



City Council Meeting MINUTES

DRAFT

Tuesday, October 3, 2023

1:30 PM

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

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



- **Call to Order and Roll Call**

9:31 a.m. - Closed Session

23-1313 Closed Session: [See Page 18 for Closed Session Minutes](#)

Absent: All Present.

1:39 p.m. – Afternoon Session

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

Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 9)**

Ramya Ramakrishnan of the Hindu American Foundation provided the invocation through prayer.

- **Orders of the Day**

The Orders of the Day were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmembers David Cohen and Peter Ortiz presented a proclamation declaring October 2023 as Filipino-American History Month, a tribute to the rich history, achievements, endeavors, and enduring impact of the Filipino community within the City of San José. (Cohen and Ortiz)
- 1.2 In Councilmember Foley’s absence, Vice Mayor Rosemary Kamei presented a proclamation declaring October 4, 2023 as National Walk & Roll to School Day in the City of San José to promote safer routes to school and encourage children to be more active. (Foley)

1.3 Mayor Matt Mahan and Councilmember Dev Davis presented a proclamation recognizing October 2023 as Italian American Heritage Month to recognize the vibrant history of the Italian American community and their tremendous contributions to the City of San José. (Mayor and Davis)

2. CONSENT CALENDAR

Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, all the below listed actions were taken as indicated. (10-0-1. Absent: Foley.)

Public Comment: Paul Soto and Blair Beekman offered public comments.

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7 23-1265 Calling for Municipal Elections on March 5, 2024 and November 5, 2024.**
Adopt a resolution calling for a Regular Municipal Election on March 5, 2024 and a Run-Off Municipal Election on November 5, 2024, if necessary, for the purpose of electing Council Members for Districts 2, 4, 6, 8, 10, and the Mayor and requesting consolidation with the County of Santa Clara. CEQA: Not a Project, File No. PP17-008, General Procedures and Policy Making resulting in no changes to the physical environment. (City Clerk)

Action: **Resolution No. RES2023-343** was adopted, calling for a Regular Municipal Election on March 5, 2024 and a Run-Off Municipal Election on November 5, 2024. (10-0-1. Absent: Foley.)

2.8 23-1314 Withdrawal from the California Cities Gaming Authority.
Adopt a resolution authorizing the City Manager or designee to withdraw the City of San José from the California Cities Gaming Authority Joint Powers Authority. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. RES2023-344** was adopted, authorizing the City Manager or designee to withdraw the City of San José from the California Cities Gaming Authority Joint Powers Authority. (10-0-1. Absent: Foley.)

2.9 23-1315 Termination of Declaration of Conditions, Covenants and Restrictions for River Oaks Park.
Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Termination of Covenants, Conditions and Restrictions applicable to River Oaks Park. CEQA: Not a Project, File No. PP17-008, General Procedure resulting in no changes to the physical environment. Council District 4. (Economic Development and Cultural Affairs)

Action: **Resolution No. RES2023-345** was adopted, authorizing the City Manager or designee to negotiate and execute a Termination of Covenants, Conditions and Restrictions applicable to River Oaks Park. (10-0-1. Absent: Foley.)

2.10 23-1316 California Department of Resources Recycling and Recovery Grant and Payment Program Applications.
Adopt a resolution authorizing the City Manager or designee for a period of five years, beginning October 3, 2023 through October 3, 2028, to submit grant and payment applications to California Department of Resources Recycling and Recovery and enter into grant and payment agreements with California Department of Resources Recycling and Recovery if the agreements are within the City Manager's existing City Council-designated contracting authority. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Action: **Resolution No. RES2023-346** was adopted, authorizing the City Manager or designee for a period of five years, beginning October 3, 2023 through October 3, 2028, to submit grant and payment applications to California Department of Resources Recycling and Recovery and enter into grant and payment agreements with California Department of Resources Recycling and Recovery. (10-0-1. Absent: Foley.)

2.11 23-1317 Report on Request for Proposal for a Police Early Intervention Solution.
Accept the Request for Proposal and adopt a resolution authorizing the City Manager or designee to: (a) Negotiate and execute an agreement with Benchmark Solutions, LLC (Chicago, IL) for a Police Early Intervention Solution with an initial three-year term beginning on or about November 10, 2023 and ending on or about November 9,

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2.11 (Cont'd.)

2026, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$479,090 for the initial term, subject to the appropriation of funds; (b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$50,000 during the initial three-year term, subject to the appropriation of funds; and (c) Exercise up to four one-year options to extend the term of the agreement through November 9, 2030, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Councilmember Sergio Jimenez asked staff about data gathered and San José Police Department's Internal Affairs Commander Lr. Macedonio Zuniga responded to questions.

Action: Request for Proposal was accepted and **Resolution No. RES2023-347** was adopted, authorizing the City Manager or designee to: (a) Negotiate and execute an agreement with Benchmark Solutions, LLC (Chicago, IL); (b) negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$50,000 during the initial three-year term; and (c) exercise up to four one-year options to extend the term of the agreement through November 9, 2030. (10-0-1. Absent: Foley.)

2.12 23-1318 **Actions Related to the Purchase Order with Burr Plumbing and Pumping, Inc. for Grease Trap Maintenance.**

Adopt a resolution authorizing the City Manager or designee to exercise up to four one-year options to extend the term of the purchase order with Burr Plumbing and Pumping, Inc. (San José, CA) for grease trap maintenance, with the last option ending on or about October 16, 2027, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment (Finance)

Action: **Resolution No. RES2023-348** was adopted, authorizing the City Manager or designee to exercise up to four one-year options to extend the term of the purchase order with Burr Plumbing and Pumping, Inc. (San José, CA). (10-0-1. Absent: Foley.)

2.13 23-1319 **Actions Related to the Agreement with Brycer, LLC for Fire Code and Administration Services.**

Adopt a resolution authorizing the City Manager or designee to: (a) Negotiate and execute an agreement with Brycer, LLC (Warrenville, IL) for fire code and administration services at no cost to the City for an initial one-year term beginning on the date of City's execution; (b) Negotiate and execute amendments and change orders as required for unanticipated changes in requirements; and (c) Exercise up to six additional one-year options to extend the term of the agreement. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

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2.13 (Cont'd.)

Action: **Resolution No. RES2023-349** was adopted, authorizing the City Manager or designee to: (a) Negotiate and execute an agreement with Brycer, LLC (Warrenville, IL); (b) negotiate and execute amendments and change orders as required for unanticipated changes in requirements; and (c) exercise up to six additional one-year options to extend the term of the agreement. (10-0-1. Absent: Foley.)

- 2.14 23-1320 Actions Related to the Purchase Order with JBT Aerotech Corporation for Festoon System Replacement for Jet Bridges.**
Adopt a resolution authorizing the City Manager or designee to: (a) Execute a purchase order with JBT AeroTech Corporation (Chicago, IL) for festoon system replacement for jet bridges, for a one-year term beginning on or about October 4, 2023, and ending on or about October 3, 2024 for a not-to-exceed amount of \$1,200,000; 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 October 3, 2030, subject to the appropriation of funds. CEQA: File No. ER22-279, Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497). (Finance)

Action: **Resolution No. RES2023-350** was adopted, authorizing the City Manager or designee to: (a) execute a purchase order with JBT AeroTech Corporation (Chicago, IL) 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 October 3, 2030. (10-0-1. Absent: Foley.)

- 2.15 23-1353 Mayor and Council Excused Absence Requests.**
Request for excused absences for Councilmember Foley from the Regular Meetings of Community and Economic Development Committee on September 25, 2023 and Transportation and Environment Committee on October 2, 2023 due to Jury Duty. 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 9/27/2023 – Item A.1.a]

Action: Request for excused absences for Councilmember Foley from the Regular Meetings of Community and Economic Development Committee on September 25, 2023 and Transportation and Environment Committee on October 2, 2023 due to Jury Duty were approved. (10-0-1. Absent: Foley.)

- 2.16 23-1357 Approval of Holiday Event Series Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event.**
As recommended by the Rules and Open Government Committee on September 27, 2023: (a) Approve the Holiday Event Series at Evans Lane Interim Housing scheduled on October 26, 2023, November 17, 2023, and December 14, 2023 as City Council sponsored Special Events and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis) [Rules Committee referral 9/27/2023 – Item B.2]

Action: The City Council sponsored Special Event Series was approved. (10-0-1. Absent: Foley.)

- 2.17 23-1361 Retroactive Approval and Approval of the following Various 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 September 27, 2023: (a) Retroactively approve the Creekside Neighborhood Association Dumpster Day scheduled on August 19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Town Hall with Congressman Panetta scheduled on August 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (c) Retroactively approve the Community Coffee with Supervisor Arenas scheduled on August 25, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (d) Retroactively approve the Music in the Square scheduled on September 1, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (e) Retroactively approve the Community Coffee with Assemblymember Kalra scheduled on September 23, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (f) Retroactively approve the Fire Safety Workshop at the Villages scheduled on September 28, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (g) Retroactively approve the Interfaith Breakfast scheduled on September 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (h) Approve the PAWS Vaccine Event scheduled on October 7, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and (i) 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 9/27/2023 – Item B.3]

Action: The City Council sponsored Special Events were retroactively approved and approved. (10-0-1. Absent: Foley.)

2.18 23-1364 Retroactive Approval of Fall Festival Sponsored by Council District 2 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 September 27, 2023: (a) Retroactively approve the District 2 Fall Festival scheduled on September 30, 2023, as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed \$50 for a free raffle; 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. (Jimenez) [Rules Committee referral 9/27/2023 – Item B.4]

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

The Council heard Item 8.2 after the Consent Calendar.

3. STRATEGIC SUPPORT

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

The City Manager reported that the city has unveiled a new, user-friendly job application system, The upgraded system, which went live the previous week, now offers jobseekers a more efficient experience throughout their application process. It seamlessly connects interested users to a wide range of positions across various departments, allowing applicants to apply from any device, receive job alerts, and auto-populate previously entered application information. The City Manager thanked staff and stakeholders in their work on this project.

3.2 Labor Negotiations Update.

None provided.

3.3 23-1321 Amendments to Title 4 of the San José Municipal Code Related to Procurement of Goods and Services.

Approve an ordinance amending Title 4 of the San José Municipal Code, Chapter 4.04 Contract Authority and adding to and amending Chapter 4.12 Procurements of Goods and Services as follows: (a) Amend Section 4.04.080(A) titled Quarterly Reports to increase the Minimum Contract Values for “Sunshine” Reports to the Informal Procurement Threshold, as defined in Section 4.12.028 of the San José Municipal Code; (b) Amend Section 4.04.085(B) titled Periodic Automatic Adjustments to Contract Authority Limitations and Related Figures to remove references where Section 4.04.085(B) is no longer applicable; (c) Add Section 4.12.018 titled Competitive Procurement Threshold to define the “Competitive Procurement Threshold” to be \$10,000.00, as automatically adjusted to remain aligned with the Federal Micro-Purchase Threshold as defined in 48 CFR §2.101; (d)

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3.3 (Cont'd.)

Add Section 4.12.028 titled Informal Procurement Threshold to define the “Informal Procurement Threshold” to be \$250,000.00, as automatically adjusted to remain aligned with the Federal Simplified Acquisition Threshold as defined in 48 CFR §2.101; (e) Amend Section 4.12.210(A) titled Selection of Procurement Method to align the upper limit of purchases that may be made without a competitive procurement to the Competitive Procurement Threshold; (f) Amend Section 4.12.210(B) titled Selection of Procurement Method to increase the lower and upper limits for using the request for quotes process to the Competitive Procurement Threshold and the Informal Procurement Threshold, respectively; (g) Amend Section 4.12.210(C, D) titled Selection of Procurement Method to increase the threshold for using the request for proposals and formal bid processes for services and goods, respectively, to those purchases estimated to exceed the Informal Procurement Threshold; (h) Amend Section 4.12.225(B)(3) titled Public Agencies Purchases to allow the City to leverage the results of other public entities’ solicitations which substantially comply with the City’s procurement procedures if the respective solicitation gives notice to the bidders that the procurement may be leveraged by other public agencies, which is satisfied if either the solicitation documents or the executed contract resulting from the procurement includes language allowing other entities to use said procurement, procedure, or contract; (i) Amend Section 4.12.350(B1, B2) titled Rejection of Responses to increase the threshold to the Informal Procurement Threshold for when the Procurement Authority may negotiate and execute contracts after all responses have been rejected; (j) Amend Section 4.12.415 titled Formal and Informal Protest Procedures to increase the threshold for using formal protest procedures to procurements having a value greater than the Informal Procurement Threshold; and (k) Amend Section 4.12.420 titled Notice of Decision to increase the threshold for sending a notice of intended award to procurements valued over the Informal Procurement Threshold. CEQA: Not a Project, File No. PP17-008, General procedure and Policy Making resulting in no changes to the physical environment. (Finance)

Public Comments: Paul Soto offered public comment.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan, and carried unanimously, **Ordinance No. 30955** was passed for publication. (9-0-2. Absent: Davis, Foley.)

- 3.4 23-1322 Report on Request for Bid for Citywide Desktops, Laptops, Tablets and Servers.**
Adopt a resolution authorizing the City Manager or designee to: (a) Execute Citywide purchase orders with CCT Technologies, Inc. dba ComputerLand of Silicon Valley (San José, CA) for desktops, laptops, Chromebook laptops, Apple MacBook Pro laptops, Apple iOS tablets, and servers and Bluum of Minnesota, LLC (St. Paul, MN) for rugged laptops for a combined maximum compensation of \$8,250,000 for the initial term beginning on or about October 10, 2023 and ending September 30, 2024, subject to the appropriation of funds; (b) Amend the Citywide purchase orders

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3.4 (Cont'd.)

with CCT Technologies, Inc. dba ComputerLand of Silicon Valley and Bluum of Minnesota, LLC, as required, including moving funds between them, to meet unanticipated changes in demand for desktops, laptops, tablets, and servers for a total combined contingency of \$850,000 during the initial term, subject to the appropriation of funds; (c) Exercise up to six one-year options to extend the terms of each of the purchase orders through September 30, 2030, subject to the appropriation of funds; and (d) Amend purchase order OP 62602 with Saitech, Inc. (Fremont, CA) for Android tablets to add four additional one-year options terms to extend the purchase order through September 30, 2030 after the remaining two original options are exhausted, 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)

Information Technology Department Deputy Director Ed Kim, Finance Director Rick Bruneau, and Finance Department Deputy Director for Purchasing Albie Udom responded to questions.

Public Comments: Paul Soto and Blair Beekman offered public comment.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember David Cohen, and carried unanimously, **Resolution No. RES2023-351** was adopted to:

- (a) Execute Citywide purchase orders with CCT Technologies, Inc. dba ComputerLand of Silicon Valley (San José, CA) for desktops, laptops, Chromebook laptops, Apple MacBook Pro laptops, Apple iOS tablets, and servers and Bluum of Minnesota, LLC (St. Paul, MN) for rugged laptops for a combined maximum compensation of \$8,250,000 for the initial term beginning on or about October 10, 2023 and ending September 30, 2024, subject to the appropriation of funds;
- (b) Amend the Citywide purchase orders with CCT Technologies, Inc. dba ComputerLand of Silicon Valley and Bluum of Minnesota, LLC, as required, including moving funds between them, to meet unanticipated changes in demand for desktops, laptops, tablets, and servers for a total combined contingency of \$850,000 during the initial term, subject to the appropriation of funds;
- (c) Exercise up to six one-year options to extend the terms of each of the purchase orders through September 30, 2030, subject to the appropriation of funds; and
- (d) Amend purchase order OP 62602 with Saitech, Inc. (Fremont, CA) for Android tablets to add four additional one-year options terms to extend the purchase order through September 30, 2030 after the remaining two original options are exhausted, subject to the appropriation of funds. (11-0.)

- 3.5 23-1332 **Resolution Affirming Support of the Transgender and Broader LGBTQ+ Communities. – DEFERRED.**
As recommended by the Rules and Open Government Committee on September 20, 2023, adopt a resolution affirming the City of San José’s support of the transgender and broader LGBTQ+ communities. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Foley and Torres) [Rules Committee referral 9/20/2023 – Item C.1] DEFERRED TO 10/17/2023

This item was deferred to the October 17, 2023 City Council meeting.

4. PUBLIC SAFETY SERVICES

- 4.1 23-1325 **Re-Arrest of High-Risk Individuals and Interagency Coordination on Pretrial Release Status Report.**
As recommended by the Public Safety, Finance, and Strategic Support Committee on June 15, 2023, accept the status report on the utilization of funds for re-arresting high-risk individuals and interagency coordination on pretrial release. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police) [Public Safety, Finance, and Strategic Support Committee referral 6/15/2023 – Item (d)3]

San José Police Department Captain Steven Donohue and Captain Brian Spears provided the presentation and responded to questions.

Public Comments: Paul Soto, Andrew Bigelow (Silicon Valley De-Bug), Charisse Domingo (Silicon Valley De-Bug), Blair Beekman, Liz Gonzalez (Silicon Valley De-Bug), Rosie Chavez (Silicon Valley De-Bug), Surinder, Raj Jayadev (Silicon Valley De-Bug), Raymond Goins (Silicon Valley De-Bug), and Brian Darby offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the September 29, 2023 joint memorandum co-authored by Mayor Mahan and Councilmembers Jimenez, Torres, and Foley was approved to:

- a) Accept the status report on the utilization of funds for re-arresting high-risk individuals and interagency coordination on pretrial release; and
- b) Direct the City Manager to set a joint meeting between the City’s Public Safety, Finance and Strategic Support (PSFSS) Committee and the County’s Public Safety and Justice Committee to provide updates and discuss programs and options – including alternatives to incarceration – to reduce recidivism amongst the highest utilizers of our legal systems. Key stakeholders to be engaged in the meeting and subsequent conversations shall be determined by City and County staff and will include but not be limited to: The Presiding Judge, the District Attorney’s Office, the Public Defender’s Office, the Probation Department, Pretrial Services, Public Health, Valley Medical Center’s Medical Intake Department, the Sheriff’s Office and Main Jail Staff, and the San Jose Police Department (SJPD). (11-0.)

- 4.2 23-1386 **Community Outreach on Operational Plans for Large Crowd Events. – DEFERRED.**
Accept the San José Police Department’s plan for community outreach regarding its operational plans for planned and unplanned large crowd events that include possible traffic diversions and street closures. CEQA: Not a Project, File No. PP17-009, Staff reports, assessments, annual reports, and informational memos that involve no approvals of any City action. (Police) [Deferred from 9/19/2023 – Item 4.3 (23-1245)] DEFERRED TO 10/17/2023 PER ADMINISTRATION

This item was deferred to the October 17, 2023 City Council meeting.

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 23-1326 **Ordinance Amending Titles 2, 4, and 26 and Adding Title 28 to the San José Municipal Code to Establish a Municipal Utility for Electric Service.**
(10) Approve an ordinance amending Titles 2, 4, and 26 of, and adding Title 28 to the San José Municipal Code to establish a municipal utility called “San José Power” with the ability to provide retail electric service in selected areas of the city. (b) Authorize the City Manager to submit an Interconnection Application(s) to LS Power as a Participating Transmission Owner of the California Independent System Operator for wholesale access to the California Independent System Operator Transmission grid at new LS Power- owned facilities to potentially allow retail service at Substation B at Guadalupe Parkway and Coleman Avenue to serve new load in a swath of territory along the rail right of way between Diridon Station and the San José Mineta International Airport; and in north San José Alviso region to serve load for planned development and future City or Valley Water facilities. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy) [Deferred from 8/15/2023 – Item 6.1 (23-1032)]

Deputy City Manager Kip Harkness, Economic Development and Cultural Affairs Director Nanci Klein, Community Energy Director Lori Mitchel, and Community Energy’s Energy Resiliency Advisor Jim Caldwell provided the presentation and responded to questions with City Attorney Nora Frimann.

Public Comments: Tim McRae (Silicon Valley Leadership Group), Teresa Alvarado (PG&E), Hunter Stern (IBEW Local 1245), Will Smith (IBEW Local 332), Donny Davis (IBEW Local 1245), Ruth Merino (San José Community Energy Advocates, Climate Reality Project Silicon Valley, Mothers Out Front), Jordan Moldow, Josh Rodriguez (South Bay Labor Council), Javier M. Casillas (IBEW Local 332), Brian Darby, Paul Soto, and Blair Beekman offered public comments.

Councilmember Dev Davis asked City Attorney Nora Frimann whether the items in Item 3 are able to be approved as they are not agendized for discussion.

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6.1 (Cont'd.)

City Attorney Nora Frimann responded that the sub-parts of item 3 were outside the scope of what was noticed in the agenda, although they are a part of the discussion going forward.

Motion: Councilmember Davis then moved to approve staff recommendations; the August 11, 2023 memorandum authored by Councilmember Cohen and Davis; the October 2, 2023 memorandum authored by Mayor Mahan; and the October 3, 2023 memorandum authored by Councilmember Ortiz with amendments to Item 3, removing items 3.b – 3.e and amending the language of 3 and 3.a to read as follows:

3. Direct staff to meet with stakeholders from International Brotherhood of Electrical Workers Locals 332 and 1245 and Working Partnerships USA, to develop a plan on labor standards ensuring the City of San José's work on ~~clean energy, building electrification and electrical transmission~~ **a municipal utility that** promotes high road labor practices within the city, its contractors, and partners. Staff should return to Council by 2025 or sooner with a plan that includes the following:
 - a. ~~Standards express our intention that ensure the city would meet or exceed~~ **meets or exceeds** employment standards for workers within PG&E as noted in the September 28, 2023, supplemental memo if the city chooses to create and operate a municipal utility.

Friendly Amendment: Councilmember Batra requested staff to return with an impact study on service reliability and service outages for commercial and residential areas which will continue to be served by PG&E infrastructure. Councilmember Davis and Cohen approved this amendment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen, and carried unanimously; the following memorandums with their amendments were approved as written below:

Staff Recommendations:

- a. **Ordinance No. 30956** was passed for publication, amending Titles 2, 4, and 26 of, and adding Title 28 to the San José Municipal Code to establish a municipal utility called "San José Power" with the ability to provide retail electric service in selected areas of the city.
- b. Authorize the City Manager to submit an Interconnection Application(s) to LS Power as a Participating Transmission Owner of the California Independent System Operator for wholesale access to the California Independent System Operator Transmission grid at new LS Power- owned facilities to potentially allow retail service at Substation B at Guadalupe Parkway and Coleman Avenue to serve new load in a swath of territory along the rail right of way between Diridon Station and the San José Mineta International Airport; and in North San José Alviso region to serve load for planned development and future City or Valley Water facilities.

August 11, 2023 memorandum authored by Councilmember Cohen and Davis:

Accept the staff recommendation with the additional direction:

- a. Direct staff to actively work collaboratively with the International Brotherhood of Electrical Workers Local Union 1245 (IBEW 1245), International Brotherhood of Electrical Workers Local Union 332 (IBEW 332), and Pacific Gas and Electric Company (PG&E) regarding the potential creation of the municipal electric company, San José Power, and proceeding with the interconnection application.
- b. Direct staff to return to City Council for any future decision points related to the proceeding of San José Power and provide regular updates, at minimum annually, to the Transportation and Environment committee regarding all progress.

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6.1 (Cont'd.)

October 2, 2023 memorandum authored by Mayor Mahan
Approve the staff recommendation.

2. Direct the City Manager to bring back the following when returning to council with their analysis of a potential municipalized utility:
 - b. Study whether a municipal utility could provide greater speed, certainty, and transparency around timelines for energizing buildings.
 - c. Study the economic impact with a side-by-side cost benefit analysis for both business and residential customers.
 - d. Study the risks and other challenges of operating a municipal utility, including economies of scale compared to PG&E.

October 3, 2023 memorandum authored by Councilmember Ortiz with amendments made to Item 3 as written below:

1. Approve Councilmember Cohen and Davis's memorandum.
2. Direct staff to actively work collaboratively with South Bay Labor Council and The Santa Clara and San Benito Counties Building and Construction Trades Council.
3. Direct staff to meet with stakeholders from International Brotherhood of Electrical Workers Locals 332 and 1245 and Working Partnerships USA, to develop a plan on labor standards ensuring the City of San José's work on a municipal utility that promotes high road labor practices within the city, its contractors, and partners. Staff should return to Council by 2025 or sooner with a plan that includes the following:
 - a. Express our intention that the city would meet or exceed employment standards for workers within PG&E as noted in the September 28, 2023, supplemental memo if the city chooses to create and operate a municipal utility.
4. Direct staff to continue to analyze the financial risks to the City's General Fund from future proposed power generation and distribution services and to return to the Transportation and Environment with a plan for reporting on a quarterly basis, or as otherwise directed by the Committee, on the current finances and projected financial outlook of current or proposed service in power generation and distribution.

The final motion included additional direction to staff to return with an impact study on service reliability and service outages for commercial and residential areas which will continue to be served by PG&E infrastructure (11-0.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 23-1327 Resolution of Intention to Establish a Pedestrian Mall on North San Pedro Street.**
Adopt a Resolution of Intention to establish a pedestrian mall on North San Pedro Street between West Santa Clara Street and West St. John Street pursuant to the Pedestrian Mall Law of 1960. (b) Set a public hearing for Tuesday, January 23, 2024, at 1:30 p.m. in accordance with the Pedestrian Mall Law of 1960. CEQA: File No. ER23-200, Categorically Exempt, CEQA Guidelines Section 15301(c) Existing Facilities and Section 15304(e)(f) Minor Alterations to Land. Council District 3. (Economic Development and Cultural Affairs)

Economic Development and Cultural Affairs Deputy Director Blage Zelalich and Senior Deputy City Attorney provided the presentation and responded to questions.

Public Comments: Nate LeBlanc (San José Downtown Association), Paul Soto, Brian Darby, Blair Beekman, and Jordan Moldow offered public comments.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Dev Davis, and carried unanimously, (a) Resolution of Intention **Resolution No. RES2023-352** was adopted, to establish a pedestrian mall on North San Pedro Street between West Santa Clara Street and West St. John Street pursuant to the Pedestrian Mall Law of 1960 and (b) a public hearing was set for Tuesday, January 23, 2024, at 1:30 p.m. in accordance with the Pedestrian Mall Law of 1960. (11-0.)

- 8.2 23-1328 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and the Loan of the Proceeds Thereof for the Financing of the Parkmoor Community Apartments and Approving Related Documents. – TO BE HEARD IMMEDIATELY AFTER CONSENT.**
Adopt a resolution: (a) Authorizing the issuance of a: (1) tax-exempt multifamily housing revenue bond to be designated as “City of San José Multifamily Housing Mortgage-Backed Bonds (Parkmoor), Series 2023F-1 (M-TEMS) (FN)” and (2) cash collateralized multifamily housing revenue bond to be designated as “City of San José Multifamily Housing Revenue Bonds (Parkmoor), Series 2023F-2 (Cash Collateralized)”, collectively referred to as the “2023F Bonds”, in an aggregate principal amount not to exceed \$39,807,713; (b) Approving the loan of 2023F Bonds proceeds to Allied 1510 Parkmoor, L.P., a California limited partnership, to finance the construction and development of an 81-unit multifamily development known as Parkmoor Community Apartments located at 1510 Parkmoor Avenue in San José; (c) Approving in substantially final form the Trust Indenture, the Financing Agreement, the regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement, and the Preliminary Official Statement; collectively referred to as 2023F Bonds Documents; and (d) Authorizing and directing the City Manager, Director of Housing, Acting Director of Housing, Assistant Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director of Finance –

(Item continued on next page)

8.2 (Cont'd.)

Debt & Treasury Management or their designees, to execute, as appropriate, negotiate, and deliver the 2023F Bonds Documents together with any documents ancillary to the 2023F Bonds Documents or necessary or convenient for issuance, and sale of the 2023F Bonds and loan of the proceeds thereof. CEQA: Exempt, File No. ER20-109, 1510-1540 Parkmoor Avenue, Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4. Council District 6. (Housing/Finance) TO BE HEARD IMMEDIATELY AFTER CONSENT

The Council heard 8.2 after the Consent Calendar and then resumed to Item 3.1.

Deputy City Manager and Acting Housing Director Rosalynn Hughey, Housing Department Division Manager Kemit Mawakana, Housing Department Policy Planning Administrator Banu San, Finance Department Deputy Director Qianyu Sun, and Assistant Housing Director Rachel VanderVeen provided the presentation and responded to questions.

Public Comments: Paul Soto and Rocio Molina (Catalyze SV) offered public comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, staff recommendations were approved to adopt **Resolution No. RES2023-353:**

- (a) Authorizing the issuance of a:
- (1) tax-exempt multifamily housing revenue bond to be designated as “City of San José Multifamily Housing Mortgage-Backed Bonds (Parkmoor), Series 2023F-1 (M-TEMS) (FN)” and
 - (2) cash collateralized multifamily housing revenue bond to be designated as “City of San José Multifamily Housing Revenue Bonds (Parkmoor), Series 2023F-2 (Cash Collateralized)”, collectively referred to as the “2023F Bonds”, in an aggregate principal amount not to exceed \$39,807,713;
- (b) Approving the loan of 2023F Bonds proceeds to Allied 1510 Parkmoor, L.P., a California limited partnership, to finance the construction and development of an 81-unit multifamily development known as Parkmoor Community Apartments located at 1510 Parkmoor Avenue in San José;
- (c) Approving in substantially final form the Trust Indenture, the Financing Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement, and the Preliminary Official Statement; collectively referred to as 2023F Bonds Documents; and
- (d) Authorizing and directing the City Manager, Director of Housing, Acting Director of Housing, Assistant Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director of Finance – Debt & Treasury Management or their designees, to execute, as appropriate, negotiate, and deliver the 2023F Bonds Documents together with any documents ancillary to the 2023F Bonds Documents or necessary or convenient for issuance, and sale of the 2023F Bonds and loan of the proceeds thereof. (10-0-1. Absent: Foley.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

None provided.

10 Land Use – Regular Agenda

• Open Forum

1. Brian Darby spoke on hate and the capabilities of humans.
2. Blair Beekman spoke on Diane Feinstein's political career
3. Jordan Moldow spoke on accessibility in regards to remote public comments and the meeting agenda.
4. Gail Anne Osmer spoke on safety for the unhoused community at Kruse Drive.
5. Andrew Zarro spoke on freedom of speech.

• Adjournment

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

Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner
Deputy City Clerk

Number of actions: 7

SAN JOSÉ CITY COUNCIL CLOSED SESSION

OCTOBER 3, 2023

The Council of the City of San José convened into Closed Session at 9:33 a.m.

This meeting was held in City Hall Conference room W-133

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

Absent: Councilmembers - All Present.

Closed Session Item(s) discussed:

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

1. Case Name: Renee Soliman v. City of San José, et. al.
Name(s) of Partie(s) RENEE SOLIMAN, CITY OF SAN JOSÉ, DOMINIC OWEN,
Involved: LEO CACITTI, RAY RUSSO
Court: Santa Clara County Superior Court
Case No: 22CV403902
Amount of Money or Damages according to proof
Other Relief Sought:

2. Case Name: Cleber Giassi Ribeiro v. City of San José
Name(s) of Partie(s) CLEBER GIASSI RIBEIRO, ZACHARY COLE BUNCE,
Involved: CITY OF SAN JOSÉ
Court: Santa Clara County Superior Court
Case No: 21CV384438
Amount of Money or Damages according to proof
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: 1

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 1:33 p.m. in the Council Chamber.