



CITY COUNCIL MEETING

Draft Minutes

Tuesday, April 16, 2024
1:30 PM

LOCATION:
Council Chambers - 200 E. Santa Clara Street

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**

9:34 a.m. – Closed Session. *See pages 14-15 for Closed Session Minutes.*

Present Councilmembers: Batra, Foley, Candelas, Doan, Davis, Cohen, Jimenez, Kamei.

Absent Councilmembers: Ortiz, Torres, Mahan.

1:37 p.m. - Regular Session.

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

Absent Councilmembers: None.

- **Pledge of Allegiance**

Mayor Matt Mahan led the pledge of allegiance.

- **Invocation (District 4)**

The Alum Rock Youth Science Institute opened up the invocation with the presentation of multiple animals, and insight from the animal ambassadors.

- **Orders of the Day**

None provided.

- **Adjournment**

This meeting will be adjourned in memory of Stephen Timothy Quigley, Jr., known to all as “Tim,” who passed away on March 15, 2024. Tim was a 30-year naval veteran who found his way to San José and developed a passion for community involvement and government, serving on the board of the San José/Dublin Sister City Program. Tim's selfless service to the San José community will be his legacy and his memory will continue to inspire and motivate others.

- **Closed Session Report**

Mayor Matt Mahan announced the appointment of the new independent police auditor – Eddie Aubrey. Mayor Mahan announced that Eddie received the unanimous vote from the Council in Closed Session.

Eddie Aubrey gave insight into his goals to serve the City of San José as the Independent Police Auditor.

City Manager Jennifer Maguire announced the new Director of Housing - Erik Louis Solivan, who will assume the position on May 13, 2024, and provided insight into Erik's background and upcoming responsibilities.

Erik Louis Solivan provided insight into how he looks forward to this opportunity, and his excitement to address the challenges facing the City.

1. CEREMONIAL ITEMS

1.1 Councilmember Omar Torres presented a commendation to Haley Cardamon for the creation of San José Day which aims to celebrate, showcase, and promote the cultural and artistic creativity of the City of San José.

1.2 Councilmember David Cohen presented a commendation to the 2024 Climate Smart Champion Award Recipients for providing outstanding community service in the advancement of San José's Climate Smart goals.

1.3 Mayor Matt Mahan presented a commendation to the Silicon Valley Chapter of the American Red Cross in recognition of its dedicated team of staff and volunteers, community partners, and donors who help the City of San José prepare for, respond to, and recover from disasters.

2. CONSENT CALENDAR

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley 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.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Foley from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on April 10, 2024 due to the death of a close family member.

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 4/10/2024 - Item A.1.a]

Action: The request for an excused absence was approved. (11-0-0)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 Actions Related to the Purchase Order with Tucker Construction, Inc. for Concrete and Expansion Joint Maintenance and Repair Services.

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

(a) Amend purchase order OP 64346 with Tucker Construction, Inc. (San José, CA) for concrete and expansion joint maintenance and repair services to increase the total compensation by \$150,000 for a revised maximum compensation not-to-exceed \$250,000 for the period ending on June 29, 2024; and
(b) Exercise up to three one-year options to extend the term of the purchase order with the last option year ending on or about June 29, 2027, subject to 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)

[Deferred from 3/19/2024 – Item 2.8]

Action: **Resolution No. RES2024-102** was adopted, (a) amending purchase order OP 64346, and (b) exercising up to three one-year options to extend the term. (11-0-0)

2.8 Actions Related to the Purchase Order with Judge Netting, Inc. for As-Required Sports Netting Repairs and Installation Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Judge Netting, Inc. (Garden Grove, CA) for as-required sports netting repairs and installation services, with the last option ending on or about December 13, 2030, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER24-056, CEQA Guidelines Section 15301(d), Existing Facilities. (Finance)

Action: **Resolution No. RES2024-103** was adopted, authorizing the City Manager to exercise up to six one-year options to extend the term of the purchase order with Judge Netting, Inc. (11-0-0)

2.9 First Amendment to the Agreement with SinWaves, Inc. dba LYT for Centralized Transit Signal Priority Solution.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Agreement with SinWaves, Inc. dba LYT (Santa Clara, CA) for Centralized Transit Signal Priority Solution to increase the maximum compensation of the agreement to \$4,000,000, 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. RES2024-104** was adopted, authorizing the City Manager to negotiate and execute the First Amendment to the Agreement with SinWaves, Inc. (11-0-0)

2.10 Report on Bid and Award of Contract for the 10081 – Miscellaneous Sanitary Sewer Repairs FY 2022-2023 Package III Project.

- (a) Report on bids and award of a contract for the construction of 10081 – Miscellaneous Sanitary Sewer Repairs FY 2022-2023 Package III Project to the lowest responsive, responsible bidder, Pacific Underground Construction, Inc., in the amount of \$1,467,760; and
(b) Approve a 10% contingency in the amount of \$146,776.

CEQA: Exempt, File No. ER23-189. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 3, 5, 6, 7, and 10. (Public Works)

Action: (a) Report on bids and award of a contract and (b) a 10% contingency was approved. (11-0-0)

2.11 Declaration and Recording a Statement of the Results of the March 5, 2024 Primary Municipal Election.

Adopt a resolution declaring and recording a statement of the results of the March 5, 2024 Primary Municipal Election per Elections Code Sections 10263, 10264, and 15400.

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

[Rules Committee referral 4/10/2024 - Item A.1.a]

Action: **Resolution No. RES2024-105** was adopted, declaring and recording a statement of the results of the March 5, 2024 Primary Municipal Election. (11-0-0)

2.12 Request for Travel Authorization for Mayor's Staff.

Retroactively authorize travel, accept travel payments to the City of San José and designate Mayor's Staff, Stephen Caines, as the City representative to attend:

(a) The Project on Municipal Innovation Spring 2024 Convening in Cambridge, MA from April 10-12, 2024. Source of Fund: Bloomberg Center for Cities at Harvard University, 501c3 (airfare, lodging, meals, and ground transportation); and

(b) The NewDEAL IDEAS Summit in Phoenix, AZ from April 14-16, 2024. Source of Fund: The NewDEAL Forum, 501c3 (airfare, lodging, meals, and ground transportation). 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 4/10/2024 - Item A.1.a]

Action: Mayor's Staff travel was retroactively authorized to attend (a) The Project on Municipal Innovation Spring 2024 Convening, and (b) The NewDEAL IDEAS Summit. (11-0-0)

2.13 Retroactive Approval of Purchase of District 4 Stars Gala Awards.

As recommended by the Rules and Open Government Committee on April 10, 2024, retroactively approve the purchase of awards for the District 4 Stars Gala.

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 4/10/2024 - Item B.3]

Action: The purchase of awards for the District 4 Stars Gala was retroactively approved. (11-0-0)

2.14 Retroactive Approval and Approval of Multiple Special Events 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.

(a) Retroactively approve and approve the Public Safety Town Halls scheduled on April 13, 2024, May 11, 2024, and June 15, 2024 as City Council sponsored Special Events and approve the expenditure of funds.

(b) Retroactively approve the Shredding and E-Waste Day scheduled on April 13, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve the Dumpster Days scheduled on May 4, 2024 in Almaden and June 29, 2024 in Santa Teresa as City Council sponsored Special Events and approve the expenditure of funds.

(d) Approve the Azerbaijan Flag Raising event scheduled on May 10, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(e) 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 4/10/2024 - Item B.4]

Action: (a) The Public Safety Town Halls were retroactively approved, (b) the Shredding and E-Waste Day was retroactively approved, (c) Dumpster Days were approved, (d) the Azerbaijan Flag Raising event was approved, and (e) the acceptance of donations was approved. (11-0-0)

2.15 **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 April 10, 2024:

- (a) Retroactively approve the Budget Town Hall and Breakfast scheduled on January 20, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Pancake Social scheduled on January 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Community Clean up at Dove Hill Park scheduled on January 27, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Pleasant Hills Golf Course Community Workshop scheduled on February 15, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Dumpster Day at Quimby Road scheduled on February 17, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the Evergreen Little League Clean-up day at Quimby Middle School scheduled on February 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Retroactively approve the Clean-up at Brigadoon Park scheduled on March 16, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Retroactively approve the Dumpster Day at Welch Park, Hidden Glens and Vista Verde scheduled on March 23, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Retroactively approve the Creekside Neighborhood Community Egg Hunt scheduled on March 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (j) Retroactively approve the Eggstravaganza at Rose Terrasse Circle scheduled on March 30, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (k) 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 4/10/2024 - Item B.5]

Action: (a) The Budget Town Hall was retroactively approved, (b) the Pancake Social was retroactively approved, (c) the Community Clean Up was retroactively approved, (d) the Pleasant Hills Golf Course Community Workshop was retroactively approved, (e) the Dumpster Day at Quimby Road was retroactively approved, (f) the Evergreen Little League Clean-up Day was retroactively approved, (g) the Clean-up at Brigadoon Park was retroactively approved, (h) the Dumpster Day at Welch Park, Hidden Glens and Vista Verde were retroactively approved, (i) the Creekside Neighborhood Community Egg Hunt was retroactively approved, (j) the Eggstravaganza at Rose Terrasse Circle was retroactively approved, (k) and the acceptance of donations 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 Tax Equity and Fiscal Responsibility Act Hearing and Approval of the Sale and Issuance of San José Airport Revenue Refunding Bonds and Related Bond Documents, Series 2024A.

(a) Hold a Tax Equity and Fiscal Responsibility Act hearing with respect to (i) the proposed issuance by the City of one or more issues of tax-exempt Series B subordinated commercial paper notes in an aggregate principal amount not to exceed \$600,000,000, pursuant to a plan of finance to provide proceeds to pay or reimburse all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport terminal and ancillary facilities that are included in or are consistent with the Airport Master Plan for the San José Mineta International Airport and (ii) the proposed issuance by the City of tax-exempt revenue refunding bonds in an aggregate principal amount not to exceed \$85,000,000, designated as the City of San José Airport Revenue Refunding Bonds, Series 2024A [Alternative Minimum Tax (AMT)] for the refunding of all or a portion of the outstanding City of San José Airport Revenue Refunding Bonds, Series 2014A (AMT), all or a portion of the outstanding City of San José Airport Revenue Refunding Bonds, Series 2014B (Non-AMT), and all or a portion of the outstanding City of San José Airport Revenue Refunding Bonds, Series 2014C (Non-AMT).

(b) Adopt the Twenty-Second Supplemental Resolution of the City Council authorizing the execution and delivery of one or more Supplemental Trust Agreements, and one or more Purchase and Continuing Covenant Agreements; providing for the issuance of City of San José Airport Revenue Refunding Bonds, in one or more series in an aggregate principal amount not to exceed \$85,000,000; prescribing the terms, conditions and form of said series of bonds; and authorizing and approving other related actions.

CEQA: Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497), File No. PP18-103.

(Finance/Airport)

Rick Bruneau, Director of Finance, Finance; Mukesh Patel, Director of Aviation, Airport; Qianyu Sun, Deputy Director of Finance, Dept and Treasury Management, Finance; and Kim Hawk, Deputy Director, Airport, provided a presentation and answered questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Arjun Batra, and carried unanimously, (a) a Tax Equity and Fiscal Responsibility Act hearing was held, and (b) **Resolution No. RES2024-106** was adopted, as the Twenty-Second Supplemental Resolution of the City Council authorizing the execution and delivery of one or more Supplemental Trust Agreements. (10-0-1; Absent: Ortiz)

3.4 **Retirement Boards of Administration's Adoption of City Policies and Recommended Policies for City's Adoption for Office of Retirement Service Operations.**

Approve policies recommended from the Retirement Boards of Administration to remedy gap in City Policies on issues regarding disciplinary matters and financial procedures for the operation of the Office of Retirement Services.

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

Public Comment: None provided.

Roberto Pena, Director of Retirement Services, Retirement, answered questions from Council.

Councilmember Dev Davis expressed a desire for the Office of Retirement Services to work more directly and collaboratively with the administration on all policies.

Motion: Councilmember Dev Davis moved for the City Manager to work with the Office of Retirement Services to enhance coordination and to address disagreements together when there are deviations to City policies proposed by the Office of Retirement Services or their boards, and to accept the report. Councilmember Pam Foley seconded the motion.

Friendly Amendment: Councilmember Pam Foley made a friendly amendment that the City Manager return with a full report to Council. The friendly amendment was accepted by the maker of the motion and the seconder.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the policies recommended from the Retirement Boards of Administration to remedy gap in City Policies was approved. (11-0-0)

3.5 **Audit of Retirement Services Procurement Process.**

Accept the report on the Retirement Services procurement process audit.

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 Auditor)

Joe Rois, City Auditor, Auditor's Office; Roberto Pena, Director of Retirement Services, Retirement; Michael O'Connell Jr., Program Auditor, Auditor's Office; Maria Valle, Program Auditor, Auditor's Office; and Alison Pauly, Supervising Auditor, Auditor's Office, offered a presentation and answered questions.

Public Comment: None provided.

City Manager Jennifer Maguire offered her support to collaborate with the Retirement Services Department to assist with broader staff training.

Councilmember Dev Davis directed Staff to work with the Joint Audit Committee to put timelines in place for a response to the audit report, and to return to the full Council with an Informational Memorandum once established.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the report was accepted, including staff direction to put

timelines in place for a response to the audit report, and to return to the full Council with an Informational Memorandum once established. (11-0-0)

4. PUBLIC SAFETY

4.1 Independent Police Auditor 2023 Year End Report.

(a) Accept the 2023 Independent Police Auditor Year End Report.

(b) Accept the San José Police Department's response to the recommendations contained in the 2023 Independent Police Auditor Year End Report.

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

Karyn Sinunu-Towery, Interim Independent Police Auditor; and Paul Joseph, Assistant Police Chief, San José Police Department, provided a presentation and answered questions.

Public Comment: Shaunn, Surinder, and Sayd provided public comment.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Arjun Batra, and carried unanimously, (a) The 2023 Independent Police Auditor Year End Report was accepted, and (b) the San José Police Department's response to the recommendations was accepted. (11-0-0)

4.2 San José Police Department Internal Affairs Unit 2023 Department Initiated Investigations Report.

Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 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. (Police)

Macedonio Zuniga, Commander of San José Police Department Internal Affairs Unit, responded to questions from Council.

Public Comment: Surinder provided public comment.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously, the San José Police Department's Internal Affairs Unit report was accepted. (11-0-0)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 **Actions Related to the Mobile Interim Housing Project Located at the Via Del Oro Site.**

(a) Adopt a resolution:

(1) Authorizing the City Manager, or her designee, to negotiate and execute a lease agreement, and all other necessary documents, for 10 years, in the amount of \$1 per year with the Sobrato Family Foundation to build and operate an Interim Housing project at the Via del Oro site (APN: 706-09-038);

(2) Determining the City may award a Project Delivery Agreement to DignityMoves to deliver the Interim Housing project at Via del Oro without a competitive procurement under the “idle act” exception in Section 1217(i)(6) of the City of San José Charter;

(3) Authorizing the Director of Public Works to negotiate, award and execute a Project Delivery Agreement at a maximum guaranteed amount not to exceed \$10,700,000 for the development of an Interim Housing project at Via del Oro with DignityMoves, in accordance with the requirements of this memorandum; and

(4) Authorizing the Director of Public Works to approve a 10% contingency for the project.

(b) Adopt the following 2023-2024 Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the Emergency Interim Housing Construction and Operation City-Wide Expenses appropriation to the Housing Department by \$3,500,000;

(2) Decrease the Measure E – Interim Housing Constructions and Operations Reserve (15% HSP) appropriation to the Housing Department by \$4,000,000;

(3) Decrease the Berryessa Supportive Parking Capital Contributions appropriation to the Public Works Department by \$5,929,000; and

(4) Establish the Interim Housing - Via del Oro Capital Contributions appropriation to the Public Works Department in the amount of \$13,429,000.

CEQA Determination of Consistency with the Mitigated Negative Declaration for the Emergency Interim Housing Programs project (Resolution No. 2023-380), File No. ER24-015 (Via del Oro Site). Council District 10. (Public Works/Housing/City Manager)

Omar Passons, Deputy City Manager, City Manager’s Office; Regan Henninger, Deputy Director, Housing Department; Andrea Flores Shelton, Deputy Director, PRNS; Heather Hoshii, Deputy Director Transportation, Department of Transportation; and Jim Ortbal, Special Projects Lead, City Manager’s Office, provided a presentation and answered questions.

Public Comment: Debra, Sandy Perry, Jill, Joanne Price and Shaunn provided public comment.

Motion: Councilmember Arjun Batra moved approval of the staff report and the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Sergio Jimenez, Councilmember David Cohen, Councilmember Pam Foley, and Councilmember Arjun Batra, dated April 12, 2024. Councilmember Bien Doan seconded the motion.

Friendly Amendment: Councilmember David Cohen made a friendly amendment to include recommendations a and b only of his amended memorandum, dated April 19, 2024.

- a. Conducting a one-time abatement of remaining tent encampments that received priority for outreach and placement.
- b. Offer unhoused living in RVs within 1.5 miles of the site available placement at Santa Teresa and Berryessa safe parking sites.
- c. ~~Utilizing tools regarding oversized vehicle and RV parking that council has previously adopted to identify locations for enforcement.~~ The maker of the motion and seconder accepted the friendly amendment.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Bien Doan, and carried unanimously, (a) **Resolution No. RES2024-107** and (b) 2023-2024 Appropriation **Ordinance No. 31068** were adopted, regarding actions related to the Mobile Interim Housing Project located at the Via Del Oro Site.

Including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Sergio Jimenez, Councilmember David Cohen, Councilmember Pam Foley, and Councilmember Arjun Batra, dated April 12, 2024, recommending the following: Accept staff recommendations with the following additional direction to staff for implementation with existing resources as capacity allows, or with new resources, included in the 2024-2025 Proposed Budget that align with City Council's approval of the Mayor's March Budget Message for Fiscal Year 2024-2025:

1. In line with previous Council direction, prioritize outreach to unhoused residents currently living in tent and vehicle encampments within 1.5 miles of the Via del Oro EIH, including along Great Oaks Boulevard and Las Colinas Lane.
2. After residents receive extensive outreach and prioritization for housing at the Via Del Oro EIH community, or other temporary or permanent housing options as available, compassionately resolve encampments within the 1.5 miles by:
 - a. Utilize tools Enforcing 72-hour parking restrictions, expired registration or inoperable vehicle tow authority provided by the California Vehicle Code, where applicable, after due notification;
 - b. Facilitating enhanced street sweeping through temporary tow-away zones, or enforce no overnight or no large vehicle parking where currently prohibited; and
 - c. Conducting an abatement of all remaining tent encampments that received priority for outreach and placement.
3. Preserve our progress within two walkable blocks of the Via Del Oro EIH
 - a. Use existing resources or new resources, such as deploying Community Activity Specialists to the area to prevent re-encampment, and/or installing physical deterrents or permanent signage.
4. Prevent tent and vehicle re-encampment along Great Oaks Parkway between Endicott Boulevard and the Blossom Hill Caltrain Station and at the northwest corner of Monterey Road and Bernal Road due to traffic safety and critical infrastructure concerns
 - a. Use existing resources or new resources, such as deploying Community Activity Specialists to the area to prevent re-encampment, and/or installing physical deterrents or permanent signage.

Also including acceptance of recommendations *a & b only* of Councilmember David Cohen's amended memorandum dated April 19, 2024, recommending the following: Accept memo from Mayor Mahan, and Councilmembers Batra, Foley, Jimenez, and Cohen and replace recommendation 2 with:

After residents receive extensive outreach and prioritization for housing at the Via Del Oro EIH community, or other temporary or permanent housing options available, work to compassionately resolve encampments within 1.5 miles of the site by:

- a. Conducting a one-time abatement of remaining tent encampments that received priority for outreach and placement.
- b. Offer unhoused living in RVs within 1.5 miles of the site available placement at Santa Teresa and Berryessa safe parking sites.
- e. ~~Utilizing tools regarding oversized vehicle and RV parking that council has previously adopted to identify locations for enforcement. (11-0-0)~~

9. **REDEVELOPMENT – SUCCESSOR AGENCY**

10. **LAND USE**

10.1 Land Use on Consent Calendar

- (a) **CPA19-005-01 & ER23-166 - Conditional Use Permit Amendment and Determination of Public Convenience or Necessity for Certain Real Property Located at 2701 McKee Road. - HEARD AFTER ITEM 3.3**

Adopt a resolution approving, subject to conditions, a Conditional Use Permit Amendment and Determination of Public Convenience or Necessity (PCN) to allow the off-sale of alcohol (Type 20 – Beer and Wine) at an approximately 3,167-square-foot fuel station convenience store on an approximately 0.91-gross-acre site.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15301(a), Existing Facilities. Planning Commission recommends approval (8-2-1, Barocio and Ornelas-Wise opposed, Garcia absent), Planning Commission Agenda item 4.a., on 3/13/2024. Council District 5. (Planning, Building, and Code Enforcement)

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2024-108** was adopted, approving a Conditional Use Permit Amendment and Determination of Public Convenience or Necessity. (11-0-0)

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• **Open Forum**

None provided.

• **Adjournment**

The Council of the City of San José adjourned at 5:31 p.m., in memory of Stephen Timothy Quigley, Jr., known to all as “Tim,” who passed away on March 15, 2024. Tim was a 30-year naval veteran who found his way to San José and developed a passion for community involvement and government, serving on the board of the San José/Dublin Sister City Program. Tim's selfless service to the San José community will be his legacy and his memory will continue to inspire and motivate others.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 8

Attest By:

Toni Taber, CMC
City Clerk, City of San José

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

April 16, 2024

Place: City Hall Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be 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: **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
2. 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

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 2

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

Department or Agency: City Manager's Office
Title: Housing Director

.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 REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a):

Consultation with: IT Department
Representatives: Khaled Tawfik, Director