



City Council Meeting Minutes

Tuesday, August 8, 2023

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88471470054>**

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

9:30 a.m. - Closed Session 23-985: *See Pages 17-19 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.

Public Comment: The following members of MEF-AFSCME, along with members of Local 21 offered public testimony:

(In person) Elizabeth Kamy (IFPTE, Local 21), Kallie Schloemann (IFPTE, Local 21), Sarah Abroff, Lupe Rodarte- Velasquez (CAMP), Keith, Dan Gibson (AFSCME, MEF), Ottavio Camara (Local 21), Alex Rojas, Dylan K., Claire Gioni, Dee (Crime & Intelligence, MEF Union), Austin Carrell, Nick Danty (Local 21, CAMP), Ryan Smith, Mary Morse, David Nerhood (Local 21), Marcell Leath (Housing Dep.), Nick Rovetto (MEF), Hannah Ornellas (ESD, MEF), Linda Shay (CAMP), Tony Cruz (MEF), Jim Bittner, Florin Lapustea (AEA, Local 21), Huascar Castro, Ace Valentine (DOT), Julie Oborny (Senior Librarian, IFPTE, Local 21), Riley Knight (ESD, MEF), Sam Aguirre, José Zacarias (IFPTE, Local 21, CAMP), David Parke, Sarah H.

(Zoom) Julie Jennings, Caller 'ZM', Alyssa Grondahl, Donna Kattengell, Nadia Nam-Stoian, Nara Baker, Abby Stokes, Molly Kuhlmann-Haley, Melanie, Tiffany Ngo, Cindy Harlin, Melissa Bekele, Morses Arroyo Carlos Murillo, Janelle Adams, and Gordon Chester.

Public Comment adjourned at 10:56 a.m.

***1:50 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.

6:00 p.m.- Evening Session: Cancelled.

• Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

• Invocation (District 7)

Councilmember Bien Doan introduced Father Andrew Nguyen from the Holy Family Parish who offered the invocation.

- **Orders of the Day**

None provided.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Sergio Jimenez presented the commendation recognizing Our City Forest for the outstanding work and continuous dedication by enhancing the urban tree canopy in District 2 and throughout the City of San José. The commendation was presented to members and staff of Our City Forest.

2. CONSENT CALENDAR

Public Comment: (Zoom) Blair Beekman provided public testimony regarding the Consent Calendar *as a whole*.

Action: Upon motion by Councilmember Cohen, seconded by Councilmember Foley, and carried unanimously, the Consent Calendar was approved *as a whole*; with Item 2.10 pulled for comment only. (10-0-1; Absent: Davis)

2.1 23-976 Approval of City Council Minutes.

- (a) Regular City Council Meeting Minutes of May 10, 2022.
 - (b) Regular City Council Meeting Minutes of May 24, 2022.
 - (c) Regular City Council Meeting Minutes of June 7, 2022.
 - (d) Regular City Council Meeting Minutes of June 21, 2022.
 - (e) Regular City Council Meeting Minutes of August 9, 2022.
 - (f) Regular City Council Meeting Minutes of August 23, 2022.
 - (g) Regular City Council Meeting Minutes of June 6, 2023.
 - (h) City Council Budget Study Session Meeting Minutes of May 11-13 and May 16, 2022.
 - (i) City Council Study Session Meeting Minutes of August 19, 2022.
- 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. (10-0-1; Absent: Davis)

2.2 23-978 Final Adoption of Ordinances.

- (a) Ordinance No. 30930 - An Ordinance of the City of San José Amending Section 3.28.1470 and Section 3.28.1480 of Chapter 3.28 of Title 3 of the San José Municipal Code to Clarify Tier 2 Member Survivor Benefits.
- [Passed for Publication on 6/20/2023 - Item 2.12 (23-901)]

(b) Ordinance No. 30934 - An Ordinance of the City of San José Amending Section 4.59.230 to Chapter 4.59 of Title 4 of the San José Municipal Code to Extend the Term of the Measure E Real Property Transfer Tax Refund Pilot Program for One Additional Year through June 30, 2024.

[Passed for Publication on 6/20/2023 - Item 8.3(b) (23-931)]

(c) Ordinance No. 30935 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.21 Gross Acres, Situated on the Southeast Corner of the Intersection of South Winchester Boulevard and Fruitdale Avenue (950 South Winchester Boulevard) (APN: 279-09-017) from the R-1-5 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District. [Passed for Publication on 6/20/2023 - Item 10.1(a) (23-935)]

Action: (a) **Ordinance No. 30930**, (b) **Ordinance No. 30934**, and (c) **Ordinance No. 30935** were adopted. (10-0-1; Absent: Davis)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 23-991 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Batra from the Regular Public Safety, Finance and Strategic Support Committee on June 15, 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. (Batra)

Action: The request for excused absence for Councilmember Batra was approved. (10-0-1; Absent: Davis)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 23-1005 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments:

(a) Airport Commission:

(1) District 3 Seat: Appoint Greg Richardson for a term of August 8, 2023 to June 30, 2025.

(b) Measure T Community Oversight Committee:

(1) Labor Seat: Appoint Olivia Navarro for a term beginning on August 8, 2023.

CEQA: Not a Project, File No. PP17-010, City Organizational and

Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: The Boards and Commissions appointments of Greg Richardson and Olivia Navarro were approved. (10-0-1; Absent: Davis)

2.8 23-992

Amendment to the Agreement with Guidehouse, Inc. for Customer Service Vision and Standards Services.

Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Master Consulting Agreement with Guidehouse, Inc. (Falls Church, VA) for City service delivery and customer service to increase compensation by \$400,000 for a new maximum compensation not to exceed \$1,200,000.

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

Action: **Resolution No. RES2023-266** was adopted. (10-0-1; Absent: Davis)

2.9 23-993

Appointment of Voting Delegate and Alternate for 2023 League of California Cities General Assembly.

Appoint Councilmember David Cohen as the voting delegate and Councilmember Pam Foley as the alternate voting delegate to the General Assembly at the September 20-22, 2023 League of California Cities Annual Meeting in Sacramento, CA.

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

Action: The appointment of Councilmember David Cohen as the voting delegate and Councilmember Pam Foley as the alternate voting delegate to the General Assembly at the September 20-22, 2023 League of California Cities Annual Meeting in Sacramento, CA was approved. (10-0-1; Absent: Davis)

2.10 23-989

Approval of Free Use for the USA Gymnastics National Championship Welcome Reception Event Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on June 21, 2023:

- (a) Adopt a resolution authorizing “Free Use” for the private, invitation-only USA Gymnastics National Championship Welcome Reception held at City Hall Rotunda on Wednesday, August 23, 2023;
- (b) Approve the USA Gymnastics National Championship Welcome Reception event scheduled on August 23, 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 event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 6/21/2023 - Item B.2]

Councilmember Pam Foley congratulated and welcomed members of the USA Gymnastics National Championship team regarding the City hosted event being held on August 24th- August 27th. Councilmember Foley also highlighted local San José members of the team.

Action: (a) **Resolution No. RES2023-267** was adopted and (b) the City Council Sponsored Special Event was approved. (10-0-1; Absent: Davis)

2.11 23-1047

Retroactive Travel Authorization for Councilmember Foley.

As recommended by the Rules and Open Government Committee on August 2, 2023, retroactively authorize travel for Councilmember Foley to Durham, North Carolina, from July 26-28, 2023 to attend the Sister Cities International 2023 Leadership and Annual Membership Meeting. Source of Fund: Personal Funds.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley) [Rules Committee referral 8/2/2023 - Item B.4]

Action: The travel authorization for Councilmember Foley was retroactively approved. (10-0-1; Absent: Davis)

2.12 23-1050

Retroactive Approval of Pride and Transgender Flag Raisings and Lighting for Pride Month Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on August 2, 2023:

- (a) Retroactively approve the Pride and Transgender Flag Raisings and Lighting for Pride Month scheduled on June 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

[Rules Committee referral 8/2/2023 - Item B.5]

Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1; Absent: Davis)

2.13 23-1040 Retroactive Approval of Longevity Walks Sponsored by Council District 6 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 2, 2023:

- (a) Retroactively approve the Longevity Walks at Westfield Valley Fair Mall and the Billy DeFrank LGBTQ+ Center scheduled on April 26, 2023 and May 31, 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. (Davis)
[Rules Committee referral 8/2/2023 - Item B.9]

Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1; Absent: Davis)

2.14 23-1054 Approval of Indian Independence Day Flag Raising Event Celebration and Tower and Rotunda Lighting Sponsored by Council District 10 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 2, 2023:

- (a) Approve the Indian Independence Day Flag Raising Community Event scheduled on August 16, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the Indian Independence Day Tower and Rotunda Lighting scheduled from August 11, 2023 to August 16, 2023; 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. (Batra)
[Rules Committee referral - Item 8/2/2023 - Item B.6]

Action: The City Council Sponsored Special Event was approved. (10-0-1; Absent: Davis)

2.15 23-1057 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 2, 2023:

- (a) Retroactively approve the District 4 Berryessa Courtyard Community Meeting scheduled on June 26, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the District 4 Creekside Station HOA Community Meeting scheduled on July 10, 2023 as a City Council

sponsored Special Event and approve the expenditure of funds;
(c) Approve the District 4 Moitozo Park Reactivation Day scheduled on August 16, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
(d) Approve the District 4 Dumpster Day scheduled on August 19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
(e) Approve the District 4 Santos Family Car Show scheduled on September 2, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
(f) 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 8/2/2023 - Item B.7]

Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1; Absent: Davis)

2.16 23-1044

Request for Travel Authorization for Mayor's Staff.

As recommended by the Rules and Open Government Committee on August 2, 2023, authorize travel, accept travel payments to the City of San José and designate Mayor's staff, Michael Lomio, as the City representative to attend the Reimagining the Civic Commons event in Lexington, Kentucky from October 24-26, 2023. Source of Fund: the Guadalupe River Park Conservancy and The Knight Foundation, 501c3 nonprofits. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 8/2/2023 - Item B.8]

Action: The request for travel authorization for Mayor's staff was approved. (10-0-1; Absent: Davis)

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 23-994

Summer Intergovernmental Relations Report.

(a) Accept the Summer Intergovernmental Relations Report.
(b) Reaffirm all City positions summarized in the 2023 Intergovernmental Relations Priority Federal Legislation Log.
(c) Reaffirm all City positions summarized in the 2023

Intergovernmental Relations Priority State Legislation Log.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Director, Office of Administration, Policy, & Intergovernmental Relations, Sarah Zárate; Chief Intergovernmental Relations Officer, Zane Barnes; Cruz Strategies, Steve Cruz; and Holland & Knight, Leslie Pollner offered the presentation and responded to questions.

Public Comment: (Zoom) Blair Beekman and Rocio Molina provided public testimony.

Councilmember David Cohen addressed possible amendments that Council should be aware of regarding AB 645, the Speed Enforcement Bill.

Councilmember Omar Torres inquired about staff efforts regarding California AB 441 and AB 12. Staff stated they're working on a support letter regarding the AB 12.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember, Domingo Candelas and carried unanimously, (a) the Summer Intergovernmental Relations Report was accepted, (b) all City positions summarized in the 2023 Intergovernmental Relations Priority Federal Legislation Log were reaffirmed, and (c) all City positions summarized in the 2023 Intergovernmental Relations Priority State Legislation Log were reaffirmed. (10-0-1; Absent: Davis)

3.4 23-995

Public Hearing for the Fiscal Year 2023-2024 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

(a) Conduct a public hearing on the Fiscal Year 2023-2024 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office.

(b) Adopt a resolution confirming the approval of the report and the placement of the charges as set forth therein on the 2023-2024 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

Public Comment: (Zoom) Blair Beekman provided public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, (a) the public hearing was conducted, and (b) **Resolution No. RES2023-268** was adopted. (11-0-0)

3.5 23-996 Public Hearing for the Fiscal Year 2023-2024 Annual Residential Solid Waste Collection Service Charges.

(a) Conduct a public hearing on the Fiscal Year 2023-2024 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office.

(b) Adopt a resolution confirming the approval of the report and the placement of charges as set forth therein on the 2023-2024 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

Councilmember Arjun Batra addressed property tax bills.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Vice Mayor Rosemary Kamei, and carried unanimously, (a) the public hearing was conducted, and (b) **Resolution No. RES2023-269** was adopted. (11-0-0)

3.6 23-997 Fiscal Year 2023-2024 Property Tax Levy for General Obligation Bonds.

Adopt a resolution establishing the Fiscal Year 2023-2024 property tax levy on all taxable property within the City of San José for the purpose of funding the City of San José general obligation bonded indebtedness and to pay the respective administration fee to the County of Santa Clara. CEQA: Statutorily Exemption, File No. PP17-005, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, **Resolution No. RES2023-270** was adopted. (11-0-0)

3.7 23-1060 Waiver of Revolving Door Restrictions.

As recommended by the Rules and Open Government Committee on August 2, 2023, approve the request by Allie Hughes, the former Council Policy & Legislative Advisor for Councilmember David Cohen, for a Waiver of the Revolving Door Restrictions for the work described in the memorandum and in Ms. Hughes' June 5, 2023 Waiver Request Letter, and make findings as to whether such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment, Title 12 (Ethics Provisions). (City Attorney)

[Rules Committee referral 8/2/2023 - Item C.1]

City Attorney, Nora Frimann spoke to the criteria of the Cities Revolving Door Ordinance.

Councilmember Arjun Batra inquired how granting the waiver would benefit the City.

Allie Hughes addressed her prepared remarks to Council.

City Attorney, Nora Frimann requested that Councilmember David Cohen explicitly approve the July 24, 2023 staff memorandum as part of the motion.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember , Peter Ortiz, and carried unanimously, the July 24, 2023 staff memorandum was approved, and the request by Allie Hughes for a Waiver of the Revolving Door Restrictions was approved. (11-0-0)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Dev Davis, and carried unanimously, the Land Use Consent Calendar was approved *as a whole*, with Item 10.1 (b) pulled for comment only. (11-0-0)

10.1 (a) 23-998 CP23-002 & ER23-011 - Conditional Use Permit and Determination of Public Convenience or Necessity on that Certain Real Property Located at 1750 Story Road.

Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 ABC License - Full Range of Alcoholic Beverages) at an existing 125,824-square foot retail store (Target) on an approximately 10.77-gross-acre site located at 1750 Story Road.

CEQA: Exempt Pursuant to CEQA Guidelines Section 15301(a): Class

1, for Existing Facilities. Planning Commission recommends approval (10-0-1, Casey absent) (Planning Commission agenda 7/12/2023, Item 4b.) Council District 5. (Planning, Building and Code Enforcement)

Action: **Resolution No. RES2023-271** was adopted. (11-0-0)

10.1 (b) 23-999

ST23-001 - Minor Street Naming of a Private Driveway Located East of the Intersection of Oakland Road and Rock Avenue to Dace Way.

Adopt a resolution approving the naming of Dace Way, an approximately 1,350-foot-long private driveway located on the east side of Oakland Road at Rock Avenue (2060-2110 Oakland Road), extending 400 feet easterly from the intersection of Oakland Road and Rock Avenue, continuing 500 feet northerly, then 450 feet westerly, connecting back to Oakland Road.

CEQA: Exempt per Section 15061(b)(3) of the CEQA Guidelines. Council District 4. (Planning, Building and Code Enforcement)

Councilmember David Cohen pulled the item for comment to commemorate and recognize Lead Pastor of Bible Way Christian Center, Bishop Oscar Dace for all his work in the community.

Action: **Resolution No. RES2023-272** was adopted. (11-0-0)

10.1 (c) 23-1000

Moorpark 24 & C20-001 - Annexation and Pre-Zoning on Certain Real Property Located at 2323-2391 Moorpark Avenue.

(1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Moorpark Avenue Multifamily Residential Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, as amended.

(2) Approve an ordinance pre-zoning certain real property of approximately 2.01 gross acres situated on the north side of Moorpark Avenue, approximately 130 feet westerly of Central Way (2323-2391 Moorpark Avenue, from unincorporated territory within the County of Santa Clara to the City of San José MUN Mixed Use Neighborhood Zoning District.

(3) Adopt a resolution initiating proceedings and setting August 22, 2023 for City Council consideration of the reorganization of the territory designated as Moorpark No. 24, which involves the annexation to the City of San José of approximately 2.01 gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.

CEQA: Moorpark Avenue Multifamily Residential Project Initial Study/Mitigated Negative Declaration. Council District 6. (Planning, Building and Code Enforcement)

Action: (1) **Resolution No. RES2023-273** and (3) **Resolution No. RES2023-274** were adopted; and (2) **Ordinance No. 30936** was *passed for publication*. (11-0-0)

10.1 (d) 23-1001 PDC22-005, PD22-010 & ER21-311 - Planned Development Rezoning and a Planned Development Permit on that Certain Real Property Located at 1669 Monterey Road.

(1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Fairfield Inn and Suites Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act.

(2) Approve an ordinance rezoning certain real property of approximately 1.76 gross acres situated on the west side of Monterey Road, 150 feet southeasterly of the intersection of Monterey Road and San Jose Avenue (1669 Monterey Road) (APNs 456-02-019 & 456-02-020) from the HI Heavy Industrial Zoning District to the HI(PD) Planned Development Zoning District.

(3) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of five commercial structures (totaling approximately 20,500 square feet), the removal of eight ordinance-size and three non-ordinance-size trees, the construction of a five-story, 120-guestroom hotel, with a rooftop public eating establishment with outdoor dining, and the conversion of an existing motel building to incidental office use (staff room and storage facility) on an approximately 1.76-gross-acre site on the west side of Monterey Road, approximately 150 feet southeasterly of the intersection of Monterey Road and San Jose Avenue (1669 Monterey Road).

CEQA: Initial Study/Mitigated Negative Declaration for the Fairfield Inn and Suites Project. Planning Commission recommends approval (8-0-2, Garcia and Ornelas-Wise absent) (Planning Commission agenda 6/14/2023, Item 4c.) Council District 7. (Planning, Building and Code Enforcement)

Action: (1) **Resolution No. RES2023-275** and (3) **Resolution No. RES2023-276** were adopted; and (2) **Ordinance No. 30937** was *passed for publication*.

Including the acceptance of the memorandum from Councilmember Bien Doan dated, August 2, 2023, recommending to: Support Land Use Consent Item 10.1 (d) – Planned Development Rezoning and a planned Development Permit on that Certain Real Property Located at 1669 Monterey Road. Support the newly proposed color scheme of white and grey (no architectural or material changes necessary). (11-0-0)

10.1 (e) 23-1002

PDC22-009, PD22-028 & ER22-210 - Planned Development Rezoning and a Planned Development Permit on that Certain Real Property Located at 350 West Trimble Road.

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the 350 West Trimble Road Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA).
 - (2) Approve an ordinance rezoning certain real property of approximately 10.90-gross-acres site located at the southwest corner of West Trimble Road and Orchard Parkway (350 West Trimble Road) from the IP(PD) Planned Development Zoning District (File No. PDC17-026) to the IP(PD) Planned Development Zoning District.
 - (3) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the removal of 57 trees (43 ordinance-size and 14 non-ordinance-size) with 128 replacement trees for the construction of an approximately 208,000-square-foot single-story manufacturing and assembly building and associated site modifications including surface parking, lighting, circulation, and landscaping improvements on an approximately 10.46-gross-acre site.
- CEQA: Initial Study/Mitigated Negative Declaration for the 350 West Trimble Road Project (Planning File No. PDC22-009). Planning Commission recommends approval (8-0-2, Garcia and Ornelas-Wise absent) (Planning Commission agenda 6/14/2023, Item 4d.) Council District 4. (Planning, Building and Code Enforcement)

Action: (1) **Resolution No. RES2023-277** and (3) **Resolution No. RES2023-278** were adopted; and (2) **Ordinance No. 30938** was *passed for publication*. (11-0-0)

10.1 (f) 23-1058

PDC20-017, PD20-010 & PT20-031 - Planned Development Rezoning, Planned Development Permit, and a Vesting Tentative Map for a Residential Development on that Certain Real Property Located at 972 Elm Street. -

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the 972 Elm Street Villas Project, and the associated Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.
- (2) Approve an ordinance rezoning certain real property of approximately 0.443 acre located on the northeast side of Elm Street, approximately 105 feet northwesterly of McKendrie Street (972 Elm Street) from A(PD) Planned Development Zoning District to the MUN(PD) Planned Development Zoning District.
- (3) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide an approximately 0.443-gross-acre site into nine lots, including eight single-family residential lots and one common lot.
- (4) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning,

File No. PDC20-017, and to allow the demolition of the existing 1,900-square-foot single-family residence, the removal of seven ordinance-size trees and four non-ordinance-size trees, and the construction of eight three-story single-family detached residences on an approximately 0.443-gross-acre site.

CEQA: 972 Elm Street Villas Project Mitigated Negative Declaration (File Nos. PDC20-017, PD20-010 & PT20-031). Planning Commission recommends approval (8-0-2, Garcia and Ornelas-Wise absent) (Planning Commission agenda 6/14/2023, Item 5a.) Council District 6. (Planning, Building and Code Enforcement)

[RENUMBERED FROM ITEM 10.2 (23-1003)]

Action: (1) **Resolution No. RES2023-279**, (3) **Resolution No. RES2023-280**, and (4) **Resolution No. RES2023-281** were adopted; and (2) **Ordinance No. 30939** was *passed for publication*. (11-0-0)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 23-1003 PDC20-017, PD20-010 & PT20-031 - Planned Development Rezoning, Planned Development Permit, and a Vesting Tentative Map for a Residential Development on that Certain Real Property Located at 972 Elm Street.

RENUMBERED TO ITEM 10.1(f) (23-1058)

• Open Forum

In Person:

1. Winston spoke on behalf of the PARTI Organization, the importance of Council providing their voices, and stated that equity, diversity, and inclusion should be discussed in important conversations.
2. Jack Burton expressed his concerns with an unhoused individual named Rose having her phone taken away from her during an encampment sweep.
3. Gordon Clinardi addressed his concerns with how unhoused individuals are treated regarding encampment sweeps.
4. Surjinder Dhaliwal addressed her personal concerns.

Zoom:

5. Blair Beekman spoke to an incident involving an older unhoused women that was not given ample time (3 days) to move her belongings on 5th Ave.
6. Gail Anne Osmer spoke to the great work the City of Sunnyvale's Unhoused Department is doing.
7. Jordan Moldow spoke to the logic regarding the development of transit exemptions, amendments that can be made to the Revolving Door policy, and spoke to Zoom data collection such as AI technology.
8. Francesca Paist spoke to unhoused issues and the housing department.

- **Adjournment**

The Council of the City of San José adjourned at 3:42 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: 7

Attest By: 

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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 8, 2023

The Council of the City of San José convened into Closed Session at 10:56 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: 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 Damages according to proof
Relief Sought:
2. 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 Writ of Mandate; Declaratory Relief; Costs and
Relief Sought: Attorneys' Fees

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 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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea>
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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/amsp>
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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/camp>
Telephone – Employee Relations: (408) 535-8150
4. 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
5. 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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/mef Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session at 1:24 p.m.; to reconvene in Regular Open Session at 1:45 p.m., at City Hall, Council Chambers.