

2.1 Approval of City Council Minutes.

Recommendation:

- (a) City Council Special Meeting Minutes of February 28, 2023.
 - (b) City Council Special Meeting Minutes of June 7, 2023.
 - (c) City Council Budget Final Public Hearing Minutes of June 12, 2023.
 - (d) City Council Regular Meeting Minutes of June 20, 2023.
 - (e) City Council Special Meeting Minutes of June 27, 2023.
 - (f) City Council Special Meeting Minutes of August 1, 2023.
 - (g) City Council Regular Meeting Minutes of August 8, 2023.
 - (h) City Council Special Meeting Minutes of August 11, 2023.
 - (i) City Council Regular Meeting Minutes of August 15, 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.



City Council Meeting Minutes

Tuesday, February 28, 2023

1:30 PM

**Hybrid Meeting – Council Chambers and Virtually –
<https://sanjoseca.zoom.us/j/88957084529>**

**Special Meeting - Fiscal Year 2023-2024 City Council Priority Setting Session #2
Administration Report**

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



*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 80628, 80659, 80685, 80724, 80758, 80809, RES2023-1, and RES2023-22 Councilmembers may be teleconferencing from remote locations.

• Call to Order and Roll Call

11:00 a.m. - Study Session

Present: Councilmembers - Jimenez (via Zoom), Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra, Kamei; Mahan.

Absent: Councilmembers - All Present.

SPECIAL MEETING

1. Fiscal Year 2023-2024 City Council Priority Setting Session #2 – Administration Report.

(a) Accept the report on the Fiscal Year 2023-2024 priority setting process to develop a common understanding of: (1) Key aspects of the structure, operations, and budget of the City Service Areas; (2) The Administration’s initial feedback on the Mayoral Transition Committee Report; and (3) The Mayor’s suggested Focus Areas and their relationship to the City Service Areas and other important work within the City Service Areas. (b) Provide feedback on the report to, among other things: (1) Inform the Mayor’s March Budget Message; and (2) Inform the Fiscal Year 2023-2024 Budget Process. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

City Manager, Jennifer Maguire provided opening comments.

Assistant City Manager, Lee Wilcox; Deputy City Manager, Angel Rios; Deputy City Manager, Omar Passons; Deputy City Manager, Rosalynn Hughey; Deputy City Manager, Kip Harkness; Deputy City Manager, Rob Lloyd; and Chief of Staff to the City Manager, Dolan Beckel provided the presentation and responded to questions with Department of Transportation Director, Director, Department of Transportation, John Ristow .

Public Comments: Jeffrey Buchanan (Working Partnerships USA), Jennifer Cortes (Working Partnerships USA), Sandra Munoz (Working Partnerships USA), Kyra Kazantzis (Silicon Valley Council of Nonprofits), Poncho Guevara (Sacred Heart Community Services), Kylie Clark (West Valley Community Services), Héctor Sánchez-Flores (National Compadres Network), Kathryn Hedges (SURJ), *Public Comments Continued on Next Page*

Fred Brew, Misrayn Mendoza (Amigos de Guadalupe), Krista De La Torre (IFPTE Local 21), Sandra Asher (SURJ), Deborah St. Julien (SURJ), Lori Katcher (SURJ), Dilza Gonzalez (SOMOS Mayfair),

Doris Livezey, Mary Gloner, William Tyson (City of San José Firefighter Paramedic), Antonia Sandoval, Matt Tuttle (San José Firefighters Local 230), Cheryl, Paola Mondragon, Carmen Gaines (Local Color SJ), Shiloh Ballard (Silicon Valley Bicycle Coalition), Erica Valentine (UA Local 393), Brian Pors (UA Local 393), Tina Morrill, Araceli Rueda (SEIU-USWW), Lani Ballard (SURJ), Carmen Brammer, Mundo Escarcega (UA Local 393), Jeremy Barousse (Amigos de Guadalupe), Robert Brownstein, Mike, and Jill Borders offered public comments.

Motion: Councilmember Peter Ortiz moved approval of his memorandum dated, February 27, 2023, and moved approval of *only* recommendations 1, 2, 4, 5, 6, and 7 from Councilmember Bien Doan’s memorandum dated, February 28, 2023. Councilmember Omar Torres seconded this motion.

City Attorney, Nora Frimann clarified the purpose of the meeting was to provide feedback on the message rather than direct action to staff, the memorandum can be taken as feedback on the report provided.

Staff responded to the motion of the floor, expressing that recommendation 2 of Councilmember Peter Ortiz’ memorandum, dated, February 27, 2023 is already on the existing roadmap and will continue to be a part of staff work. In response to recommendation 3 of the same memo, staff intends to bring forward a new method of creating focus and will return to the Rules and Open Government committee meeting before June 30, 2023 with their recommendations.

Councilmember David Cohen expressed hesitation regarding the motion, expressing a vote on the motion does not indicate a prioritization of the memos approved.

Councilmember Pam Foley confirmed the point of the meeting was to help the Mayor form their budget message and to take in all the input given today. Mayor Matt Mahan confirmed her statement. Councilmember Foley also expressed that there are other recommendations that have not been listed publicly and that the process does not prevent others from including additional memorandums or priorities in the future.

Mayor Matt Mahan clarified that the motion on the floor was passed in the spirit of feedback.

Amended Motion: Councilmember Peter Ortiz amended his motion to move the acceptance of the staff report and include both his memorandum and Councilmember Bien Doan’s memorandum as feedback.

Action: On a call to question, the amended motion carried unanimously, the staff report on the Fiscal Year 2023-2024 priority setting process was accepted.

Including acceptance of both Councilmember Peter Ortiz’ memorandum dated, February 27, 2023 and *only* recommendations 1, 2, 4, 5, 6, and 7 from Councilmember Bien Doan’s memorandum dated, February 28, 2023 as additional feedback to the Mayor’s Budget Message.

The February 27, 2023 memorandum authored by Councilmember Peter Ortiz recommends the following:

1. Accept the staff report and add the following as additional Focus Areas for FY 23/24 budget.
 - a. Staff should return to the appropriate Council committee with proposed success metrics for these additional Focus Areas for approval:

- i. Citywide Hiring
 - ii. Vision Zero Traffic Safety and Workplan
 - iii. Children and Youth Services Master Plan
2. Direct staff to continue urgent, important and continuing work in the City Services Areas outlined in the staff report in the FY23-24 Budget Process.
3. Direct the City Manager’s Office to return to the Rules and Open Government Committee with an update on how they will determine the feasibility of proposed new policy work that comes before the Committee.

Items 1, 2, 4, 5, 6, and 7 of the February 28, 2023 memorandum authored by Councilmember Bien Doan recommends the following:

1. Accept and approve the staff memorandum
 2. Accept and approve the Councilmember Ortiz memorandum
 - ~~3. Make prefabricated campus environments, composed of Sprung-like structures, a priority for homelessness immediately~~
 4. Prioritize the hiring of police officers, firefighters, and medics
 5. Perform maintenance on fire stations to provide sanitary drinking water and remedy other unsafe living conditions
 6. Develop a simplified permitting fee process for “mom and pop” type residents and another for businesses, both of which are easier to understand, simple, and more cost efficient
 7. Revitalize downtown with incentives for business to start up and thrive.
- (11-0-0)

• Adjournment

The Council of the City of San José adjourned at 2:03 p.m

Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner,
Deputy City Clerk

Approved at Council on:

of Actions: 1

Attest by:



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



City Council Special Meeting Closed Session Minutes

Wednesday, June 7, 2023

5:30 PM

Council Chambers and Virtually

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

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



• **Call to Order and Roll Call**

5:30 p.m. - Closed Session

23-942 Present: Councilmembers - Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra, Kamei; Mahan.
Absent: Councilmembers - All present.

The Council of the City of San José convened into Closed Session at 5:30 p.m. The meeting was held in City Hall Conference room W-133.

Closed Session Item(s) discussed:

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

Title: Independent Police Auditor

• **Closed Session Report**

None provided.

• **Adjournment**

The Council of the City of San José adjourned at 6:00 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner,
Deputy City Clerk

Approved at Council on:

of Actions: 0

Attest by:

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



City Council Meeting Minutes

Monday, June 12, 2023

6:00 PM

Council Chambers and Virtually

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

Final Public Hearing: 2023-2024 Proposed Operating and Capital Budgets and the 2023-2024 Proposed Fees and Charges for the City of San José, including a One Time Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues

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

6:13 p.m. - Public Hearing, Council Chambers, City Hall.

Present Councilmembers: Mahan, Kamei, Jimenez, Torres, Cohen, Ortiz,
Davis, Doan, Candelas, Foley.

Absent Councilmembers: Batra.

3. STRATEGIC SUPPORT

- 1. 23-888 Public Hearing on the 2023-2024 Proposed Operating and Capital Budgets and the 2023-2024 Proposed Fees and Charges for the City of San José, including a One-Time Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues.**

Final Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2023 to June 30, 2024, the Proposed Five-Year Capital Improvement Program for 2024-2028, the Proposed Fees and Charges Report for the Fiscal Year 2023-2024, and a One-Time Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues for the Fiscal Year 2023-2024. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Mayor Mahan announced that due to the high volume of speakers, public comment was limited to one-minute for the remainder of the meeting, and stated that public comments would alternate from members of the public present in Council Chambers and those present via Zoom.

Mayor Mahan opened the floor for public comment.

PUBLIC COMMENT:

In Person:

Joseph W., Alex Stettinski (SJDA), Maia Harris, Stan Vuckovich, Joshua Devinconzi Melander (SJDA Board/Little Italy SJ), Aron Maund, Gumby Marquez (SJDA President), Mike Oye, Antonina (Hyde Park), Hong Cao, Gene Hunt, Carmen Johnson, Sharlene Mello, Thomas Pinney, Mark Lewis, Mitch, Lori Rodrigues, Ana Mari Russo, Larry Whitaker, Thao, Nannarie, David H., Trinh Wong (*assisted with Vietnamese Interpreter*), Alex Andrade, Luc Ha Thi Le, Greg Peralta, John Davis, Fred Brew, Scott Weber, Gina Zari (SCCAOR), Stephanie Lucas, Victor Niemeyer, Karl Lee, Michelle Perry (SCCAOR), Carl San Miguel, Mary Gloner, Michelle Peacock (Public Library Funding), Colsaria Henderson (Next Door Solutions), Mike Sibilia, Doug Goss (Realtor), Laura Sandoval, Heather S., Jessie Gomez, Bob Zapotosky, Alfredo V. (LUNA), Veronica Duarte (LUNA) (*assisted with Spanish Interpreter*), Bertha Mendoza (LUNA) (*assisted with Spanish Interpreter*), Gabriel Manrique (LUNA) (*assisted with Spanish Interpreter*), Lucila Ortiz (Silicon

Valley Rising), Thao Le, Giovanni Forcina, Anthony Tordillos, Bruce, Layla, Tafhari Franklin, Jeremy Barousse (Amigos De Guadalupe), Wade Hall, Nancy R., Mary Helen Doherty (Sacred Heart), Greg Koppman, Tobias McLeod, Logan (SOS @ Sacred Heart), Celeste Munoz (SOS @ Sacred Heart), Jonathan Diaz, Santiago Gonzalez (Latinas Contra Cancer), Donna Wallach, Nancy D., Marisela Perez (Latinas Contra Cancer), Louise Auerhahn, Sandy Perry (AHN), Nicole B. (Sacred Heart), Poncho Guevara (SHCS), Kolumban Boesch, Regina, Liz Gonzalez, Jack Pollach, Ha Phan, Claudia Uribe (Law Foundation of Silicon Valley), Neil Collins (SCCAOR), Nghia Phan (*assisted with Vietnamese Interpreter*), Rachel K., Erin Stanton, Jenice, Kathryn Hedges (SURJ), Ha T., Neil Phan (*Assisted with Vietnamese Interpreter*), Maria Ines Ortega B. (Community SJUS), Kim Gupta, Debra Townley (Affordable Housing Network), Raylene Hernandez, Jasmine, Rebecca Lazo (Vecinos Activos), Huascar Castro, Javier Delafante (*assisted with Spanish Interpreter*), Mathew Reed, William Chea, Olivia Ortiz, Mercedes Carbajal (SOS @ Sacred Heart), Roberto Gil, Vicenta Mayoral (*assisted with Spanish Interpreter*), Matt Conti (Bayview Development Group), Yi Wang, Vedavi Kavoori, David Andris, Emmett, Koshy P. George, Michelle C. (Showing up for Racial Justice), Elizabeth AJ, Tamara Sanchez (Vecinos Activos), Dmitriy K., Elisa Goti, Pamela Campos, Fernanda Morales Soto, Fernanda Morales Soto, Ashley Villeda, Daisy B. (*assisted with Spanish Interpreter*), Aurelia Sanchez, David Pandori, Morris Chubb, Margery Atkinson, Eonis C. Pelago (Latina Coalition), Nicholas Adams, Dilza Gonzalez, Maria Garcia (*assisted with Spanish Interpreter*), Juan Orlando (*assisted with Spanish Interpreter*), Miguel, Delma Hernandez (South Bay Community Landlords), Jacky Rivera (South Bay CLT), Cathleen Trowbridge (SURJ at Sacred Heart), Alex Ortega, Vuong Pham (*assisted with Vietnamese Interpreter*), Cheryl L., Roberta, Surjinder Dhaliwal, Enrique Navarro, Carlos Amaya, Christopher Lee, Ann Webb, Alex Shoor (Catalyze SV), Bao Truc (*assisted with Vietnamese Interpreter*), Shawn, and 9 speakers who did not state their name at the podium; the following group spoke collectively on behalf of Jodee Sousa, representing the Santa Clara County Agency of Realtors (SCCAOR): Jodee Sousa, Dave Walsh, Lisa R., Elizabeth Monley, Rick Smith, Craig Constantino, Sandra Weber, Laura Welch, Terese Ferrara, Kevin B., Don Jessup, and Kelly Hunt.

Zoom: Jeffrey Buchanan, Charles Howard, Caller '1541', Caller 'User-1', Pam Flourney, Caller '1541', John Dougherty, Michele Chung, Debbie, Kevin Zwick (United Way Bay Area), Mike Kraus, Gabriela Gabrian, Thomas K., Marcus Teixeira, Dominic Chao, Nicole Wiltshire, Dean Kwart, Cindy Vinson, Robin Goka Huynh, David Noel, Andrew Bigelow, Larry Bursch, Mike Ingoglia, Donna Ingoglia, Josh Selo (CEO, Bill Wilson Center), James McCaskill, Mike, Buford Barr, Peter Allen, Kiyomi Yamamoto, Roma Dawson, Todd Langton, Tim Clauson, Reese, David Bini, Adolfo Gomez, Louis Mirante (Bay Area Council), Kelsey, Geoff Schuller, Tomara Hall, Forrest Nixon, Evelyn, Sue D., Jamie, Caller 'SVCN-1', Nancy, Karen Kienzle, Thunder Parley, Deborah S. Julien, Raj Jayadev, Chau Nguyen, Dan Ross, Carmen Tyra, Vicky Mueller Olvera, Leslie Z., Natalia Osorio-Elizondo, Ilseh, Luong Le, Mia Vel (African American Community Service Agency), Kimi Huang, Gustavo Flores (Vecinos Activos), Allison Cingolani, Sandeep, Araceli Gutierrez, Melissa Valdez, Walter Wilson, Elizabeth Conlan, Sheila Kay (Realtor), Juana Villalpando (*assisted with Spanish Interpreter*), José T., George Wu, Blair Beekman, Isela Reyes, Amy Cody, Tod W., Caller 'Justice at Work Law Group, LLP', Paola Mondragon Alvarez, Charisse Domingo, Doris Livezey, Hilary Thorsen, Joe Brown, Jack, Jingbo, Maria Guerrero (Vecinos Activos), Norma Chavez, Tuan N. Thao Vo, Nevada Merriman (MidPen Housing), Benjy MacNaughton, Iris Li, Nancy Stevens, Gustavo Gonzales, Caller 'User_3', Caller 'South Bay JVP', Kian Khazaei, Chamu Palaniappan, Lisa Reeve, Amarnath Kolla, Karen Nelsen, Andrew Lieu, Thao Vo, Meina Young, Qian, Caller '9156', Maitram Nguyen, and Jeremy Choi.

Mayor Mahan closed the floor for public comment.

• **Adjournment**

The Council of the City of San José adjourned at 11:39 p.m.

Public Hearing Minutes Recorded, Prepared, and Respectfully Submitted by,

Yasmin Johnson

Yasmin Johnson

Deputy City Clerk, City of San José

Approved at Council on:

Attest By: 

Toni J. Taber, CMC

City Clerk, City of San José



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

of Actions:

Attest By:



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



City Council Meeting MINUTES

Tuesday, June 27, 2023

1:30 PM

**Hybrid Meeting – Council Chambers and Virtually –
<https://sanjoseca.zoom.us/j/88957084529>**

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



• **Call to Order and Roll Call**

9:31 a.m. - Closed Session

23-794 Present: Councilmembers - Jimenez, Torres, Cohen, Davis, Doan (by phone), Candelas, Foley, Batra, Kamei; Mahan.
Absent: Councilmembers - Ortiz.

The Council of the City of San José convened into Closed Session at 9:31 a.m. The meeting was held in City Hall Conference room W-133.

Closed Session Item(s) discussed:

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

Department or Agency: Independent Police Auditor’s Office
Title: Acting Independent Police Auditor

City Attorney Nora Frimann reported out of Closed Session that Karyn Sinunu-Towery was appointed by the City Council as Acting Independent Police Auditor, to begin as soon as the Human Resources Department could complete the necessary paperwork. The vote to appoint was unanimous. (10-0-1. Absent: Ortiz.)

By unanimous consent, Council adjourned Closed Session at 10:46 a.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner,
Deputy City Clerk

Approved at Council on:

of Actions: 0

Attest by:

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



City Council Meeting Minutes

Special Meeting – Closed Session

Tuesday, August 1, 2023

9:30 AM

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

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



- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

23-1016 Closed Session: *See Pages 3-6 for Closed Session Minutes.*

Absent: All Present.

- **Closed Session Report**

None provided.

- **Adjournment**

The Council of the City of San José adjourned at 11:57 a.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner,
Deputy City Clerk

Approved at Council on:

of Actions: 0

Attest by:

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

SAN JOSÉ CITY COUNCIL SPECIAL CLOSED SESSION MINUTES

AUGUST 1, 2023

The Council of the City of San José convened into Closed Session at 9:30 a.m.
This meeting was held in City Hall Conference room W-133

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

Absent: Councilmembers - All Present.

Closed Session Item(s) discussed:

A. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
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>
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.

- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Legal Professionals of San José (ALP)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
- Telephone – Employee Relations: (408) 535-8150
4. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
- Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **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
6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>
- Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.

- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>
Telephone – Employee Relations: (408) 535-8150
8. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
9. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/oe-3>
Telephone – Employee Relations: (408) 535-8150
10. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers’ Association (SJPDA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees’ Federation (MEF), AFSCME, Local 101
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpd>
Telephone – Employee Relations: (408) 535-8150
11. Organization or Name and Title of Unrepresented Employees: **San José Police Officers’ Association (SJPOA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José
Police's Association
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/poa>
Telephone – Employee Relations: (408) 535-8150

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



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 Kamyra (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, Moses 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.

RENUNBERED 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.



City Council Meeting Minutes

Special Meeting – Closed Session

**Tuesday, August 11, 2023
12:30 PM**

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

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



- **Call to Order and Roll Call**

12:30 pm. - Closed Session

23-1111 Closed Session: *See Pages 3-6 for Closed Session Minutes*
Absent: All Present.

- **Closed Session Report**

None provided.

- **Adjournment**

The Council of the City of San José adjourned at 2:56 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner,
Deputy City Clerk

Approved at Council on:

of Actions: 0

Attest by:

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

**SAN JOSÉ CITY COUNCIL SPECIAL CLOSED SESSION
MINUTES**

AUGUST 11, 2023

The Council of the City of San José convened into Closed Session at 12:30 p.m.
This meeting was held in City Hall Conference Room W-133

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

Absent: Councilmembers - All Present.

Closed Session Item(s) discussed:

**A. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE
SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
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>
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150

3. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Legal Professionals of San José (ALP)
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
 Telephone – Employee Relations: (408) 535-8150

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

5. Organization or Name and Title of Unrepresented Employees: **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

6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230

How to Obtain a copy of Existing Contract or MOA

Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>
Telephone – Employee Relations: (408) 535-8150

7. Organization or Name and Title of Unrepresented Employees:
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>
Telephone – Employee Relations: (408) 535-8150
8. Organization or Name and Title of Unrepresented Employees:
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
9. Organization or Name and Title of Unrepresented Employees:
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/oe-3>
Telephone – Employee Relations: (408) 535-8150
10. Organization or Name and Title of Unrepresented Employees:
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.

International Brotherhood of Electrical Workers, Local 332 (IBEW)

Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)

International Union of Operating Engineers, Local No. 3 (OE#3)

San José Police Dispatchers’ Association (SJPDA)

Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees’ Federation (MEF), AFSCME, Local 101
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpd>
Telephone – Employee Relations: (408) 535-8150

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

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



City Council Meeting Minutes

Tuesday, August 15, 2023

1:30 PM

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

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



- **Call to Order and Roll Call**

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

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

- Absent: All Present.

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

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

- Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 7)**

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

- **Orders of the Day**

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

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

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

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

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

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

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

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

• **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

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

2. CONSENT CALENDAR

Public Comment: None provided.

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

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

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 23-1098 Mayor and Council Excused Absence Requests

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

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

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

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

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

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

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

Adopt a resolution accepting the California Governor's Office of Planning and Research Adaptation Planning Grant in the amount of \$649,970; and authorizing the City Manager, or designee, to negotiate and execute the Grant Agreement and Partnership Agreement, any additional amendments and all related documents, without further City Council action. CEQA: Not a Project, File No. PP17-004,

Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

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

2.9 23-1020

California Community Choice Association 2023-2024 Membership.

Adopt a resolution authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2023-2024 at a cost not to exceed \$600,000. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy)

Action: **Resolution No. RES2023-284** was adopted, authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2023-2024 at a cost not to exceed \$600,000. (11-0-0.)

2.10 23-1021

Amendment to the Consultant Services Agreement with the San José Downtown Association.

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association to include marketing, promotional, placemaking, business development and parking-related services increasing consultant compensation from \$332,026 to \$1,330,249. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

Action: **Resolution No. RES2023-285** was adopted, authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association. (11-0-0.)

2.11 23-1022

Restatement of the Lease Agreement Between the City of San José and Jim Angelopoulos, Dba Campus Burgers, Inc., for the City-Owned Property Located at 108 Paseo de San Antonio.

Adopt a resolution authorizing the City Manager or designee, to negotiate and execute: (a) A first restatement of the lease dated December 1, 2015 between the City of San José and Jim Angelopoulos, an individual, for the use of approximately 930 square feet of space in the City-owned building located at 108 Paseo de San Antonio, San José, California allowing for an initial term of five years at a rate of \$2,790 per month for the first year with a 3% annual escalator each year thereafter, and two five-year options to extend at then-current fair market rent; and (b) All other documents or amendments necessary to effectuate the first restatement of the lease. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no

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

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

2.12 23-1023

Declaration of End of Citywide Water Supply Shortage.

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

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

2.13 23-1024

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

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

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

2.14 23-1025

Request for Proposal for City-Generated Tow Service Administration.

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

and (c) Exercise up to eight one-year options to extend the term of the agreement through August 31, 2033, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Planning, Building and Code Enforcement/Police)

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

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

2.15 23-1026

2021 State Homeland Security Grant Program Training and Exercise Funding to the Fire Department.

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

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

2.16 23-1027

Amendment to Consulting Agreement with Safety Compliance Management for Citywide Regulatory/Program Specific Safety Training.

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

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

2.17 23-1028

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

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

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

2.18 23-1029

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

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

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

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

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

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

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

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

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 23-1030 **Actions Related to the 9157 - Fire Station No. 8 - Relocation (2018 Measure T) Project.**

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

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

Public Comments: None provided.

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

3.4 23-1031 Soft Story Seismic Retrofit Program Application for the Federal Emergency Management Hazard Mitigation Grant Program Funds.

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

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

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

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

6. ENVIRONMENTAL & UTILITY SERVICES

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

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

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

None provided.

10 Land Use – Regular Agenda

None provided.

- **Open Forum**

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

- **Adjournment**

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

Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner,
Deputy City Clerk

Approved at Council on:

of Actions: 6

Attest By:



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

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

AUGUST 15, 2023

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

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

Absent Councilmembers - All Present.

Closed Session Item(s) discussed:

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

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

2. Case Name: In re: Claim of Loesche
Name(s) of Partie(s)
Involved:
Court: Worker’s Compensation Appeals Court
Case No: ADJ5370526
Amount of Money or Other Benefits
Relief Sought:

B. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: Jennifer Schembri, Director of Employee Relations
Employee Organizations:

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

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

6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>
 Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>
 Telephone – Employee Relations: (408) 535-8150
8. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
 Telephone – Employee Relations: (408) 535-8150
9. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/oe-3>
 Telephone – Employee Relations: (408) 535-8150
10. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers’ Association (SJPDA)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.

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

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