



CITY COUNCIL MEETING

Minutes

Tuesday, January 9, 2024
1:30 PM

LOCATION:

In person - Council Chambers-200 E Santa Clara Street, and
Virtually - <https://sanjoseca.zoom.us/j/94558095100>

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

9:33 a.m.- Closed Session. *See Pages 20-21 for Closed Session Minutes.*

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

Absent Councilmembers: Torres.

1:35 p.m.- Regular Session.

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

Absent Councilmembers: All present.

Evening Session.- Cancelled.

• Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

• Invocation (District 1)

Sister Cecilia Calva from the St. Lucy Catholic Parish offered the invocation with a blessing.

• Orders of the Day

None provided.

• Adjournment

Councilmember Domingo Candelas offered that today's meeting would be adjourned in memory and honor of Gary Richards, better known as Mr. Roadshow. Wife, Jan Richards commemorated her late husband.

• Closed Session Report

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Sergio Jimenez presented a commendation to the Oak Grove TEA (Teens Ending Abuse) Club, who were recipients of the 2023 YWCA Empowerment Award, in recognition of their outstanding leadership, outreach contributing to system, and community change. The commendation was presented to the 6 present members of the Oak Grove TEA Club.
- 1.2 Councilmember Omar Torres presented a commendation to Suzanne Wolf for her incredible career that included the implementation of several community-based programs, the revitalization of community spaces, and for being a dynamic leader for the City of San José and its residents.
- 1.3 Councilmember Peter Ortiz presented a commendation to the Board of the Foxdale Neighborhood Association in recognition of their leadership and dedication to providing their community with the resources they need to thrive. The commendation was presented to President, Irma Ortega; Board Member, Maya M.; Vice President, Lizette Puentes; Treasurer, Myra Rivero; Member, Guillermo Vasquez; and Secretary, Sylvia Morales.

2. CONSENT CALENDAR

Councilmember Dev Davis pulled Item 2.6 for comment only.

Councilmember Pam Foley pulled Item 2.10 for further questions.

Councilmember Sergio Jimenez pulled Item 2.15 for further discussion.

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

Also including acceptance of the memorandum from Councilmember Sergio Jimenez *for Item 2.15*, dated January 8, 2024, recommending to: Approve the recommended appointments with the following revisions: (1) Appoint Vice Mayor Kamei to the Santa Clara County Cities Association. (2) Appoint Vice Mayor Kamei to the Santa Clara County Cities Association JPA Board of Directors. (3) Appoint Councilmember Jimenez to the Santa Clara County Cities Association as the alternate representative. (11-0-0)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

(a) Ordinance No. 30992 - An Ordinance of the City of San José Amending Title 24 of the San José Municipal Code to Add a New Part 8 of Chapter 24.02 to Regulate Certain Private Development Projects by Withholding the Certificate of Occupancy when an Owner or Contractor Has Unpaid Final Wage Theft Judgments.

[Passed for Publication on 12/12/2023 - Item 3.7 (23-1695)] – **DROPPED.**

(b) Ordinance No. 30993 –An Ordinance of the City of San José Amending Part 1 of Chapter 12.06 of Title 12 of the San José Municipal Code to Add Section 12.06.112 Defining a Foreign Entity, Section 12.06.114 Defining a Foreign-Influenced Business Entity, and Section 12.06.116 Defining a Foreign Owner; and Amending Part 2 of Chapter 12.06 of Title 12 to Add Section 12.06.270 Prohibiting Foreign Influenced Business Entities from Making Independent Expenditures, Campaign Contributions or Contributing to Independent Expenditure Committees and Requiring Any Business Entity Making an Independent Expenditure or Contribution to Certify They are Not a Foreign Influenced Business Entity.

[Passed for Publication on 12/12/2023 - Item 3.9 (23-1737)]

(c) Ordinance No. 30996 - An Ordinance of the City of San José Rezoning Two Certain Real Properties of Approximately 4.0 Acres Situated at the Northwest Corner of Leigh Avenue and Gunston Way (4343 Leigh Avenue, APNS 41-925-074; 41-925-014) from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District.

[Passed for Publication on 12/12/2023 - Item 10.1(a) (23-1699)]

(d) Ordinance No. 30997 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.1-Gross Acres, Situated at the Northeast Corner of the Intersection of Doyle Road and Lawrence Expressway (APN 381-19-015) from the R-1-8 Single-Family Residence Zoning District to the LI Light Industrial Zoning District.

[Passed for Publication on 12/12/2023 - Item 10.1(b)(3) (23-1700)]

(e) Ordinance No. 30998 - An Ordinance of the City of San José Rezoning Three Parcels from the MUC Mixed Use Commercial Zoning District to the CP Commercial Pedestrian Zoning District, One Parcel from R-M Multiple Family Residence Zoning District to the CP Commercial Pedestrian Zoning District, Four Parcels from the MUC Mixed Use Commercial to the MUN Mixed Use Neighborhood Zoning District, 13 Parcels from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Parcels from the MUC Mixed Use Commercial Zoning District to the R-1-8 Single-Family Residence Zoning District, and Two Parcels from the MUC Mixed Use Commercial Zoning District to the OS Open Space Zoning District, Located on those Certain Real Parcels in Various Locations within and Adjacent to the Willow Street Neighborhood Business District within the City of San José.

[Passed for Publication on 12/12/2023 - Item 10.2(b) (23-1702)]

Action: (b) **Ordinance No. 30993**, an Ordinance of the City of San José Amending Part 1 of Chapter 12.06 of Title 12 of the San José Municipal Code, (c) **Ordinance No. 30996**, an Ordinance of the City of San José Rezoning Two Certain Real Properties of Approximately 4.0 Acres Situated at the Northwest Corner of Leigh Avenue and Gunston Way, (d) **Ordinance No. 30997**, an Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.1-Gross Acres, Situated at the Northeast Corner of the Intersection of Doyle Road and Lawrence Expressway, and (e) **Ordinance No. 30998**, an Ordinance of the City of San José Rezoning Three Parcels from the MUC Mixed Use Commercial Zoning District were adopted. (11-0-0)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

Councilmember Dev Davis spoke to the Retirement Boards final report and stated the Cities contributions will increase by \$18.2 million in the fiscal year ending in 2025, which includes other factors. She announced that next fiscal year will be the first time the Tier 3 cost sharing cap, will be “met and hit”, in which the City will be taking on additional interests and unfunded liability, as opposed to the 50/50 split by the City and City Employees.

2.7 Amendment to the Master Consultant Agreement with Environmental Science Associates for Environmental Consulting Services.

Approve the First Amendment to the Master Consultant Agreement with Environmental Science Associates for environmental consulting services, increasing the amount of compensation by \$1,000,000 for a total agreement not to exceed \$2,000,000 and extending the expiration date from June 30, 2024 to June 30, 2025.

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

Action: The First Amendment to the Master Consultant Agreement with Environmental Science Associates for environmental consulting services was approved. (11-0-0)

2.8 Request for Proposals for a Code Enforcement Software Solution.

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

(1) Negotiate and execute an agreement with Infinite Solutions Inc. (Roseville, CA) for a Code Enforcement Software Solution with an initial three-year term beginning on or about January 15, 2024, and ending on or about January 14, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$222,000;

(2) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$100,000 during the initial term; and

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

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

(1) Increase the Non-Personal/Equipment appropriation to the Planning, Building and Code Enforcement Department by \$322,000; and

(2) Decrease the Code Enforcement Permit System Reserve by \$322,000.

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

Action: (a) The report on the Request for Proposals for a Code Enforcement Software Solution was accepted; (a) **Resolution No. RES2024-1** and (b) 2023-2024 Appropriation **Ordinance No. 30999** were adopted. (11-0-0)

2.9 Amendment to the City Pay Plan.

(a) Adopt a resolution amending the City of San José Pay Plan effective January 9, 2024, to create the Chief Plant Operator (U) (3658) classification with a pensionable salary range of \$141,489.37 - \$228,411.94 annually; and

(b) Add 1.0 Chief Plant Operator position in the Environmental Services Department.

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

Action: (a) **Resolution No. RES2024-2** was adopted, amending the City of San José Pay Plan; and (b) the Chief Plant Operator position in the Environmental Services Department was added. (11-0-0)

2.10 Actions Related to the Amendment to the Master Agreement with Conger Moss Guillard for the St. James Park Design Project.

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Fifth Amendment to the Master Agreement with Conger Moss Guillard for St. James Park Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$2,350,000 from \$2,750,000 to \$5,100,000, modify Conger Moss Guillard’s current rate schedule effective upon execution of the Fifth Amendment, and extend the contract duration to December 31, 2024.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the St. James Park Phase I Design appropriation to the Parks, Recreation and Neighborhood Services Department by \$601,000; and

(2) Decrease the St. James Park Phase I Reserve by \$601,000.

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 3. (Parks, Recreation and Neighborhood Services/City Manager)

Councilmember Pam Foley inquired about the logistics, timeline, and funds of the Master Agreement, St. James Park Design Project.

Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli responded to questions.

Action: (a) **Resolution No. RES2024-3**, authorizing the City Manager or her designee to negotiate and execute a Fifth Amendment to the Master Agreement with Conger Moss Guillard for St. James Park Design Project; and (b) 2023-2024 Appropriation **Ordinance No. 31000**, regarding the amendments in the Subdivision Park Trust Fund, were both adopted. (11-0-0)

2.11 Actions Related to the 2023 California Governor’s Office of Emergency Services Internet Crimes Against Children Task Force Grant.

(a) Adopt a resolution accepting the 2023 California Governor’s Office of Emergency Services Internet Crimes Against Children Task Force Grant in the amount of \$950,000; and authorizing the City Manager, or her designee, to execute the Grant Agreement and execute additional amendments and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.

(b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish the 2023-2024 Internet Crimes Against Children State Grant City- Wide Expenses appropriation to the Police Department in the amount of \$833,940; and

(2) Increase the estimate for Revenue from State of California by \$833,940.

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

Action: (a) **Resolution No. RES2024-4**, (b) 2023-2024 Appropriation **Ordinance No. 31001**, and (b) Funding Sources **Resolution No. RES2024-5** were adopted, regarding actions related to the 2023 California Governor's Office of Emergency Services Internet Crimes Against Children Task Force Grant.
(11-0-0)

2.12 Stevens Creek Corridor Study for the Diridon to Airport Connector Project.

Direct staff to negotiate incorporation of the Stevens Creek Corridor Study into Phase 2 of the Diridon to Airport Connector Project.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 1 and 6.
(Transportation/Airport)

Action: The Stevens Creek Corridor Study was negotiated and incorporated into Phase 2 of the Diridon to Airport Connector Project. (11-0-0)

2.13 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments:

- (a) Downtown Parking Board:
 - (1) Downtown Business Association Representative Seat: Appoint Louie Ruvane for a term ending June 30, 2027.
- (b) Historic Landmarks Commission:
 - (1) Citywide Seat: Appoint Sara Ghalandari for a term ending June 30, 2027.
- (c) Housing and Community Development Commission:
 - (1) District 2 Seat: Appoint Alain Mowad for a term ending June 30, 2027.
- (d) Parks and Recreation Commission:
 - (1) District 10 Seat: Appoint Ken Brennan for a term ending to June 30, 2027.
- (e) Senior Citizens Commission:
 - (1) District 6 Seat: Appoint Giovanna Erkanat for a term ending June 30, 2027.
 - (2) District 10 Seat: Appoint Donna Tran for a term ending June 30, 2027.

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

[Rules Committee referral 1/3/2024 - Item A.1.a]

Action: The following Boards and Commissions Appointments were approved: Downtown Parking Board: Louie Ruvane; Historic Landmarks Commission: Sara Ghalandari; Housing and Community Development Commission: Alain Mowad; Parks and Recreation Commission: Ken Brennan; and Senior Citizens Commission: Giovanna Erkanat. (11-0-0)

2.14 Request for Travel Authorization for Mayor Mahan.

Authorize travel for Mayor Mahan to Washington, D.C. from January 16 to 19, 2024 to attend the United States Conference of Mayors (USCM) Annual Winter Meeting. Source of Fund: Mayor/Council Travel Budget. 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 1/3/2024 - Item A.1.a]

Action: The travel for Mayor Mahan to Washington, D.C. from January 16 to 19, 2024 to attend the United States Conference of Mayors (USCM) Annual Winter Meeting was authorized. (11-0-0)

2.15 City Council Appointments of Committees and Boards.

As recommended by the Rules and Open Government Committee on January 3, 2024:

(a) Approve the Mayor’s appointments for each of the Standing Committees, as described in Exhibit “A” of the Mayor’s Memorandum.

(b) Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, approve Councilmembers to each of the Boards, Commissions, or Committees and assignments, as described in Exhibit “B” of the Mayor’s Memorandum. 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 1/3/2024 - Item B.2]

Councilmember Sergio Jimenez pulled Item 2.15 for further discussion.

Action: (a) The Mayor’s appointments for each of the Standing Committees, as described in Exhibit “A” of the Mayor’s Memorandum was approved.

(b) *except* for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, approve Councilmembers to each of the Boards, Commissions, or Committees and assignments, as described in Exhibit “B” of the Mayor’s Memorandum.

Including acceptance of the memorandum from Councilmember Sergio Jimenez, dated January 8, 2024, recommending to: Approve the recommended appointments with the following revisions: (1) Appoint Vice Mayor Kamei to the Santa Clara County Cities Association. (2) Appoint Vice Mayor Kamei to the Santa Clara County Cities Association JPA Board of Directors. (3) Appoint Councilmember Jimenez to the Santa Clara County Cities Association as the alternate representative. (11-0-0)

2.16 VEBA Advisory Committee Appointment.

As recommended by the Rules and Open Government Committee on January 3, 2024 approve the appointment of Sebastian Wisniewski, nominated by the Police Officers’ Association (POA), as the POA’s active employee member to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term ending May 31, 2024.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources) [Rules Committee referral 1/3/2024 - Item B.3]

Action: Sebastian Wisniewski was appointed as the Police Officers' Association POA's active employee member to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee. (11-0-0)

2.17 Request for Travel Authorization for Councilmember Foley.

As recommended by the Rules and Open Government Committee on January 3, 2024, authorize travel for Councilmember Pam Foley to San Antonio, TX from May 28-31, 2024 to attend the 2024 Sister Cities All Americas Summit. Source of Fund: District 9 Council Funds and Personal Funds. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 1/3/2024 - Item B.8]

Action: The travel for Councilmember Pam Foley to San Antonio, TX from May 28-31, 2024 to attend the 2024 Sister Cities All Americas Summit was authorized. (11-0-0)

2.18 Retroactive Approval of Global Innovation Summit Event Sponsored by the Mayor's Office 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 January 3, 2024:
(a) Retroactively approve the Global Innovation Summit event scheduled on October 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 1/3/2024 - Item B.9]

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

2.19 Retroactive Approval of District 2 Special Events Sponsored by Council District 2 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 January 3, 2024:

(a) Retroactively approve the District 2 Winter Holiday Party scheduled on December 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the District 2 Diwali Celebration scheduled on November 4, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve the expenditure of District 2 office budget funds for event costs and facility rental fees.

(d) Approve and accept donations from various individuals, businesses or community groups to support the events.

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

[Rules Committee referral 1/3/2024 - Item B.10]

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

2.20 Retroactive Purchase of State of the City Award.

As recommended by the Rules and Open Government Committee on January 3, 2024, retroactively approve the purchase of Mayor Mahan's Community Hero Award.

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 1/3/2024 - Item C.1]

Action: The purchase of Mayor Mahan's Community Hero Award was retroactively approved. (11-0-0)

3. STRATEGIC SUPPORT

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

City Manager, Jennifer Maguire offered the verbal report and announced that San José has been awarded approximately \$13 million from the Federal Safe Streets and Roads For All Grant Program. She further announced the details and locations of where the grant will be allocated in the City.

Jessica Zenk, Deputy Director; and Jesse Mintz-Roth, Senior Transportation Specialist, Vision Zero Program Manager responded to questions.

3.2 Labor Negotiations Update.

None provided.

3.3 **Request for Proposals for As-Required Microsoft 365 Professional and Technical Services.**

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

(a) Negotiate and execute agreements with AgreeYa Solutions, Inc. (Folsom, CA), Planet Technologies, Inc. (Gaithersburg, MD), and Protiviti Government Services, Inc. (Alexandria, VA) for as-required Microsoft 365 product suite professional and technical services for a seven-year term beginning on or about January 10, 2024 through January 9, 2031 with a maximum aggregate compensation not to exceed \$6,720,000, subject to the appropriation of funds; and

(b) Negotiate and execute amendments for all agreements as required to address changes in the City's Microsoft 365 product suite professional and technical service's needs, including associated adjustments in compensation and reallocation of funds between providers, consistent with the procurement and the City's standard terms and conditions, 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)

Albie Udom, Deputy Director of Finance- Purchasing and Risk Management and Shaun Ratchford, Deputy Director of Information Technology offered the presentation and responded to questions.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember David Cohen, and carried unanimously, the report on the Request for Proposals was accepted and **Resolution No. RES2024-6**, regarding as-required Microsoft 365 Professional and Technical Services was adopted. (11-0-0)

4. **PUBLIC SAFETY**

4.1 **Amendment to Title 6 of the San José Municipal Code Related to Cannabis Regulations.**

Approve an Ordinance Amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to add a new Section 6.88.385 concerning payment plans and registration requirements.

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

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember, Omar Torres, and carried unanimously, **Ordinance No. 31002** regarding the amendment of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program was *passed for publication*. (11-0-0)

5. **TRANSPORTATION & AVIATION SERVICES**

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 **Actions Related to the 7760 – Facility Wide Water Systems 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 Regional Water Pollution Control Plant Master Plan, Facility Wide Water Systems Improvements Project, File No. ER20-209, in accordance with the California Environmental Quality Act, as amended.

(b) Accept the report on bids and award of contract for the construction of 7760-Facility Wide Water Systems Improvements Project to the lowest responsive, responsible bidder, Ranger Pipelines, Inc., in the amount of \$59,490,760.

(c) Approve a 15% contingency in the amount of \$8,923,614.

(d) Adopt the following 2023-2024 Appropriation Ordinance amendments in the San José- Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Support Building Improvements appropriation to the Environmental Services Department by \$8,000,000; and

(2) Increase the Facility Wide Water Systems Improvements appropriation to the Environmental Services Department by \$8,000,000.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan, Facility-wide Water Systems Improvement Project, File No. ER20-209. (Environmental Services/Public Works/City Manager)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) **Resolution No. RES2024-7**, regarding the Addendum to the Environmental Impact Report for the San José-Santa Clara Regional Water Pollution Control Plant Master Plan; and (d) 2023-2024 Appropriation **Ordinance No. 31003**, regarding the amendments in the San José-Santa Clara Treatment Plant Capital Fund were both adopted; (b) the report on bids and award of a contract for the construction of 7760 – Facility Wide Water Systems Improvements Project was accepted, and (c) the 15% contingency in the amount of \$8,923,614 was approved. (11-0-0)

6.2 Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for Engineering Services for the 7760 – Facility Wide Water Systems Improvements Project.

Approve the Second Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for engineering services for the Facility Wide Water Systems Improvements project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$3,000,000, for a total agreement amount not to exceed \$8,370,000; and extending the term of agreement from December 31, 2025, to December 31, 2027.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan, Facility-wide Water Systems Improvement Project, File No. ER20-209. (Environmental Services)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, the Second Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for engineering services for the Facility Wide Water Systems Improvements project was approved. (11-0-0)

6.3 Master Consultant Agreement with Carollo Engineers, for Engineering Services as Owner’s Advisor for the 10199 – Additional Digester Facility Upgrade Project.

Approve a Master Consultant Agreement with Carollo Engineers to provide engineering services as Owner’s Advisor for the 10199 – Additional Digester Facility Upgrade Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2031, in a total amount not to exceed \$7,900,000, subject to the appropriation of funds.

CEQA: Statutory Exemption, File No. PP17-001, Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Environmental Services)

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Domingo Candelas, and carried unanimously, the Master Consultant Agreement with Carollo Engineers to provide engineering services as Owner’s Advisor for the 10199 – Additional Digester Facility Upgrade Project was approved. (11-0-0)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Community Plan to End Homelessness 2020-2025 San José Report.

As recommended by the Neighborhood Services and Education Committee on December 14, 2023, accept the report on the City of San José implementation plan to lay out the vision for the City’s support of the Community Plan to End Homelessness 2020-2025 and initial discussion of City engagement for the next regional plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/City Manager) [Neighborhood Services and Education Committee referral 12/14/2023 – Item (d)2]

Omar Passons, Deputy City Manager; Rosalynn Hughey, Deputy City Manager/Acting Housing Director; Karla Alvarez, Program Manager, Library; Jon Cicirelli, Director, Parks Recreation & Neighborhood Services; Nanci Klein, Director, Office of Economic Development & Cultural Affairs; Ragan Henninger, Deputy Director, Housing; and Assistant Police Chief, Paul Joseph offered the presentation and responded to questions.

Public Comment: Mary Tucker, Andrea Urton (HomeFirst), Maggie Crowder, Dameca Bailey (HomeFirst), Kelly Cape, and King Surinder offered public comment regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the report on the City of San José implementation plan to lay out the vision for the City’s support of the Community Plan to End Homelessness 2020-2025 and initial discussion of City engagement for the next regional plan were accepted. (11-0-0)

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

10.2 CP22-024 & ER22-187 - Administrative Hearing on the Appeal of the Planning Commission’s Approval of a Conditional Use Permit for Certain Real Property Located at 1484 South White Road.

(a) Conduct an Administrative Hearing to consider the appeal of the Planning Commission’s approval of a Conditional Use Permit to allow the off sale of alcohol (Type 21 – full range of alcoholic beverages) at an existing approximately 1,537-square-foot tenant space (Fast Mart) on an approximately 0.43-gross-acre site, located on the eastern side of South White Road, approximately 500 feet southeast of South White Road and Mount Vista Drive (1484 South White Road). (b) Adopt a resolution denying the

permit appeal and approving, subject to conditions, a Conditional Use Permit to allow the off-sale of alcohol (Type 21 – full range of alcoholic beverages) at an existing approximately 1,537-square-foot tenant space (Fast Mart) on an approximately 0.43-gross-acre site, located on the eastern side of South White Road, approximately 500 feet southeast of South White Road and Mount Vista Drive (1484 South White Road). CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities. Council District: 5. (Planning, Building and Code Enforcement)

DEFERRED TO 1/23/2024 PER ADMINISTRATION

• **Open Forum**

1. Mark expressed his gratitude regarding the efforts being done for the unhoused community, his appreciation for the condition of St. James Park, his concerns regarding the delay of maintenance issues throughout the City, and ADA concerns.
2. Victor Niemeyer urged Council to consider aggressive rate reductions for San José Clean Energy and shared a graph regarding the “SJCE Quarterly History of Unrestricted Cash and Operating Reserves” to address his other comments.
3. King Surinder spoke to her views on corruption she’s faced regarding the Santa Clara County Family Courts system.
4. Emily spoke to constituents asking for a Palestine Resolution in December of 2023, the City stating they cannot take positions on Foreign Policies, and her confusions with the City taking a position on the Ukraine war and standing in solidarity with Ukraine, that she said is on the City Website, but nothing regarding Palestine.
5. Misrayn Mendoza spoke to garbage issues in the City and expressed her concerns regarding the unhoused community.
6. Thomas K. stated that in mid-December of 2023, the Lived In Experience Advisory Board of Silicon Valley participated in an outreach event and discovered local business blasting music deliberately from 9:00 p.m.-5:00 p.m. every day, turning on sprinklers where RV owners/ unhoused communities resided, and illegal cement blocks in City streets.
7. Paul Soto provided public comment.

• **Adjournment**

The Council of the City of San José adjourned at 4:40 p.m. in memory and honor of Gary Richards, better known as Mr. Roadshow, who passed away Sunday, December 17, 2023. He was a San José Mercury News transportation columnist and a strong advocate for transportation including improving our roadways and bringing BART to the South Bay.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Yasmin Johnson

Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 7

Attest By:

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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, JANUARY 9, 2024

The Council of the City of San José convened into Closed Session at 9:33 a.m.
The meeting was held in Council Chambers Conference Room, W133.

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

Absent: Councilmembers - Torres.

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 Garcia
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ5502920
Amount of Money or Other Benefits
Relief Sought:

2. Case Name: Marina Garcia v. City of San José, et al.
Name(s) of Party(ies) Marina Rodriguez Garcia, Bernadette Garcia de
Rodriguez, City of San José, Ryan Hahn
Court: Santa Clara Superior Court
Case No: 21CV381906
Amount of Money or Other Damages according to proof
Relief Sought:

3. Case Name: Butler, Brian v. City of San José, et al.
Name(s) of Party(ies) BRIAN BUTLER, CITY OF SAN JOSE AND DOES 1 TO 50, INCLUSIVE
Court: Superior Court of California, County of Santa Clara
Case No: 22CV405916
Amount of Money or Other Relief Sought: Damages according to proof
4. Case Name: Howard Jarvis Taxpayers Association, et al. v. City of San José, et al.
Name(s) of Party(ies) Howard Jarvis Taxpayers Association et al.
Court: United States Court of Appeals for the Ninth Circuit
Case No: 23-16091
Amount of Money or Other Relief Sought: Equitable relief according to proof
5. Case Name: Stacey Katz Brown v. City of San José, et al.
Name(s) of Party(ies) STACEY KATZ BROWN, an individual, City of San José
Court: Santa Clara County Superior Court
Case No: 23CV419645
Amount of Money or Other Relief Sought: Writ of mandate
6. Case Name: International Federation of Professional & Technical Engineers, Local 21 v. City of San José
Name(s) of Party(ies) International Federal of Professional & Technical Engineers, Local 21; City of San José
Court: Public Employment Relations Board
Case No: SF-CE-2072-M
Amount of Money or Other Relief Sought: Unfair labor practice charge