



# **City Council Meeting MINUTES**

**Tuesday, October 18, 2022**

**1:30 PM**

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

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, DISTRICT 10



**\* COVID-19 NOTICE \***

*Consistent with AB 361 and City of San Jose Resolution Nos. 80628,80659, 80685, Councilmembers was be teleconferenced from remote locations.*

**22-1518**      CLOSED SESSION: [See Page 21 for Closed Session Minutes](#)  
Absent:

**The Council of the City of San José reconvened to Open Session at 1:30 p.m.**

Present: Councilmembers      -      Carrasco (via Zoom), Esparza, Davis (2:50p.m.), Mahan, Jimenez (via Zoom), Jones, Cohen, Esparza, Peralez (via Zoom), Foley, Arenas; Liccardo.  
Absent: Councilmembers      -      All Present

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 9)**

Councilmember Pam Foley led the Invocation by awarding three District 9 community members as Star Recipients. The Star recipients were Andrew Goldberg, nominated by Jill Travis; Melissa Ojczyk nominated by Dawn Clavon; and Viviana Barnwell, nominated by Laura Chavez.

- **Orders of the Day**

Upon motion by Councilmember Maya Esparza, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, which included dropping Item 8.2. (9-0-2. Absent: Carrasco, Davis.)

- **Closed Session Report**

None provided.

# **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Maya Esparza, on behalf of Magdalena Carrasco, presented a proclamation to City of San José, Senior Executive Analyst, Ronald Muriera, declaring October 2022 as Filipino American History Month and honoring the history, pursuits, accomplishments, and legacy of Filipinos in the City of San José. (Carrasco)
- 1.2 Councilmember Maya Esparza presented a commendation to the Franklin-McKinley School Superintendent Juan Cruz and the Franklin-McKinley School Board of Trustees in recognition of the schools' partnership and support hosting the City's satellite Eviction Help Center to provide critical housing services to East Side families. (Esparza)
- 1.3 Councilmember Pam Foley presented a proclamation to Suanne Rinta, Maya Bareket, and Blanca Lara, declaring October 2022 as National Disability Employment Awareness Month to celebrate the past and present contributions of America's workers with disabilities and showcase supportive, inclusive employment policies and practices. (Foley)
- 1.4 Vice Mayor Chappie Jones presented a proclamation to County Superintendent of Schools, Dr. Mary Ann Dewan and Campbell Union School District Superintendent, Dr. Shelly Viramontez, declaring October 2022 as National Pedestrian Safety Month to remind drivers to stay alert for pedestrians, cyclists, and other vulnerable road users. (Jones)

# **2. CONSENT CALENDAR**

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Davis.)

Public Comments: Matthew Tinsley provided public comment.

## **2.1 Approval of City Council Minutes.**

None provided.

## **2.2 22-1516 Final Adoption of Ordinances.**

(a) Ordinance No. 30818 - An Ordinance of the City of San José rezoning 86 properties from CP Commercial Pedestrian Zoning District to MUC Mixed-Use Commercial Zoning District; 44 properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residence Zoning District; 41 properties from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residence Zoning District; 40 properties from CG Commercial General Zoning District to R-1-8 Single-Family Residence Zoning District; 40 properties from CN Commercial Neighborhood Zoning District to MUC Mix-Use Commercial Zoning District; 32

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## 2.2 (Cont'd.)

properties from LI Light Industrial Zoning District to R-1-8 Single-Family Residence Zoning District; 27 properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District; 24 properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District; 18 properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residence Zoning District; 18 properties from R-M Multifamily Residential Zoning District to MUN Mixed-Use Neighborhood Zoning District; 15 properties from IP Industrial Park Zoning District to LI Light Industrial Zoning District; 13 properties from R-M Multifamily Residential Zoning District to PQP Public/Quasi-Public Zoning District; 11 properties from LI Light Industrial Zoning District to MUC Mixed-Use Commercial Zoning District, 10 properties from R-2 Two-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District; Nine properties from R-M Multifamily Residential Zoning District to LI Light Industrial Zoning District; Eight properties from R-M Multifamily Residential Zoning District to MUC Mixed-Use Commercial Zoning District; Seven properties from R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District; Six properties from CO Commercial Office Zoning District to MUC Mixed-Use Commercial Zoning District; Six properties from CP Commercial Pedestrian Zoning District to LI Light Industrial Zoning District; Five properties from CN Commercial Neighborhood Zoning District to CIC Combined Industrial/Commercial Zoning District; Five properties from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District; Five properties from R-1-8 Single-Family Residence Zoning District to OS Open Space Zoning District; Five properties from R-1-8 Single-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District; Four properties from R-1-8 Single-Family Residence Zoning District to MUN Mixed-Use Neighborhood Zoning District; Four properties from R-2 Two-Family Residence Zoning District to MUC Mixed-Use Commercial Zoning District; Four properties from LI Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District; Three properties from LI Light Industrial Zoning District to OS Open Space Zoning District; Three properties from R-2 Two-Family Residence Zoning District to UR Urban Residential Zoning District; Three properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District; Three properties from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District; Two properties from R-1-8 Single-Family Residence Zoning District to LI Light Industrial Zoning District; Two properties from CP Commercial Pedestrian Zoning District to MUN Mixed-Use Neighborhood Zoning District; Two properties from A Agriculture Zoning District to R-1-8 Single-Family Residence Zoning District; Two properties from A Agriculture Zoning District to OS Open Space Zoning District; Two properties from R-M Multifamily Residential Zoning District to OS Open Space Zoning District; One property from CG Commercial General Zoning District to CIC Combined Industrial/Commercial Zoning District; One property from CG Commercial General Zoning District to

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## 2.2 (Cont'd.)

MUC Mixed-Use Commercial Zoning District; One property from CG Commercial General Zoning District to OS Open Space Zoning District; One property from CO Commercial Office Zoning District to OS Open Space Zoning District; One property from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District; and one property from R-2 Two-Family Residence Zoning District to OS Open Space Zoning District, located in various locations on those certain real properties within the City of San José [Passed for Publication on 9/20/2022 - 10.1(a) (22-1372)] [Deferred from 10/4/2022 - Item 2.2(a) (22-1452)]

Action: **Ordinance No. 30818** was adopted. (11-0.)

### 2.3 22-1542 **Approval of Council Committee Minutes.**

(a) Regular Transportation and Environment Committee Minutes of August 29, 2022. (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 7, 2022. (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 14, 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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

### 2.4 22-1517 **Mayor and Council Excused Absence Requests.**

Request for excused absence for: (a) Councilmember Esparza from the Meeting of City Council Study Session on September 29, 2022 due to illness; and (b) Councilmember Foley from the Regular Meeting of Smart Cities and Service Improvements Committee on October 6, 2022 due to family obligation. (c) Councilmember Peralez from the Regular Meetings of Transportation and Environment Committee, City Council, and Rules and Open Government Committee and Committee of the Whole on October 3, 2022, October 4, 2022 and October 5, 2022 respectively due to family emergency. (d) Councilmember Davis from the Meeting of City Council Study Session on September 29, 2022 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza, Foley, Peralez and Davis) [Rules Committee referral 10/5/2022 - Item A.1.a for (b); 10/12/2022 - Item A.1.a for (c) and (d)]

Action: The Excused Absence Requests were approved. (11-0.)

## 2.5 City Council Travel Reports.

None provided.

## 2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7      22-1519      Adoption of an Ordinance Ratifying Final Expenditures in Various Appropriations for 2021-2022 and Adoption of the Associated Appropriation Ordinance and Funding Sources Resolution amendments in 2021-2022.**
- (a) Adopt an ordinance ratifying final 2021-2022 expenditures in various appropriations as detailed in this report. (b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund to: (1) Increase the Airline Reserve Funds Distribution appropriation by \$7,595,809; and (2) Decrease the Master Trust Agreement Reserve by \$7,595,809. (c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund to: (1) Increase the Construction and Conveyance Tax estimate by \$2,853,873; (2) Increase the Needs-Based Allocation Transfer to District 1 by \$235,078; (3) Increase the Needs-Based Allocation Transfer to District 2 by \$103,459; (4) Increase the Needs-Based Allocation Transfer to District 3 by \$95,650; (5) Increase the Needs-Based Allocation Transfer to District 4 by \$76,392; (6) Increase the Needs-Based Allocation Transfer to District 5 by \$247,386; (7) Increase the Needs-Based Allocation Transfer to District 6 by \$227,550; (8) Increase the Needs-Based Allocation Transfer to District 7 by \$219,694; (9) Increase the Needs-Based Allocation Transfer to District 8 by \$155,142; (10) Increase the Needs-Based Allocation Transfer to District 9 by \$180,085; (11) Increase the Needs-Based Allocation Transfer to District 10 by \$76,860; (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$808,646; and (13) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$427,931. (d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Emergency Reserve Fund to: (1) Establish the PPE and Janitorial Services appropriation to the City Manager's Office in the amount of \$676,000; and (2) Decrease the Food and Necessities Distribution - Food Services appropriation to the Parks, Recreation, and Neighborhood Services Department by \$676,000. (e) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Coronavirus Relief Fund to: (1) Establish the Communications and Translation Services appropriation to the City Manager's Office in the amount of \$177,987; (2) Increase the COVID-19 Personal Services appropriation to the City Manager's Office by \$637,632; (3) Decrease the Food and Necessities Distribution - Food Services appropriation to the City Manager's Office by \$435,503; (4) Decrease the Consulting and Planning Support appropriation to the City Manager's Office by \$321,000; and (5) Decrease the Facilities Improvements appropriation to the City Manager's Office by \$59,116. (f) Adopt the following 2021-2022 Appropriation Ordinance amendments in the South Bay Water Recycling Operating Fund to: (1) Increase the Personal Services appropriation to the Environmental Services Department by \$466,654; (2) Increase the SCVWD - Advanced Water Treatment appropriation by

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## 2.7 (Cont'd.)

\$278,098; and (3) Decrease the Ending Fund Balance by \$744,752. (g) Adopt the following 2021-2022 Appropriation Ordinance amendments in the General Fund to: (1) Increase the Workers' Compensation Claims - Police appropriation by \$359,839; (2) Decrease the Workers' Compensation Claims - Fire appropriation by \$185,839; (3) Decrease the Workers' Compensation Claims - Other Departments appropriation by \$174,000; (4) Increase the Personal Services appropriation to the City Attorney's Office by \$57,692; (5) Decrease the Non-Personal/Equipment appropriation to the City Attorney's Office by \$21,481; and (6) Decrease the Personal Services appropriation to the City Manager's Office by \$36,211. (h) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Water Utility Fund to: (1) Increase the Personal Services appropriation to the Environmental Services Department by \$185,362; and (2) Decrease the Ending Fund Balance by \$185,362. (i) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the 1990 Gas Tax Maintenance and Construction Fund to: (1) Increase the Gas Tax estimate by \$177,208; and (2) Increase the Transfer to the General Fund for Street Maintenance by \$177,208. (j) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Neighborhood Security Bond Fund to: (1) Increase the Beginning Fund Balance estimate by \$64,328; and (2) Increase the Fire Training Center Relocation appropriation by \$64,328. (k) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the 1964 Gas Tax Maintenance and Construction Fund to: (1) Increase the Gas Tax estimate by \$26,037; and (2) Increase the Transfer to the General Fund for Street Maintenance by \$26,037. (l) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes to: (1) Increase the Construction and Conveyance Tax estimate by \$8,024; and (2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$8,024. 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:** (a) **Ordinance No. 30819**, (b) **Ordinance No. 30820**, (c) **Resolution No. 80702**, **Ordinance No. 30821**, (d) **Ordinance No. 30822**, (e) **Ordinance No. 30823**, (f) **Ordinance No. 30824**, (g) **Ordinance No. 30825**, (h) **Ordinance No. 30826**, (i) **Resolution No. 80703**, **Ordinance No. 30827**, (j) **Resolution No. 80704**, **Ordinance No. 30828**, (k) **Resolution No. 80705**, **Ordinance No. 30829**, (l) **Resolution No. 80706**, and **Ordinance No. 30830** were adopted. (10-0-1. Absent: Davis.)

- 2.8      22-1520      **Lateral Police Officer Hiring Incentive Pilot Program.**  
Adopt a resolution approving the Lateral Police Officer Hiring Incentive Pilot Program for lateral Police Officers (2215), effective October 30, 2022 through the term of the successor Memorandum of Agreement between the City and the San José Police Officers' Association, subject to the annual appropriations of funds. CEQA: Not a Project, File No. PP17 008, General Procedure and Policy Making resulting in no change to the physical environment. (City Manager)

Action: **Resolution No. 80707** was adopted. (10-0-1. Absent: Davis.)

- 2.9      22-1521      **Adoption of Resolution of Intention to Renew the San José Hotel Business Improvement District.**  
(a) Accept staff's report and consider preliminary actions required to renew the business owner-initiated Hotel Business Improvement District within the City of San José pursuant to Streets & Highways Code Section 36600 et. seq. (b) Adopt a resolution to: (1) State Council's intention to renew the San José Hotel Business Improvement District within the City of San José; (2) Preliminarily approve the San José Hotel Business Improvement District Management District Plan; (3) Set a public meeting to be held on November 1, 2022, at 1:30 p.m. and a public hearing on December 6, 2022, at 1:30 p.m.; and (4) Find that San José Hotels, Inc. will continue to serve as the Owners' Association for the San José Hotel Business Improvement District to implement the program described in the Management District Plan and authorizing the City Manager to negotiate and execute an agreement with San José Hotels, Inc. to provide those services, contingent upon the renewal of the San José Hotel Business Improvement District. 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. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80708** was adopted. (10-0-1. Absent: Davis.)

- 2.10      22-1522      **City Initiatives Roadmap - Encampment Services, Outreach, Assistance, and Resources: Agreements for Safe Encampment Resolution Funding Grant from State of California.**  
(a) Adopt a resolution authorizing the City Manager or her designee to accept the Encampment Resolution Funding grant award of \$2,085,216 from the State of California to fund outreach, housing options, services resulting in encampment closure, restoration of the site for public use and negotiate and execute related documents to accept grant funds without further City Council action. (b) Adopt a resolution authorizing the Director of Housing to: (1) Negotiate and execute a new grant agreement with People Assisting the Homeless in the amount of \$801,000 to provide homeless outreach and case management services retroactive from July 1, 2022 through June 30, 2024; (2) Negotiate and execute a new grant agreement with HomeFirst Services of Santa Clara County in the amount of \$1,122,000 to expand the capacity of the Rapid Rehousing program, which provides rental subsidies and case

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## 2.10 (Cont'd.)

management support services retroactive from October 1, 2022, through June 30, 2024; and (3) Negotiate and execute a new grant agreement with the Guadalupe River Conservancy in the amount of \$199,650 to lead activation and stewardship activities such as creating new murals, educational tours, field trips, and bike rides post encampment closure from January 1, 2023, through June 30, 2024. (c) Adopt the following 2022-2023 Appropriation Ordinance Amendments and Funding Sources Resolution amendments in the Multi-Source Housing Fund to: (1) Increase the estimate for Revenue from the State of California by \$2,085,216; and (2) Establish an Encampment Resolution Funding Grant appropriation to the Housing Department in the amount of \$2,085,216. CEQA: Not a Project, File No. PP17-003, 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)

Action: (a) **Resolution No. 80709**, (b) **Resolution No. 80710**, (c) **Resolution No. 80711**, and **Ordinance No. 30831** were adopted. (10-0-1. Absent: Davis.)

### 2.11      22-1523      **Approval of Multifamily Housing Revenue Bond Policy Exception for Affordable Housing Developments at View at Blossom Hill and 2350 S. Bascom.**

Adopt a resolution authorizing an exception to the City Council's Multifamily Housing Revenue Bond Policy, number 1-16, for the issuance of Multifamily Housing Revenue Bonds for View at Blossom Hill, and for 2350 S. Bascom due to special circumstances, thereby allowing the California Municipal Finance Authority to issue the bonds. CEQA: View at Blossom Hill, 1007 Blossom Hill Road: Categorically Exempt, File No. H21-020, CEQA Guidelines Section 15332, Infill Development Projects; 2350 S. Bascom Avenue: Exempt from CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Development pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9. (Housing/Finance)

Action: **Resolution No. 80712** was adopted. (10-0-1. Absent: Davis.)

### 2.12      22-1524      **Amendment to the City Pay Plan.**

Adopt a resolution amending the City of San José Pay Plan effective October 18, 2022, to create the following classifications: (a) Early Childhood Education Aide PT (6134) with a salary range of \$45,032.00 - \$54,891.20 annually; (b) Early Childhood Education Instructor PT (6135) with a salary range of \$53,019.20 - \$64,376.00 annually; and (c) Early Childhood Education Specialist FT/PT (6136/6137) with a salary range of \$61,651.20 - \$74,942.40 annually. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)

Action: **Resolution No. 80713** was adopted. (10-0-1. Absent: Davis.)

- 2.13      22-1525      **Amendment to the Administrative Citation Schedule of Fines Resolution.**  
Adopt a resolution:(a) Amending the Administrative Citation Schedule of Fines for violations of the San José Municipal Code Chapter 10.32, Part 6, Section 10.32.240, to establish escalating fine amounts for first, second, third, and subsequent violations pertaining to compliance with the Gun Harm Reduction Ordinance; and (b) Repealing fines associated with the now repealed Chapter 11.34 of Title 11 of the San José Municipal Code - Regulation of Cruising. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police/City Manager)

Action: **Resolution No. 80714** was adopted. (10-0-1. Absent: Davis.)

- 2.14      22-1526      **2022 Byrne Discretionary Community Project Grant Program for the Mobile Crisis Assessment Team.**  
(a) Adopt a resolution accepting the Bureau of Justice 2022 Byrne Discretionary Community Project Grant for the Mobile Crisis Assessment Team in the amount of \$1,000,000; and authorizing the City Manager to execute the Grant Agreement and execute additional amendments and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action. (b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund to: (1) Establish the 2022-2023 Byrne Discretionary Community Project Grant City-Wide Expenses appropriation to the Police Department in the amount of \$381,434; and (2) Increase the estimate for Revenue from Federal Government by \$381,434. 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. (Police/City Manager)

Action: (a) **Resolution No. 80715**, (b) **Resolution No. 80716**, and **Ordinance No. 30832** were adopted. (10-0-1. Absent: Davis.)

- 2.15      22-1541      **Retroactive Approval of D6 Alameda Park Neighborhood Block Party Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**  
As recommended by the Rules and Open Government Committee on March 30, 2022: (a) Approve the Shredding Event scheduled on April 23, 2022 as a City Council sponsored Special Event and approve the expenditure of funds. (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. (Foley) [Rules Committee referral 3/30/2022 - Item B.2]

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

**2.16      22-1546      **Retroactive Approval of Los Paseos (LPNA) Neighbor Day and Shredding Day Sponsored by Council District 10 as a 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 October 5, 2022: (a) Retroactively Approve the Los Paseos (LPNA) Neighbor Day scheduled on October 8, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively Approve the District 10 Shredding Day scheduled on October 7, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mahan) [Rules Committee referral 10/5/2022 - Item B.2]

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

**2.17      22-1580      **Retroactive Approval of the Pet Spay and Neuter Event Sponsored by Council District 5 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 October 12, 2022: (a) Retroactively approve the Pet Spay and Neuter event scheduled on September 11, 2022 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. (Carrasco) [Rules Committee referral 10/12/2022 - Item B.3]

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

**2.18      22-1584      **Retroactive Approval of Disability Awareness Day Sponsored by Council District 1 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 October 12, 2022: (a) Retroactively approve the Disability Awareness Day scheduled on October 13, 2022 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. (Jones) [Rules Committee referral 10/12/2022 - Item B.4]

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

- 2.19 22-1594 Request for Travel Authorization for Mayor Liccardo.**  
As recommended by the Rules and Open Government Committee on October 12, 2022, authorize travel for Mayor Liccardo to attend the 2022 United Nations Climate Change Conference (COP 27) in Egypt, from November 4, 2022 to November 12, 2022. (Source of Funds: Personal Funds) CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo) [Rules Committee referral 10/12/2022 - Item B.5]

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

### **3. STRATEGIC SUPPORT**

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

None provided.

#### **3.2 Labor Negotiations Update.**

None provided.

#### **3.3 22-1527 2021-2022 City Manager's Annual Report.**

(a) Accept the 2021-2022 City Manager's Annual Report in compliance with City Charter Section 701(F). (b) Adopt the Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2021-2022 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions). CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment. (City Manager)

Budget Director Jim Shannon, Assistant Budget Director Bonny Duong, Financial Status Coordinator Selena Ubando, and Operating Budget Coordinator Bryce Ball provided the presentation and responded to questions with Director of Community Energy Lori Mitchell and Public Works Director Matt Cano.

Public Comments: Blair Beekman and Jill Borders provided public comments.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza, and carried unanimously, the 2021-2022 City Manager's Annual Report was accepted. **Resolution No. 80717** and **Ordinance No. 30833** were adopted. (11-0.)

**3.4 22-1548 Annual Merit Increases and Additional Executive Leave for Council Appointees.**

As recommended by the Rules and Open Government Committee on October 5, 2022, adopt a resolution approving a 2.5% merit increase for the City Manager, City Attorney, Independent Police Auditor, City Clerk, and City Auditor effective July 1, 2022, and granting an additional forty (40) hours of executive leave to each of these Council appointees for the payroll calendar year 2023. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 10/5/2022 - Item C.1]

Public Comments: None provided.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember David Cohen and carried unanimously, **Resolution No. 80718**, approving a 2.5% merit increase for the City Manager, City Attorney, Independent Police Auditor, City Clerk, and City Auditor was adopted. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1 22-1528 City Initiatives Roadmap - Clean Energy Resilience: Power Procurement Agreements.**

Adopt a resolution increasing the authority granted to the Director of Community Energy or designee to negotiate and execute agreements five years and under for the procurement of power products by \$405,600,000 from \$1,536,900,000 to an amount not to exceed \$1,942,500,000 in aggregate in Calendar Years 2022 through 2027, to be paid solely from the San José Clean Energy Operating Fund, and subject to the Energy Risk Management Policy and Regulations, the appropriation of funds, and the following annual limits: \$380,200,000 in 2022, \$352,900,000 in 2023, \$337,300,000 in 2024, \$321,600,000 in 2025, \$280,700,000 in 2026, and \$269,800,000 in 2027. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy) [Deferred from 10/4//2022 - Item 6.1 (22-1448)]

San Jose Clean Energy's Director Lori Mitchell, Deputy Director of Power Resources Jeanne Solé, and Senior Power Resources Specialist Kelly Morris provided the presentation and responded to questions.

Public Comments: Blair Beekman and Victor Niemeyer offered public comments.

*(Item continued on next page.)*

## 6.1 (Cont'd.)

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 80719**, increasing the authority granted to the Director of Community Energy or designee to negotiate and execute agreements five years and under, was adopted. (10-0-1. Absent: Carrasco.)

### 6.2      22-1529      **Climate Smart San José Plan Semi-Annual Report**

As recommended by the Transportation and Environment Committee on October 3, 2022, accept the semi-annual report on the Climate Smart San José for March 2022 through August 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services) [Transportation and Environment Committee referral 10/3/2022 – Item (d)1]

Deputy Director, Environmental Services Department, Julie Benabente; Supervising Environmental Services Specialist, Environmental Services Department, Amanda Leonis; Senior Environmental Program Manager, Community Energy Department, Kate Ziemba; and Division Manager, Department of Transportation, Ramses Madou provided the presentation and answered questions with Deputy City Manager Kip Harkness and Director of Community Energy Lori Mitchell.

Public Comments: Mothers Out Front Silicon Valley’s Susan Butler Graham (Team Coordinator), Linda Hutchins-Knowles (Cofounder), Moria Merriweather, and Jenny Green (Volunteer Leader); Sierra Club Loma Prieta Chapter’s Conservation Organizer, Dashiell Leeds; Silicon Valley Youth Climate Action’s Mila Bekele, Mani Bekele and Amanda Bancroft (Board of Directors); Hoai-An; Blair Beekman; Natural Resources Defense Council’s Olivia Walker; and Crystal Hernandez provided public comments.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Matt Mahan and carried unanimously, the semi-annual report on the Climate Smart San José for March 2022 through August 2022 was accepted. (10-0-1. Absent: Carrasco.)

### 6.3      22-1549      **Amendment to the Building Reach Code Ordinance. - TO BE HEARD CONCURRENTLY WITH ITEM 8.4**

(a) Adopt findings related to local modifications of the state codes based upon local geographical, topographical, and climatic conditions. (b) Approve a building reach code ordinance amending various sections of Title 24 to adopt provisions of the 2022 California Green Building Standards Code with certain exceptions, modifications, and additions including increased requirements related to electric vehicle charging stations and adopting the 2022 California Building Energy Efficiency Standards. CEQA: Categorically Exempt, File No. ER22-227, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building, and Code Enforcement) **TO BE HEARD CONCURRENTLY WITH ITEM 8.4**

*(Item continued on next page.)*

### 6.3 (Cont'd.)

**HEARD CONCURRENTLY WITH ITEM 8.4 AND VOTED ON SEPARATELY. THE PRESENTATION INFORMATION FOR BOTH ITEMS IS RECORDED UNDER ITEM 6.3.**

Supervising Environmental Services Specialist Amanda Leona provided a presentation and responded to questions.

Deputy Director, Planning, Building and Code Enforcement, Lisa Joiner and Deputy Chief and Fire Marshal, San Jose Fire Department, James Dobson provided an additional presentation and answered questions.

Public Comments: Linda Hutchins-Knowles provided public comments.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember David Cohen and carried unanimously, the findings related to local modifications were adopted and the building reach code **Ordinance No. 30834** was passed for publication. (11-0.)

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1            22-1530            Actions Related to the Land Acquisition for the Lot E Public Parking Facility Located at 517 West Saint John Street and 150 North Montgomery Street.**
- (a) Adopt a resolution adopting the Lot E Parking Structure Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and a related Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute all documents and contracts necessary for the relocation of tenants currently occupying 517 West Saint John, including approval of the Final Relocation Plan and disbursement of necessary payments as required by relocation statute, not to exceed \$350,000.
- (c) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 517 West Saint John Street, identified as Assessor's Parcel Number 259-29-091 in Attachment A (consisting of ±19,166 square feet and owned by Arlethea K. Thorson, The Trustees of Richard Della Maggiore and Joan Della Maggiore) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with California Code of Civil Procedure Section 1245.220, et. seq., and making the following findings and determinations to declare that: (1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section

*(Item continued on next page.)*

## 8.1 (Cont'd.)

19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404; (2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately and by reference made a part hereof, for the Lot E Parking Facility Project; (3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury; (4) The acquisition of Property, as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project; (5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to the owner of record; (6) All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property have been complied with by the City; (7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and (8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$4,800,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain. PLEASE NOTE: APPROVAL OF THIS RESOLUTION OF NECESSITY REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3 VOTE OF ALL MEMBERS OF THE COUNCIL). California Code of Civil Procedure Section 1245.240.

(d) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 150 North Montgomery Street, identified as Assessor's Parcel Number 259-29-003 in Attachment B (consisting of approximately ±7060 square feet and owned by Rodolfo Alvarez Duenas, Raul Jimenez and Yolanda Jimenez) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with Cal. Civ. Proc. Code Section 1245.220, et. seq., and making the following findings and determinations to declare that: (1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections

*(Item continued on next page.)*



## 8.1 (Cont'd.)

1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404; (2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment B to the staff memorandum, proposed resolution of necessity, to be posted separately and by reference made a part hereof, for the Lot E Parking Facility Project; (3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury; (4) The acquisition of Property, as described in Attachment B to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project; (5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to the owner of record; (6) All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property have been complied with by the City; (7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and (8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$1,770,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain. PLEASE NOTE: APPROVAL OF THIS RESOLUTION OF NECESSITY REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3 VOTE OF ALL MEMBERS OF THE COUNCIL). California Code of Civil Procedure Section 1245.240. CEQA: Lot E Parking Structure Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) (Planning File No. ER20-011). Council District 3. (Economic Development and Cultural Affairs/Transportation) [Deferred from 10/4/2022 - Item 8.1 (22-1450)]

### **THIS ITEM WAS HEARD AFTER THE CONCURRENT HEARING OF ITEMS 6.3 AND 8.4.**

Office of Economic Development and Cultural Affairs Director Nanci Klein and Real Estate Manager Kevin Ice, and Department of Transportation's Parkin Manager Arian Collen and Deputy Director Jessica Zenk provided the presentation and responded to questions.

Public Comments: Blair Beekman and San Jose Downtown Association's Government Affairs Consultant, Victor Gomez provided public comment.

*(Item continued on next page.)*

## 8.1 (Cont'd.)

### A SEPARATE VOTE WAS TAKEN FOR EACH PARCEL INDICATED.

Action(a)(b): Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones, and carried unanimously, (a) **Resolution No. 80720** and (b) **Resolution No. 80721** were adopted. (11-0.)

Action(c): Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sergio Jimenez and carried unanimously, (c) **Resolution No. 80722** was adopted. (11-0.)

Action(d): Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, (d) **Resolution No. 80723** was adopted. (11-0.)

## 8.2      22-1531      **First Substantial Amendment to the Fiscal Year 2022-2023 Annual Action Plan for Transfer of Neighborhood Stabilization Program Income Funds to Community Development Block Grant for Eligible Uses.**

(a) Hold a public hearing to allow for public comment. (b) Adopt a resolution relating to the following actions regarding a first amendment to the existing Fiscal Year (FY) 2022-2023 Annual Action Plan (Action Plan) that includes changes to the federal Neighborhood Stabilization Program (NSP1) and the Community Development Block Grant (CDBG) to the City of San Jose: (1) Approve the following changes relating to the Substantial Amendment to the FY 2022-2023 Annual Action Plan to: (i) Decrease NSP1 program income funds by \$584,220 and redirect funds to CDBG eligible uses. (ii) Increase CDBG program income funds by \$584,220 and apply funds to other CDBG eligible uses. (2) Authorize the Housing Department to submit the Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD); and, (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in these Annual Action Plan amendments and all related contract amendments, extensions, and changes. (c) Adopt the following Appropriation Ordinance amendments in the Multi-Source Housing Fund: (1) Decrease the Ending Fund Balance by \$584,220; and (2) Establish a Transfer to the Community Development Block Grant Fund in the amount of \$584,220. (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Community Development Block Grant Fund: (1) Establish the revenue estimate for Transfers and Reimbursements in the amount of \$584,220; (2) Increase the Contractual Community Services appropriation to the Housing Department by \$54,398; and (3) Increase the Ending Fund Balance by \$529,822. 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; and File No. PP17 003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)

**THIS ITEM WAS DROPPED PER ORDERS OF THE DAY.**

**8.3 22-1539 Mobile Home Park Land Use Designation Status Report. - TO BE HEARD AT 4:00 P.M.**

As recommended by the Community and Economic Development Committee on September 26, 2022, accept the status report, including staff’s analysis on mobile home parks at greatest risk for redevelopment and should be prioritized for the General Plan Land Use amendments that apply the Mobile Home Park Land Use Designation to these sites. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Housing) [Community and Economic Development Committee referral 9/26/2022 - Item(d)3] TO BE HEARD AT 4:00 P.M.

Planning, Building, and Code Enforcement’s Deputy Director Michael Brilliot, Director Chris Burton and Deputy City Manager Rosalynn Hughey provided the presentation and answered questions.

Public Comments: Donna Sanchez; Nancy Stevens; Theresa Thornton; Jill Borders; Judy Erkanat; GSMOL’s Regional Manager, Martha O’Connell and Chapter President, Glenna Howcroft; Rebecca; Diane; and Jill McCain provided public comments

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley and carried unanimously, the October 14, 2022 memorandum co-authored by Councilmembers Esparza, Foley, Jimenez, Peralez, and Cohen was approved.

This memo included the direction:

1. Return to Council with a detailed multi-year plan and timeline to complete the General Plan Land Use designation work for the remaining 56 mobile home parks in the City, including returning through the Mid-Year Budget Review with resources needed to complete land use designations this fiscal year for the 12 most at risk parks identified in the Staff Report, and returning through the Budget Process with resources needed to redesignate all of the remaining parks in the City, and a detailed plan and timeline for doing so.
2. Streamline the public outreach process for the land use designation work, recognizing that this is work that our mobile home residents have both been aware of and actively fighting for since 2015.
3. Include Millpond 2 along with the other 12 parks assessed by staff to be highest risk to be redesignated this fiscal year through the Mid Year Budget Review process. Thus making the complete list of parks to be redesignated this year: Oak Crest, Lamplighter, Quail Hollow, Chateau La Salle, Mill Pond 1 and 2, Caribees, Hometown, San Jose Mobile Home and RV Park, San Jose Trailer Park, La Buona Vita, Sunshadow, and Silver Creek Mobile Estates.
4. Align the relevant portions of the Housing Element with the plan and timeline for this work to ensure consistency. (11-0.)

8.4 22-1535 **2022 California Building Standards Code Adoption. - TO BE HEARD CONCURRENTLY WITH ITEM 6.3**

As recommended by the Community and Economic Development Committee on September 26, 2022: (a) Approve an ordinance amending Title 24 of the San José Municipal Code to: (1) Adopt the 2022 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, and the California Existing Building Code; (2) Find that the City of San José’s local climatic, geological and topographical conditions warrant additional protections in the Municipal Code; and (3) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements. (b) Approve an ordinance amending Chapter 17.12 and Chapter 17.68 of Title 17 of the San José Municipal Code to: (1) Adopt the 2022 California Fire Code and the standards referenced in the 2022 California Fire Code; (2) Find that the City of San José’s local climatic, geological, and topographical conditions warrant additional protections in the Code; (3) Adopt local amendments regarding certain architectural, fire alarm, fire sprinkler, and hazardous materials regulations, and associated standards; and (4) Adopt local amendments regarding the design and installation requirements for hazardous materials storage and use. CEQA: Exempt, Section 15308 - Actions by Regulatory Agencies for the Protection of the Environment, File No. ER22-227. (Planning, Building and Code Enforcement); File No. PP19-077 (Fire). [Community and Economic Development Committee referral 9/26/2022 - Item(d)4]

**HEARD CONCURRENTLY WITH ITEM 6.3 AND VOTED ON SEPARATELY. THE PRESENTATION INFORMATION FOR BOTH ITEMS IS RECORDED UNDER ITEM 6.3**

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza and carried unanimously, (a) **Ordinance No. 30837** and (b) **Ordinance No. 30836** were passed for publication. (11-0.)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

#### **• Open Forum**

1. Blair Beekman expressed excitement for the next Rules and Open Government Committee meeting and spoke to the potential benefit of Vision Zero and technology discussions with youth.

#### **• Adjournment**

The Council of the City of San José adjourned at 5:21 p.m.  
Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner  
Deputy City Clerk

get/10-18-22 MIN

SAN JOSÉ CITY COUNCIL CLOSED SESSION

OCTOBER 18, 2022

The Council of the City of San José convened into Closed Session at 9:30 a.m.  
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Carrasco, Davis, Esparza, Mahan, Jimenez, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Arenas

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 Kouns  
Name(s) of Partie(s) Involved:  
Court: Workers Compensation Appeals Court  
Case No.: ADJ14300437  
Amount of Money or Benefits  
Other Relief Sought:
2. Case Name: Yenny Saavedra Oliva De Rivas v. City of San Jose, et al.  
Name(s) of Partie(s) Involved: YENNY SAAVEDRA OLIVA DE RIVAS; CITY OF SAN JOSE, A PUBLIC ENTITY; LISA M. FLORES; AND DOES 1 TO 25, LISA M. FLORES; CITY OF SAN JOSE, A PUBLIC ENTITY; AND ROES 1 THROUGH 10  
Court: Superior Court of California; County of Santa Clara  
Case No.: 22CV396781  
Amount of Money or Damages according to proof  
Other Relief Sought:
3. Case Name: Jaishree Varshney v. City of San Jose; et al.,  
Name(s) of Partie(s) Involved: JAISHREE VARSHNEY, CITY OF SAN JOSE; THOMAS REID; AND 1 DOES 1 TO 20

Court: Superior Court of California, County of Santa Clara

Case No.: 120CV361302

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

4. Case Name: VanDerStok, et al. v Merrick Garland, et al

Name(s) of Parties(s) JENNIFER VANDERSTOK; MICHAEL G. ANDREN;  
Involved: TACTICAL MACHINING, LLC, a limited liability company; FIREARMS POLICY COALITION, INC., a nonprofit corporation, MERRICK GARLAND, in his official capacity as Attorney General of the United States; UNITED STATES DEPARTMENT OF JUSTICE; STEVEN DETTELBACH, in his official capacity as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,

Court: United States District Court – Northern District of Texas

Case No.: 4:22-cv-691

Amount of Money or Declaratory Relief  
Other Relief Sought:

5. Case Name: Morehouse Enterprises, LLC d/b/a Bridge City Ordinance, et al. v Bureau of Alcohol, Tobacco, Firearms and Explosives, et al.

Name(s) of Parties(s) MOREHOUSE ENTERPRISES, LLC d/b/a BRIDGE  
Involved: CITY ORDNANCE, ELIEZER JIMENEZ, GUN OWNERS OF AMERICA, INC., and GUN OWNERS FOUNDATION, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; UNITED STATES DEPARTMENT OF JUSTICE; and STEVE DETTELBACH, DIRECTOR OF ATF

Court: United States District Court – Northern District of North Dakota

Case No.: 3:22-cv-00116-PDW-ARS

Amount of Money or Declaratory Relief  
Other Relief Sought:

6. Case Name: Division 80, LLC v Merrick Garland, et al.

Name(s) of Parties(s) DIVISION 80 LLC, MERRICK GARLAND, in his official  
Involved: capacity as Attorney General of the United States, UNITED

STATES DEPARTMENT OF JUSTICE, GARY RESTAINO,  
in his official capacity as Acting Director of the Bureau of  
Alcohol, Tobacco, Firearms, and Explosives, BUREAU OF  
ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

Court: United States District Court – Southern District of Texas

Case No.: 3:22-CV-00148

Amount of Money or Declaratory Relief  
Other Relief Sought:

**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: 9**

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

3. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
  
4. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
  
5. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
  
6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230



- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
9. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
10. Organization or Name and Title of **San José Police Dispatchers’ Association (SJPDA)**

Unrepresented  
 Employees:  
 Nature of negotiations: wages/salaries, hours, working conditions, etc.  
 Name of Existing  
 Contract or MOA:  
 How to Obtain a copy of Existing Contract or  
 MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
 Telephone – Employee Relations: (408) 535-8150

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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
 Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 1:30 p.m. in the Council Chamber.