



CITY COUNCIL MEETING MINUTES

**Tuesday, June 4, 2024
1:30 PM**

**LOCATION:
Council Chambers - 200 E. Santa Clara Street**

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

- **Call to Order and Roll Call**

9:34 a.m.- Closed Session. *See Pages 34-39 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Cohen, Foley, Torres (9:44 a.m.),
Jimenez, Ortiz, Candelas, Doan, Batra.

Absent Councilmembers: Davis.

1:34 p.m. - Regular Session.

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

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 6)**

Gabrielle Antolovich, from the Billy DeFrank LGBTQ+ Community Center offered the invocation.

- **Orders of the Day**

None provided.

- **Closed Session Report**

None provided.

1. **CEREMONIAL ITEMS**

- 1.1 Councilmember Peter Ortiz presented the commendation to Mimi Hernandez for her service to business owners and underserved communities in San José as Executive Director of Prosperity Lab.
- 1.2 Councilmember Omar Torres presented the commendation to Yu-Ai Kai Japanese-American Community Senior Center for their 50th year anniversary and 50 years of unrivaled services empowering seniors and their families in the City of San José.
- 1.3 Councilmember Pam Foley, Councilmember Dev Davis, and Councilmember Omar Torres presented the proclamation declaring June 2024 as Pride Month to recognize the City of San José's vibrant and diverse LGBTQ+ community.

2. CONSENT CALENDAR

Councilmember David Cohen pulled Item 2.33 for further discussion and requested that the vote and public comment for the item be taken *separately*.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved, *excluding Item 2.33*, the below actions were taken as indicated. (11-0-0)

2.1 **Approval of City Council Minutes.**

None provided.

2.2 **Final Adoption of Ordinances.**

(a) Ordinance No. 31076 - An Ordinance of the City of San José Amending Chapter 2.04 of Title 2 of the San José Municipal Code to Add a New Part 43 Establishing the Office of Racial and Social Equity.

[Passed for Publication on 5/14/2024 - Item 3.5(a) (24-88307)]

(b) Ordinance No. 31078 - An Ordinance of the City of San José Amending Chapter 8.08 of Title 8 of the San José Municipal Code to Clarify Roles and Responsibilities, Define Key Terminology, and Add Continuity of Government as a New Component of the Ordinance.

[Passed for Publication on 5/21/2024 - Item 3.4 (24-90592)]

(c) Ordinance No. 31079 - An Ordinance of the City of San José Amending Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code, Section 20.40.520 of Chapter 20.40 of Title 20 of the San José Municipal Code, Section 20.50.210 of Chapter 20.50 of Title 20 of the San José Municipal Code, Section 20.55.201 of Chapter 20.55 of Title 20 of the San José Municipal Code, Section 20.75.320 of Chapter 20.75 of Title 20 of the San José Municipal Code, and Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code Related to Outdoor Dining or Other Outdoor Uses Associated with an On-Site Business.

[Passed for Publication on 5/21/2024 - Item 10.1(a) (24-90596)]

(d) Ordinance No. 31080 - An Ordinance of the City of San José Rezoning 212 Properties from R-M Multi-Family Residential Zoning District to UR Urban Residential Zoning District, 73 Properties from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, 57 Properties from R-1-8 Single-Family Residential Zoning District to Public/Quasi-Public Zoning District, 39 Properties from R-1-8 Single-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, 20 Properties from R-M Multi-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 17 Properties from R-2 Two Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 16 Properties From A Agriculture Zoning District to OS Open Space Zoning District, 12 Properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residential Zoning District, Eight Properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District, Six Properties from R-1-5 Single-Family Residential Zoning District to Public/Quasi-Public Zoning District, Five Properties from R-1-1 Single-Family Zoning District to Public/Quasi-Public Zoning District, Four Properties from CN

Commercial Neighborhood Zoning District to OS Open Space Zoning District, Four Properties from CO Commercial Office Zoning District to OS Open Space Zoning District, Three Properties from CG Commercial General Zoning District to OS Open Space Zoning District, Three Properties from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, Three Properties from R-1-5 Single-Family Residential Zoning District to OS Open Space Zoning District, Three Properties from A Agriculture Zoning District to Public/Quasi-Public Zoning Districts, Three Properties from CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, Two Properties from R-1-8 Single-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, Two Properties from CP Commercial Pedestrian District to PQP Public/Quasi-Public Zoning District, One Property from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, One Property from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, One Property from R-M Multi-Family Residential Zoning District to CP Commercial Pedestrian District, One Property from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, One Property from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, One Property from R-M Multi-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, One Property from A Agriculture Zoning District to Mun Mixed Use Neighborhood Zoning District, One Property from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, One Property from HI Heavy Industrial Zoning District to OS Open Space Zoning District, One Property from LI Light Industrial Zoning District to OS Open Space Zoning District, One Property from R-1-2 Single-Family Residential Zoning District to OS Open Space Zoning District, One Property from R-2 Two Family Residential Zoning District to OS Open Space Zoning District, One Property from CN Commercial Neighborhood Zoning District to PQP Public/Quasi-Public Zoning District, One Property from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District, One Property from R-2 Two Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, One Property from R-2 Two Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, One Property from R-M Multi-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, One Property from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, and One Property from R-1-8 Single-Family Residential Zoning District to CIC Combined Industrial/Commercial Zoning District, All Located on those Certain Real Properties Situated within the City of San José.
[Passed for Publication on 5/21/2024- Item 10.1(b) (24-90597)]

Action: **Ordinance No. 31076**, an Ordinance of the City of San José Amending Chapter 2.04 of Title 2 of the San José Municipal Code to Add a New Part 43 Establishing the Office of Racial and Social Equity; **Ordinance No. 31078**, an Ordinance of the City of San José Amending Chapter 8.08 of Title 8 of the San José Municipal Code; **Ordinance No. 31079**, an Ordinance of the City of San José Amending Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code; and **Ordinance No. 31080**, an Ordinance of the City of San José Rezoning 212 Properties from R-M Multi-Family Residential Zoning District to UR Urban Residential Zoning District, were adopted. (11-0-0)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for:

- (a) Councilmember Torres from the Regular Meeting of City Council on April 30, 2024 due to illness.
- (b) Councilmember Foley from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on May 29, 2024 due to authorized City business (Sister Cities International All American Summit).
- (c) CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Torres and Foley)

Action: The request for an excused absence for Councilmember Torres from the City Council Meeting on April 30, 2024, and Councilmember Foley from the Rules and Open Government Committee and Committee of the Whole on May 29, 2024 were excused. (11-0-0)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Establish a Temporary Hiring Incentive Program for Associate Engineers and Senior Engineers in the Planning Building and Code Enforcement Department.

Adopt a resolution establishing a hiring incentive program for eligible new hires in the Associate Engineer and Senior Engineer classifications in the Planning, Building and Code Enforcement Department who are hired after February 12, 2024 through December 31, 2024.

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. RES2024- 162** was adopted, regarding the hiring incentive program for eligible new hires in the Associate Engineer and Senior Engineer classifications in the Planning, Building and Code Enforcement Department. (11-0-0)

2.8 California Community Choice Association 2024-2025 Membership.

Adopt a resolution authorizing the Director of the Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2024-2025 at a cost not to exceed \$600,000.

CEQA: Not a Project, File No. PP17-004, Government RES. NO. RES2024- Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Energy)

Action: **Resolution No. RES2024-163** was adopted, regarding the City's annual membership with the California Community Choice Association for fiscal year 2024-2025. (11-0-0)

2.9 Master Consultant Agreement with Arup US, Inc. for Consultant Services to Procure, Negotiate, and Monitor a Public-Private Partnership Biosolids Facility Agreement.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a master consultant agreement with Arup US, Inc. for consultant services to procure, negotiate and monitor a public-private partnership for the development of a biosolids processing facility at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2026, with options to extend through June 30, 2033, in a total amount not to exceed \$1,000,000, subject to the appropriation of funds.

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

Action: **Resolution No. RES2024-164** was adopted, regarding the master consultant agreement with Arup US, Inc. was adopted. (11-0-0)

2.10 First Amendment to the Master Consultant Agreement with Black & Veatch for Engineering Services for the Yard Piping Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

Approve the First Amendment to the Master Consultant Agreement with Black & Veatch for engineering services for the Yard Piping Improvements project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$2,500,000, for a total agreement amount not to exceed \$12,250,000; and extending the term of the agreement from June 30, 2026 to December 31, 2027.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan (RES. NO. RES2024- No. 76858) for the Yard Piping and Road Improvements Project, File No. PP19-063. (Environmental Services)

Action: The First Amendment to the Master Consultant Agreement with Black & Veatch for engineering services for the Yard Piping Improvements project at the San José-Santa Clara Regional Wastewater Facility was approved. (11-0-0)

2.11 Non-profit Charitable Reuser Agreements.

Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, each with a term from July 1, 2024, through June 30, 2025.

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

Action: The charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, were approved. (11-0-0)

2.12 San José Building Reach Code Administrative Update for Accessory Dwelling Units.

(a) Make findings related to the local geographical, topographical, climatic conditions and cost effectiveness, which are necessary to make modifications to the State of California's Building Energy Efficiency Standards.

(b) Approve an ordinance amending Section 24.12.600 of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code to modify provisions of the 2022 California Building Energy Efficiency Standards to reduce certain City-imposed requirements for accessory dwelling units (as well as other single-family residential construction under 1,200 square feet).

(c) Authorize the City Manager or her designee to submit a reach code submittal package to the California Energy Commission for its approval as required by law.

CEQA: Categorically Exempt, File No. ER23-175, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment (Environmental Services/Planning, Building, and Code Enforcement)

Action: (a) Findings were made related to the local geographical, topographical, climatic conditions and cost effectiveness, Efficiency Standards; (b) **Ordinance No. 31081** was *passed for publication*, regarding the amendment of Section 24.12.600 of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code; and (c) the City Manager was authorized to submit a reach code submittal package to the California Energy Commission for its approval as required by law. (11-0-0)

2.13 Amendments to the San José Municipal Code, Council Policy 6-29, 6-35, 6-36, and 6-37, and Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements.

(a) Approve an ordinance amending Section 5.09.500 of Chapter 5.09 of Title 5; amending Chapter 15.14 of Title 15 to add Sections 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, and 15.14.773; amending Section 20.95.020 of Chapter 20.95 and Section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code related to compliance with the Municipal Regional Stormwater Permit.

(b) Adopt a resolution amending Council Policy No. 6-29, Post Construction Urban Runoff Management;

(c) Adopt a resolution establishing a new Council Policy No. 6-35, Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices.

(d) Adopt a resolution establishing a new Council Policy 6-36, Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices.

(e) Adopt a resolution establishing a new Council Policy No. 6-37, Projects Disturbing Less than One Acre: Best Management Practices.

(f) Adopt a resolution amending the Administrative Citation Schedule of Fines to update fines for violations of San José Municipal Code Chapter 15.14, Sections 15.14.771 and 15.14.772 to create a new fine for violations pertaining to Council Policy 6-36; Section 15.14.773 to create a new fine for violations pertaining to Council Policy 6-35; Section 15.14.770 to update the fine for violations pertaining to best management practices as applied to stormwater control; and repealing RES. NO. RES2024- No. RES. NO. RES2024-2024-24.

CEQA: Categorically Exempt, File No. ER24-105, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Planning Commission recommends approval (11-0) (Item 5.b on the 5/22/2024 Planning Commission agenda). (Environmental Services/Planning, Building and Code Enforcement)

Action: (a) **Ordinance No. 31082** was *passed for publication*, amending Section 5.09.500 of Chapter 5.09 of Title 5; (b) **Resolution No. RES2024-165**, amending Council Policy No. 6-29, Post Construction Urban Runoff Management; (c) **Resolution No. RES2024-166**, establishing a new Council Policy No. 6-35; (d) **Resolution No. RES2024-167**, establishing a new Council Policy No. 6-36; (e) **Resolution No. RES2024-168**, establishing a new Council Policy No. 6-37; and (f) **Resolution No. RES2024-169**, regarding the amendments to the Administrative Citation Schedule of Fines to update fines for violations of various San José Municipal Codes, were adopted. (11-0-0)

2.14 Actions Related to the 10165 – Ammonia Pumps Replacement Project at the San José - Santa Clara Regional Wastewater Facility.

(a) Adopt a resolution adopting the Addendum to the Environmental Impact Report for the San José-Santa Clara Regional Water Pollution Control Plant Master Plan, Ammonia Pumps Replacement Project, File No. ER21-306, in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Accept the report on bids and award of a construction contract for the 10165 –Ammonia Pumps Replacement Project to the lowest responsive, responsible bidder, Mountain Cascade, Inc., in the amount of \$2,220,250.

(c) Approve a 10% contingency in the amount of \$222,025.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan (RES. NO. RES2024- No. 76858), for the Ammonia Pumps Replacement Project, Project File No. ER21-306. (Environmental Services/Public Works)

Action: (a) **Resolution No. RES2024-170** was adopted, regarding the Addendum to the Environmental Impact Report for the San José-Santa Clara Regional Water Pollution Control Plant Master Plan was adopted; (b) the report on bids and award of a construction contract for the 10165 –Ammonia Pumps Replacement Project was accepted; and (c) the 10% contingency in the amount of \$222,025 was approved. (11-0-0)

2.15 Report on Bids and Award of Construction Contract for 9911 – New Headworks Access Road Project at the San José-Santa Clara Regional Wastewater Facility.

(a) Accept the report on bids and award of contract for the construction contract of 9911 – New Headworks Access Road Project to the lowest responsive, responsible bidder, O.C. Jones and Sons, Inc. in the amount of \$1,501,366; and

(b) Approve a 10% construction contingency in the amount of \$150,137.

CEQA: Addendum to the Environmental Impact Report for the San José-Santa Clara Water Pollution Control Plant Master Plan (RES. NO. RES2024- No. 76858), for the Yard Piping and Road Improvements Project, File No. PP19-063 (RES. NO. RES2024- No. 79932). (Environmental Services/Public Works)

Action: (a) The report on bids and award of contract for the construction contract of 9911 – New Headworks Access Road Project was accepted; and (b) the 10% construction contingency in the amount of \$150,137 was approved. (11-0-0)

2.16 Third Quarter Financial Reports for Fiscal Year 2023-2024.

As recommended by the Public, Safety, Finance, and Strategic Support Committee on May 16, 2024:

(a) Accept the Third Quarter (period ending March 31, 2024) Financial Reports for the Fiscal Year 2023-2024 in the following areas:

- (1) Debt Management;
- (2) Investment Management;
- (3) Revenue Collection; and
- (4) Purchasing and Risk Management.

(b) Adopt a resolution authorizing the Director of Finance to write off uncollectible debts in an amount up to \$859,363.61.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)
[Public, Safety, Finance, and Strategic Support Committee referral 5/16/2024 – RES. NO. RES2024-1]

Actions: (a) the Third Quarter (period ending March 31, 2024) Financial Reports for the Fiscal Year 2023-2024 were accepted; and (b) **Resolution No. RES2024-171** was adopted, authorizing the Director of Finance to write off uncollectible debts in an amount up to \$859,363.61. (11-0-0)

2.17 Actions Related to the Purchase Order with ACCO Engineered Systems, Inc. for Mechanical Maintenance and Repair Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to three additional one-year options to extend the term of the purchase order term with ACCO Engineered Systems, Inc. (Pasadena, CA) for mechanical maintenance and repair services, with the last option ending on June 30, 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)

Actions: **Resolution No. RES2024-172** was adopted, regarding actions related to the purchase order with ACCO Engineered Systems, Inc. for mechanical maintenance and repair services. (11-0-0)

2.18 Actions Related to the Purchase Orders with Rentokil North America, Inc. for Pest and Rodent Control Services.

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

(a) Execute three purchase orders with Rentokil North America, Inc. (Wyomissing, PA) for pest and rodent control services, for a one-year term beginning on or about July 1, 2024, ending on or about June 30, 2025, for a total not-to-exceed amount of \$500,000; and

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

Actions: **Resolution No. RES2024-173** was adopted, regarding actions related to the purchase orders with Rentokil North America, Inc. for pest and rodent control services. (11-0-0)

2.19 Actions Related to the Purchase Order with Resa Power, LLC for Transformer Testing and Repair Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Resa Power, LLC (Houston, TX) for transformer testing and repair services, with the last option ending on or about October 4, 2030, 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)

Actions: **Resolution No. RES2024-174** was adopted, regarding actions related to the purchase order with Resa Power, LLC (Houston, TX) for transformer testing and repair services. (11-0-0)

2.20 Agreements with ABB, Inc. DBA ABB DE, INC., for On-Site Engineering Support and Ongoing Maintenance and Support at the San José-Santa Clara Regional Wastewater Facility.

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

(a) Negotiate and execute an agreement with ABB Inc., dba ABB DE, Inc. (Wickliffe, OH) for on-site engineering support at the San José-Santa Clara Regional Wastewater Facility, beginning June 1, 2024 and ending May 31, 2025, for a maximum not-to-exceed compensation of \$365,000, subject to the appropriation of funds;

(b) Negotiate and execute amendments to the on-site engineering support agreement for additional professional and technical services as required for a contingency not to exceed \$20,000, subject to the appropriation of funds; and

(c) Negotiate and execute the Water Care Enhanced Agreement with ABB DE, Inc., and issue annual purchase orders pursuant to the terms and conditions of the five-year Water Care Enhanced Agreement for ongoing support and maintenance for as-needed parts replacement, repair, and rebuilding services for a maximum compensation not to exceed \$650,000 for the first year beginning June 1, 2024 and ending May 31, 2025, 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)
[Deferred from 4/30/2024 – Item 2.8 (24-84722)]

Actions: **Resolution No. RES2024-175** was adopted, regarding the agreements with ABB, Inc. DBA ABB DE, INC., for On-Site Engineering Support and Ongoing Maintenance and Support at the San José-Santa Clara Regional Wastewater Facility. (11-0-0)

2.21 Third Amendment to the Agreement for Information Technology Infrastructure Refresh Project with SHI International Corporation.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the Third Amendment to the Agreement with SHI International Corporation (Somerset, NJ) for Information Technology Infrastructure Refresh Project to:

(a) Retroactively extend the initial term for an additional nine months through September 30, 2024;

(b) Increase the compensation by \$92,561 for a revised maximum compensation of \$3,798,435; and

(c) Exercise up to five one-year options to extend the Agreement for ongoing support, maintenance, and related professional services through September 30, 2029, 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)

Actions: **Resolution No. RES2024-176** was adopted, regarding the Third Amendment to the Agreement with SHI International Corporation (Somerset, NJ) for Information Technology Infrastructure Refresh Project. (11-0-0)

2.22 Actions Related to the Purchase Orders with The Sourcing Group, LLC and E&J ValuePlus DBA SendNLink for Mailing and Printing Services.

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

(a) Amend purchase orders OP 64565 with The Sourcing Group, LLC (Aliso Viejo, CA) and OP 64583 with E&J ValuePlus dba SendNLink (San José, CA) for mailing and printing services, subject to the appropriation of funds for the period ending December 31, 2024; and

(b) Exercise up to two additional one-year options to extend the term of the purchase orders, with the last option ending on or about December 31, 2026, 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)

Actions: **Resolution No. RES2024-177** was adopted, regarding purchase orders OP 64565 with The Sourcing Group, LLC (Aliso Viejo, CA) and OP 64583 with E&J ValuePlus dba SendNLink (San José, CA) for mailing and printing services. (11-0-0)

2.23 Actions Related to the Purchase Order with Window Innovations, Inc. for Anti-Graffiti Film Products and Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to three one-year options to extend the term of the purchase order with Window Innovations, Inc. (Brentwood, CA), with the last option ending on or about May 19, 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)

Actions: **Resolution No. RES2024-178** was adopted, regarding actions related to purchase order with Window Innovations, Inc. for anti-graffiti film products and services. (11-0-0)

2.24 Report on Request for Proposal for a Business Tax System.

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

(a) Negotiate and execute an agreement with GovOs, Inc. (Austin, TX) for a Business Tax System with an initial three-year term beginning on or about July 1, 2024, and ending on or about June 30, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$2,527,875;

(b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$505,575 during the initial term; and

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

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

Action: The report on the request for proposal for a Business Tax System was accepted and **Resolution No. RES2024-179** was adopted. (11-0-0)

2.25 **Approval of the Terms of Side Letter Agreement with the Association of Maintenance Supervisory Personnel and Amendments to the City Pay Plan.**

Adopt a resolution to:

(a) Approve the terms of a side letter agreement between the City and the Association of Maintenance Supervisory Personnel (AMSP), IFPTE, Local 21 to provide employees in the Air Conditioning Supervisor (3161) classification with an approximate 9.00% pensionable pay increase effective the first full pay period after this agreement is signed by all parties and has been approved by the City Council.

(b) Amend the City of San José Pay Plan effective June 4, 2024 to create the following classifications:

(1) Heating, Ventilation, Air Conditioning (HVAC) Controls Technician (3165) with a pensionable salary range of \$111,342.40 - \$135,470.40 annually; and

(2) Senior Crime and Intelligence Data Technician (1192) with a pensionable salary range of \$73,798.40 - \$89,918.40 annually.

(c) Amend the City of San José Pay Plan effective June 23, 2024 to increase the annual salary range of the classification of Air Conditioning Supervisor (3161) to \$118,435.20 – \$144,352.00.

(d) Approve the following position changes in the Public Works Department, effective June 4, 2024:

(1) Delete 1.0 Network Engineer; and

(2) Add 1.0 HVAC Controls Technician.

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

Actions: **Resolution No. RES2024-180** was adopted, regarding the side letter agreement between the City and the Association of Maintenance Supervisory Personnel (AMSP), and amendments to the City Pay Plan. (11-0-0)

2.26 **Animal Care and Services Contract Agreement with the City of Saratoga.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement between the City of Saratoga and the City of San José for animal care and services for an initial term beginning July 1, 2024, through June 30, 2027, for an initial total compensation to the City of \$558,391.81, with a mutual option to extend the agreement for two additional three-year terms, potentially through June 30, 2033, for a total compensation of \$1,893,050.43.

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

Action: **Resolution No. RES2024-181** was adopted, regarding the agreement between the City of Saratoga and the City of San José for animal care and services for an initial term beginning July 1, 2024, through June 30, 2027. (11-0-0)

2.27 Animal Care and Services Contract Agreement with the City of Cupertino.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement between the City of Cupertino and the City of San José for animal care and services for an initial term beginning July 1, 2024, through June 30, 2027, for an initial total compensation to the City of \$1,032,406.77, with a mutual option to extend the agreement for two additional three-year terms, potentially through June 30, 2033, for a total compensation of \$3,500,047.89.

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

Action: **Resolution No. RES2024-182** was adopted, regarding the agreement between the City of Cupertino and the City of San José for animal care and services for an initial term beginning July 1, 2024, through June 30, 2027. (11-0-0)

2.28 Agreement with San José Water Company for Water Services at Fire Station No. 8.

Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute an agreement with San José Water Company to install water facilities at Fire Station No. 8, at a cost not to exceed \$110,530.

CEQA: Mitigated Negative Declaration for the Fire Station No. 8 Project, File No. ER-22-063. Council District 3. (Public Works)

Action: **Resolution No. RES2024-183** was adopted, regarding the agreement with San José Water Company to install water facilities at Fire Station No. 8. (11-0-0)

2.29 Actions Related to the 9703 – Large Trash Capture Device Installation Project Phase VII.

(a) Approve a \$1,568,571 increase to the construction contingency amount of \$1,123,200 for a revised total contingency amount of \$2,691,771 for the 9703 – Large Trash Capture Device Installation Project Phase VII.

(b) Adopt the following 2023-2024 Appropriation Ordinance Amendments in the Storm Sewer Capital Fund:

1. Decrease the Unrestricted Ending RES. NO. RES2024- Balance by \$500,000; and

2. Increase Large Trash Capture Devices appropriation to the Public Works Department by \$500,000.

CEQA: Categorically Exempt, File No. ER21-299, CEQA Guidelines Section 15301, Existing Facilities, adopted on March 17, 2022. Council Districts 4, 5, 6, 8, 10. (Public Works/City Manager)

[Deferred from 5/21/2024 – Item 2.18 (24-90584)]

Action: (a) actions related to the 9703 – Large Trash Capture Device Installation Project Phase VII were approved, and (b) 2023-2024 Appropriation **Ordinance No. 31083** was adopted, regarding amendments in the Storm Sewer Capital Fund. (11-0-0)

2.30 **Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2024-2025.**

(a) Adopt a resolution:

(1) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners' Association for Fiscal Year 2024-2025, as filed or modified by City Council;

(2) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by City Council; and

(3) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

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(b) Approve an uncodified ordinance to approve the Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2024-2025, as filed or modified by the City Council, and to confirm and levy the individual assessments specified in the RES. NO. RES2024-.

CEQA: Categorically Exempt File No. ER23-096, Citywide Downtown Property Based Improvement District CEQA Guidelines Section 15301 RES. NO. RES2024-, Existing Facilities. Council Districts 3 and 6. (Transportation/Public Works)

Action: (a) **Resolution No. RES2024-184** was adopted, regarding the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners' Association for Fiscal Year 2024-2025; and

(b) uncodified **Ordinance No. 31084** was *passed for publication*, regarding the approval of the Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2024-2025. (11-0-0)

2.31 **Request for Travel Authorization for Mayor Mahan.**

As recommended by the Rules and Open Government Committee on May 22, 2024, authorize travel, accept travel payments to the City of San José, and designate Mayor Mahan as the City representative to participate in a mayoral convening organized and funded by Bloomberg Philanthropies from June 26 – 28, 2024 in Baltimore, Maryland. Source of Fund: Bloomberg Philanthropies (Costs associated with travel, lodging, and meals).

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 5/22/2024 – Item B.2]

Action: The request for travel for Mayor Mahan was authorized. (11-0-0)

2.32 Approval of Pride and Transgender Flag Raisings and Lighting for Pride Week Sponsored by Council District 3, Council District 6, and Council District 9 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 May 22, 2024:

(a) Approve the Progressive Pride and Transgender Flag Raisings scheduled on August 19- 25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the 2024 Silicon Valley Pride Lighting Ceremony scheduled on August 19-25, 2024, 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. (Foley, Davis, and Torres)

[Rules Committee referral 5/22/2024 – Item B.3]

Action: The District 3, District 6, and District 9 City Council Sponsored Special Events were approved. (11-0-0)

2.33 Bay Area Affordable Housing Bond.

As recommended by the Rules and Open Government Committee on May 22, 2024, adopt a resolution taking a position in support of the Bay Area Regional Housing Bond on the November 5, 2024 ballot.

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

[Rules and Open Government Committee referral 5/22/2024 – Item C.1.1]

Councilmember David Cohen pulled Item 2.33 for further discussion and requested that the vote and public comment for the item be taken separately.

Erik Solivan, Director, Housing Department; Leland Wilcox, Assistant City Manager, City Manager's Office; and Zane Barnes, Deputy Director, City Manager's Office responded to questions from Council and the Mayor.

Public Comment: Dixie Lira-Baus (Eden Housing), Citlali Martinez (Somos Mayfair), Hector Hernandez, Elizabeth Madrigal (MidPen Housing), Huascar Castro, Mathew Reed, Gabby Chavez- Lopez (Latina Coalition of Silicon Valley), Matt King (Sacred Heart), Kyra Kazantzis (Silicon Valley Council of Nonprofits), and Tamra Chavez (PATH) provided public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2024-185** was adopted, regarding the position in support of the Bay Area Regional Housing Bond on the November 5, 2024 ballot.

Including the acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Vice Mayor Rosemary Kamei, Councilmember Sergio Jimenez, Councilmember David Cohen, and Councilmember Dev Davis, dated May 31, 2024 recommending the following:

- (1) Adopt the resolution in support of the Bay Area Regional Housing Bond on the November 5, 2024 ballot.
- (2) If voters approve the Regional Housing Bond, direct the City Manager to return with a spending plan in Spring 2025 consistent with state law that reflects the following priorities:
 - (a) Fifty-two percent of the funding shall be used for the construction of new affordable housing and be spent consistent with the City's existing Affordable Housing Investment Plan which includes a set aside of 45% for Extremely Low- Income Housing.
 - i. The first issuance of bond proceeds will prioritize the pipeline of projects on the 2023 NOFA waitlist.
 - ii. Prior to issuing any funding, staff shall conduct a comprehensive review of the City's underwriting guidelines and Notice of Funding Availability (NOFA) process and return to Council with proposed cost-control measures to maximize unit production and time savings.
 - (b) Twenty-eight percent of the funding shall be used on immediate, low barrier, and flexible solutions that provide safe and dignified shelter. Solutions may include:
 - i. Emergency interim housing.
 - ii. Acquisition and rehabilitation of motels/hotels.
 - iii. Acquisition of land for safe parking or safe sleeping.
 - iv. Acquisition and conversion of industrial or commercial buildings.
 - v. Construction of new and/or redesigning of existing congregate shelter.
 - vi. Acquisition of market rate housing to convert to permanent deed restricted housing.
 - vii. Operations and services associated with interim housing if State law is amended to allow for bond proceeds to be used for providing services.

- (c) Fifteen percent shall be used for the preservation of affordable housing, with a priority for privately-owned affordable housing developments with expiring deed restrictions.
- (d) If State law is amended to allow for bond proceeds to be used for providing services:
 - i. Five percent of bond proceeds shall be used for tenant protections.
 - ii. If State law is not amended, five percent of the funding shall be used for the construction of new affordable housing in accordance with 2.a.
- (e) Conduct robust community engagement on the spending plan with these priorities before the spending plan returns to City Council for approval.
- (f) Conduct a study session for Council on the spending plan.
- (3) Any changes to the allocations described in Recommendation 21 shall require two thirds vote of the city council in addition to complying with applicable state law.
- (4) Direct the Housing Department and Planning, Building and Code Enforcement to prepare a plan to provide appropriate technical and administrative support, and coordinated efficient permitting, for local funding applications to access the regional funds administered by BAHFA, and return to council with a status report no later than May 6, 2025. (11-0-0)

2.34 Approval of the San José Earthquakes 50th Anniversary Event Sponsored by Council District 7 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 May 29, 2024:

- (a) Approve the San José Earthquakes 50th Anniversary event scheduled on June 8, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan)
[Rules Committee referral 5/29/2024 – Item B.3]

Action: The District 7 City Council Sponsored Special Event was approved. (11-0-0)

2.35 Retroactively Approval and Approval of Special Events Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on May 29, 2024:

- (a) Retroactively approve the Talk with Batra scheduled on May 18, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Fraud Prevention Workshop scheduled on May 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Approve the Talk with Batra scheduled on June 22, 2024 and July 20, 2024, as City Council sponsored Special Events and approve the expenditure of funds;
- (d) Approve the All-Inclusive Playground Groundbreaking Event scheduled on June 24, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Approve the Santa Teresa Dumpster Day scheduled on June 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (f) Approve the 4th of July Fireworks Festival scheduled on July 4, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (g) 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. (Batra)

[Rules Committee referral 5/29/2024 – Item B.4]

Action: The District 9 City Council Sponsored Special Events were retroactively approved and approved. (11-0-0)

3. **STRATEGIC SUPPORT**

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

None provided.

3.2 **Labor Negotiations Update.**

HEARD AT 9:30 A.M.

Public Comment: Charla Gomez, Ryan Sheelen, Clarissa Michel, Krista Delatorre (IFPTE 21), Jose Joseph, and Josh Daniels provided public testimony regarding the item.

3.3 **Renewal of the Willow Glen Community Benefit Improvement District.**

(a) Conduct a public hearing for the expansion and renewal of the Willow Glen Community Benefit Improvement District and authorize the City Clerk to tabulate the ballots.

(b) Adopt a resolution by the City Council, as the property owner of parcels within the proposed district, authorizing the execution of a ballot in favor of the expansion and renewal of the Willow Glen Community Benefit Improvement District and the imposition of an assessment in the amount of \$15,138 with annual increases of up to 7% over the next 15 years.

(c) Direct the City Clerk to report the results of the tabulation of ballots.

(d) In the event that the Willow Glen Community Benefit Improvement District is approved by a majority of weighted assessments of property owners, adopt a resolution by the City Council:

(1) Approving the Willow Glen Community Benefit Improvement District Management Plan and Engineer's Report;

(2) Approving and imposing the respective assessments; and

(3) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(e) Approve an uncodified ordinance to approve the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2024-2025, as filed or modified by the City Council, and confirming and levying the individual assessments specified in the resolution.

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. Council District 6. (Public Works)

Mayor Matt Mahan, read the following script in the record: “Item 3.3 is the public hearing and special election on the expansion and renewal of the Willow Glen Community Benefit District, and levy of assessments on those parcels within the District. The Council will open the public hearing on this item in order to hear and consider all testimony by interested persons relating to the renewal and expansion of the District. During the hearing the City Clerk will begin to collect ballots and commence tabulation. The City Council will also consider authorizing the City Clerk to vote in favor of District expansion and renewal as the owner of property within the District. At the close of the public hearing, Council will direct all property owners who have not already submitted their ballot to submit their ballots to the City Clerk for tabulation. No ballots will be accepted after the conclusion of the public hearing.”

The public hearing was opened.

Public Comment: None provided.

Mayor Matt Mahan read the following script into the record: “I will now ask the Council to consider approving a motion authorizing the City Clerk to vote in favor of district renewal, expansion, and levy of assessments on City property within the District.”

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Omar Torres, and carried unanimously, the City Clerk was authorized to vote in favor of district renewal, expansion, and levy of assessments on City property within the District. (10-0-1; Absent: Jimenez)

Councilmember Domingo Candelas and Vice Mayor Rosemary Kamei registered a verbal yes vote for the motion.

Mayor Matt Mahan, read the following script in the record: “At this time, we are preparing to close the public hearing. Are there any property owners who wish to submit a ballot to the Clerk? If so, then you must submit your ballots now.”

No ballots were brought forward to the City Clerk.

The public hearing was closed.

Mayor Matt Mahan, read the following script in the record: “At this time, we will conclude the special election. The City Clerk will not accept any further ballots from this point forward. Does the Clerk need more time to tabulate the ballots?”

Toni Taber, City Clerk stated that yes, more time would be needed to tabulate the ballots and would report back when that was completed.

City Council continued to the next Agenda item; Item 3.3 was brought back once the City Clerk was prepared to offer the results of the tally.

Toni Taber, City Clerk read the following script in the record: “I have the results of the tabulation of the property owner ballots for the Willow Glen Community Benefit District. The results of the tabulation are:

*Property owners with the total of 141,955.76 votes have returned ballots *in support* of the levy of assessments and Property owners with a total of 90,383.44 votes have returned ballots *in opposition* to the levy of assessments.*

Therefore, the ballots submitted by property owners in the Willow Glen Community Benefit Improvement District in support of the expansion, renewal, and levy of assessments on those parcels within the District exceeds the number of ballots submitted in opposition. The City Council may proceed to vote on expansion and renewal of the District and the levy of assessments.”

Mayor Matt Mahan, read the following script in the record: “Ballots submitted by property owners in the Willow Glen Community Benefit District in support of the expansion, renewal, and levy of assessments on those parcels within the District are greater in number than those in opposition. The City Council may proceed to vote on expansion and renewal of the District and the levy of assessments. I will now ask the Council to consider adoption of a resolution declaring the results of the special election; approving the Management Plan and Engineer’s Report, base assessment and annual adjustments, and the expansion and renewal of the Willow Glen Community Benefit District; and levying assessments on those parcels within the District as stated in the Management Plan and Engineer’s Report.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) the public hearing was conducted for the expansion and renewal of the Willow Glen Community Benefit Improvement District and authorize the City Clerk to tabulate the ballots. (b) **Resolution No. RES2024-186** was adopted, regarding the execution of a ballot in favor of the expansion and renewal of the Willow Glen Community Benefit Improvement District and the imposition of an assessment in the amount of \$15,138 with annual increases of up to 7% over the next 15 years; (c) the City Clerk was directed to report the results of the tabulation of ballots; (d) **Resolution No. RES2024-187** was adopted, regarding the Willow Glen Community Benefit Improvement District approval; and (e) uncodified **Ordinance No. 31085** was *passed for publication.* (11-0-0)

3.4 Maintenance District Budget Reports for Fiscal Year 2024-2025.

(a) Adopt resolutions:

(1) Approving the Annual Budget Reports for Fiscal Year 2024-2025 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and confirming and levying the individual assessments for each Maintenance District, as filed or modified by the City Council; and

(2) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(b) Approve an uncodified ordinance approving the Annual Budget Reports for Fiscal Year 2024-2025 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and to confirm and levy the individual assessments for each Maintenance District specified in the resolutions.

CEQA: Categorically Exempt, File No. ER24-086, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 4, 8, and 10. (Public Works)

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres, and carried unanimously, the following Maintenance District *Resolutions* were adopted:

(a) **Resolution No. RES2024-188** (District 1)

(a) **Resolution No. RES2024-189** (District 2)

(a) **Resolution No. RES2024-190** (District 5)

(a) **Resolution No. RES2024-191** (District 8)

(a) **Resolution No. RES2024-192** (District 9)

(a) **Resolution No. RES2024-193** (District 11)

(a) **Resolution No. RES2024-194** (District 13)

(a) **Resolution No. RES2024-195** (District 15)

(a) **Resolution No. RES2024-196** (District 18)

(a) **Resolution No. RES2024-197** (District 19)

(a) **Resolution No. RES2024-198** (District 20)

(a) **Resolution No. RES2024-199** (District 21)

(a) **Resolution No. RES2024-200** (District 22)

(b) uncodified **Ordinance No. 31086** was *passed for publication*.

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

4. PUBLIC SAFETY

None provided.

5. TRANSPORTATION & AVIATION SERVICES

None provided.

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 **Actions Related to the 9895 – Regional Wastewater Facility Main Entrance Improvements Project at the San José-Santa Clara Regional Wastewater Facility.**

(a) Adopt a resolution adopting the Addendum to the Environmental Impact Report for the San José - Santa Clara Water Pollution Control Plant Master Plan, File No. ER23-142, RWF Main Entrance Improvements Project, and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

(b) Accept the report on bids and award of a construction contract for the 9895 – Regional Wastewater Facility Main Entrance Improvements Project to the lowest responsive, responsible bidder, W.E. Lyons Construction Co., for the base bid and Bid Alternates Nos. 1, 2 and 3 in the amount of \$8,996,937.

(c) Approve a 10% construction contingency in the amount of \$899,693.

CEQA: Addendum to the Environmental Impact Report for the San José-Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858) for the RWF Main Entrance Improvements Project File No. ER23-142. (Environmental Services/Public Works)

Public Comment: None provided.

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

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) **Resolution No. RES2024-201** was adopted, regarding the Addendum to the Environmental Impact Report for the San José - Santa Clara Water Pollution Control Plant Master Plan; (b) the report on bids and award of a construction contract for the 9895 – Regional Wastewater Facility Main Entrance Improvements Project was accepted; (c) the 10% construction contingency in the amount of \$899,693 was approved. (10-0-1; Absent: Ortiz)

Councilmember Omar Torres registered a verbal yes vote for the item.

6.2 **Sewer Service and Use Charges and Storm Sewer Service Charges Effective July 1, 2024.**

(a) Hold a public hearing on the proposed Sewer Service and Use Charge rates effective July 1, 2024.

(b) Adopt a resolution to change the Sewer Service and Use Charge rates effective July 1, 2024, as identified in Attachment A to the staff memorandum.

(c) Adopt a resolution to maintain the Storm Sewer Service Charge rates at the 2023-2024 levels, effective July 1, 2024, as identified in Attachment B to the staff memorandum.

(d) Approve an uncodified ordinance affirming City Council action, if any, taken on Sewer Service and Use Charge rates effective July 1, 2024.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

Toni Taber, City Clerk read the following script into the record: “Subsequent to ESD’s Supplemental Memorandum dated June 4, 2024; the City Clerk’s Office has received **31** additional Sewer Service and Use Charge protests. Therefore, the total number of valid written protests is **627** for the proposed Sewer Service and Use Charge.

Public Comment: Dan Gordon provided public testimony regarding the item.

Toni Taber, City Clerk read the following script into the record: “The total of all written protests during the public protest period, together with the 1 speaker protesting the rate changes today, represents less than one percent of all customers impacted by the change in the Sewer Service and Use Charge. Therefore, Council may consider staff’s recommendation for Sewer Service and Use Charge increases.

Kerrie Romanow, Director, Environmental Services Department; Jennifer Maguire, City Manager, City Manager’s Office; Jim Shannon, Budget Director, City Manager’s Budget Office; and Jeff Provenzano, Assistant Director, Water Resources, Environmental Services Department responded to questions.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, (a) the public hearing was held on the proposed Sewer Service and Use Charge rates effective July 1, 2024; (b) **Resolution No. RES2024-202** was adopted, regarding the to change the Sewer Service and Use Charge rates effective July 1, 2024, as identified in Attachment A to the staff memorandum; (c) **Resolution No. RES2024-203** was adopted, regarding the Storm Sewer Service Charge rates at the 2023-2024 levels, effective July 1, 2024, as identified in Attachment B to the staff memorandum; and (d) uncodified **Ordinance No. 31087** was *passed for publication*. (10-1-0; Noes: Doan)

6.3 **Public Hearing on Residential Garbage and Recycling Services Rates for Single-Family and Multi-Family Residential Solid Waste Services.**

- (a) Hold a public hearing on the proposed Residential Garbage and Recycling rates and charges effective July 1, 2024.
- (b) Adopt a resolution, effective July 1, 2024:
 - (1) Increasing residential solid waste service rates for single-family households up to 4%; and
 - (2) Increasing residential solid waste service rates for multi-family households up to 2%.
- (c) Approve an uncodified ordinance, effective July 1, 2024:
 - (1) Increasing residential solid waste service rates for single-family households up to 4% specified in the resolution; and
 - (2) Increasing residential solid waste service rates for multi-family households up to 2% specified in the resolution.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

Toni Taber, City Clerk read the following script into the record: “Subsequent to ESD’s Supplemental Memorandum dated June 4, 2024, the City Clerk’s Office has received 38 additional Residential Garbage and Recycling rate protests. Therefore, the total number of valid written protests is 734 for the proposed Residential Garbage and Recycling rates.”

Public Comment: Lucy Moran (Sacred Heart) provided public testimony regarding the item.

Toni Taber, City Clerk read the following scrip into the record: “The total of all written protests during the public protest period, together with the 1 speaker protesting the rate changes today, represents less than one percent of all customers impacted by the change in Residential Garbage and Recycling rates. Therefore, Council may consider staff’s recommendation for Residential Garbage and Recycling rate increases.”

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) the public hearing was held regarding the proposed Residential Garbage and Recycling rates and charges effective July 1, 2024; (b) **Resolution No. RES2024-204** was adopted, regarding the increase of residential solid waste service rates for single-family households up to 4%; and the increase of residential solid waste service rates for multi-family households up to 2%; and (c) uncodified **Ordinance No. 31088** was passed for publication. (9-2-0; Noes: Doan, Candelas)

6.4 San José Municipal Water System Potable (Drinking) and Recycled Water Rates and Charges.

(a) Hold a public hearing on San José Municipal Water System potable and recycled water rates and charges effective July 1, 2024.

(b) Adopt a resolution to increase the current San José Municipal Water System potable water rates and charges effective July 1, 2024.

(c) Adopt a resolution to increase the current San José Municipal Water System recycle rates and charges effective July 1, 2024.

(d) Approve an uncodified ordinance affirming City Council action, if any, taken on the San José Municipal Water System potable and recycled water rates and charges effective July 1, 2024.

CEQA: Statutorily Exempt, File No. PP17-005, Statutory Exemption for Adjustment to Fees, Rates and Fares without changes to or expansion of services. Council Districts 2, 4, 7, 8. (Environmental Services)

Toni Taber, City Clerk read the following script: “Subsequent to ESD’s Supplemental Memorandum dated May 31, 2024, the City Clerk’s Office has received 11 additional potable water rate protests. Therefore, the total number of valid written protests is 142 for the proposed potable water rates. No protests have been received from recycled water customers in response to the proposed recycled water rates.”

Public Comment: Lucy Moran (Sacred Heart) provided public testimony regarding the item.

Kerrie Romanow, Director, Environmental Services Department responded to questions.

Toni Taber, City Clerk read the following script: “The total of all written protests during the public protest period, together with the 1 speaker protesting the rate changes today, represents less than one percent of all customers impacted by the change in water retail rates. Therefore, Council may consider staff’s recommendation for Municipal Water System rate increases.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, (a) the public hearing was held on San José Municipal Water System potable and recycled water rates and charges effective July 1, 2024; (b) **Resolution No. RES2024-205** was adopted, regarding the increase to the current San José Municipal Water System potable water rates and charges; (c) **Resolution No. RES2024-206** was adopted, regarding the increase the current San José Municipal Water System recycle rates and charges; and (d) uncodified **Ordinance No. 31089** was *passed for publication*. (8-2-1; Noes: Doan, Candelas; Absent: Cohen)

7. NEIGHBORHOOD SERVICES

None provided.

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 **Public Hearing on the Downtown Business Improvement District Report and Budget and Assessments for Fiscal Year 2024-2025.**

(a) Conduct a public hearing and adopt a resolution approving the Downtown Business Improvement District Report and Budget for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2024- 2025.

(b) Approve an uncodified ordinance approving the Downtown Business Improvement District Report and Budget for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2024- 2025, specified in the resolution.

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 impact on the environment. Council District 3. (Economic Development and Cultural Affairs)

Mayor Matt Mahan, read the following script in the record: “Item No. 8.1 is the public hearing for the approval of the Downtown Business Improvement Districts’ annual budget reports and the levy of assessments for FY 2024-2025. Before I open the public hearings, has the City Clerk received any written protests from affected businesses in the BID?”

Toni Taber, City Clerk read the following script in the record: “No written protests have been received from the Downtown BID.”

Mayor Matt Mahan opened the public hearing.

Public Comment: None provided.

Mayor Matt Mahan closed the public hearing.

Mayor Matt Mahan read the following script into the record: “Since the business owners in the Downtown BID have supported the proposed levy of assessments, I will now ask the Council to consider adoption of the resolution and approval of the ordinance approving the budget report of the Downtown Business Improvement District for Fiscal Year 2024-2025 and levying assessments in the BID for Fiscal Year 2024- 2025.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Sergio Jimenez, and carried unanimously, (a) the public hearing was conducted; (a) **Resolution No. RES2024-207** was adopted, regarding the approving the Downtown Business Improvement District Report and Budget for Fiscal Year 2024-2025; and (b) uncodified **Ordinance No. 31090** was *passed for publication*. (11-0-0)

8.2 Public Hearing on the Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2024-2025.

(a) Conduct a public hearing and adopt a resolution approving the Japantown Business Improvement District Budget Report for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2024-2025.

(b) Approve an uncodified ordinance approving the Japantown Business Improvement District Budget Report for Fiscal Year 2024-2025 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2024- 2025, specified in the resolution.

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 impact on the environment. Council District 3. (Economic Development and Cultural Affairs)

Mayor Matt Mahan, read the following script in the record: “Item No. 8.2 is the public hearing for the approval of the Japantown Business Improvement Districts’ annual budget reports and the levy of assessments for FY 2024-2025. Before I open the public hearings, has the City Clerk received any written protests from affected businesses in the BID?”

Toni Taber, City Clerk read the following script in the record: “No written protests have been received from the Japantown BID.”

Mayor Matt Mahan opened the public hearing.

Public Comment: None provided.

Mayor Matt Mahan closed the public hearing.

Mayor Matt Mahan read the following script into the record: “Since the business owners in the Japantown BID have supported the proposed levy of assessments, I will now ask the Council to consider adoption of the resolution and approval of the ordinance approving the budget report of the Downtown Business Improvement District for Fiscal Year 2024-2025 and levying assessments in the BID for Fiscal Year 2024-2025.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan, and carried unanimously, (a) the public hearing was conducted; (a) **Resolution No. RES2024-208** was adopted, regarding the Japantown Business Improvement District Budget Report for Fiscal Year 2024-2025; and (b) uncodified **Ordinance No. 31091** was passed for publication. (11-0-0)

Councilmember Pam Foley registered a verbal yes vote.

8.3 Approval of the San José Hotel Business Improvement District Annual Report for Fiscal Year 2024-2025.

(a) Adopt a resolution approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council.

(b) Approve an uncodified ordinance to approve the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2024-2025 as filed or modified by the City Council, and confirming and levying the individual assessments as filed or modified by the City Council.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Economic Development and Cultural Affairs)

Public Comment: None provided.

Action: Upon motion by Councilmember Omar Torres, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) **Resolution No. RES2024-209** was adopted, regarding the San José Hotel Business Improvement District Annual Report; and (b) uncodified **Ordinance No. 31092** was *passed for publication*. (11-0-0)

9. **REDEVELOPMENT – SUCCESSOR AGENCY**

None provided.

10. **LAND USE**

10.1 **Land Use on Consent Calendar - HEARD IMMEDIATELY AFTER CONSENT**

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Peter Ortiz, and carried unanimously, the Land Use Consent Calendar was approved as a whole, the below actions were taken as indicated.

10.1(a) **City Initiated Rezoning of Parcels to Align a Property’s Zoning District to its General Plan in Land Use Designation in Response to Senate Bill 1333 - C24-024, C24-025, C24-026, C24-027, C24-028, C24-030.**

Approve an ordinance of the City of San José rezoning 25 properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 properties from A(PD) Planned Development Zoning District to CG Commercial General Zoning District, 10 properties from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District, six properties from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, four properties from LI(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, three properties from CO(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from R-1-8(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District, two properties from IP(PD) Planned Development Zoning District to TEC Transit Employment Center Zoning District, one property from R-2(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, one property from CO(PD) Planned Development Zoning District to CG Commercial General Zoning District, and one property from R-1-8(PD) Planned Development Zoning District to CG Commercial General Zoning District, all located on those certain real properties situated within the City of San José.

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

Action: **Ordinance No.31093** was *passed for publication*, regarding the City initiated rezoning of parcels to align a property’s zoning district to its general plan in Land Use Designation in Response to Senate Bill 1333. (11-0-0)

END OF CONSENT CALENDAR

10. **Land Use - Regular Agenda**

• **Open Forum**

1. Matthew Frost addressed his concerns regarding his family’s property in connection to the relocation of Fire Station No. 23.
2. Shabana (Mercy Mediterranean) addressed concerns regarding issues her company faced.

• **Adjournment**

The Council of the City of San José adjourned at 4:07 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Yasmin Johnson, Deputy City Clerk,
City of San José

Approved at Council on:

of Actions: 13

Attest By:

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

• **Notice of City Engineer's Pending Decision on Final Maps**

FOR RECEIPT

Tract: 10616

Location: Southwest corner of Stevens Creek Boulevard and Lopina Way

District: 1

Lots/Units: 5/580

Type: MFA

Developer: Miramar Capitol



Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

June 4, 2024

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

Absent Councilmembers: Davis.

Place: City Hall Conference Room W-133

Time: 9:34 a.m.

CLOSED SESSION ITEM(S) DISCUSSED:

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

1. Case Name: In re: Claim of Fey
Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court
Case No: ADJ12591034
Amount of Money or Other Relief Sought: Benefits

2. Case Name: Unite Here Retirement Fund, et al., v. City of San Jose, et al.
Name(s) of Party(ies) UNITE HERE RETIREMENT FUND, AND TRUSTEES OF THE UNITE HERE RETIREMENT FUND, PLAINTIFFS; THE CITY OF SAN JOSE, AND DOLCE INTERNATIONAL SAN JOSE, DEFENDANTS

Court: United States District Court of Northern District of California
Case No: 5:20-cv-06069-EJD
Amount of Money or Other Relief Sought: Damages according to proof

3. Case Name: Dolce International/San Jose, LLC v. City of San Jose
 Name(s) of Party(ies) DOLCE INTERNATIONAL/SAN JOSE, LLC, CITY OF SAN JOSE, CALIFORNIA, JOHN DOE ENTITIES 1-10,
 Court: United States District Court of Northern District of California
 Case No: 5:20-CV-03774-EJD
 Amount of Money or Other Relief Sought: Damages according to proof

4. Case Name: Corona, Raul v. City of San Jose
 Name(s) of Party(ies) RAUL CORONA, CITYOF SAN JOSE
 Court: Superior Court of California, County of Santa Clara
 Case No: 19CV350608
 Amount of Money or Other Relief Sought: Damages according to proof

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 1

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)

- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/abmei>
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea>
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/alp>
Telephone – Employee Relations: (408) 535-8150
4. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/amsp>
Telephone – Employee Relations: (408) 535-8150

5. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/camp>
 Telephone – Employee Relations: (408) 535-8150
6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>
 Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>
Telephone – Employee Relations: (408) 535-8150

- 8.** Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/mef>
Telephone – Employee Relations: (408) 535-8150
- 9.** Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/oe-3>
Telephone – Employee Relations: (408) 535-8150
- 10.** Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers’ Association (SJPDA)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.

- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Municipal Employees’ Federation (MEF), AFSCME, Local 101
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpda>
Telephone – Employee Relations: (408) 535-8150
- 11.** Organization or Name and Title of Unrepresented Employees: **San José Police Officers’ Association (SJPOA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices’ Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/poa>
Telephone – Employee Relations: (408) 535-8150
- 12.** Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Peace Officer Park Ranger Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/popra>
Telephone – Employee Relations: (408) 535-8150