACSA Housing Corporation from the title for the Girasol Senior Apartments located at 1710 Alum Rock Avenue. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 5. (Housing)

Councilmember Peter Ortiz thanked the Cities Housing Department and the Santa Clara County Housing Authority for their efforts regarding stakeholders.

Action: The release of the Memorandum of Disposition and Development Agreement with MACSA Housing Corporation from the title for the Girasol Senior Apartments located at 1710 Alum Rock Avenue was accepted. (11-0-0)

Actions Related to Grant Agreements for Multiple Homelessness Programs for Fiscal Year 2023-2024.

Adopt a resolution authorizing the Director of Housing or designee to negotiate and execute agreements and amendments for the following priorities serving individuals and families experiencing homelessness for Fiscal Year 2023-2024 with three one-year options to extend, subject to the appropriation of funds:

(a) Crisis Interventions:

(1) Outreach Programs:

(i) HomeFirst (Services Outreach Assistance and Resources) in the amount of \$2,150,000 from July 1, 2023 - December 31, 2023;

(ii) PATH (Services Outreach Assistance and Resources) in the amount of \$521,000 from July 1, 2023 - December 31, 2023;

(iii) PATH (Targeted Outreach for Unhoused Populations) in the amount of \$353,000 from July 1, 2023 - December 31, 2023;

(v) PATH (Downtown Outreach Expansion) in the amount of \$0 (no cost extension) from July 1, 2023 - December 31, 2023;

(vi) HomeFirst (Valley Water Outreach Project) in the amount of \$1,789,000 retroactive from May 1, 2023 - November 1, 2024;

(vii) WeHope (Dignity on Wheels) in the amount of \$0 (no cost extension) from July 1, 2023 - December 31, 2023.

(2) Supportive Parking Programs:

(i) Amigos de Guadalupe (Supportive Parking for cars) in the amount of \$750,000 from July 1, 2023 - June 30, 2024;

(ii) LifeMoves (Safe Parking for RVs) in the amount of \$0 (no cost extension) from March 1, 2024 - June 30, 2024.

(3) Employment Programs:

(i) International Rescue Committee (Employment Development) in the amount of \$0 (no cost extension) from July 1, 2023 - June 30, 2024;

(ii) Goodwill (San José Bridge) in the amount of \$2,000,000 from July 1, 2023 - June 30, 2024;

(iii) Destination: Home (Employment Initiative) in the amount of \$125,000 from July 1, 2023 - June 30, 2024.

(4) Transportation Programs:

(i) County of Santa Clara (United Pass for Life Improvement from Transportation) in the amount of \$100,000 from July 1, 2023 - June 30, 2024.

(b) Housing and Shelter Opportunities:

(1) Homelessness Prevention Programs:

(i) Destination: Home (Homelessness Prevention System) in the amount of \$9,500,000 from July 1, 2023 - June 30, 2024;

(ii) Law Foundation (Eviction Help Center) in the amount of \$0 (no cost extension) from July 1, 2023 - June 30, 2024.

(2) Rapid Rehousing Programs:

(i) HomeFirst in the amount of \$1,250,000 from July 1, 2023 - June 30, 2024;

(ii) Bill Wilson Center in the amount of \$1,000,000 from July 1, 2023 - June 30, 2024;

(iii) LifeMoves in the amount of \$1,250,000 from July 1, 2023 - June 30, 2024.

(3) Supportive Service Programs:

(i) County of Santa Clara (Care Coordination Project) in the amount of \$1,000,000 from July 1, 2023 - June 30, 2024.

(4) Interim Shelter Programs:

(i) HomeFirst (Monterey/Bernal and Rue Ferrari) in the amount of \$3,670,000 from July 1, 2023 - December 31, 2023;

(ii) LifeMoves (Guadalupe) in the amount of \$0 (no cost extension) from July 1, 2023 - December 31, 2023;

(iii) PATH (Evans Lane) in the amount of \$1,000,000 from July 1, 2023 - December 31, 2023;

(iv) HomeFirst (San José Bridge Housing Community Programs) in the amount of \$2,095,700 from July 1, 2023 - December 31, 2023;

(v) Abode (Plaza) in the amount of \$1,500,000 from July 1, 2023 - June 30, 2024.

(5) Motel Programs:

(i) LifeMoves (Motel Voucher Program) in the amount of \$4,400,000 from July 1, 2023 - June 30, 2024;

(ii) LifeMoves (Temporary Housing Access Program) in the amount of \$4,500,000 from July 1, 2023 - June 30, 2024;

(iii) YWCA (Interpersonal Violence Support Program) in the amount of \$250,000 from July 1, 2023 - June 30, 2024.

CEQA: Not a Project, File No. PP17-009, Agreements/Contracts (New or Amended) resulting in no physical changes to the 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. (Housing)

Action: **Resolution No. RES2023-237** was adopted. (11-0-0.)

2.25 23-914

Agreement with Cristo Rey San José Work Study, Inc. for High School Student Work-Study Program.

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and Cristo Rey San José Work Study, Inc. to provide student workers for a five-year term, commencing July 1, 2023 through June 30, 2028, with a maximum compensation amount not to exceed \$862,500, subject to City Council 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. (Human Resources)

Mayor Matt Mahan recused himself from the item due to his wife's source of income in connection to Cristo Rey.

Assistant Director Of Human Resources, Kelli Parmley responded to questions.

Councilmember Sergio Jimenez expressed his concerns with the competitive nature of the Request for Proposal (RFP) for High School Work Study Program services and asked about the outreach that was done.

Councilmember Peter Ortiz addressed his concerns with the grants qualifications, competitiveness, and its language.

Public Comment: (Zoom) Paul Soto provided public testimony.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-238** was adopted. (7-3-1; Noes: Jimenez, Ortiz, Candelas; Recused: Mahan)

2.26 23-915

Amendment to the City Pay Plan.

Adopt a resolution amending the City of San José Pay Plan effective June 20, 2023 to Reinstate the Assistant City Auditor (1255) classification with a salary range of \$146,041.21 -\$192,774.40 annually. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources)

Action: **Resolution No. RES2023-239** was adopted. (11-0-0.)

2.27 23-916

Actions Related to the Grant Agreement Between the City of San José and the San José Public Library Foundation.

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation in the amount not to exceed \$2,050,000 for the fiscal administration of San José Learns funds (\$1,000,000), fiscal administration of the San José Learns Tutoring Expansion funds (\$1,000,000), and for fundraising activities to support Library programs (\$50,000). CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library)

Action: **Resolution No. RES2023-240** was adopted. (11-0-0.)

Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2023-2024 Agreements.

Adopt a resolution, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept funds, negotiate and execute 2023-2024 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment to the staff memorandum) consistent with Adopted Budget amounts for the following City programs and/or services:

- (a) After School Education and Safety;
- (b) Alternative Feeding Location Program;
- (c) BeautifySJ Initiative:
 - (1) Encampment Trash Program;
 - (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
 - (3) Interagency Agreements;
 - (4) Memoranda of Understanding;
- (d) BeautifySJ Grant Program Fiscal Agent Agreement;
- (e) Capital Improvement Program Master Consultant Projects;
- (f) Citywide Aquatics Program;
- (g) Community Service Provider Agreements;
- (h) Facility Use Agreements:
 - (1) Leisure and Recreation Fee Class Vendor Agreements;
 - (2) Family Camp;
 - (3) Neighborhood Center Partner Program;
 - (4) Recreation of City Kids Program;
 - (5) San José Youth Empowerment Alliance;
 - (6) Therapeutic Services.
- (i) "Friends of" PRNS Non-Profit Organization Partners;
- (j) Golf Course Agreement;
- (k) Grantmaking Programs:
 - (1) Bringing Everyone's Strengths Together;
 - (2) BeautifySJ Neighborhood Associations Grant Program;
 - (3) Franklin-McKinley Children's Initiative;
 - (4) Safe Summer Initiative Grant;
 - (5) Saint James/Urban Park Activation;
 - (6) Senior Health and Wellness;
 - (7) Spartan-Keyes Neighborhood Action Center.
- (l) Grant Revenue Agreements;
- (m) Happy Hollow Park & Zoo:
 - (1) Education Programs;
 - (2) Private Events.
- (n) Leisure and Recreation Fee Class Vendor Agreements;
- (o) Little League Agreements;
- (p) Mitigation Monitoring and Maintenance Support Services;
- (q) Park Concessionaires Agreements;
- (r) Reimbursement Agreements;
- (s) Right-of-Entry Agreements;
- (t) San José Police Activity League Agreement;

(u) San José Youth Empowerment Alliance:

(1) Agreements with subcontracted agencies to implement Alliance programs;

(2) Memoranda of Understanding;

(3) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph).

(v) Senior Nutrition Program:

(1) County of Santa Clara Agreement for Senior Nutrition Program.

(w) Sponsorship Agreements;

(x) Standard Consultant Agreements for Non-Capital Projects;

(y) Summer Food Service Program; and

(z) Trail Program Joint Use Agreements.

CEQA: Community Services Provider Agreements: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-042; BeautifySJ Grant Program: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039; All Other Agreements: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. All agreements cited in this memorandum, except for the BeautifySJ Grant Program and Community Services Provider Agreements, have services that involve no change to the environment. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. RES2023-241** was adopted. (11-0-0)

2.29 23-917

Actions Related to the 10202 - The Tech Interactive Chillers and Cooling Tower Replacement Project.

(a) Report on bids and take appropriate action based on the evaluation of bids for the 10202 - The Tech Interactive Chillers and Cooling Tower Replacement Project, and

(b) Approve a 15 % construction contingency if City Council awards a construction contract.

CEQA: Categorically Exempt, File No. ER22-272. CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works)

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Dev Davis, and carried unanimously, (a) the report on bids for the 10202 - The Tech Interactive Chillers and Cooling Tower Replacement Project was accepted and (b) the 15 % construction contingency if City Council awards a construction contract was accepted. (11-0-0)

2.30 23-918

2021-2022 Annual Development In-Lieu Fee Report.

Adopt a resolution:

(a) Accepting the Fiscal Year 2021-2022 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and

(b) Making certain findings as required by Government Code Section 66001(d)(1).

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)

Action: **Resolution No. RES2023-242** was adopted. (11-0-0)

2.31 23-919

Report on Bids and Award of Contract for 8824 - Mt. Pleasant Pedestrian & Bike Traffic Safety Improvement, Federal Project No. CML-5005(156).

(a) Report on bids and award of a contract for the construction of 8824 - Mt. Pleasant Pedestrian & Bike Traffic Safety Improvements Project to the lowest responsive, responsible bidder, Redgwick Construction Company, in the amount of \$1,488,500; and

(b) Approve a 10% contingency in the amount of \$148,850.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 5 and 8. (Public Works/Transportation)

Action: (a) The report on bids and award of a contract for the construction of 8824- Mt. Pleasant Pedestrian & Bike Traffic Safety Improvements Project was accepted and (b) the 10% contingency in the amount of \$148,850 was approved. (11-0-0)

2.32 23-920

Amendment to the Agreement with TYLin International for Santa Clara Bridge at Coyote Creek Replacement Project.

Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute the Third Amendment to the Consultant Agreement with TYLin International to retroactively extend the term of the agreement and increase the compensation in the amount of \$130,828 for a total maximum compensation of \$1,425,926.

CEQA: Categorically Exempt, File No. ER21-091, CEQA Guidelines Section 15302, Replacement or Reconstruction. Council District 3. (Transportation)

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Dev Davis, and carried unanimously, **Resolution No. RES2023-243** was adopted. (11-0-0)

2.33 23-921

Amendment to the Funding Agreement with VTA for the I-280/Winchester Boulevard Improvement Project.

Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a Third Amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the I-280/Winchester Boulevard Improvement Project to extend the term of the agreement to June 30, 2025.

CEQA: Statutory Exemption, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. Council District 1 and 6. (Transportation)

Action: **Resolution No. RES2023-244** was adopted. (11-0-0)

2.34 23-969

Request for Travel Authorization for Councilmember Cohen.

As recommended by the Rules and Open Government Committee on June 14, 2023, authorize travel for Councilmember Cohen to Newport Beach, CA from July 13 - 14, 2023, to attend the League of California Cities - Board of Directors Meeting. 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 6/14/2023 - Item B.5]

Action: The Request for travel authorization for Councilmember Cohen was approved. (11-0-0)

2.35 23-970

Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments: (a) Airport Commission: (1) District 6 Seat: Reappoint Robert Hencken for a term of July 1, 2023 to June 30, 2027. (b) Clean Energy Community Advisory Commission: (1) CAAC Nominated Seat: Appoint Todd Davidson for a term of June 20, 2023 to December 31, 2023. (c) Downtown Parking Board: (1) Representative of Business Association Within Designated Meter District Seat: Reappoint Tamiko Rast for a term of July 1, 2023 to June 30, 2027. (d) Historic Landmarks Commission: (1) Citywide Seat: Appoint Amy Brown for a term of July 1, 2023 to June 30, 2027. (2) Citywide Seat: Reappoint Lawrence Camuso for a term of July 1, 2023 to June 30, 2027. (e) Housing and Community Development Commission: (1) District 6 Seat: Appoint Jen Beehler for a term of July 1, 2023 to June 30, 2027. (f) Library and Education Commission: (1) District 6 Seat: Appoint Patricia Gardner for a term of July 1, 2023 to June 30, 2027. (g) Measure T Community Oversight Committee: (1) Environmental Issues Seat 4: Appoint Lee Space for a term beginning on June 20, 2023. (h) Parks and Recreation Commission: (1) District 6 Seat: Appoint Kelly Snider for a term of July 1, 2023 to June 30, 2027. (i) Senior Citizens Commission: (1) District 2 Seat: Appoint Kohli Singh for a term of July 1, 2023 to June 30, 2027. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 6/14/2023 - Item A.1.a]

Action: The Boards and Commissions appointments were approved. (11-0-0)

2.36 23-962

Bill of Rights for the Children and Youth of the City of San José Update.

As recommended by the Neighborhood Services and Education Committee on June 8, 2023: (a) Accept the report on the revised Bill of Rights for the Children and Youth of the City of San José. (b) Adopt a resolution revising the Bill of Rights for Children and Young Adults, superseding Resolution No. 79978. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Library) [Neighborhood Services and Education Committee referral 6/8/2023 - Item (d)5] [Rules Committee referral 6/14/2023 - Item A.1.a]

Action: (a) The report on the revised Bill of Rights for the Children and Youth of the City of San José was accepted and (b) **Resolution No. RES2023-245** was adopted. (11-0-0)

2.37 23-963

Retroactive Approval of Rotunda and Tower Lighting Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds.

Retroactively approve the Rotunda and Tower Lighting scheduled on June 17-24, 2023 to recognize the San José Police Department Mobile Emergency Response Group and Equipment (MERGE) Unit as a City Council sponsored Special Event and approve the expenditure of funds. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan) [Rules Committee referral 6/14/2023 - Item A.1.a]

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

2.38 23-975

VEBA Advisory Committee Appointment.

Approve the appointment of Nicholas (Nick) Rovetto, nominated by the group of employees representing the Federated Unions as the active employee member of the VEBA Advisory Committee (VAC) to fill a vacant seat for the remainder of the term, ending May 31, 2026. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Dev Davis, and carried unanimously, the appointment of Nicholas (Nick) Rovetto as the active employee member of the VEBA Advisory Committee (VAC) to fill a vacant seat for the remainder of the term, ending May 31, 2026 was 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 23-922

Approval of Various Budget Actions for Fiscal Year 2022-2023. - HEARD IMMEDIATELY BEFORE CONSENT.

Adopt the 2022-2023 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the memorandum to Council. 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)

Public Comment: (Zoom) Blair Beekman and Paul Soto provided public testimony.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, Appropriation **Ordinance No. 30932** and Funding Sources **Resolution No. RES2023-246** were adopted. (11-0-0)

3.4 23-923

Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2023-2024 Budget, and Resolution Establishing the Fiscal Year 2023-2024 Appropriation Limit. – HEARD IMMEDIATELY BEFORE CONSENT

(a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2023-2024 and the Manager's Final Budget Addendum.

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2023-2024 and the Manager's Final Budget Addendum.

(c) Adopt a resolution taking the following actions with respect to the City's 2023-2024 "Gann Limit":

(1) Elect the per capita income index as the inflation factor for 2023-2024 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;

(2) Elect the County of Santa Clara population growth index as the population factor for 2023-2024; and

(3) Establish the Fiscal Year 2023-2024 Appropriation Limit at \$1,462,637,396 in compliance with Article XIII B of the State of California Constitution.

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)

Public Comment: (*Zoom*) Caller ‘5434’, Blair Beekman, and Paul Soto provided public testimony.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, (a) Annual Appropriation **Ordinance No. 30933**, (b) Annual Funding Sources **Resolution No. RES2023-247**, and (c) **Resolution No. RES2023-248** were adopted. (11-0-0)

3.5 23-924

Adoption of Statement of Policy and City Council Questions for the Prospective Director of Housing.

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Housing as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Public Comment: (*In person*) Alex Shoor, (*Zoom*) Paul Soto, and Blair Beekman provided public testimony.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Peter Ortiz, and carried unanimously, the Statement of Policy and City Council Questions related to the selection of a prospective Director of Housing was adopted. (11-0-0)

3.6 23-925

Actions Related to Project Valley Title LLC and Project Bo Town LLC Encroachment Agreement.

Adopt a resolution:

- (a) Conditionally authorizing a permit for a major encroachment (Encroachment Permit) to Project Valley Title LLC and Project Bo Town LLC (collectively Permittees) to allow Permittees to construct, maintain, repair, reconstruct, occupy, and use privately-owned, subsurface energy (heating and cooling), wastewater, recycled water, and electrical systems infrastructure within a portion of East San Salvador Street pursuant to San José Municipal Code Chapter 13.37; and
- (b) Authorizing the Director of Public Works to execute an encroachment agreement between the City of San José and Permittees, upon satisfaction of certain conditions, and record a certified copy of the Encroachment Permit on Permittees’ properties with the County of Santa Clara Office of the Clerk-Recorder.

CEQA: Determination of Consistency with the Bo Town Mixed Use Project Final Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 80787), File No. H20-038; and the Valley Title Commercial Project Final Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report, File No. H21-012. Council District 3. (Public Works)

Public Comment: (*Zoom speakers*) Blair Beekman and Paul Soto provided public testimony.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-249** was adopted. (11-0-0)

3.7 23-971 Compensation and Benefit Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82) for Fiscal Years 2023-2024, 2024-2025, and 2025-2026.

Adopt a resolution to approve and amend compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees in Units 81/82, for Fiscal Years 2023-2024, 2024-2025, and 2025-2026. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager) [Rules Committee referral 6/14/2023 - Item A.1.a]

Public Comment: (*Zoom*) Paul Soto provided public testimony.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember David Cohen, and carried unanimously, **Resolution No. RES2023-250** was adopted. (11-0-0)

3.8 23-972 Approve the Terms of an Agreement Between the City of San José and ALP, to Amend Certain Articles in the Current Memorandum of Agreement (“MOA”) and Extend the Term of the MOA through June 30, 2026, and Authorizing the City Manager to Execute an Agreement with those Terms.

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Legal Professionals (ALP) to amend certain articles in the current Memorandum of Agreement (MOA) and extend the term of the MOA through June 30, 2026, and authorize the City Manager to execute an 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) [Rules Committee referral 6/14/2023 - Item A.1.a]

Public Comment: (*Zoom*) Paul Soto and Blair Beekman provided public testimony.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-251** was adopted. (11-0-0)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

*** THE MEETING OF THE CITY COUNCIL RECESSED AND THE JOINT CITY OF SAN JOSE CITY COUNCIL/ SAN JOSE FINANCING AUTHORITY MEETING CONVENED ***

6.1 23-926 *Actions Related to the 9813 - San José Municipal Water New Offices Project. HEARD CONCURRENTLY WITH SJFA ITEM 2*

(a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the San José Municipal Water New Offices Project, File No. ER22-114, and the related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act.

(b) Adopt a resolution authorizing the Director of Public Works to:

(1) Award and execute a contract for the construction of 9813 - San José Municipal Water New Offices Project to the lowest responsive, responsible bidder in an amount not to exceed \$38,214,500;

(2) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and

(3) Approve a contingency of up to 15% of the amount of the construction contract for the project.

CEQA: File No. ER22-114 Initial Study/Mitigated Negative Declaration for the San José Municipal Water New Offices Project. Council District

7. (Public Works/Environmental Services)

Director of Public Works, Matt Loesch; Deputy Director of Environmental Services, Jeff Provenzano; and Deputy Director of Finance, Debt & Treasury Management, Qianyu Sun offered the presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen, and carried unanimously, (a) **Resolution No. RES2023-252** and (b) **Resolution No. RES2023-253** were adopted. (11-0-0)

7. NEIGHBORHOOD SERVICES

7.1 23-928

Code Enforcement Focus Area Service Team Pilot Program.

Accept the report of the proposed Code Enforcement Focus Area Service Team Pilot Program to proactively address blight in the Downtown and other focus areas of the City.

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

Director, Planning, Building, and Code Enforcement Department, Chris Burton and Deputy Director, Planning, Building, and Code Enforcement Department, Rachel Roberts offered the presentation and responded to questions.

Public Comment: (Zoom) Blair Beekman, Paul Soto, and Brian Darby provided public testimony.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Peter Ortiz, and carried unanimously, the report of the proposed Code Enforcement Focus Area Service Team Pilot Program was accepted. (11-0-0)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-929

Community-Based Organization Engagement Partners.

Adopt a resolution authorizing the City Manager or designee to:

- (a) Negotiate and execute up to 22 master agreements with community-based organizations or a total maximum compensation limit of up to \$6 million, with the initial terms of the master agreements of three years, with options to extend individual contracts for up to two additional years, for a total contract term of up to five years; and
- (b) Exercise options to extend the master agreements for up to an additional two years for specified organizations under the same terms and conditions.

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

Mayor Matt Mahan stated the two organizations appealing the decision will be given 5-minutes to speak after the staff presentation.

Assistant Director of Economic Development, Director of Real Estate, Nanci Klein; Assistant to the City Manager, Lori Severino; Diridon District Coordinator, Zacharias Mendez, and Deputy City Manager, Rosalynn Hughey offered the presentation and responded to questions.

Senior Community Organizer, Andrea Slater and Co-Leader, Linda Hutchins-Knowles, representing Mothers Out Front Silicon Valley, spoke on behalf of the organizations appeal.

Bryan Do, representing the Vietnamese American Organization (VAO), spoke on behalf of the organizations appeal.

Public Comment: (Zoom) Rocio Molina, Paul Soto, Moria Merriweather, and Kalisha Webster (Housing Choices) provided public testimony.

Motion: Councilmember David Cohen moved approval of the staff recommendation, the list of the organizations on the staff recommendation, and requested to include one more Request for Proposals (RFP) from an organization that can do climate outreach for the City. The motion was seconded by Councilmember Omar Torres.

Substitute Motion: Councilmember Dev Davis made the motion to only move approval of the staff recommendation. The substitute motion was seconded by Vice Mayor Rosemary Kamei.

Friendly Amendment: Regarding the 3-year initial term for master agreements, Councilmember Domingo Candelas requested that staff report annually to the Community Economic Development (CED) Committee to discuss and access how many organizations are taking advantage of the prequalification process. The friendly amendment was accepted by the maker of the substitute motion and seconder.

Action: On a call for question, the substitute motion passed unanimously, the staff recommendation was approved, including the friendly amendment *directing staff to report annually to the Community Economic Development (CED) Committee to discuss and access how many organizations are taking advantage of the prequalification process*; **Resolution No. RES2023-254** was adopted. (11-0-0)

8.2 23-930 Purchase and Sale Agreement for Property Located at 517 West Saint John Street.

Adopt a resolution authorizing the City Manager, or designee, to:

(a) Negotiate and execute a Purchase and Sale Agreement between the City of San José and Arlethea K. Thorson, Trustee of the Survivor's Trust of the Loren and Arlethea Thorson 1999 Trust, and Richard and Joan Della Maggiore, Trustees of the Richard Della Maggiore and Joan Della Maggiore Revocable Living Trust dated November 13, 1991, for the acquisition of the property known as 517 West Saint John Street, identified as Assessor's Parcel Number 259-29-091, in the amount of \$5,100,000 plus closing costs estimated at \$10,000 and tenant relocation costs estimated at \$275,000;

(b) Issue an I.R.S. Section 1033 exchange letter to seller; and

(c) Execute all other documents necessary to effectuate the transfer of property to the City.

CEQA: Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report for the Lot E Parking Structure Project (Resolution No 78942). Council District 3. (Economic Development and Cultural Affairs/Transportation)

Assistant Director of Economic Development, Director of Real Estate, Nanci Klein and Senior Real Estate Manager, Kevin Ice offered the presentation and responded to questions.

Public Comment: (*Zoom*) Paul Soto provided public testimony.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Omar Torres, and carried unanimously, **Resolution No. RES2023-255** was adopted. (10-0-1; Absent: Jimenez)

8.3 23-931

Proposed One-Year Extension of the Measure E Real Property Transfer Tax Refund for Qualifying Nonprofit Real Property Transfers Pilot Program.

(c) Approve extending the Measure E Real Property Transfer Tax Refund for Qualifying Nonprofit Real Property Transfers Pilot Program by one year, to June 30, 2024.

(d) Approve an ordinance amending Section 4.59.230 of Chapter 4.59 of Title 4 of the San José Municipal Code that extends the Measure E Real Property Transfer Tax Refund for Qualifying Nonprofit Real Property Transfers Pilot Program to real property purchases that occur by June 30, 2024.

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; Categorically Exempt, File No. ER21-023, CEQA Guidelines Section 15301, Existing Facilities. (Housing)

Public Comment: (*Zoom*) Ruthie, Paul Soto, and Blair Beekman provided public testimony.

Rachel Assistant Director, Housing Department, Rachel VanderVeen responded to questions.

Motion: Councilmember Arjun Batra made the motion to deny the extension referred in the staff recommendation. Councilmember Bien Doan seconded the motion.

Substitute Motion: Councilmember Domingo Candelas made a substitute motion to accept the staff recommendation. The substitute motion was seconded by Councilmember Dev Davis.

Friendly Amendment: Councilmember Bien Doan made a friendly amendment to request that if a project qualifies for Measure E funds, they should qualify for this funding, but if they do not, they should be expected to pay taxes like everyone else. The friendly amendment was not accepted by the maker of the substitute motion.

Friendly Amendment: Councilmember Pam Foley made the friendly amendment to request that the pilot program sunset in a year after analysis has been completed. The friendly amendment was accepted by the maker of the substitute motion, with amendments as noted by the seconder of the substitute motion mentioned below.

Amendment to the Substitute Motion: Councilmember Dev Davis requested that staff report back to the Community Economic Development (CED) Committee for further discussion and analysis. After further discussion, the CED Committee would make the recommendation whether the pilot program should sunset. The amendment to the substitute motion was accepted by the maker of the substitute motion and the seconder.

Action: On a call for question, the amended substitute motion passed unanimously, to include *that staff report back to the Community Economic Development (CED) Committee for further discussion and analysis. After further discussion, the CED Committee will make the recommendation whether the pilot program should sunset*, the staff recommendation to (a) extend the Measure E Real Property Transfer Tax Refund \ for Qualifying Nonprofit Real Property Transfers Pilot Program by one year, to June 30, 2024 was approved; and (b) **Ordinance No. 30934** amending Section 4.59.230 of Chapter 4.59 of Title 4 of the San José Municipal Code that extends the Measure E Real Property Transfer Tax Refund for Qualifying Nonprofit Real Property Transfers Pilot Program to real property purchases that occur by June 30, 2024 was *passed for publication*. (11-0-0)

Council recessed from 6:13 p.m. to 6:48 p.m.

8.4 23-932

Actions Related to the California Department of Housing and Community Development Notice of Funding Availability for the HomeKey Program Round 3.

Adopt a resolution authorizing the City Manager, or designee, to apply for a grant up to \$6,250,000 and submit all required documentation for the California Department of Housing and Community Development's HomeKey Program Round 3 to address housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness for the site located at 155 South 11th Street, San José, 95112. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. Council District 3. (Housing)

Deputy Director, Housing Department, Ragan Henninger and Director, Housing Department, Jacky Morales-Ferrand offered the presentation and responded to questions.

Public Comment: (Zoom) Paul Soto, Blair Beekman, and Brian Darby provided public testimony.

Action: Upon motion by Councilmember Omar Torres, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **RES. NO. RES2023-256** was adopted. (9-0-2; Absent: Davis, Foley)

8.5 23-934

**Approval of the State of California Department of Housing and Community Development Application for a Prohousing Designation Program.
HEARD AFTER ITEM 10.2**

Adopt a resolution authorizing the City Manager or designee to apply for and execute documents required for participation in the State of California Department of Housing and Community Development's Prohousing Designation Program.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Housing/Planning, Building and Code Enforcement)

Director, Housing Department, Jacky Morales-Ferrand; Director, PBCE, Chris Burton; and Acting Deputy Director, Housing Department, Kristen Clements offered the presentation and responded to questions.

Mayor Mahan and the Councilmembers collectively congratulated Jacky Morales-Ferrand on her retirement and expressed their gratitude for all her work throughout her time here at the City.

Public Comment: (*Zoom*) Paul Soto and Blair Beekman provided public testimony.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan and carried unanimously, **Resolution No. RES2023-257** was adopted. (11-0-0)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

OPEN THE GENERAL PLAN HEARING (2023 CYCLE 2)

10.1 Land Use on Consent Calendar

Public Comment: (*In person*) Alex Sywak, (*Zoom*) Brian Darby, and Ruthie provided public testimony regarding the Land Use Consent Calendar *as a whole*.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember David Cohen, and carried unanimously, the Land Use Consent Calendar was approved *as a whole*. The below actions were taken as indicated. (9-0-2; Absent: Davis, Foley)

10.1 (a) 23-935 C23-089 & ER23-082 - Conforming Rezoning for Certain Real Property Located at 950 South Winchester Boulevard.

Approve an ordinance rezoning certain real property of an approximately 0.21-gross-acre site located on the southeast corner of the intersection of South Winchester Boulevard and Fruitdale Avenue (950 South Winchester Boulevard) from the R-1-5 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto (File No. ER23-082). Council District 1. (Planning, Building and Code Enforcement)

Director, Planning, Building, and Code Enforcement Department, Chris Burton responded to questions.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember David Cohen, and carried unanimously, (a) **Ordinance No. 30935** was *passed for publication*. (9-0-2; Absent: Davis, Foley)

10.1 (b) 23-936 GP21-015 - City-Initiated General Plan Amendment to Modify the Envision San José 2040 Land Use/Transportation Diagram Designation within the Evergreen Village Area (APN 659-57-015).

Adopt a resolution approving the City-initiated General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at the subject location within the Evergreen Village area.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 8. Planning Commission recommends approval (10-0, Item 7.a., on the 5/24/2023 Planning Commission agenda). Council District 8. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember David Cohen, and carried unanimously, (b) **Resolution No. RES2023-258** was adopted. (9-0-2; Absent: Davis, Foley)

10.1(c) 23-937 GP23-002, GPT23-002, GPT23-003 - City-Initiated General Plan Amendment and Text Amendments to Modify the Envision San José 2040 General Plan.

Adopt three resolutions approving the General Plan Text Amendments to amend the Envision San José 2040 General Plan to update:

- (1) Policy TR-1.4 to allow implementation of the updated City Council Policy 5-1; and
- (2) Transportation Network Diagram and allow implementation of the En Movimiento Plan, Downtown Transportation Plan, and West San José Multimodal Transportation Improvement Plan; and
- (3) Transportation Network Designations to allow implementation of the City Council Policy 5-8.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommends approval (10-0; Item 7.b. on 5/24/2023 Planning Commission agenda). (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember David Cohen, and carried unanimously, (c)(1) **Resolution No. RES2023-259**, (c)(2) **Resolution No. RES2023-260**, and (c)(3) **Resolution No. RES2023-261** were adopted. (9-0-2; Absent: Davis, Foley)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 23-938 GPT22-001 & ER21-032 - City-Initiated General Plan Text Amendment to Revise the Envision San José 2040 General Plan Housing Element for the 2023-2031 Regional Housing Need Allocation (RHNA) Cycle Projection Period Pursuant to State Law and Related Amendment to Chapter 7 of the General Plan. - NOT HEARD BEFORE 1:30 P.M.

(a) Adopt a resolution certifying the City of San José 2023 - 2031 Housing Element Update Supplemental Environmental Impact Report and making certain findings concerning no significant impacts of the project, mitigation measures and project alternatives in accordance with CEQA.

(b) Adopt a resolution approving the General Plan Text Amendment to amend the Envision San José 2040 General Plan to include the 2023-2031 Housing Element, revise Chapter 7 of the General Plan, and repeal the 2014-2022 Housing Element.

CEQA: City of San José 2023 - 2031 Housing Element Update Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), and Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning

Commission recommends approval (8-2; Lardinois and Tordillos opposed; Item 8.a on the 5/24/2023 Planning Commission Agenda). (Planning, Building and Code Enforcement)

Principal Planner, Ruth Cueto and Acting Deputy Director of Housing, Kristen Clements offered the presentation and responded to questions.

Public Comment: (*In person*) Anthony Tordillos, Robert C. Wood (Professor at SJSU), Rene Baez (Local 405 NorCal Carpenter's Union), Temo Aguilar (Local 405 NorCal Carpenter's Union), Emily Ann Ramos (SV@Home/ REAL Coalition), Carlos Amaya, (*Zoom*) Paul Soto, Amy Cody, Kylie Clark, Ali Sapirman, Isela Reyes, Gabriel (Si Se Puede Collective), Blair Beekman, Pamela Campos, Justin Lardinois, Brian Darby, Ruthie, Mary Helen Doherty, Martha Butzier, Caller 'SV@Home', and Jordan Grimes provided public testimony regarding the item.

Motion: Councilmember Peter Ortiz made the motion to move approval of the staff recommendation and the joint memorandum he co-authored with Councilmember Omar Torres. Councilmember David Cohen seconded the motion.

Substitute Motion: Councilmember Bien Doan made the substitute motion to only move approval of the staff recommendation. The substitute motion was seconded by Councilmember Davis.

Call to Question: Councilmember Bien Doan called the substitute motion to question. (9-2-0; Noes: Ortiz, Candelas)

Action: On a call for question, the substitute motion passed, the staff recommendation was approved; (a) **Resolution No. RES2023-262** and (b) **Resolution No. RES2023-263** were adopted. (6-5. Noes: Jimenez, Torres, Cohen, Ortiz, Candelas.)

CLOSE GENERAL PLAN HEARING (2023 CYCLE 2

Open Forum

1. Blair Beekman spoke to comprehensive and preventative services in San José and spoke to budget issues.
2. Paul Soto spoke to the mural that was defaced on Oak Street and First Street.

Adjournment

The Council of the City of San José adjourned at 9:26 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Yasmin Johnson

Yasmin Johnson
Deputy City Clerk, City of San José
Approved at Council on:

of Actions:

Attest By:

A handwritten signature in blue ink, appearing to read "Toni J. Taber", is written over a light blue rectangular background.

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

**JOINT CITY OF SAN JOSE CITY COUNCIL AND SAN JOSE FINANCING
AUTHORITY MINUTES**

• **Call to Order and Roll Call**

Mayor Mahan called the joint meeting of the San José City Council and San José Financing Authority to order at 3:22 p.m. on June 20, 2023.

1. 23-939 Amendment to Certain Agreements Related to the Interim Financing Program to Finance Capital Improvements for the Wastewater System. - NOT HEARD BEFORE 1:30 P.M.

(a) Adopt a resolution of the City of San José approving and authorizing the execution and delivery of a Fourth Amendment to Credit Agreement and a Fourth Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association, related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes for a term through October 16, 2026, in an aggregate principal amount outstanding at any time not to exceed \$300,000,000 until the effective date of the Fourth Amendment to Credit Agreement and up to \$200,000,000 thereafter, for the purpose of financing or refinancing Wastewater System Projects and authorizing other related actions in connection therewith.

(b) Adopt a resolution of the City of San José Financing Authority approving and authorizing the execution and delivery of a Fourth Amendment to Credit Agreement and a Fourth Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes for a term through October 16, 2026, in an aggregate principal amount outstanding at any time not to exceed \$300,000,000 until the effective date of the Fourth Amendment to Credit Agreement and up to \$200,000,000 thereafter, for the purpose of financing or refinancing Wastewater System Projects and authorizing other related actions in connection therewith.

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. (Finance/Environmental Services)

Director of Finance, Rick Bruneau and Deputy Director of Finance, Debt & Treasury Management, Qianyu Sun offered the presentation and responded to questions.

Public Comment: (Zoom) Blair Beekman and Paul Soto provided public testimony.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, (1)(a) **Resolution No. RES2023-264** and (1)(b) City of San José Financing Authority (SJFA) **Resolution No. SJFA159** were adopted. (11-0-0)

2. 23-940

Issuance of City of San José Financing Authority Commercial Paper Notes.- HEARD CONCURRENTLY WITH ITEM 6.1

(a) Conduct a public hearing in accordance with Section 6586.5 of the California Government Code, to hear and consider information concerning the approval by the City of San José of a lease financing by the City of San José Financing Authority (Authority, SFJA, CSFJA) and the City for certain public capital improvements of the City, consisting of the construction of a new Administration and Operations Building, and the acquisition, construction and installation of related capital improvements, for the City of San José Environmental Services Department Water Resources Division, to be located at 3025 Tuers Road in the City of San José, through the issuance of lease revenue commercial paper notes by the Authority, and the significant public benefit of such financing by the Authority in accordance with the criteria specified in Section 6586 of the California Government Code.

(b) Adopt a resolution of the City of San José Financing Authority to approve and authorize the issuance of lease revenue commercial paper notes in the amount not to exceed \$40,000,000 to (i) finance, on an interim basis, the construction of the Administration and Operations Building, and the acquisition, construction and installation of related capital improvements, for the City of San José Environmental Services Department Water Resources Division, (ii) reduce the amount of City of San José Financing Authority lease revenue commercial paper notes authorized to be issued to finance the purchase of power and other operating costs of San José Clean Energy to an amount not to exceed \$75,000,000 and further amending Authority Resolution No. SJFA 152 in connection therewith, and authorizing other related actions.

(c) Adopt a resolution of the City of San José to approve and authorize the issuance of City of San José Financing Authority lease revenue commercial paper notes in the amount not to exceed \$40,000,000 to finance, on an interim basis, the construction of the Administration and Operations Building, and the acquisition, construction and installation of related capital improvements, for the City of San José Environmental Services Department Water Resources Division, reduce the amount of City of San José Financing Authority lease revenue commercial paper notes authorized to be issued to finance the purchase of power and other operating costs of San José Clean Energy to an amount not to

exceed \$75,000,000 and further amending Resolution No. 80125 in connection therewith and authorizing other related actions.

UNDER BOTH THE DEBT MANAGEMENT POLICY AND SAN JOSE MUNICIPAL CODE SECTION 4.34.200, APPROVAL OF THE ISSUANCE OF THESE CP NOTES REQUIRES A TWO-THIRDS VOTE BY THE CITY COUNCIL (EIGHT VOTES).

CEQA Initial Study/Mitigated Negative Declaration, File No. ER22-114 (Muni Water New Offices Project). Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment. (Finance/Environmental Services/Public Works)

Deputy Director of Finance, Debt & Treasury Management, Qianyu Sun; Deputy Director of Environmental Services Jeff Provenzano; and Director of Public Works, Matt Loesch offered the presentation and responded to questions.

Mayor Mahan read the following script into the record: "Good Afternoon, The City of San José is proposing to issue lease revenue commercial paper notes by the City of San José Financing Authority and the City for the (1) construction of a new Municipal Water Administration and Operations Building, and (2) the acquisition, construction and installation of related capital improvements, for the City of San José Environmental Services Department. Section 6586.5 of the California Government Code requires that the City hold a public hearing regarding the approval by the City of a lease financing by the Authority and, after such hearing, make a finding that significant public benefits will accrue from such financing in accordance with Section 6586 of the California Government Code. This hearing is the opportunity for all interested persons to speak or submit written comments about the proposal to issue lease revenue commercial paper notes and the improvements to be financed."

Mayor Mahan opened the public hearing.

Mayor Mahan asked, "Would anyone like to submit any written comments?"

City Clerk, Toni Taber stated no written comments were submitted.

Mayor Mahan asked, "Would anyone like to speak at this time?"

City Clerk, Toni Taber stated there were no public comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the public hearing on the issuance of City of San José Financing Authority Commercial Paper Notes was held, (b) City of San José Financing Authority (SJFA) **Resolution No. SJFA160**, and (c) **Resolution No. RES2023-265** were adopted. (11-0-0)

Open Forum

No members of the public spoke.

Adjournment

*** THE MEETING OF THE JOINT CITY OF SAN JOSE CITY COUNCIL AND
SAN JOSE FINANCING AUTHORITY ADJOURNED AND THE MEETING OF THE CITY
COUNCIL RECONVENED***

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 20, 2023

The Council of the City of San José convened into Closed Session at 9:34 a.m.
The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Batra, Candelas, Cohen, Doan, Davis, Foley,
Jimenez, Ortiz, Torres, 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 Hoenisch
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ16589328
Amount of Money or Other Relief Benefits
Sought:
2. Case Name: Haidar v. City of San José, et al.
Name(s) of Party(ies) CITY OF SAN JOSE, ROBERT
LABARBERA, ANTHONY MATA,
THOMAS BARNAR
Court: Superior Court of California; County of Santa
Clara
Case No: 18CV335617
Amount of Money or Other Relief Damages according to proof
Sought:
3. Case Name: Jane Doe v. University of Santa Clara, et al.
Name(s) of Party(ies) JANE DOE, SANTA CLARA UNIVERSITY,
a private corporation; CITY OF SAN JOSE
POLICE DEPARTMENT, a public entity;
HUNG BUI, an individual; and DOES 1-100,
inclusive;
Court: Superior Court of California; County of Santa
Clara
Case No: 20CV369814
Amount of Money or Other Relief Damages according to proof
Sought:

4. Case Name: San Jose Mercury News LLC v. City of San José
Name(s) of Party(ies) SAN JOSE MERCURY NEWS LLC; CITY OF SAN JOSE
Court: Superior Court of California, Santa Clara County
Case No: 23CV415609
Amount of Money or Other Relief Sought: Writ of Mandate; Declaratory Relief; Costs and Attorneys' Fees

5. Case Name: California Waste Solutions, Inc. v. City of San José, et al.,
Name(s) of Party(ies) CALIFORNIA WASTE SOLUTIONS, INC., CITY OF SAN JOSE; AND DOES 1 TO 50, inclusive
Court: United States District Court for the Northern District of California
Case No: 3:23-cv-1647-NC
Amount of Money or Other Relief Sought: Damages according to proof

6. Case Name: Shahrivar v. City of San José, et al.,
Name(s) of Party(ies) DAVE SYKES, DANNY TSAO, KATY ALLEN
Court: Northern District of California, San Francisco Division
Case No: 3:10-cv-01029-RS
Amount of Money or Other Relief Sought: Damages according to proof

7. Case Name: City of San José, et al. v. AmerisourceBergen Drug Corporation, et al.
Name(s) of Parties(s) Involved: AMERISOURCEBERGEN DRUG CORPORATION; CARDINAL HEALTH, INC.; MCKESSON CORPORATION; PURDUE PHARMA L.P.; PURDUE PHARMA, INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICA INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; NORAMCO, INC.; ENDO HEALTH

SOLUTIONS INC.; ENDO
PHARMACEUTICALS, INC.; ALLERGAN
PLC F/K/A ACTAVIS PLS; WATSON
PHARMACEUTICALS, INC. N/K/A
ACTAVIS, INC.; WATSON
LABORATORIES, INC.; ACTAVIS LLC;
ACTAVIS PHARMA, INC. F/K/A WATSON
PHARMA, INC.; MALLINCKRODT PLC;
MALLINCKRODT LLC; INSYS
THERAPEUTICS, INC; CVS HEALTH
CORP.; THE KROGER CO.; RITE AID OF
MARYLAND, INC.; THRIFTY PAYLESS,
INC.; WALGREENS BOOTS ALLIANCE,
INC.; WAL-MART, INC.

Court: U.S. District Court, Northern District of
California, San José Division

Case No.: 5:19-cv-04529

Amount of Money or Other Relief Sought: Declaratory Relief

8. Case Name: State Farm Automobile Insurance Company v.
City of San José

Name(s) of Party(ies) STATE FARM MUTUAL AUTOMOBILE
COMPANY, TUAN QUOC NGUYEN AND
CITY OF SAN JOSE

Court: Santa Clara County Superior Court

Case No: 21CV391834

Amount of Money or Other Relief Sought: Damages according to proof

9. Case Name: Sahid, Jeffrey v. City of San José, et al.

Name(s) of Party(ies) JEFFREY SAHID, CITY OF SAN JOSE

Court: Superior Court of California, County of Santa
Clara

Case No: 20CV363491

Amount of Money or Other Relief Sought: Damages according to proof

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 1

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

Department or Agency: Independent Police Auditor's Office

Title: Independent Police Auditor

**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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
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: <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: **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: <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: **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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150