



CITY COUNCIL MEETING

Draft Minutes

Tuesday, June 18, 2024
11:00 AM

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

9:30 a.m.- Closed Session. *See Pages 53-59 for Closed Session Minutes.*

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

Absent Councilmembers: Davis, Jimenez, Torres.

11:22 a.m. - Regular Session.

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

Absent Councilmembers: Jimenez, Davis.

Council recessed from 1:03- 1:53 p.m.

Following the lunch recess Mayor Matt Mahan announced that public comment was limited to one-minute for the remainder of the Council Meeting. Speakers that requested interpretation services were allotted two-minutes to allow time for translation.

• Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

• Invocation (District 6)

Dr. Rowena M. Tomaneng, President of San José City College offered the invocation.

HEARD AT 1:30 P.M.

• Orders of the Day

None provided.

• Adjournment

Councilmember announced that the meeting was adjourned in memory of Victor Garza, founder of La Raza Roundtable, who passed away on Thursday, June 6, 2024. He was a lifelong community champion for education and employment equity, affecting change across San José and Santa Clara County politics and government. His daughter Cindy Soto shared words honoring her father.

• Closed Session Report

City Attorney, Nora Frimann announced that the City renewed its authority to join the Amicus Brief to prevent gun violence, regarding the City of Chicago v. Westfourth Sports Inc, Case No. 1-23-1908. Regarding the appeal of the decision against the City of Chicago that brought an action against a licensed gun business that was not following federal protocols to determine whether or not gun purchases were being made as straw purchases.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Omar Torres presented the commendation to Hermelinda Sapien for her 55 years of service and leadership in advocating for farmworkers and underserved populations at the San José's Center for Employment Training.
- 1.2 Councilmember Domingo Candelas, Vice Mayor Rosemary Kamei, and Councilmember Omar Torres presented the proclamation declaring June 19, 2024 as Juneteenth in the City of San José to recognize and celebrate the emancipation of enslaved African Americans. Milan Balinton accepted the proclamation.
- 1.3 Councilmember Peter Ortiz presented the proclamation declaring June 2024 as Immigrant Heritage Month to recognize the City of San José's diverse immigrant communities and their contributions and culture. Members from Services, Immigrant Rights, and Education Network (SIREN) accepted the proclamation.

2. CONSENT CALENDAR

Item 2.12 was pulled by Councilmember Omar Torres and Councilmember Peter Ortiz for a separate vote.

Item 2.23 was pulled by Councilmember Pam Foley for a separate vote.

Item 2.37 was pulled by Councilmember Bien Doan for a separate vote.

Item 2.40 was pulled by Councilmember Pam Foley for a separate vote.

Item 2.42 was pulled by Councilmember Pam Foley for a separate vote

Public Comment: Forrest Peterson (Wage Theft Coalition), Ruth Silver Taube (Wage Theft Coalition), Michael Quach, Joad Paulo M. Connolly, William Chisholm (IUEC Local 8), José Espinosa, José L. Rivera (Painters & Tapers), Doug Bloch (Silicon Valley MEPS), and Will Smith (IBEW 332) provided public testimony regarding the Consent Calendar.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres, and carried unanimously, the Consent Calendar was approved, *including Item 2.12, and excluding Items 2.23, 2.37, 2.40, and 2.42 which were voted on separately*, the below actions were taken as indicated. (9-0-2; Absent: Jimenez, Davis.)

Following the approval of Consent Calendar, Council recessed from 1:03 to 1:53 p.m.

2.1 **Approval of City Council Minutes.**

None provided.

2.2 Final Adoption of Ordinances.

(a) Ordinance No. 31081 - An Ordinance of the City of San José Amending Section 24.12.600 of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code to Modify Provisions of the 2022 California Building Energy Efficiency Standards to Reduce Certain Requirements for Accessory Dwelling Units and Residential Buildings Smaller than 1,200 Square Feet.

[Passed for Publication on 6/4/2024 - Item 2.12(b) (24-92292)]

(b) Ordinance No. 31082 - An Ordinance of the City of San José Amending Section 5.09.500 of Chapter 5.09 of Title 5; Amending Chapter 15.14 of Title 15 to Add Sections 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, And 15.14.773; Amending Section 20.95.020 of Chapter 20.95 and Section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code Related to Compliance with the Municipal Regional Stormwater Permit.

[Passed for Publication on 6/4/2024 - Item 2.13(a) (24-92293)]

(c) Ordinance No. 31084 - An Uncodified Ordinance of the City of San José Approving the Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2024-2025 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 6/4/2024 - Item 2.30(b) (24-92313)]

(d) Ordinance No. 31085 - An Uncodified Ordinance of the City of San José Approving the Willow Glen Community Benefit Improvement District Annual Report for Fiscal Year 2024-2025 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 6/4/2024 - Item 3.3(e) (24-92314)]

(e) Ordinance No. 31086 - 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 2024-2025 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 6/4/2024 - Item 3.4(b) (24-92315)]

(f) Ordinance No. 31087 - An Uncodified Ordinance of the City of San José Affirming City Council Action, If Any, Taken on Sewer Service and Use Charge Rates Effective July 1, 2024.

[Passed for Publication on 6/4/2024 - Item 6.2(d) (24-92316)]

(g) Ordinance No. 31088 - An Uncodified Ordinance of the City of San José Adopting Service Rates for the Residential Garbage and Recycling Program Effective July 1, 2024, as Specified in Resolution No. RES2024-204.

[Passed for Publication on 6/4/2024 - Item 6.3(c) (24-92317)]

(h) Ordinance No. 31089 - An Uncodified Ordinance of the City of San José Establishing Charges for Potable Water Service and Recycled Water Service Effective July 1, 2024, Specified in the Resolutions.

[Passed for Publication on 6/4/2024 - Item 6.4(d) (24-92318)]

(i) Ordinance No. 31090 - An Uncodified Ordinance of the City of San José Approving the Downtown Business Improvement District Budget Report for Fiscal Year 2024-2025, as Filed or Modified by the City Council, and Levying the Downtown Business Improvement District Assessments for Fiscal Year 2024-2025 Specified in the Resolution.

[Passed for Publication on 6/4/2024 - Item 8.1(b) (24-92320)]

(j) Ordinance No. 31091 - An Uncodified Ordinance of the City of San José Approving the Japantown Business Improvement District Budget Report for Fiscal Year 2024-2025, as Filed or Modified by the City Council, and Levying the Japantown Business Improvement District Assessments for Fiscal Year 2024-2025 Specified in the Resolution.

[Passed for Publication on 6/4/2024 - Item 8.2(b) (24-92321)]

(k) Ordinance No. 31092 - An Uncodified Ordinance of the City of San José (1) Approving the San José Hotel Business Improvement District Annual Report Prepared by San José Hotels, Inc. For Fiscal Year 2024-2025 as Filed or Modified by Council; and (2) Confirming the San José Hotel Business Improvement District Assessments as Proposed by San José Hotels, Inc., or as Modified by Council.

[Passed for Publication on 6/4/2024 - Item 8.3(b) (24-92322)]

(l) Ordinance No. 31093 - An Ordinance of the City of San José Rezoning 25 Properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 Properties from A(PD) Planned Development Zoning District to CG Commercial General Zoning District, 10 Properties from A(PD) Planned Development To IP Industrial Park Zoning District, Six Properties from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, Four Properties from LI(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, Three Properties from CO(PD) Planned Development Zoning District To CP Commercial Pedestrian Zoning District, Two Properties from R-1-8(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, Two Properties From A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District, Two Properties from IP(PD) Planned Development Zoning District to TEC Transit Employment Center, One Property from R-2(PD) Planned Development Zoning District to CP Commercial Pedestrian, One Property from CO(PD) Planned Development Zoning District to CG Commercial General Zoning District, and One Property from R-1-8(PD) Planned Development Zoning District to CG Commercial General Zoning District, All Located on those Certain Real Properties Situated within the City of San José.

[Passed for Publication on 6/4/2024 - Item 10.1(a) (24-92323)]

(m) Ordinance No. 31094 - An Uncodified Ordinance of the City of San José to Amend and Establish Various Fees and Charges, Effective July 1, 2024, Specified in the Schedule of Fees and Charges Resolution.

[Passed for Publication on 6/11/2024 - Item 3.5(c) (24-120628)]

(n) Ordinance No. 31095 - An Ordinance of the City of San José Amending Various Sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (1) Amend Chapter 20.30 to Include Amendments to (A) Section 20.30.400, to Clarify Pedestrian Access; (B) Section 20.30.500, Table 20-70, Note 2, to Exclude Retaining Walls from Accessory Structures Along Corner Lot Setback; and (C) Section 20.30.510 to Clarify Rear Yard Coverage; (2) Amend Chapter 20.70, Section 20.70.100, Table 20-140 to Allow Indoor Sales of Zero Emission Vehicles, and Add Sections 20.70.110, 20.70.120, and 20.70.130 which had been Inadvertently Deleted; (3) Amend Section 20.80.175 and Add a New Part 2.76 of Chapter 20.80 to Allow the Sale and Conveyance of Accessory Dwelling Unit Condominiums; (4) Amend Chapter 20.90, Section 20.90.060 to Include Previously Approved Ratios for Long-Term and Short term Bicycle Spaces, and Add Section 20.90.150 which had been Inadvertently Deleted; (5) Amend Sections 20.195.010, 20.195.020, 20.195.030 and 20.195.050 of Chapter 20.195 to Include Recent References to Government Code Sections for Housing; and (6) Amend Section 20.200.1265 of Chapter 20.200 to Change Existing Definition of 'Permanent Supportive Housing'; 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 6/11/2024 - Item 10.1(a) (24-120634)]

(o) Ordinance No. 31096 - An Ordinance of the City of San José Amending the Zoning District Map to Apply the MIHO Mixed Income Housing Overlay District on Two Parcels (APNs 101-30-005 & 007).

[Passed for Publication on 6/11/2024 - Item 10.1(b)(b) (24-120635)]

(p) Ordinance No. 31097 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend the Definition of Emergency Residential Shelter in Chapter 20.200, Amend the Emergency Residential Shelter Use within Table 20-90 of Section 20.40.100 of Chapter 20.40, 'Commercial Zoning Districts and Public/Quasi-Public Zoning Districts,' Table 20-110 of Section 20.50.100 of Chapter 20.50, 'Industrial Zoning Districts,' and Table 20-138 of Section 20.55.203 of Chapter 20.55, 'Urban Village and Mixed Use Zoning Districts,' and Amendments to Allow a Streamlined Ministerial Approval Process for Emergency Residential Shelters in Chapter 20.195, 'Ministerial Approvals'.

[Passed for Publication on 6/11/2024 - Item 10.3 (24-120637)]

Action: (a) **Ordinance No. 31081**, (b) **Ordinance No. 31082**, (c) **Ordinance No. 31084**, (d) **Ordinance No. 31085**, (e) **Ordinance No. 31086**, (f) **Ordinance No. 31087**, (g) **Ordinance No. 31088**, (h) **Ordinance No. 31089**, (i) **Ordinance No. 31090**, (j) **Ordinance No. 31091**, (k) **Ordinance No. 31092**, (l) **Ordinance No. 31093**, (m) **Ordinance No. 31094**, (n) **Ordinance No. 31095**, (o) **Ordinance No. 31096**, and (p) **Ordinance No. 31097** were adopted. (9-0-2; Absent: Jimenez, Davis)

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 **Amendment to Master Services Agreement between the City of San José and Faith Group, LLC for Airport On-call Information Technology Services.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Third Amendment to the Master Services Agreement between the City of San José and Faith Group, LLC for on-call Information Technology services, extending the expiration of the current term by one year to July 4, 2025, and increasing the maximum compensation by \$50,000 not to exceed a total of \$1,585,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 6. (Airport)

Action: **Resolution No. RES2024-239** was adopted, regarding the Third Amendment to the Master Services Agreement between the City of San José and Faith Group, LLC for Airport on-call Information Technology services. (9-0-2; Absent: Jimenez, Davis)

2.8 Master Consultant Agreement with Abadjis Systems, Ltd. for Project Management Support Services at San José Mineta International Airport.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Master Consultant Agreement with Abadjis Systems, Ltd. dba ASLPM for project management support services at San José Mineta International Airport for a period of five years from execution, for a total amount not to exceed \$4,000,000 over the term of the agreement.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 6. (Airport)

Action: **Resolution No. RES2024-240** was adopted, regarding the Master Consultant Agreement with Abadjis Systems, Ltd. dba ASLPM for project management support services at San José Mineta International Airport. (9-0-2; Absent: Jimenez, Davis)

2.9 Lease Agreement with Scott's Park Avenue SJ, LLC for the Rotary Summit Center Located at 88 South Fourth Street.

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

- (a) A lease agreement between the City of San José, as Landlord, and Scott's Park Avenue SJ, LLC, doing business as Scott's Seafood, as Tenant, for use of the approximately 12,365 square feet of space, including a banquet hall, office space, lobby, and commercial kitchen at 88 South Fourth Street for a 120-month initial term at an annual rent equal to 8% of gross revenues per lease year, net of credit card discounts and certain expenses provided at cost, with a total minimum rent for the term of the agreement of \$3,680,000, inclusive of rent credits, over the 120-month term and including the 60-month option period; and
- (b) All other necessary and/or ancillary documents to effectuate the lease of the property to the tenant.

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. RES2024-241** was adopted, regarding the lease agreement with Scott's Park Avenue SJ, LLC for the Rotary Summit Center located at 88 South Fourth Street. (9-0-2; Absent: Jimenez, Davis)

2.10 Council Policy 7-1 Lease Agreement Between the City of San José and New Beginnings Family Services for a Portion of City-Owned Property Located at 100-104 W. Alma Avenue.

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute:

(1) A lease agreement under Council Policy 7-1 between the City of San José and New Beginnings Family Services, a California not for profit organization, for a portion of the City-owned real property located at 100-104 W. Alma Avenue, further identified as Assessor Parcel Number 434-23-133; and

(2) All other documents or agreements necessary to effectuate the lease agreement.

(b) Approve staff's recommendation to waive certain provisions of Council Policy 7-1 pursuant to Council Policy 0-1 of the Council Policy Manual.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 7. (Economic Development and Cultural Affairs)

Action: (a) **Resolution No. RES2024-242** was adopted, regarding the lease agreement with Scott's Park Avenue SJ, LLC for the Rotary Summit Center located at 88 South Fourth Street, and (b) the staff's recommendation to waive certain provisions of Council Policy 7-1 pursuant to Council Policy 0-1 of the Council Policy Manual was approved. (9-0-2; Absent: Jimenez, Davis)

2.11 Lease Agreement Between the City of San José and the County of Santa Clara for its Continued Use of City-Owned Property Located at 1608 Las Plumas Avenue as a Household Hazardous Waste Collection Facility.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a lease agreement, and all documents necessary to effectuate the lease, between the City of San José, a municipal corporation of the State of California, as Landlord, and the County of Santa Clara, a political subdivision of the State of California, as Tenant, for the continued use of approximately 10,000 square feet of space at the City-owned property located at 1608 Las Plumas Avenue, also known as the San José Environmental Innovation Center, allowing for an initial term of three years at a rental rate of \$314,000 per year plus operations and maintenance costs of \$78,000 for the first year, \$80,340 for the second year, and \$82,750.20 for the third year, totaling \$1,183,090.20 for the initial term, with four options to extend for an additional three years each at a rental rate of \$314,000 for each year of the option terms, exclusive of the operation and maintenance cost, which shall be determined upon the commencement of each option term.

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/Environmental Services)

Action: **Resolution No. RES2024-243** was adopted, regarding the lease agreement between the City of San José and the County of Santa Clara for its continued use of city-owned property located at 1608 Las Plumas Avenue as a household Hazardous Waste Collection Facility. (9-0-2; Absent: Jimenez, Davis)

2.12 First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for Engineering Services for the Support Building Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

Approve the First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for engineering services for the Support Building Improvements project at the San José-Santa Clara Regional Wastewater Facility increasing the amount of compensation by \$125,000, for a total agreement amount not to exceed \$4,925,000; and extending the term of the agreement from June 30, 2024 to June 30, 2025. CEQA: Not a Project, File No. PP17-002, Consultant services for design/study/inspection, or other professional services with no commitment to future action. (Environmental Services)

Public Comment: None provided.

Matt Loesch, Director, Public Works Department; and Kerrie Romanow, Director, Environmental Services Department responded to questions from Council.

Councilmember Torres expressed his concerns with the allegations brought to his attention regarding employee wage theft and worker safety.

Councilmember Ortiz expressed his concerns with the allegations brought to his attention regarding the labor compliance investigation and the miss-classifications of workers.

Councilmember Ortiz called down Erica Valentine (Local 393) to speak at the podium regarding the allegation raised. She requested an extension on the item.

Motion: Councilmember Ortiz made the motion to defer action on the Item until August 2024. Councilmember Torres seconded the motion.

Councilmember Cohen requested clarification from Erica Valentine, regarding the PRA.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Omar Torres, the *motion failed* to defer action on the Item until August 2024. (3-6-2; Noes: Mahan, Kamei, Cohen, Doan, Foley, Batra; Absent: Jimenez, Davis)

Mayor Mahan stated Item 2.12 was not deferred and the Item would be moved along with the rest of the Consent Calendar when the motion is made.

Action: The First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for engineering services for the Support Building Improvements project at the San José-Santa Clara Regional Wastewater Facility increasing the amount of compensation by \$125,000, for a total agreement amount not to exceed \$4,925,000; and extending the term of the agreement from June 30, 2024 to June 30, 2025 was approved. (9-0-2; Absent: Jimenez, Davis.)

2.13 Construction Contract Contingency Increase for the 8781 – Fire Life Safety Upgrades Project at the San José-Santa Clara Regional Wastewater Facility.

(a) Approve a \$250,000 increase to the construction contingency amount of \$425,850 for a revised total contingency amount of \$675,850 for the 8781 – Fire Life Safety Upgrades Project; and

(b) Approve a 215 workday time extension to the substantial completion date for the contract with Blocka Construction, Inc. for the 8781 – Fire Life Safety Upgrades Project. CEQA: Exempt, File No. ER22-161, CEQA Guidelines Section 15061(b)(3). (Environmental Services/Public Works)

Action: The (a) \$250,000 increase to the construction contingency amount of \$425,850 for a revised total contingency amount of \$675,850 for the 8781 – Fire Life Safety Upgrades Project was approved; and the (b) 215 workday time extension to the substantial completion date for the contract with Blocka Construction, Inc. for the 8781 – Fire Life Safety Upgrades Project was approved. (9-0-2; Absent: Jimenez, Davis)

2.14 Report on Request for Proposal and Actions Related to the Purchase Order for a Youth Services Data Management Solution.

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

(a) Negotiate and execute an agreement and purchase order with Hasler Enterprise Solutions, LLC (Irvine, CA) for a Youth Services Data Management Solution for the City's Parks, Recreation and Neighborhood Services Department, with an initial three-year term beginning on or about July 1, 2024, and ending on or about June 30, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$529,372;

(b) Approve a contingency of \$52,937 for unanticipated and related services, subject to the appropriation of funds; and

(c) Exercise up to four one-year options to extend the term of the agreement for a possible maximum term of seven years, subject to the appropriation of funds.

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

Action: **Resolution No. RES2024-244** was adopted, regarding the report on request for proposal and actions related to the purchase order for a Youth Services Data Management Solution. (9-0-2; Absent: Jimenez, Davis)

2.15 Actions Related to the Purchase Order with National Aquatics Services Inc. for Pool Repairs, Preventative Maintenance, and Replacement Parts.

Adopt a resolution authorizing the City Manager or her designee to exercise up to three additional one-year options to extend the term of the purchase order with National Aquatics Services, Inc. (Brentwood, CA) for pool repairs, preventative maintenance, and replacement parts, with the last option ending on or about June 28, 2027, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER24-127, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. RES2024-245** was adopted, regarding the action related to the purchase order with National Aquatics Services, Inc. for pool repairs, preventative maintenance, and replacement parts. (9-0-2; Absent: Jimenez, Davis)

2.16 Set a Public Hearing for the Fiscal Year 2024-2025 Annual Residential Solid Waste Collection Service Charges.

Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2024-2025 annual Residential Solid Waste Collection Service Charges on the 2024-2025 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and

(b) Direct the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

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

Action: **Resolution No. RES2024-246** was adopted, regarding the Public Hearing set for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2024-2025 annual Residential Solid Waste Collection Service Charges. (9-0-2; Absent: Jimenez, Davis)

2.17 Set a Public Hearing for the Fiscal Year 2024-2025 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2024-2025 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2024-2025 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;

(b) Direct the Director of Finance to file the Fiscal Year 2024-2025 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2024, instead of July 5, 2024; and

(c) Direct the City Clerk to publish notice of the filing of the Director of Finance Reports, and the time and place of the Public Hearing.

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

Action: **Resolution No. RES2024-247** was adopted, regarding the Public Hearing set for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the 2024-2025 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments. (9-0-2; Absent: Jimenez, Davis)

2.18 Report on Request for Proposal for a Unified Communications and Contact Center System.

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

(a) Negotiate and execute an agreement with Total Communication Solutions (Manasquan, NJ) for a Unified Communications and Contact Center System with an initial three-year term beginning on or about July 1, 2024, and ending on or about June 30, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$1,869,944;

(b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$186,994 during the initial term; and

(c) Exercise up to three three-year options to extend the term of the agreement for a possible maximum term of 12 years, 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 was accepted, and **Resolution No. RES2024-248** was adopted, regarding the acceptance of the report on request for proposal for a Unified Communications and Contact Center System. (9-0-2; Absent: Jimenez, Davis)

2.19 Actions Related to the Purchase Order with Golden Bay Construction, Inc. for Speed Hump Installations.

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

(a) Execute a purchase order with Golden Bay Construction, Inc. (Hayward, CA) for speed hump installations for a one-year term beginning on or about July 1, 2024, and ending on or about June 30, 2025, for a not-to-exceed amount of \$400,000; and

(b) Exercise up to six one-year options to extend the term of the purchase order with the last option ending on or about June 30, 2031, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER23-136, CEQA Guideline Section 15301(c) Existing Facilities. (Finance)

Action: **Resolution No. RES2024-249** was adopted, regarding the actions related to the purchase order with Golden Bay Construction, Inc. (Hayward, CA) for speed hump installations. (9-0-2; Absent: Jimenez, Davis)

2.20 Amendment to the Agreement with DR Associates, International for Background Investigation Services for Fire Department.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the agreement with DR Associates, International to increase the total maximum compensation to \$432,686 (\$198,686 for the initial three-year term, plus \$117,000 for each Option year).

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Fire)

Action: **Resolution No. RES2024-250** was adopted, regarding the amendment to the agreement with DR Associates, International for background investigation services for the Fire Department. (9-0-2; Absent: Jimenez, Davis)

2.21 Extension of the Declaration of Shelter Crisis and Renewal of Proclamation of a Local Emergency Caused by Conditions and Threatened Conditions of Homelessness in the City of San José.

Adopt a resolution finding the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of the California Government Code section 8698 et seq. and renewing the proclamation of a local emergency pursuant to, and in accordance with, the provisions of California Government Code sections 8558 and 8630, the San José City Charter, and San José Municipal Code caused by conditions and threatened conditions of homelessness in the City of San José.

CEQA: Mitigated Negative Declaration for Emergency Interim Housing Programs, File No. ER 22-198. (Housing/City Manager)

Action: **Resolution No. RES2024-251** was adopted, regarding the extension of the declaration of shelter crisis and renewal of proclamation of a local emergency caused by condition and threatened condition of homelessness in the City of San José. (9-0-2; Absent: Jimenez, Davis)

2.22 Second Amendment to the Agreement with The PUN Group, LLP for Grant Fund Monitoring Services.

Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to an agreement with The PUN Group, LLP, for grant fund monitoring services to increase the maximum total compensation by \$150,000 from \$551,500 to \$701,500 and extend the term retroactively from July 1, 2024, through June 30, 2025.

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

Action: **Resolution No. RES2024-252** was adopted, regarding the second amendment to an agreement with The PUN Group, LLP, for grant fund monitoring services. (9-0-2; Absent: Jimenez, Davis)

2.23 **Actions Related to Grant Agreements for Multiple Programs Serving Households Experiencing Homelessness in Fiscal Year 2024-2025.**

Adopt a resolution authorizing the Director of Housing or designee to negotiate and execute the following agreements and amendments for programs (categorized by service type) serving individuals and families experiencing homelessness, with up to three one-year options to extend, subject to the appropriation of funds, or termination for convenience:

(a) Crisis Interventions

(1) WeHope (Dignity on Wheels) in an amount not to exceed \$1,100,000 from January 1, 2025, through December 31, 2025; and

(2) LifeMoves (Supportive Parking) in an amount not to exceed \$1,500,000 retroactively from July 1, 2024, through June 30, 2025.

(b) Housing and Shelter Opportunities

(1) County of Santa Clara (Homelessness Prevention) in an amount not to exceed \$4,500,000 retroactively from July 1, 2024, through June 30, 2025;

(2) HomeFirst (Rapid Rehousing) in an amount not to exceed \$1,250,000 retroactively from July 1, 2024 through June 30, 2025;

(3) Bill Wilson Center (Rapid Rehousing) in an amount not to exceed \$1,000,000 retroactively from July 1, 2024, through June 30, 2025;

(4) LifeMoves (Rapid Rehousing) in an amount not to exceed \$1,200,000 retroactively from July 1, 2024, through June 30, 2025;

(5) LifeMoves (Motel Voucher Program) in an amount not to exceed \$2,834,637 retroactively from July 1, 2024, through December 31, 2024;

(6) YWCA (Interpersonal Violence Support Program) in an amount not to exceed \$250,000 retroactively from July 1, 2024, through June 30, 2025;

(7) Abode (Plaza Hotel) in an amount not to exceed \$1,566,117 retroactively from July 1, 2024, through June 30, 2025;

(8) PATH (Evans Lane Emergency Interim Housing) in an amount not to exceed \$2,080,000 retroactively from July 1, 2024, through December 31, 2024;

(9) HomeFirst (Monterey Bernal and Rue Ferrari Emergency Interim Housing) in an amount not to exceed \$4,119,175 retroactively from July 1, 2024, through December 31, 2024;

(10) HomeFirst (Mabury and Felipe Bridge Housing Communities) in an amount not to exceed \$2,552,889 retroactively from July 1, 2024, through December 31, 2024; and

(11) LifeMoves (Guadalupe Emergency Interim Housing) is an amount not to exceed \$1,911,667 retroactively from July 1, 2024, through December 31, 2024.

(c) Supportive Service Programs

(1) County of Santa Clara (Care Coordination Project) in an amount not to exceed \$2,000,000 retroactively from July 1, 2024, through June 30, 2026;

(2) Destination: Home for the Lived Experience of Homelessness Advisory Project in an amount not to exceed \$200,000 from November 1, 2024, through November 30, 2026;

(3) County of Santa Clara (United Pass for Life Improvement from Transportation) in an amount not to exceed \$250,000 retroactively from July 1, 2024, through June 30, 2026;

(4) Goodwill of Silicon Valley (San José Bridge) in an amount not to exceed \$2,000,000 retroactively from July 1, 2024, through June 30, 2025;

(5) Portuguese Organization for Social Services and Opportunities (Senior Nutrition) in an amount not to exceed \$300,000 retroactively from July 1, 2024, through June 30, 2025; and

(6) Sacred Heart Community Service (Eviction Diversion and Settlement Program) in an amount not to exceed \$1,000,000 retroactively from July 1, 2024, through June 30, 2025.

(d) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance amendments in the Real Property Transfer Tax Fund:

(1) Decrease the Measure E – 10% Homeless Prevention and Rental Assistance Reserve by \$4,500,000; and

(2) Increase the Measure E – Rental Assistance (10% Homeless Prevention and Rental Assistance) appropriation to Housing Department by \$4,500,000.

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/City Manager)

Public Comment: None provided.

Erik Solivan, Director, Housing Department responded to questions from Staff.

Motion: Councilmember Foley moved approval of the staff recommendation, and the joint memorandum she co-authored with Mayor Mahan, Councilmember Jimenez, and Councilmember Cohen, dated June 14, 2024. Vice Mayor Rosemary Kamei seconded the motion.

Councilmember Doan requested that Staff explain what they've done differently this time around to ensure there are clear, deliverable performance metrics and timeline requirements, and how this specific grant will be used.

Substitute Motion: Councilmember Doan made the motion to defer the item until the performance metrics and requirements are ready. Councilmember Batra seconded the motion.

Mayor Mahan offered suggestions regarding renewal contingencies.

Councilmember Foley requested a point of order.

Mayor Mahan requested to vote on the substitute motion.

Vote on the Substitute Motion: On a call to question, the substitute motion *failed*. (0-9-2; Noes: Mahan, Kamei, Torres, Cohen, Ortiz, Doan, Candelas, Foley, Batra; Absent: Jimenez, Davis)

Friendly Amendment: Councilmember Doan requested that the renewals be contingent upon the adoption of performance measures and the reporting as contained in the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Cohen, and Councilmember Foley, dated June 14, 2024. The friendly amendment was accepted by the maker of the motion and seconder.

Action: On a call to question, the motion carried unanimously, to moved approval of the Staff recommendation, **Resolution No. RES2024-253**, and (d) Fiscal Year 2024-2025 Appropriation **Ordinance No. 31110** were adopted, regarding the actions related to grant agreements for multiple programs serving households experiencing homelessness in Fiscal Year 2024-2025. Including the friendly amendment that the renewals be contingent upon the adoption of performance measures and the reporting as contained in the joint memorandum referenced below.

Including acceptance of the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Cohen, and Councilmember Foley, dated June 14, 2024, recommending the following:

Accept staff recommendations with the following additional direction related to recommendations (b)(8) through (b)(11):

- 1.) Direct the City Manager to:
 - a.) Develop policy and procedures for new emergency interim housing (EIH) agreements regarding property management and performance management of the supportive services partners that set clear, contractual outcomes and appropriate performance metrics.
 - b.) Consider the following potential metrics in the development of the policy and procedures for inclusion in future agreements:
 - i) Total number of people housed in the EIH units
 - ii) Total number of people on waitlist
 - iii) Total number of exits
 - iv) Total number of unit abandonments
 - v) Total number of successful exits, which includes other interim and permanent housing options, further broken down by:
 - (1) Exits to subsidized housing
 - (2) Exits to unsubsidized housing
 - (3) Reunifications with family or loved ones
 - (4) Exits to long-term care
 - (5) Unknown or other exit destinations
 - vi) Unit utilization rates and subsequently bed rates.
 - vii) Average cost per unit turn
 - viii) Total annual cost of unit turns
 - ix) Annual Physical Needs Assessment to project future capital expenditures
 - x) Average number of days for unit turnover, from vacated to occupied
 - xi) Average length of stay by exit type
 - xii) Number of residents engaging in case management services as defined by policy and procedures
 - xiii) Any other metrics that will help the Council understand the performance and effectiveness of EIHs
- (9-0-2; Absent: Jimenez, Davis.)

2.24 Approval of “Free Use” of City Hall Rotunda for the 2024 Career Online High School Graduation Ceremony.

Adopt a resolution authorizing “Free Use” for the private 2024 Career Online High School Graduation Ceremony Event held at City Hall Rotunda on August 9, 2024, co-hosted by the Library Department and the San José Public Library Foundation. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to physical environment. (Library)

Action: **Resolution No. RES2024-254** was adopted. (9-0-2; Absent: Jimenez, Davis)

2.25 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 or her designee 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 \$1,615,500 for the fiscal administration of the San José Learns funds (\$1,000,000), administration of the San José Learns Tutoring Expansion, fiscal administration of the Equity, Diversity and Inclusion programs and workshops in the amount not to exceed \$55,500, fiscal administration of the Digital Inclusion Grant Program (\$460,000), and for fundraising activities to support Library programs (\$100,000). 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. RES2024-255** was adopted, regarding the approval of the “Free Use” for the private 2024 Career Online High School Graduation Ceremony. (9-0-2; Absent: Jimenez, Davis)

2.26 Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services Fiscal Year 2024-2025.

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, authorizing the Director of Parks, Recreation, and Neighborhood Services to apply for, accept funds, negotiate, and execute Fiscal Year 2024-2025 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) Afterschool Education and Safety;
- (b) BeautifySJ Grant Program Fiscal Agent Agreement;
- (c) BeautifySJ Initiative;
- (1) Encampment Trash Program;
- (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
- (3) Interagency Agreements;
- (4) Memoranda of Understanding;
- (d) Capital Improvement Program Master Consultant Projects;
- (e) Citywide Aquatics Program;
- (f) Community Beautification & Park Maintenance Services Agreements;
- (g) Facility Use Agreements;
- (1) Leisure and Recreation Fee Class Vendor Agreements;
- (2) Family Camp;
- (3) Neighborhood Center Partner Program;

- (4) Recreation of City Kids (R.O.C.K.) Program;
 - (5) San José Youth Empowerment Alliance;
 - (6) Therapeutic Services;
 - (7) Training and Development Programs
 - (h) “Friends of” PRNS Non-Profit Organization Partners;
 - (i) Golf Course Agreement;
 - (j) 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) Older Adult Health and Wellness (formerly Senior Health and Wellness);
 - (7) Spartan-Keys Neighborhood Action Center;
 - (8) Opioid Overdose Prevention Grant Program;
 - (k) Grant Revenue Agreements;
 - (l) Happy Hollow Park & Zoo;
 - (1) Education Programs;
 - (2) Private Events;
 - (m) Leisure and Recreation Fee Class Vendor Service Agreements;
 - (n) Little League Agreements;
 - (o) Mitigation Monitoring and Maintenance Support Services;
 - (p) Neighborhood Center Partner Program;
 - (q) Park Concessionaires Agreements;
 - (r) Reimbursement Agreements;
 - (s) Right-of-Entry Agreements;
 - (t) San José Police Activities 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) 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;
 - (z) Trail Program Joint Use Agreement;
 - (aa) Revenue Agreements;
 - (ab) Agreements as Directed in the Mayor’s Budget Messages;
 - (ac) Memoranda of Understanding at Community Centers, Regional Parks, and Other Facilities; and
 - (ad) Agreements Related to Employment Training and Fieldwork Opportunities.
- CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions; File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in potentially significant physical impact on the environment; and File No. PP17-006, Grant Application with no

commitment or obligation to enter into an agreement at the time of application. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. RES2024-256** was adopted, regarding the authorization to negotiate and Execute Parks, Recreation and Neighborhood Services Fiscal Year 2024-2025. (9-0-2; Absent: Jimenez, Davis)

2.27 Actions Related to the 10248 – Park: All-Inclusive Playground – Almaden Lake Park Project from the Almaden Valley Rotary Club Endowment.

(a) Adopt a resolution authorizing the City Manager or her designee to accept a donation in the amount of \$36,157 from Almaden Valley Rotary Club Endowment, a 501(c)(3) organization to the City Gift Trust Fund to support project development for the All-Inclusive Playground at Almaden Lake Park and execute any necessary documents to accept the donation.

(b) Adopt the following 2024-2025 Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:

(1) Re-establish the Almaden Lake Park appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$36,157; and

(2) Increase the estimate for Other Revenue by \$36,157.

CEQA: Categorically Exempt, File No. PP19-001. CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Parks, Recreation, and Neighborhood Services/City Manager)

Action: (a) **Resolution No. RES2024-257**, (b) 2024-2025 Appropriation **Ordinance No. 31098**, and (b) Funding Sources **Resolution No. RES2024-258** were adopted, regarding the actions related to the 10248 – Park: All-Inclusive Playground – Almaden Lake Park Project from the Almaden Valley Rotary Club Endowment. (9-0-2; Absent: Jimenez, Davis)

2.28 Agreement with Epic Productions of Phoenix, LLC for Marketing and Communications Services for the Recruitment of Candidates for the San José Police Department.

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

(a) Execute an agreement between the City of San José and Epic Productions of Phoenix, LLC for the cost of services relating to marketing and communications focusing on the recruitment of candidates for the San José Police Department, in an amount not to exceed \$300,000 for the period of June 1, 2024, to May 31, 2025;

(b) Exercise up to four one-year options to extend the term of the agreement through May 31, 2029, with the total amount of compensation for the entire contract not to exceed \$1,100,000 subject to the appropriation of funds; and (c) Negotiate and execute additional amendments as required for any unanticipated changes, consistent with the procurement and the City's standard terms and conditions, without further City Council action, 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. (Police)

Action: **Resolution No. RES2024-259** was adopted, regarding the agreement between the City of San José and Epic Productions of Phoenix, LLC for the cost of services relating to marketing and communications focusing on the recruitment of candidates for the San José Police Department. (9-0-2; Absent: Jimenez, Davis)

2.29 Amendment to Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program.

(a) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to:

- (1) Remove the delivery zone restriction;
- (2) Increase the registration allowance from five retail storefronts/dispensaries to 10 for equity business owners;
- (3) Approve other changes to update the San José Municipal Code to better align with State regulations; and
- (4) Make other technical, non-substantive, or formatting changes.

(b) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, and repealing Resolution No. RES2024-169.

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

Action: (a) **Ordinance No. 31099** was *passed for publication*, regarding the amendment of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program, (b) **Resolution No. RES2024-260** was adopted, regarding the amendment to the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, and repealing Resolution No. RES2024-169. (9-0-2; Absent: Jimenez, Davis)

2.30 Sixth Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, LTD. for the 8728 – Alum Rock Park Service Road Slide Repair Project.

Approve the Sixth Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the 8728 - Alum Rock Park Service Road Slide Repair Project and extend the term of the Agreement from July 31, 2024, to July 31, 2025, with no change in maximum compensation.

CEQA: Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms. Council District 4. (Public Works)

Action: The Sixth Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the 8728 - Alum Rock Park Service Road Slide Repair Project was approved. (9-0-2; Absent: Jimenez, Davis)

2.31 Actions Related to the 9787 – Cast Iron Sewer Replacement Fiscal Year 2021-2022 Package III Project.

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the construction of the 9787 – Cast Iron Sewer Replacement FY 2021-2022 Package III Project to the lowest responsive, responsible bidder in an amount not to exceed \$1,900,000;

(b) 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

(c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER23-189. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 1, 2, 3, 5, 6, 7. (Public Works)

Action: **Resolution No. RES2024-261** was adopted, regarding the actions related to the 9787– Cast Iron Sewer Replacement FY 2021-2022 Package III Project. (9-0-2; Absent: Jimenez, Davis)

2.32 Report on Bids and Award of Contract for the 10095 – Coleman Road Sanitary Improvement Phase III Project.

(a) Report on bids and award of a contract for the construction of 10095 - Coleman Road Sanitary Sewer Improvement Phase III Project to the lowest responsive, responsible bidder, SubTerra Construction, Inc., in the amount of \$1,312,840; and

(b) Approve a 10% contingency in the amount of \$131,284.

CEQA: Categorically Exempt, File No. ER24-034, CEQA Guidelines Section 15302(c) for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. Council District 10. (Public Works)

Action: (a) The report on bids and award of a contract for the construction of 10095 - Coleman Road Sanitary Sewer Improvement Phase III Project was accepted.

(b) The 10% contingency in the amount of \$131,284 was approved.

(9-0-2; Absent: Jimenez, Davis)

2.33 Actions Related to the 10290 – Sanitary Sewer Repairs FY 2023-2024 Package V Project.

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the construction of the 10290 – Sanitary Sewer Repairs FY 2023-2024 Package V Project to the lowest responsive, responsible bidder in an amount not to exceed \$2,000,000.

(b) 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

(c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER23-189. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council District 9. (Public Works)

Action: **Resolution No. RES2024-262** was adopted, regarding the actions related to the 10290 – Sanitary Sewer Repairs FY 2023-2024 Package V Project. (9-0-2; Absent: Jimenez, Davis)

2.34 Report on Bids and Award of Contract for the 10082 – Sanitary Sewer Repairs FY 2022-2023 Package II Project.

(a) Report on bids and award of a contract for the 10082 – Sanitary Sewer Repairs FY 2022-2023 Package II Project to the lowest responsive, responsible bidder, Express Sewer and Drain, Inc., in the amount of \$1,348,830; and

(b) Approve a 10% contingency in the amount of \$134,883.

CEQA: Exempt, File No. ER22-048. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 1 and 6. (Public Works)

Action: (a) The report on bids and award of a contract for the 10082 – Sanitary Sewer Repairs FY 2022-2023 Package II Project was accepted. (b) The 10% contingency in the amount of \$134,883 was approved. (9-0-2; Absent: Jimenez, Davis)

2.35 Actions Related to 10347 – Master Agreements for Architectural Consulting Services.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute master agreements for architectural consulting services, effective from the date of execution to December 31, 2029, with each of the following entities in an amount not to exceed \$3,000,000 per firm: (1) Ten Over Studio, Inc., (2) Mar Jang Design, (3) Anderson Brulé Architects, Inc., (4) M. Arthur Gensler, Jr. & Associates, Inc. (5) ELS Architecture and Urban Design, (6) Group 4 Architecture, Research + Planning, Inc., (7) Dreyfuss & Blackford Architecture.

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. RES2024-263** was adopted, regarding the actions related to the 10347– Master Agreements for Architectural Consulting Services. (9-0-2; Absent: Jimenez, Davis)

2.36 Report on Bids and Award of Contract for the 9414 – Camden Community Center Improvements Project.

(a) Report on bids and award of a contract for the construction of 9414 – Camden Community Center Improvements Project to the lowest responsive, responsible bidder, City Building, Inc., for the base bid and Bid Alternate Nos. 1, 2, and 3 in the amount of \$4,599,178; and

(b) Approve a 15% contingency in the amount of \$689,877.

CEQA: Categorically Exempt, File No. ER24-070. CEQA Guidelines Section 15301, Existing Facilities. Council District 9. (Public Works)

Action: (a) The report on bids and award of a contract for the construction of 9414 – Camden Community Center Improvements Project to the lowest responsive, responsible

bidder, City Building, Inc. was accepted, and (b) the 15% contingency in the amount of \$689,877 was approved. (9-0-2; Absent: Jimenez, Davis)

2.37 Report on Bids and Award of Contract for the 9970 - New Singleton Landfill Gas Collection System and Flare Project.

(a) Report on bids and award a contract for the construction of 9970 - New Singleton Landfill Gas Collection System and Flare Project to the lowest responsive, responsible bidder, Blue Light Flame West LLC, in the amount of \$2,978,321; and

(b) Approve a 15% contingency in the amount of \$446,748.

CEQA: Categorically Exempt, File No. ER23-022, CEQA Guidelines Sections 15301(d), Existing Facilities, and 15302(c), Replacement or Reconstruction. Council District 7. (Public Works)

Public Comment: None provided.

Councilmember Doan addressed his concerns regarding homelessness issues.

Director, Economic Development and Cultural Affairs Department, Nanci Klein; and Kerrie Romanow, Director, Environmental Services Department responded to questions from Council.

Motion: Councilmember Doan moved approval of Mayor Mahan's memorandum dated, June 17, 2024. Councilmember Batra seconded the motion.

Councilmember Torres expressed his concerns with the location of the Singleton site.

Substitute Motion: Councilmember Ortiz moved approval of the Staff memorandum as is and neither of the Council memorandums. Councilmember Torres seconded the substitute motion.

Action: On a call to question, the Substitute Motion passed, (a) the report on bids and award of contract for the 9970- New Singleton Landfill Gas Collection System and Flare Project was accepted, and (b) the 15% contingency in the amount of \$446,748 was approved (8-1-2; Noes: Doan; Absent: Jimenez, Davis)

2.38 Report on Bids and Award of Contract for the 8152 – Blossom Hill Road and Leigh Avenue Sanitary Sewer Improvement Project.

(a) Report on bids and award of contract for the 8152 – Blossom Hill Road and Leigh Avenue Sanitary Sewer Improvement Project to the low bidder, K.J. Woods Construction, Inc., in the amount of \$4,228,000; and

(b) Approve a 10% contingency in the amount of \$422,800.

CEQA: Exempt, File No. ER24-073, Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR to Envision San José General Plan EIR Resolution No. 77617, and Addendum thereto. Council District 9. (Public Works) [Deferred from 6/11/2024 – Item 2.23 (24-120623)]

Action: (a) The report on bids and award of a contract for the 8152 – Blossom Hill Road and Leigh Avenue Sanitary Sewer Improvement Project to the low bidder, K.J. Woods Construction, Inc. was accepted and, (b) the 15% contingency in the amount of \$689,877 was approved. (9-0-2; Absent: Jimenez, Davis)

2.39 Amendment to Title 24 of the San José Municipal Code to Regulate Responsible Private Construction.

Approve an ordinance of the City of San José amending Title 24 of the San José Municipal Code to add a new Part 8 of Chapter 24.02 to regulate certain private development projects of more than 10,000 square feet by withholding the certificate of occupancy when an owner or contractor has unpaid final wage theft judgments issued by the State of California, Department of Industrial Relations.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works/Economic Development and Cultural Affairs/Planning, Building, and Code Enforcement)

[Deferred from 12/12/2023 – Item 3.7 (23-1695) and 1/23/2024 – Item 3.4 (24-68245)]

Action: (a) **Ordinance No. 31100** was *passed for publication*, regarding the amendment to Title 24 of the San José Municipal Code to add a new Part 8 of Chapter 24.02. (9-0-2; Absent: Jimenez, Davis)

2.40 Actions Related to the Schedule of Parking Penalties.

Adopt a resolution to repeal Resolution 79710 and set forth the Schedule of Parking Penalties which increases the following parking violation amounts by a range of \$5-\$15 effective July 1, 2024:

- (a) Street sweeping;
- (b) Parked out of space – metered;
- (c) Expired/unpaid meter;
- (d) Failure to pay at lot;
- (e) Residential parking permit required; and
- (f) Parked in bike path/lane.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Transportation)

Public Comment: Jordan Moldow provided public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres, and carried unanimously, **Resolution No. RES2024-264** was adopted, regarding the repeal of Resolution 79710 and set forth the Schedule of Parking Penalties which increases the following parking violation amounts by a range of \$5-\$15 effective July 1, 2024:

- (a) Street sweeping, (b) Parked out of space – metered, (c) Expired/unpaid meter;
- (d) Failure to pay at lot, (e) Residential parking permit required, and (f) Parked in bike path/lane. *Including the Staff request to modify the joint memorandum below, to change \$112.50 to a rounded number of \$115.*

Including the *amended* joint memorandum co-authored by Councilmember Jimenez, Councilmember Torres, Councilmember Doan, and Councilmember Foley dated June 14, 2024 recommending the following:

Adopt a resolution to repeal Resolution 79710 and approve the staff-recommended Schedule of Parking Penalties, with an increase to the penalty for violations of CVC 21211(b), “Parked in a Bike Path/Lane,” to a proposed new fine amount of ~~\$112.50~~ \$115, including the \$12.50 surcharges, effective July 1, 2024. (8-1-2; Noes: Ortiz; Absent: Jimenez, Davis)

2.41 Acceptance of California Air Resources Board’s Fiscal Year 2023-2024 State Grant Funds for the East San José Mobility Project.

Adopt a resolution of Local Support to receive state grant funds from California Air Resources Board Clean Mobility in Schools, and Sustainable Transportation Equity Project that indicates the City will:

- (a) Follow all grant program requirements; and
- (b) Authorize the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements administered by the California Air Resources Board, in an amount not to exceed \$5,220,663 for reimbursement for the East San José Mobility Equity Project.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 5 and 8. (Transportation)

Action: **Resolution No. RES2024-265** was adopted, regarding the Local Support to receive state grant funds from California Air Resources Board Clean Mobility in Schools, and Sustainable Transportation Equity Project. (9-0-2; Absent: Jimenez, Davis)

2.42 Amendment to Council Policy 5-6, Traffic Calming for Residential Neighborhoods.

Adopt a resolution approving a revised Council Policy 5-6 entitled “Traffic Calming Policy for Residential Neighborhoods”.

CEQA: Not a Project, File No. PP17-008, General procedure and policy making resulting in no changes to the physical environment. (Transportation)

Public Comment: Jordan Moldow provided public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres, and carried unanimously, **Resolution No. RES2024-266** was adopted, regarding the revised amendment to Council Policy 5-6 entitled “Traffic Calming Policy for Residential Neighborhoods”, including the *modification to the joint memorandum below*, to include the following Staff preferred language in the second paragraph.

Including acceptance of the *amended* joint memorandum co-authored by Councilmember Jimenez, Councilmember Torres, Councilmember Ortiz, Councilmember Doan, and Councilmember Foley dated, June 14, 2024 recommending the following: Adopt a resolution approving a revised Council Policy 5-6 entitled “Traffic Calming Policy for Residential Neighborhoods,” amending the final sentence in the “Purpose” section to the following: ~~“This policy~~ ***This policy does not apply when the city implements adopted safety mode shift and climate Smart goals and plans*** shall only apply to requests for traffic calming submitted by residents or individual members of the Council and is not intended to dictate how the City implements adopted safety, mode shift, and climate smart goals and plans.” (9-0-2; Absent: Jimenez, Davis)

2.43 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments:

(a) Airport Commission:

(1) District 5 Seat: Appoint Magnolia Segol for a term ending June 30, 2025.

(b) Arts Commission:

(1) District 3 Seat: Appoint Analyn Bones for a term of July 1, 2024 to June 30, 2028.

(2) District 5 Seat: Appoint Jonathan Borca for a term of July 1, 2024 to June 30, 2028.

(3) District 7 Seat: Appoint Ernesto Martinez for a term of July 1, 2024 to June 30, 2028.

(4) District 9 Seat: Appoint Karen Adamski for a term of July 1, 2024 to June 30, 2028.

(5) Citywide Seat: Appoint Janett Peace for a term of July 1, 2024 to June 30, 2028.

(c) Climate Advisory Commission:

(1) Community Representative Seat: Appoint Ryan Lodico for a term ending December 31, 2027.

(d) Housing and Community Development Commission:

(1) Lived Experience (Alternate) Seat: Appoint Gabriela Gabrian for a term ending June 30, 2026.

(e) Library and Education Commission:

(1) District 9 Seat: Appoint Gerard Roney for a term ending June 30, 2025.

(2) Early Childcare Seat 4: Appoint Westley Baker for a term ending June 30, 2026.

(f) Measure T Community Oversight Committee:

(1) District 5 Seat: Appoint Enrique Arguello for a term beginning on the date of appointment.

(2) District 10 Seat: Appoint Emily Esparza for a term beginning on the date of appointment.

(g) Planning Commission:

(1) District 2 Seat: Appoint Carlos Rosario for a term of July 1, 2024 to June 30, 2028.

(2) District 3 Seat: Appoint Anthony Tordillos for a term of July 1, 2024 to June 30, 2028.

(3) District 8 Seat: Appoint Dilpreet Bhandal for a term of July 1, 2024 to June 30, 2028

(4) Citywide Seat: Appoint Charles Cantrell for a term of July 1, 2024 to June 30, 2028.

(h) Senior Citizens Commission:

(1) District 9 Seat: Appoint Lori Rodrigues for a term ending June 30, 2025.

(2) Citywide Seat: Appoint Mary Anne Mendall for a term ending June 30, 2025.

(i) Youth Commission:

(1) District 3 Seat: Appoint Edwin Sanchez for a term ending May 31, 2025.

(2) District 7 Seat: Appoint Peter Vu for a term ending May 31, 2025.

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 6/12/2024 - Item A.1.a]

Action: The Boards and Commissions appointments were all approved.

(9-0-2; Absent: Jimenez, Davis)

2.44 Request for Travel Authorization for Councilmember Foley.

As recommended by the Rules and Open Government Committee on June 12, 2024, authorize travel for Councilmember Foley to Tacoma, Washington from July 16-18, 2024, to attend the 2024 Sister Cities International Summer Leadership Meetings and Annual Business. Source of Fund: District 9 Council Funds and 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 6/12/2024 - Item B.11]

Action: The request for travel authorization for Councilmember Foley was approved. (9-0-2; Absent: Jimenez, Davis)

2.45 Approval of the San José Earthquakes Flag Raising and Free Use for the Earthquakes Alumni Players Reception event co-hosted by Council District 6 and the San Jose Sports Authority 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 June 12, 2024:

- (a) Adopt a resolution authorizing “Free Use” for the private, invitation-only Earthquakes Alumni Players Reception held at the City Hall Rotunda on June 27, 2024;
- (b) Approve the Earthquakes Alumni Players Reception event scheduled on June 27, 2024, as a City Council Sponsored Special Event and approve the expenditure of funds;
- (c) Approve the San José Earthquakes Flag Raising scheduled on June 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (d) 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 6/12/2024 - Item B.7]

Action: (a) **Resolution No. RES2024-267** was adopted, authorizing “Free Use” for the private, invitation-only Earthquakes Alumni Players Reception held at the City Hall Rotunda on June 27, 2024, (b) the Earthquakes Alumni Players Reception event scheduled on June 27, 2024 was approved, (c) the San José Earthquakes Flag Raising scheduled on June 27, 2024 was approved, and (d) donations from various individuals, businesses, or community groups to support the events were accepted and approved. (9-0-2; Absent: Jimenez, Davis)

2.46 Approval of Juneteenth Tower Lighting Sponsored by Council Districts 1, 3, and 8, 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 12, 2024:

- (a) Approve the Juneteenth Tower Lighting scheduled on June 19, 2024, 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. (Kamei, Candelas and Torres)

[Rules Committee referral 6/12/2024 - Item B.8]

Action: The City Council Sponsored Special Event was approved. (9-0-2; Absent: Jimenez, Davis)

2.47 Retroactive Approval of Filipino Flag Raising and Reception Sponsored by Council District 3 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 June 12, 2024:

- (a) Retroactively approve the Filipino Flag Raising and Reception scheduled on June 12, 2024, 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 event.

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

[Rules Committee referral 6/12/2024 - Item B.9]

Action: The City Council Sponsored Special Events were retroactively approved. (9-0-2; Absent: Jimenez, Davis)

2.48 Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 5 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 June 12, 2024:

- (a) Retroactively approve the Mayfair Community Center Spring Fling scheduled on March 23, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Toyon Neighborhood Dumpster Day scheduled on March 20, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Mount Pleasant Neighborhood Association One ComUNITY scheduled on April 6, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Grammercy Neighborhood Dumpster Day scheduled on April 6, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Cinco de Mayo Business Outreach Meeting scheduled on April 16, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the Dobern Neighborhood Dumpster Day scheduled on April 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Retroactively approve the Black April Recognition scheduled on April 30, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Retroactively approve the LEAF Educational Townhall scheduled on May 2, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Retroactively approve the Educational Park Resource Fair scheduled on May 30, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (j) Retroactively approve the Viva Calle Event scheduled on June 9, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (k) Approve the Alum Rock Village Culture Night Market Event scheduled on June 22, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (l) 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. (Ortiz)

[Rules Committee referral 6/12/2024 - Item B.10]

Action: The City Council Sponsored Special Events were retroactively approved. (9-0-2; Absent: Jimenez, Davis)

2.49 Retroactive Approval and 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 June 12, 2024:

- (a) Retroactively approve the Creekside Dumpster Day scheduled on April 13, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Community Coffee at Con Azucar scheduled on April 25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.

- (c) Retroactively approve the Pleasant Hills Golf Course Workshop #2 scheduled on April 25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Meadowfair Dumpster Day scheduled on April 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the VTA Workshop scheduled on May 15, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the Welch Dumpster Day scheduled on May 18, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Retroactively approve the Meadowfair Tree Planting scheduled on May 18, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Retroactively approve the Music in the Square series at Evergreen Village Square scheduled on May 17, May 31, June 7 and June 14, 2024, as City Council sponsored Special Events and approve the expenditure of funds.
- (i) Approve the Music in the Square series at Evergreen Village Square scheduled on June 21, June 28, July 12, August 2, August 16, August 23, and August 30, 2024, as City Council sponsored Special Events and approve the expenditure of funds.
- (j) Approve the Dumpster Day at Dove Hill and Chaboya scheduled on June 22, 2024, as City Council sponsored Special Events and approve the expenditure of funds.
- (k) Approve the Fire Safety Workshop at the Villages scheduled on June 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (l) Approve the Groesbeck Clean-Up scheduled on June 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (m) Approve the Community Coffee with SJPD scheduled on June 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (n) Approve the Fireworks at Lake Cunningham scheduled on July 4, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (o) 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 6/12/2024 - Item B.11]

Action: The City Council Sponsored Special Events were retroactively approved. (9-0-2; Absent: Jimenez, 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 Approval of Various Budget Actions for Fiscal Year 2023-2024.
- HEARD IMMEDIATELY BEFORE CONSENT**

Adopt 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the staff memorandum to City 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)

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, 2023-2024 Appropriation **Ordinance No. 31101**, and Funding Sources **Resolution No. RES2024-268** were adopted, regarding the approval of various budget actions for Fiscal Year 2023-2024. (9-0-2; Jimenez, Davis.)

**3.4 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2024-2025 Budget, and Resolution Establishing the Fiscal Year 2024-2025 Appropriation Limit.
- HEARD IMMEDIATELY BEFORE CONSENT**

(a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2024-2025 and the Manager's Final Budget Addendum.

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2024-2025 and the Manager's Final Budget Addendum.

(c) Adopt a resolution taking the following actions with respect to the City's 2024-2025 "Gann Limit":

(1) Elect the per capita income index as the inflation factor for 2024-2025 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 2024-2025; and

(3) Establish the Fiscal Year 2024-2025 Appropriation Limit at \$1,515,887,987 in compliance with Article XIII B of the State of California Constitution.

(d) Adopt a resolution modifying City Council Policy 1-18, Section 20, Office of the Mayor and City Council District Office Budgets in Transition Years, to allow for the estimated payout amount of leave balances of Mayor and City Council staff to be rebudgeted into the first half of the fiscal year.

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: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) Annual Appropriation **Ordinance No. 31102** was adopted, regarding the transfers and loans for Fiscal Year 2024-2025 and the Manager's Final Budget Addendum; (b) Annual Funding Sources **Resolution No. RES2024-269** was adopted, regarding the Fiscal Year 2024-2025 and the Manager's Final Budget Addendum; (c) **Resolution No. RES2024-270** was adopted, regarding the actions with respect to the City's 2024-2025 "Gann Limit"; and (d) **Resolution No. RES2024-271** was adopted, regarding the modification of City Council Policy 1-18, Section 20. (9-0-2. Jimenez, Davis.)

3.5 Potential November 2024 Ballot Measure Polling.

- (a) Review survey results for potential ballot measures for the November 5, 2024 General Election, including two parcel tax measures, a bond measure, and a charter amendment pertaining to long-term leases in City parks.
 - (b) Set a City Council Special Meeting entitled “November 5, 2024 General Election Ballot Measure” for Tuesday, August 6, 2024 starting at 1:30 p.m.
 - (c) Direct the City Manager and City Attorney to draft ballot language and return to City Council at the August 6, 2024 Special Meeting for consideration of placing on the November 5, 2024 ballot a measure levying a parcel tax for the purpose of funding City services to clean, maintain, and improve San José’s parks, playgrounds, trails, restrooms, and recreation facilities and fund other City services.
 - (d) Direct the City Manager to conduct additional polling to refine the tax rate and ballot language.
- CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (City Manager)

Sarah Zárate, Director, City Manager’s Office; and Peter Hamilton, Assistant to the City Manager, City Manager’s Office offered the presentation and responded to questions.

Public Comment: James Reber (San José Parks Foundation), Michael Quach, Sean Kal-Rai (NAIOP), Larry Ames, Neil Collins (CEO, Santa Clara County of Association of Realtors), Anil Babbar, Huascar Castro, Jenny Zhao (BAHN), Karl Lee, Jean Dresden, Enrique Navarro-D., and Emily Ann Ramos (SV@Home) provided public testimony regarding the item.

Lee Wilcox, Assistant City Manager, City Manager’s Office addressed his concerns with the structure of the poll question.

Motion: Councilmember Omar Torres moved approval of the Staff recommendation along with his *amended* memorandum dated, June 18, 2024, *to include the modification to add it to the workplan for the November 2026 election.* Councilmember Peter Ortiz seconded the motion.

Councilmember Domingo Candelas requested Staff direction to engage with key stakeholder groups regarding feedback.

Action: On a call to question, the motion carried unanimously, (a) the survey results for potential ballot measures for the November 5, 2024 General Election, including two parcel tax measures, a bond measure, and a charter amendment pertaining to long-term leases in City parks was reviewed, (b) the Council Special Meeting entitled “November 5, 2024 General Election Ballot Measure” for Tuesday, was set for August 6, 2024 starting at 1:30 p.m.; (c) the City Manager and City Attorney were directed to draft ballot language and return to City Council at the August 6, 2024 Special Meeting for consideration of placing on the November 5, 2024 ballot a measure levying a parcel tax for the purpose of funding City services to clean, maintain, and improve San José’s parks, playgrounds, trails, restrooms, and recreation facilities and fund other City services; and (d) the City Manager was directed to conduct additional polling to refine the tax rate and ballot language.

Including acceptance of the *amended* memorandum authored by Councilmember Torres, dated June 18, 2024, recommending the following:

- 1.) Accept the staff recommendations.
- 2.) Direct staff to additionally poll a reformed real estate transfer tax which:
 - a.) Significantly increases projected revenues beyond 2020 Measure E.
 - b.) Eliminates the current tax for properties under \$3M from 2020 Measure E.
 - c.) Increases the tax on higher value properties in line with recent successful measures in Los Angeles and San Francisco (i.e. 4% for properties \$5-10M, 5.5% for properties \$10-25M and 6% for over \$25M).
- 3.) If polling on item #2 shows majority support, directing the City Manager and City Attorney to prepare draft ballot language to present to Council at Special Meeting August 6, 2024 to place a measure on the November 5, 2024 ballot.
 - a.) Additionally direct staff to bring back options for Council consideration on an expenditure plan to use new revenue to address priorities including affordable housing and homelessness prevention and services.

Include the modification to add it to the workplan for the November 2026 election.

(9-02; Absent: Jimenez, Davis)

3.6 **Potential City Charter Amendment Related to Retirement Board Contracting for Legal Services and Appointing Authority.**

Direct the City Manager and City Attorney to draft ballot language and return to City Council at the August 6, 2024 Special Meeting, for consideration of placing on the November 5, 2024 ballot a measure amending the City Charter to change the contracting for legal services by the Retirement Boards and appointing authority of the Chief Executive Officer of the Office of Retirement Services.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (City Attorney/City Manager)

Toni Taber, City Clerk responded to questions from Council.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the City Manager and City Attorney were directed to draft ballot language and return to City Council at the August 6, 2024 Special Meeting, for consideration of placing on the November 5, 2024 ballot a measure amending the City Charter to change the contracting for legal services by the Retirement Boards and appointing authority of the Chief Executive Officer of the Office of Retirement Services. (6-3-2; Noes: Candelas, Ortiz, Torres; Absent: Jimenez, Davis)

3.7 Report on Bids and Award of Contract for Construction of the 9162 – Fire Station No. 32 New (2018 Measure T) Re-Bid III Project.

- (a) Adopt a resolution adopting the Initial Study/Mitigated Declaration for the Fire Station No. 32 Project, File No. ER-22-068, and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act.
- (b) Report on bids and award of the contract for the construction of 9162 - Fire Station No. 32 New (2018 Measure T) Re-Bid III Project to the lowest responsive bidder Gonsalves & Stronck Construction Company, Inc., for the base bid and the Bid Alternate No. 2 in the amount of \$12,867,777 and approval of a 10% contingency in the amount of \$1,286,778.
- (c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:
- (1) Increase the Measure T – New Fire Station 32 appropriation to the Public Works Department by \$3,016,000; and
 - (2) Decrease the Measure T – Program Reserve (Public Safety) appropriation by \$3,016,000.
- (d) In accordance with City Council approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Fire Station No. 32, which is estimated to exceed \$100,000 annually in the General Fund shall be made available in the applicable year of the cost impact.

CEQA: Mitigated Negative Declaration for the Fire Station No. 32 Project. File No. ER-22-068. Council District 7. (Public Works/City Manager)

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) **Resolution No. RES2024-272** was adopted, regarding the Initial Study/Mitigated Declaration for the Fire Station No. 32 Project and the associated Mitigation Monitoring and Reporting Program, (b) the report on bids and award of the contract for the construction of 9162 - Fire Station No. 32 New (2018 Measure T) Re-Bid III Project to the lowest responsive bidder was accepted, (c) 2024-2025 Appropriation **Ordinance No. 31103** was adopted, regarding the amendments in the Public Safety and Infrastructure Bond Fund, and (d) the City Council approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Fire Station No. 32. (9-0-2; Absent: Jimenez, Davis)

3.8 Report on Bids and Award of Contract for 9220 – Charcot Area Storm Drain Improvements – Measure T (Package I) Project.

(a) Report on bids and award of a contract for the construction of 9220 – Charcot Area Storm Drain Improvements – Measure T (Package I) Project to the lowest responsive, responsible bidder, JMB Construction, Inc., in the amount of \$18,180,425; and

(b) Approve a 10% contingency in the amount of \$1,818,043.

CEQA: Categorically Exempt, File No. ER24-097, CEQA Guidelines Section 15301, Existing Facilities; CEQA Guidelines Section 15302, Replacement or Reconstruction; and CEQA Guidelines Section 15304, Minor Alteration to Land. Council District 4. (Public Works)

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, (a) the report on bids and award of a contract for the construction of 9220 – Charcot Area Storm Drain Improvements – Measure T (Package I) Project to the lowest responsive, responsible bidder, JMB Construction, Inc. was accepted, and (b) the 10% contingency in the amount of \$1,818,043 was approved. (9-0-2; Absent: Jimenez, Davis)

3.9 Action Related to the 10179 – SJC New Taxiway V-Phase 2 Project Re-Bid.

(a) Report on bids and award of a contract for the construction of 10179- SJC New Taxiway V-Phase 2 Project Re-Bid to the lowest responsive, responsible bidder, A. Teichert & Son, Inc. dba Teichert Construction, for the base bid and Bid Alternate No. 1 in an amount of \$21,483,490.

(b) Approve a 10% contingency in the amount of \$2,148,349.

(c) Adopt the following 2024-2025 Funding Sources Resolution and Appropriation Ordinance amendments in the Airport Capital Improvement Fund:

(1) Increase the estimate for Revenue from Federal Government by \$1,793,000; and

(2) Increase the Airfield Configuration Updates appropriation to the Airport Department by \$1,793,000.

(d) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:

(1) Decrease the Unrestricted Ending Fund Balance by \$2,808,000; and

(2) Increase the Airfield Configuration Updates appropriation to the Airport Department by \$2,808,000.

CEQA: Determination of Consistency with the San José Mineta International Airport Master Plan Amendment Environmental Impact Report, File No. ER22-021, New Taxiway Victor Project at the San José Mineta International Airport. (Public Works/Airport/City Manager)

Public Comment: Robert Purdy (FBD Vanguard Construction) provided public testimony regarding the item.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the (a) report on bids and award of a contract for the construction of 10179- SJC New Taxiway V-Phase 2 Project Re-Bid to the lowest responsive, responsible bidder, A. Teichert & Son, Inc. dba Teichert Construction was accepted, the (b) 10% contingency in the amount of \$2,148,349 was approved; (c) 2024-2025 Funding Sources **Resolution No. RES2024-273** and (c) Appropriation **Ordinance No. 31104** were adopted, regarding the amendments in the Airport Capital Improvement Fund; and (d) 2024-2025 Appropriation **Ordinance No. 31105** was adopted, regarding the amendments in the Airport Renewal and Replacement Fund. (9-0-2; Absent: Jimenez, Davis)

3.10 Settlement of *Rubalcava v. City of San José, et al.*

Approve the settlement in the case of *Rubalcava v. City of San José, et al.* in the total amount of \$12,000,000.00 and authorize the City Attorney to execute a settlement agreement.

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

[Rules Committee referral 6/12/2024 - Item A.1.a]

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Omar Torres, and carried unanimously, the settlement in the case of *Rubalcava v. City of San José, et al.* in the total amount of \$12,000,000.00 was approved and the City Attorney was

authorized to execute a settlement agreement. (8-1-2; Noes: Doan; Absent: Jimenez, Davis)

4. **PUBLIC SAFETY**

5. **TRANSPORTATION & AVIATION SERVICES**

5.1 **Report on Bids and Award of Contract for the Construction of 10383 – 2024 Major Streets Resurfacing Project #2.**

(a) Report on bids and award a contract for the construction of 10383 – 2024 Major Streets Resurfacing Project #2 to the lowest responsive, responsible bidder, DeSilva Gates Construction, Inc., in the amount of \$10,291,291; and

(b) Approve a 10% contingency in the amount of \$1,029,129.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3, 4, 6, 8, 10. (Transportation)

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Domingo Candelas, and carried unanimously, the (a) report on bids and award a contract for the construction of 10383 – 2024 Major Streets Resurfacing Project #2 to the lowest responsive, responsible bidder, DeSilva Gates Construction, Inc. was accepted, and (b) the 10% contingency in the amount of \$1,029,129 was approved. (9-0-2; Absent: Jimenez, Davis)

6. **ENVIRONMENTAL & UTILITY SERVICES**

7. **NEIGHBORHOOD SERVICES**

8. **COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 **Amendment to the Agreements with Team San José.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the Third Amendment to an agreement with Team San José to operate the convention center and four cultural facilities and the Second Amendment to an agreement with Team San José to operate as the convention and visitor bureau, for the final five-year option term for the period of July 1, 2024, to June 30, 2029.

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)

Nanci Klein, Director, Economic Development and Cultural Affairs Department; Kerry Adams Hapner, Assistant Director, Office of Economic Development and Cultural Affairs; and John Ristow, Director, Department of Transportation offered the presentation and responded to questions.

Public Comment: Owen Murphy (Sign Display 510/ BOD TSJ) , Shawna Lucey (Opera San José/ BOD TSJ), Dyana Huaraz (Unite Here Local 19), Olga Arrieta (Team San José/ Local 19), Alfredo Vera (Unite Here Local 19), and a speaker provided public testimony regarding the item.

Motion: Councilmember David Cohen moved approval of the Staff recommendation, including the joint memorandum he co-authored with Mayor Mahan, Councilmember Davis, and Councilmember Foley, dated June 14, 2024.

Friendly Amendment: Councilmember Pam Foley requested Staff direction to report back to the Community & Economic Development Committee with two updates, with the first update in November 2024 to include an update with the status of the working group requested in the joint memorandum she co-authored, dated June 14, 2024. The friendly amendment was accepted by the maker of the motion and seconder.

Councilmember Omar Torres expressed his concerns with Item 2(4) of the joint memorandum co-authored by Mayor Mahan, Councilmember Cohen, Councilmember Davis, and Councilmember Foley, dated June 14, 2024, and requested Staff clarification.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2024-274** was adopted, regarding the amendment to the agreements with Team San José; including Staff direction to report back to the Community & Economic Development Committee with two updates, with the first update in November 2024 to include an update with the status of the working group requested in the joint memorandum, dated June 14, 2024.

Including acceptance of the joint memorandum co-authored by Mayor Mahan, Councilmember Cohen, Councilmember Davis, and Councilmember Foley, dated June 14, 2024, recommending the following:

- 4.) Direct the City Attorney to research and return to the Council in Closed Session before March 2025 with a full range of options to amend the agreement prior to the conclusion of the five-year term.
- 5.) Direct the City Manager to:
 - 1.) Research and analyze how TSJ's performance metrics compare to other cities with similar venues and how they align with our current desired outcomes for economic development and downtown vibrancy.
 - 2.) Assess the feasibility of marketing San José more effectively to diverse audiences, including local, regional, statewide, and national markets.
 - 3.) Conduct a Request for Information (RFI) within the next three years to better inform a future Request for Proposal (RFP).
 - 4.) Using industry knowledge captured from the RFI, release an RFP at least 18 months before the final 5-year option with TSJ expires—ensuring the process is competitive and potential bidders can bid on subsections of operations separately, such as theater operations, Convention and Visitors Bureau, and convention operations and management.
- 6.) Direct the City Manager to create a 2026 working group that includes Team San Jose, the Office of Economic Development and Cultural Affairs, and other arts, business, community, and labor stakeholders, as well as the Mayor's office, District 3 Council Office, and District 6 Council Office. (8-1-2: Noes: Ortiz; Absent: Jimenez, Davis)

8.2 Downtown Residential High-Rise Incentive Program Extension.

(a) Adopt a resolution authorizing an extension of the Downtown Residential High-Rise Program applicable to projects located in the Downtown Planned Growth Area as described in the Envision San José 2040 General Plan, that are ten or more floors or stories in height (not including any nonresidential uses) where the highest occupied floor has a floor level elevation that is at least 150 feet above street level, and reducing the in lieu fees due for those projects under the Inclusionary Housing Ordinance to the amount of \$0 for up to 4,078 units that obtain a building permit by December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(b) Approve an ordinance waiving the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain a building permit by December 31, 2025 and pass first inspection within 12 months of obtain a building permit and providing a 50% reduction of the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 3,078 units in qualified residential high-rise projects that obtain a building permit between January 1, 2026 and December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(c) Adopt a resolution providing a 50% reduction in the Parkland In-Lieu Fee for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain building permits by December 31, 2025 and pass first inspection within 12 months of obtaining a building permit and providing a 30% reduction in the Parkland In-Lieu Fee for up to 3,078 units in qualified residential high-rise projects that obtain building permits between January 1, 2026 and December 31, 2026.

(d) Direct staff to analyze options and study potential impacts of a temporary multifamily residential fee reduction program to support housing production outside of Downtown and return to City Council by December 2024 with the analysis and recommendations for Council consideration, including public financing mechanisms for public infrastructure.

(e) Adopt a resolution amending the 2024-2025 Schedule of Fees and Charges (Resolution No. 72737, as amended) to revise the Rental Inclusionary In-Lieu Fee for Qualifying Downtown High-Rise Rental Developments, pursuant to Resolution No. 80766 as amended by the resolution proposed under part (a) of the staff memorandum.

(f) Approve an uncodified ordinance amending the 2024-2025 Schedule of Fees and Charges to revise the Rental Inclusionary In-Lieu Fee for Qualifying Downtown High-Rise Rental Developments, as specified in the resolution.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development and Cultural Affairs/Parks, Recreation, and Neighborhood Services/Planning, Building, and Code Enforcement/Housing/Transportation)

[Deferred from 6/11/2024 – Item 8.1 (24-120632)]

[Rules Committee referral 6/12/2024 - Item A.1.c]

Blage Zelalich, Deputy Director, Office of Economic Development and Cultural Affairs, Jon Cicirelli, Director, Parks, Recreation, & Neighborhood Services; and Nanci Klein, Director, Economic Development and Cultural Affairs Department offered the presentation and responded to questions.

Public Comment: Larry Ames (SJ Parks and Rec. Commission), Michael Bertram (River Oaks Neighborhood Association), Bill Rankin, Alex Stettinski (SJDA), Jean Dresden, Morgan Cheek (Hanover), Josh Burroughs, Paul Ring, Doug Bloch (Silicon Valley MEPS), Danny Mangan (Local 483), Dominic Torreano (SMW 104), Will Smith (IBEW 332), Mathew Reed, Forrest Peterson, and Blair Beekman provided public testimony regarding the item.

Motion: Councilmember Torres moved approval of the memorandum authored by Councilmember Davis, dated June 18, 2024. Councilmember Doan seconded the motion.

Vice Mayor Kamei requested information regarding prevailing wages and its applicability. Nora Frimann, City Attorney, City Attorney's Office responded.

Councilmember Candelas expressed his concerns raised regarding fee waivers being considered a payment on public funds and thus triggering public works requirements, and stakeholder engagements. Nora Frimann, City Attorney, City Attorney's Office responded.

Friendly Amendment: Councilmember Candelas requested Staff direction to engage with the Cities partners in the building trades and labor, and report back to Council at the first meeting in September. The maker of the motion and seconder accepted the Friendly Amendment.

Friendly Amendment: Councilmember Foley requested to include the following timeline: The first segment of construction or incentive would be for a five year period, and the second level of incentive would be for a two year period, for a total of seven years. The maker of the motion and seconder accepted the Friendly Amendment.

Mayor Mahan clarified the friendly amendment.

Action: On a call to question, the motion carried unanimously, (a) **Resolution No. RES2024-275**, (c) **Resolution No. RES2024-276**, and (e) **Resolution No. RES2024-277** were adopted, regarding the Downtown Residential High-Rise Incentive Program Extension. (b) **Ordinance No. 31106** and (f) Uncodified **Ordinance No. 31107** were *passed for publication*. Including Staff direction to engage with the Cities partners in the building trades and labor as part of the process to create genuine engagement and participation, with Staff to report back at the first meeting in September. Also including the following timeline: The first segment of construction or incentive would be for a five year period, and the second level of incentive would be for a two year period, for a total of seven years.

Including acceptance of the memorandum authored by Councilmember Davis, dated June 18, 2024 recommending the following:

- 1.) Approve the 06/14/2024 memorandum from the Mayor, Vice Mayor Kamei, and Councilmembers Torres, Davis, and Candelas.
- 2.) Approve the 06/14/2024 memorandum from Councilmembers Cohen and Jimenez, *amending recommendations 4b and 4c to the following:*
 - a.) 4b: Return to the City Council with a preliminary assessment of high-impact modifications to the City's regulatory framework that increase the financial feasibility of residential development "within Envision San Jose General Plan Growth Areas."

- b.) 4c: “Review and propose a transparent method to calculate park impact fees and provide a report to the City Council.”
- 3.) Approve the 06/17/2024 supplemental memorandum from the City Attorney.

Including acceptance of the joint memorandum co-authored by Mayor Mahan, Vice Mayor Kamei, Councilmember Torres, Councilmember Davis, and Councilmember Candelas, dated June 14, 2024 recommending the following:

Accept staff’s recommendation with the following modifications:

- 1.) Remove fixed timelines from the program’s phasing and extend the Downtown High-Rise Fee Waiver program to the next 10,000 units that receive building permits and pass first inspection within 12 months of obtaining a building permit within the following framework (as outlined in Attachment A below):
 - a.) Phase 1: Provide a 100% reduction of construction taxes and a 50% reduction in parks fees for the first 2,000 units.
 - b.) Phase 2: Provide a 50% reduction of construction taxes and a 30% reduction in parks fees for the next 2,000 units.
 - c.) Phase 3: Provide a 50% reduction of construction taxes for the final 6,000 units.
 - d.) Study the potential inclusion of a local hire plan with a good faith effort of hiring 25% local workers within the Greater Bay Area for future phases of the Downtown High-Rise Fee Waiver Program and return to CED with findings.
- 2.) Continue to identify and implement additional administrative and environmental measures to streamline the approval and construction processes for high-rise residential projects downtown

Including acceptance of the joint memorandum, *with amendments to Items 4b and 4c*, co-authored by Councilmember Cohen and Councilmember Jimenez, dated June 18, 2024 recommending the following :

In lieu of recommendation (d), take the following actions:

- 1.) Direct the City Manager to explore changes to the Parkland In-Lieu Fees for Multiple Listing Service District 7B (North San Jose), as listed in Attachment A of Resolution #78733, and return to Council no later than Q1 2025 with potential incentives for multi-family development for Council consideration.
- 2.) Direct the City Manager to explore the following and return to the City Council with recommendations:
 - a.) Modifications to the Private Recreation Credits available to projects subject to the PIO/PDO in North San José;
 - b.) Additional credits for the provision of affordable housing (inclusionary and stand-alone) towards the parkland obligation of projects subject to the PIO/PDO in North San José;
 - c.) Reduction or elimination of parkland obligations for 100% affordable housing projects in North San José; and
 - d.) Additional credits for the provision of alternatives to the dedication of parkland, such as privately-owned publicly accessible open space, for projects subject to the PIO/PDO in North San José.
- 3.) Direct the City Manager to collaborate with the Council District 4 Office and take the following actions: a. Consider input from stakeholders, including the development community, regarding regulations that reduce the financial feasibility of development in North San José. b. Return to the City Council with recommendations to improve near-term financial feasibility of development in North San José.

- 4.) Direct the City Manager to take the following actions:
 - a.) Complete recommendation 5 of the green-lighted memo, dated October 25, 2023, from Councilmembers Jimenez and Davis to the Rules and Open Government Committee, which reads: “Assess the cost implications of the City’s regulatory framework (e.g. Building Code, Design Guidelines, etc.) and incorporate findings into future studies of the cost of development.”
 - b.) ~~Return to the City Council with a preliminary assessment of high-impact modifications to the City’s regulatory framework that increase the financial feasibility of residential development Citywide.~~ *Return to the City Council with a preliminary assessment of high-impact modifications to the City’s regulatory framework that increase the financial feasibility of residential development “within Envision San Jose General Plan Growth Areas.*
 - c.) ~~Reactivate the Park Fee Study Task Force, which includes Council-appointed representatives from each Council District, to review and propose a transparent method to calculate park impact fees, and provide a report to the City Council.~~ *Review and propose a transparent method to calculate park impact fees and provide a report to the City Council.*

Also including acceptance of the supplemental memorandum authored by Nora Frimann, City Attorney, dated, June 17, 2024 recommending the following:

This Supplemental Memorandum is intended to explain the two additional recommendations (e) and (f), listed below, added by the City Attorney’s Office and approved by the Rules Committee on June 12, 2024.

(e) Adopt a resolution amending the 2024-2025 Schedule of Fees and Charges (Resolution No. 72737, as amended) to revise the Rental Inclusionary In-Lieu Fee for Qualifying Downtown High-Rise Rental Developments, pursuant to Resolution No. 80766 as amended by the resolution proposed under part (a) of the staff memorandum.

(f) Approve an uncodified ordinance amending the 2024-2025 Schedule of Fees and Charges to revise the Rental Inclusionary In-Lieu Fee for Qualifying Downtown High-Rise Rental Developments, as specified in the resolution.

(9-0-2; Absent: Jimenez, Davis)

8.3 Actions Related to a Loan Commitment for Santa Teresa Multifamily Located at 5885 Santa Teresa Boulevard for the Development of a New Affordable Rental Housing Development.

(a) Adopt a resolution:

(1) Approving a Construction-Permanent Loan commitment of up to \$7,250,000 in Measure E Funds, or such other special funds as the City may designate to Charities Housing Development Corporation of Santa Clara County or an affiliated development entity for the Santa Teresa Multifamily affordable housing development located at 5885 Santa Teresa Boulevard, which is being developed to provide 48 affordable rent-restricted apartments, and one unrestricted manager's homes;

(2) Authorizing a loan-to-value ratio of greater than 100% for the Santa Teresa Multifamily development;

(3) Authorizing the loan terms to allow an increase in the rents and income restrictions up to 60% of Area Median Income for new tenants in Project-Based Voucher subsidized apartments in the event of expiration or termination of Project-Based Vouchers and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the above development and allowed by other funds; and

(4) Authorizing the Director of Housing or their designee to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for Santa Teresa Multifamily development.

(b) Adopt the following Fiscal Year 2023-2024 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E – 40% Extremely Low-Income Households Reserve by \$3,650,000;

(2) Decrease the Measure E – 30% Low-Income Households Reserve by \$3,600,000;

(3) Increase the Measure E – 40% Extremely Low-Income Households appropriation to the Housing Department by \$3,650,000; and

(4) Increase the Measure E – 30% Low-Income Households appropriation to the Housing Department by \$3,600,000.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 10. (Housing/City Manager)

Erik Solivan, Director, Housing Department offered the presentation and responded to questions.

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

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember David Cohen, and carried unanimously, (a) **Resolution No. RES2024-278** was adopted, regarding actions related to a loan commitment for Santa Teresa Multifamily Located at 5885 Santa Teresa Boulevard for the Development of a New Affordable Rental Housing Development; and (b) 2023-2024 Appropriation **Ordinance No. 31108** was adopted, regarding the amendments in the General Fund. (9-0-2; Absent: Jimenez, Davis)

8.4 **Potential Supportive Outdoor Sleeping/Temporary Alternative Sleeping Sites and Related Implementation Actions.**

(a) Adopt a resolution authorizing the City Manager, or her designee, to proceed with necessary feasibility studies, development, and construction of the potential sites as identified in Table of the staff memorandum that are determined feasible for Supportive Outdoor Sleeping, Basic Needs Sites, or other temporary housing options without further action from the City Council, subject to any further additional environmental review or other approvals.

(b) Adopt a resolution granting authority to the Director of Public Works through June 30, 2025, unless removed by the City Council prior to that date, to:

- (1) Review and approve CEQA documentation for selected sites for supportive outdoor sleeping and/or basic needs sites;
 - (2) Review and approve CEQA documentation for the Cerone Yard Interim Housing Project site;
 - (3) Award and execute contract(s) for the construction of project(s) for the purpose of supportive outdoor sleeping and/or basic needs sites at various locations to the lowest responsive, responsible bidder in an amount not to exceed \$5,000,000 for each site;
 - (4) Award and execute contract(s) for the construction of interim housing projects at Cerone and/or Cherry sites to the lowest responsive, responsible bidder in an amount not to exceed \$25,000,000 each;
 - (5) 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(s); and
 - (6) Approve contingency in the amount of 10% of the contract amount for each contract.
- CEQA: Determination of Consistency with the Mitigated Negative Declaration for the Emergency Interim Housing Programs project (Resolution No. RES2023-380), File Nos. ER22-198 and ER24-015. (Public Works/Housing/City Manager)

Matt Loesch, Director, Public Works Department; Erik Solivan, Director, Housing Department; and Omar Passons, Deputy City Manager offered the presentation and responded to questions.

Public Comment: Bill Schroh (History of San José), Hong Cao (Viet Museum), Sylvia Carroll (History Park), Ocie Tiusley (AAHH), Ken Middlebrook (History San José), Robert Walker, Joe Machado (Portuguese Museum), Blair Beekman, Mike Sodergren (PAC SJ), and Yvonne Martinez (Morgan Hill Councilmember) provided public testimony regarding the item.

Motion: Councilmember Pam Foley made the motion to move approval of the following:

- Joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Cohen, and Councilmember Pam Foley dated June 14, 2024
- Joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Torres, Councilmember Cohen, and Councilmember Davis dated June 14, 2024
- Joint memorandum co-authored by Councilmember Jimenez, Councilmember Torres, and Councilmember Cohen dated June 14, 2024
- Including the *removal of the Kelly Park failing parking lot site from the list of Potential Sites for Further Evaluation, with an exploration and investigation of other parcels of flat underdeveloped land in the surrounding area of Kelly Park.*

Councilmember Omar Torres seconded the motion.

Friendly Amendment: Councilmember Arjun Batra requested that Staff report back to Council after the feasibility analysis has been completed and provide a report with what they have found to be feasible and suitable for each site. The friendly amendment was *not accepted* by the maker of the motion and seconder.

Councilmember Pam Foley requested that Staff make a commitment to engage the designated Council Office as a partner every step of the process once the site is narrowed down , so the Council office can work with Staff to engage and work with their Community to gain acceptance. Staff stated that was feasible.

Jennifer Maguire, City Manager offered clarifications regarding the Staff recommendations.

Friendly Amendment: Councilmember Arjun Batra requested that the Singleton Site be included on the list of Potential Sites for further feasibility analysis to be determined by Staff. The friendly amendment was *not accepted* by the maker of the motion and seconder.

Substitute Motion: Councilmember Bien Doan moved approval of the following as part of the substitute motion:

- Approval of all 4 Council joint memorandums.
- Include the Singleton Site to study the feasibility of its remediation for the news as a shelter, but the Singleton Site and any site within all of Kelly Park as an actual safe sleeping site.
- *Including recommendations (b5) and (b6) from the Staff memorandum.*

Councilmember Batra seconded the substitute motion.

Friendly Amendment: Mayor Mahan requested that Council include recommendations (b5) and (b6) from the Staff memorandum as part of the final action on the item.

Vote on the Substitute Motion: On a call to question, the substitute motion failed.
(3-6-2 Noes: Kamei, Torres, Cohen, Ortiz, Candelas, Foley; Absent: Jimenez, Davis)

Councilmember Foley accepted the Mayor's Friendly Amendment, to include recommendations (b5) and (b6) from the Staff memorandum as part of the underlying motion on the floor. The seconder also accepted the friendly amendment.

Friendly Amendment: Councilmember Doan requested that Councilmembers have the ability to not approve a site from being built (current list of 8 sites) after opposition from the community during outreach. After further discussion on the Friendly Amendment, the maker of the motion and seconder *did not approve* the Friendly Amendment.

Action: On a call to question, the motion passed, (a) **Resolution No. RES2024-279** and (b) **Resolution No. RES2024-280** were adopted, regarding the potential supportive outdoor sleeping/temporary alternative sleeping sites and related implementation actions. The below actions were taken as indicated as part of the final action:

Including acceptance of the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Cohen, and Councilmember Pam Foley dated June 14, 2024 recommending the following:

- 1.) Accept staff recommendations (b)(2) and (b)(4).
- 2.) Direct the City Manager to:
 - a.) Continue aligning team structures and processes to deliver the Cerone Emergency Interim Housing (EIH) community by July 31, 2025, as directed in the Budget.
 - b.) Accelerate the delivery of the Cherry EIH community by adopting the most expedient delivery method within the approved budget with the goal of opening the site to residents by September 30, 2025, while recognizing that this prioritization may necessitate the redeployment of staff and deceleration or temporary delay of other non-housing projects.
 - c.) Evaluate, and incorporate where appropriate, procurement and contracting strategies that align incentives, establish clear performance metrics, and determine penalties for contractors and subcontractors, and any other feasible innovative project delivery methods with the goal of encouraging project teams to deliver the Cerone and Cherry EIH communities on time.
 - d.) Provide an informational memorandum as part of the Citywide Homelessness Annual Report updating Council on the chosen delivery approaches, project milestones – including dates for a groundbreaking, outreach phase, and timeline for resolving encampments – and the overall committed timelines for delivery for both Cherry and Cerone EIH communities.

Including acceptance of the joint memorandum co-authored by Councilmember Jimenez, Councilmember Torres, and Councilmember Cohen dated June 14, 2024 recommending the following:

Approve the Memo from the Mayor and Councilmembers Jimenez, Torres, Cohen, and Davis with the following modification: *Remove* the South Coyote Valley site (Parcel Number 725-01-023) from the list of Potential Sites for Further Evaluation.

Including acceptance of the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Torres, Councilmember Cohen, and Councilmember Davis dated June 14, 2024 recommending the following:

Accept staff recommendations (a), (b1), and (b3) with the following additions:

- 1.) Delegate authority to the City Manager through June 30, 2025 to proceed with feasibility studies and construction of additional sites if necessary to meet the requirements of our Stormwater Permit
 - a.) Report back to Council on any additional sites that will move forward through an Info Memo.
 - b.) Within 30 days of the release of the Info Memo, Councilmembers may bring individual sites to the Rules Committee requesting a vote of the full Council.
 - c.) Direct staff to conduct community meetings for feasible sites and evaluate the best approach for establishing Community Advisory Committees (CAC) for sites that proceed to construction.
- 2.) Pursue a scalable and cost-effective operations model for safe sleeping sites that will result in significantly lower costs per bed than the EIH model while providing basic essential services and sanitation.

Including acceptance of *all* the recommendations of the Staff memorandum dated May 28, 2024 recommending the following:

- (a) Adopt a resolution authorizing the City Manager, or her designee, to proceed with necessary feasibility studies, development, and construction of the potential sites as identified in the Table of this memorandum that are determined feasible for Supportive Outdoor Sleeping, Basic Needs Sites, or other temporary housing options without further action from the City Council, subject to any further additional environmental review or other approvals.
- (b) Adopt a resolution granting authority to the Director of Public Works through June 30, 2025, unless removed by the City Council prior to that date, to:
 - (1) Review and approve CEQA documentation for selected sites for supportive outdoor sleeping and/or basic needs sites;
 - (2) Review and approve CEQA documentation for the Cerone Yard Interim Housing Project site;
 - (3) Award and execute contract(s) for the construction of project(s) for the purpose of supportive outdoor sleeping and/or basic needs sites at various locations to the lowest responsive, responsible bidder in an amount not to exceed \$5,000,000 for each site;
 - (4) Award and execute contract(s) for the construction of interim housing projects at Cerone and/or Cherry sites to the lowest responsive, responsible bidder in an amount not to exceed \$25,000,000 each;
 - (5) 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(s); and
 - (6) Approve a contingency in the amount of 10% of the contract amount for each contract. (9-0-2; Absent: Jimenez, Davis)

9. **REDEVELOPMENT – SUCCESSOR AGENCY**

10. **LAND USE**

Public Comment: None provided.

Action: Upon motion by Councilmember Davis Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved as a whole. (9-0-2; Absent: Jimenez, Davis)

10.1 **Land Use on Consent Calendar**

10.1(a) **C24-035 & ER24-055 – Conforming Rezoning Certain Real Property Located at 0 Wabash Street (APN 015-05-079). – HEARD IMMEDIATELY AFTER CONSENT**

Approve an ordinance rezoning that certain real property of an approximately 0.13-gross-acre site located on the east side of Wabash Street, approximately 350 feet southwest of Archer Street (0 Wabash Street) from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)

Action: Ordinance No. 31109 was *passed for publication*, regarding the rezoning of certain real property of an approximately 0.13-gross-acre site located on the east side of Wabash Street. (9-0-2; Absent: Jimenez, Davis)

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• Open Forum

1. Blair Beekman spoke to accountability and the democratic process.
2. Mike Sodergren spoke to the Downtown West Project and offered to be a part of a community taskforce in that area.

• Adjournment

The Council of the City of San José adjourned at 8:16 p.m. in memory of Victor Garza, founder of La Raza Roundtable, who passed away on Thursday, June 6, 2024. He was a lifelong community champion for education and employment equity, affecting change across San José and Santa Clara County politics and government.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Yasmin Johnson, Deputy City Clerk
City of San José

Approved at Council on:

of Actions: 20

Attest By:

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



Office of the City Attorney

SANJOSE CITY COUNCIL CLOSED SESSION MINUTES

June 18, 2024

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

Absent Councilmembers: Jimenez, Davis, Torres.

Place: City Hall Conference Room W-133

Time: 9:30 a.m.

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 Perez
Name(s) of Party(ies)

Court: Worker’s Compensation Appeals Court

Case No: ADJ17389595

Amount of Money or Other Relief Sought: Benefits

2. Case Name: In re: Claim of Friesell
Name(s) of Party(ies)

Court: Worker’s Compensation Appeals Court

Case No: ADJ12956697, ADJ17992080

Amount of Money or Other Relief Sought: Benefits

3. Case Name: Manuel Mendoza, et al. v. City San Jose et al.
Name(s) of Party(ies) MANUEL MENDOZA, CECILIA TAVARES PEREZ, CESAR FERNANDEZ, CITY OF SAN JOSE
Court: Santa Clara County Superior Court
Case No: 22CV393562
Amount of Money or Other Relief Sought: Damages according to proof
4. Case Name: Raul Corona v. City of San Jose
Name(s) of Party(ies) RAUL CORONA, CITYOF SAN JOSE
Court: Superior Court of California, County of Santa Clara
Case No: 19CV350608
Amount of Money or Other Relief Sought: Damages according to proof
5. Case Name: Robnett, Jimmy L. v. City of San Jose Police and Fire Department Retirement Plan Board
Name(s) of Party(ies) Jimmy L. Robnett, Plaintiff; City of San Jose, City of San Jose Police & Fire Department Retirement Plan
Court: U.S. Dist. Ct., N.D. Cal.
Case No: 24-cv-02385-NC
Amount of Money or Other Relief Sought: Damages according to proof
6. Case Name: Jessica Dominguez v. Michael Pina, et al.
Name(s) of Party(ies) JESSICA DOMINGUEZ INDIVIDUALLY AND JESSICA DOMINGUEZ AS GUARDIAN AD LITEM FOR JAD (1), JAD (2) AND JAD (3) v. CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT, MICHAEL PINA
Court: U.S. Court of Appeals for the Ninth Circuit
Case No: 23-15554
Amount of Money or Other Relief Sought: Damages according to proof

7. Case Name: Garland v. Vanderstok
 Name(s) of Party(ies) MERRICK GARLAND; US DEPARTMENT OF JUSTICE; BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES; JENNIFER VANDERSTOK; FIREARMS POLICY COALITION; BLACKHAWK MANUFACTURING GROUP, INC.; DEFENSE DISTRIBUTED; SECOND AMENDMENT FOUNDATION, INC.,; POLYMER80, INC, ET. AL
 Court: U.S. Supreme Court
 Case No: 23-852
 Amount of Money or Other Relief Sought: Amicus Brief

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: 1

C. 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 Building, Mechanical and Electrical Inspectors (ABMEI)
 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/abmei>
 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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea>
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
- 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
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: 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
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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/camp>
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
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

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

D. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957:

1. Department or Agency: City Manager’s Office
Title: City Manager

2. Department or Agency: City Attorney’s Office
Title: City Attorney

3. Department or Agency: City Auditor’s Office
Title: City Auditor

4. Department or Agency: City Clerk’s Office
Title: City Clerk

5. Department or Agency.....Independent Police Auditor
Title: Independent Police Auditor