



City Council Meeting Minutes

Tuesday, October 29, 2024

1:30 PM

Council Chambers

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

- **Call to Order and Roll Call**

9:04 a.m.- Closed Session. *See pages 11-12 for Closed Session Minutes.*

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

Absent Councilmembers: Batra, Jimenez, Torres, Kamei.

1:34 p.m.- Regular Session.

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

Absent Councilmembers: Torres.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 9)**

Councilmember Pam Foley offered the invocation and introduced the District 9 Stars who have provided guidance and engagement to their local community through volunteerism and environmental education.

- **Orders of the Day**

Mayor Matt Mahan requested that Council vote to add Item 5.1(b) to item 5.1 on the October 29, 2024 City Council agenda for consideration; 5.1(b): *Adopt a resolution authorizing the City Manager or her designee to award, negotiate, and execute an agreement for speed safety camera systems to be deployed citywide to a responsive, responsible bidder in an amount not to exceed \$16,000,000, subject to the appropriation of funds*, which requires a determination by a two-thirds (2/3) vote of the members of the Council present at the meeting.

Public Comment: None

Action to add Item 5.1(b): Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, item 5.1(b) was added to the agenda. (10-0-1; Absent: Torres)

- **Adjournment Recognition**

None provided.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Arjun Batra presented the proclamation declaring October 2024 as Domestic Violence Awareness Month in the City of San José to raise awareness of the impact of domestic violence, empower survivors, and foster a collective commitment to preventing and addressing domestic violence in all its forms.

1.2 Councilmember Domingo Candelas presented a proclamation declaring October 31, 2024 as a celebration of Diwali, the Festival of Lights, recognizing its message of tolerance, compassion, and fostering an atmosphere of harmony and inclusiveness in the City of San José.

1.3 Mayor Matt Mahan and Councilmember Peter Ortiz presented a proclamation recognizing October 2024 as Digital Inclusion Month to highlight the many programs and support services offered to City residents, connecting people to affordable devices, internet service, digital skills training, and more, and recognizing that the San José Public Library as the only public library in the nation to build on Digital Inclusion Week for a month-long celebration.

2. CONSENT CALENDAR

Public Comment: Maia Harris provided public comment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Consent Calendar was approved *as a whole*, the below actions were taken as indicated. (10-0-1; Absent: Torres)

Councilmember Pam Foley and Councilmember Bien Doan pulled item 2.8 for comment.

Matt Loesch, Director, Public Works, responded to questions regarding item 2.8.

Councilmember Domingo Candelas pulled item 2.9 for comment.

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

- (a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 23, 2023.
- (b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 30, 2023.

- (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of September 6, 2023.
- (d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of September 13, 2023.
- (e) Regular Joint Meeting for the Rules and Open Government Committee Minutes of September 20, 2023.
- (f) Regular Joint Meeting for the Rules and Open Government Committee Minutes of September 27, 2023.
- (g) Regular Community and Economic Development Committee Minutes of August 28, 2023.
- (h) Regular Community and Economic Development Committee Minutes of September 25, 2023.
- (i) Regular Neighborhood Services and Education Committee Minutes of September 14, 2023.
- (j) Regular Public Safety, Finance and Strategic Support Committee Minutes of September 21, 2023. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (10-0-1; Absent: Torres)

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 Resolution to Define the Terms and Conditions Requiring Allowable Fire Department Personnel Hours to be Reassigned to Mutual Aid Events.

Adopt a resolution identifying the terms and conditions that require allowable Fire Department personnel hours for portal-to-portal coverage to be reassigned to mutual aid events for the purpose of receiving reimbursement from the State of California and/or federal agencies. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Fire)

Action: **Resolution No. RES2024-377** was adopted, defining the terms and conditions requiring allowable Fire Department personnel hours to be reassigned to Mutual Aid events. (10-0-1; Absent: Torres)

2.8 Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for the Japanese Friendship Garden Koi Pond Pump House Project.

Approve the third amendment to the agreement for consultant services with Sherwood Design Engineers Ltd. to extend the term of the agreement from October 31, 2024 to December 31, 2027, with no change in maximum compensation, for design and

construction support on the Japanese Friendship Garden Koi Pond Pump House Project.
CEQA: Categorically Exempt, File No. PP18-003. CEQA Guidelines Section 15269. Emergency Projects. Council District 7. (Public Works)

Action: The third amendment to the agreement for consultant services with Sherwood Design Engineers Ltd. was approved. (10-0-1; Absent: Torres)

2.9 Amended Freeway Maintenance Agreement with Caltrans for the I-280 Soundwall Project.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the amended Interstate 680 Soundwall Project Maintenance Agreement between the State of California, Department of Transportation and the City of San José to incorporate the Interstate 280 Soundwall Project.
CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. Council District 6. (Transportation)

Action: **Resolution No. RES2024-378** was adopted, authorizing the City Manager or her designee to negotiate and execute the amended Interstate 680 Soundwall Project Maintenance Agreement. (10-0-1; Absent: Torres)

2.10 Design Consultant Contract with Kimley-Horn and Associates, Inc. for the Race Street/Parkmoor Avenue Safety Improvement Project.

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

(a) Negotiate and execute the Standard Consultant Agreement with Kimley-Horn and Associates, Inc. for the Race Street and Parkmoor Avenue Safety Improvement Project, for an amount not to exceed \$648,000; and (b) Negotiate and execute amendments, as required, to extend the contract term up to an additional one year.

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

Action: **Resolution No. RES2024-379** was adopted, authorizing the City Manager or her designee to: (a) Negotiate and execute the Standard Consultant Agreement with Kimley-Horn and Associates, Inc., and (b) Negotiate and execute amendments, as required, to extend the contract term up to an additional one year. (10-0-1; Absent: Torres)

2.11 Amendment to the Parking Agreement with SJ North 1st LLC.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a first amendment to the parking agreement with SJ North 1st LLC to retroactively extend the term length from September 30, 2024 to June 30, 2029.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Transportation)

Action: **Resolution No. RES2024-380** was adopted, authorizing the City Manager or her designee to negotiate and execute a first amendment to the parking agreement with SJ North 1st LLC.

(10-0-1; Absent: Torres)

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 Adoption of Statement of Policy and City Council Questions for the Prospective Director of Human Resources.

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Human Resources as described in the staff memorandum, in compliance with City Charter Section 411.1.

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

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Sergio Jimenez, and carried unanimously, a Statement of Policy and City Council Questions related to the selection of a prospective Director of Human Resources was adopted. (10-0-1; Absent: Torres)

4. PUBLIC SAFETY SERVICES

No items provided.

5. TRANSPORTATION & AVIATION SERVICES

5.1 Speed Safety System Use Policy and Speed Safety System Pilot Impact Report Adoption.

(a) Adopt the Speed Safety System Pilot Use Policy and the Speed Safety System Impact Report in accordance with requirements set forth in Assembly Bill 645.

(b) Adopt a resolution authorizing the City Manager or her designee to award, negotiate, and execute an agreement for speed safety camera systems to be deployed citywide to a responsive, responsible bidder in an amount not to exceed \$16,000,000, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline
Section 15301 Existing Facilities. (Transportation)

John Ristow, Director, Department of Transportation; Lam Cruz, Division Manager, Department of Transportation; and Heather Hoshii, Deputy Director, Department of Transportation, offered the presentation and responded to questions.

Public Comment: Kathleen offered public comment.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, (a) the Speed Safety System Pilot Use Policy and the Speed Safety System Impact Report was adopted, and (b) **Resolution RES2024-381** was adopted, authorizing the City Manager or her designee to award, negotiate, and execute an agreement for speed safety camera systems to be deployed citywide to a responsive, responsible bidder in an amount not to exceed \$16,000,000, subject to the appropriation of funds. (10-0-1; Absent: Torres)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 Climate Smart San José Plan Semi-Annual Update.

As recommended by the Transportation and Environment Committee on October 7, 2024, accept the semi-annual report on the Climate Smart San José plan from March through August 2024.

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 - 10/7/2024 – Item (d)1]

Julie Benabente, Deputy Director, Environmental Services Department; Kate Ziemba, Senior Environment Program Manager, Community Energy Department; and Ramses Madou, Division Manager, Department of Transportation Planning and Policy, offered the presentation and responded to questions.

Public Comment: Dashiell Leeds offered public comment.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Kamei, and carried unanimously, the semi-annual report on the Climate Smart San José plan from March through August 2024 was accepted. (10-0-1; Absent: Torres)

7. NEIGHBORHOOD SERVICES

7.1 BeautifySJ Neighborhood Blight Reduction Status Report.

As recommended by the Neighborhood Services and Education Committee on October 10, 2024, accept the BeautifySJ Neighborhood Blight Reduction Status Report for Fiscal Year 2023-2024.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral - 10/10/2024 - Item (d)2]

Andrea Flores Shelton, Assistant Director, Parks, Recreation, and Neighborhood Services; Olympia Williams, Parks, Recreation, and Neighborhood Services; Angel Rios, Deputy City Manager, City Manager's Office; and Aurelia Bailey, Assistant to the City Manager, City Manager's Office, offered the presentation and responded to questions.

Public Comment: Ken Brennan offered public comment.

Chris Burton, Director, Planning, Building and Code Enforcement, responded to questions from Council.

Paul Joseph, Police Chief, San José Police Department, responded to questions from Council.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Sergio Jimenez, and carried unanimously, the BeautifySJ Neighborhood Blight Reduction Status Report for Fiscal Year 2023-2024 was accepted.

Including the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Cohen and Councilmember Candelas, dated October 29, 2024 recommending the following:

1. Accept the BeautifySJ Neighborhood Blight Reduction Status Report for 2023-2024.
2. Direct staff to produce an Information Memo by February 2025 with an assessment of opportunities to enhance illegal dumping and graffiti enforcement and deterrence measures. The assessment should include a progress update on prior Council and Budget direction and other recommendations to curtail blight, such as:
 - a. Coordinating illegal dumping and graffiti sting operations with the San José Police Department (SJPd)
 - b. Determining the feasibility of expanding camera coverage across the city by integrating the Automatic License Plate Reader (ALPR) system
 - c. Adding cash incentives to the P3 Mobile Crime Stoppers Unit for tips that lead to the citation or arrest of prolific taggers and illegal dumpers
 - d. Coordinating with Caltrans to:
 - i. Install hoods and shields to keep taggers from accessing freeway signs
 - ii. Deploy cameras and sensors in hotspot areas to alert CHP or SJPd depending on jurisdiction, to potential vandalism
 - e. Installing physical deterrents and cameras in more illegal dumping hot spots and deploying staff resources to review camera footage. (10-0-1; Absent: Torres)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Establishment of the Monterey Corridor Business Improvement District.

Receive a report and accept public comment on the establishment of the Monterey Corridor Business Improvement District.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 7. (Economic Development and Cultural Affairs)

Public Comment: None provided.

Action: Upon motion by Councilmember Doan, seconded by Vice Mayor Kamei, and carried unanimously, a report and public comment were accepted on the establishment of the Monterey Corridor Business Improvement District. (10-0-1; Absent: Torres)

9. REDEVELOPMENT – SUCCESSOR AGENCY

No items provided.

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

None provided.

- **Adjournment**

The Council of the City of San José adjourned the meeting at 4:39 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar,
Deputy City Clerk City of San José

Approved at Council on:
of Actions: 7

Attest By:

Toni Taber, MMC
City Clerk, City of San José

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

October 29, 2024

Place: City Hall Conference Room W-133

Time: **9:00 a.m.**

Item(s) to be discussed:

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230** (IAFF#230)
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>
Telephone – Employee Relations: (408) 535-8150

B. CONFERENCE WITH REAL PROPERTY DESIGNATED REPRESENTATIVES PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

1. Property Street Address, Parcel Number, or Other Unique Reference of Property: SAP Center, 525 W. Santa Clara St., San José, California.
Negotiating Parties: Leland Wilcox and Nanci Klein for the City of San José; Jonathan Becher for Sharks Sports and Entertainment.
Under Negotiation: The direction will concern price and terms of

payment.

Likely Range of Value of Property:	Negotiated price based use of the property, expected improvements to the facility, and comparable rental values
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C 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

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

Department or Agency:	City Clerk
Title:	City Clerk

Department or Agency:	City Auditor
Title:	City Auditor