



CITY COUNCIL MEETING Minutes

Tuesday, May 21, 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

9:31 a.m. – Closed Session. *See Pages 18-23 for Closed Session Minutes.*

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

Absent Councilmembers: Foley, Batra.

1:36 p.m. – Regular Session.

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

Absent Councilmembers: None.

• Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

• Invocation (District 5)

Jared Carbajal from The 408 Collective offered the invocation with a saxophone performance.

• Orders of the Day

Mayor Matt Mahan requested the deferral of Item 3.6 to the June 11, 2024 City Council meeting due to the request of the Administration.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, the Orders of the Day were approved, including the deferral of Item 3.6 to the June 11, 2024 City Council meeting. (11-0-0)

• Closed Session Report

None provided.

1. **CEREMONIAL ITEMS**

1.1 Councilmember Pam Foley presented the proclamation recognizing May 16, 2024 as Global Accessibility Awareness Day (GAAD) to increase awareness about digital accessibility and the importance of inclusive design practices and people with different disabilities.

1.2 Councilmember Peter Ortiz presented the proclamation declaring May 5, 2024 as National Murdered and Missing Indigenous Women Awareness Day to recognize, honor and bring awareness in the City of San José to the killings and abductions of indigenous women and girls across the United States.

1.3 Mayor Matt Mahan, Councilmember Dev Davis, and Councilmember Domingo Candelas presented the proclamation recognizing May 21, 2024, as "Recommerce Day" to educate residents of San José on the benefits of reselling returned and open-box items to extend their lifecycle and to grow the circular economy.

2. **CONSENT CALENDAR**

Councilmember Peter Ortiz requested to pull Item 2.24 from the Consent Calendar for questions and comments only.

John Ristow, Director, Department of Transportation, answered questions regarding Item 2.24.

Public Comment: Gale Osmer and Oscar provided public comment.

Action: Upon motion by Councilmember Ortiz, seconded by Councilmember Doan, and carried unanimously, the Consent Calendar was approved as a whole, the below actions were taken as indicated. (11-0-0)

2.1 **Approval of City Council Minutes.**

Recommendation:

- (a) City Council Special Meeting Minutes of February 28, 2023.
- (b) City Council Special Meeting Minutes of June 7, 2023.
- (c) City Council Budget Final Public Hearing Minutes of June 12, 2023.
- (d) City Council Regular Meeting Minutes of June 20, 2023.
- (e) City Council Special Meeting Minutes of June 27, 2023.
- (f) City Council Special Meeting Minutes of August 1, 2023.
- (g) City Council Regular Meeting Minutes of August 8, 2023.
- (h) City Council Special Meeting Minutes of August 11, 2023.
- (i) City Council Regular Meeting Minutes of August 15, 2023.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Agreement with Avia Solutions, Inc. for Air Service Development Services at San José Mineta International Airport.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Master Consultant Agreement with Avia Solutions, Inc. for Air Service Development Services at San José Mineta International Airport, for a period of five years from execution, in a total amount not to exceed \$975,000 over the term of the agreement.

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

Action: **Resolution No. RES2024-143** was adopted, authorizing the City Manager or her designee to negotiate and execute a Master Consultant Agreement with Avia Solutions, Inc. (11-0-0)

2.8 Amendment to the Agreement with True North Research, Inc. for Annual Community Surveys.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Master Consultant Agreement with True North Research, Inc. to increase the compensation by \$330,000 for a new maximum compensation not to exceed \$650,000, and with no other changes to the agreement, 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. (City Manager)

Action: **Resolution No. RES2024-144** was adopted, authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Master Consultant Agreement with True North Research, Inc. (11-0-0)

2.9 Actions Related to the Japantown Business Improvement District 2024-2025 Budget Report, 2024-2025 Annual Assessments, and Setting a Public Hearing on the Levy of Assessments.

(a) Preliminarily approve the 2024-2025 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by City Council.

(b) Adopt a resolution of intention to:

(1) Levy the annual assessment for Fiscal Year 2024-2025; and

(2) Set Tuesday, June 4, 2024, at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

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)

Action: (a) The 2024-2025 Budget Report was preliminarily approved, and (b) **Resolution No. RES2024-145** was adopted to (1) levy the annual assessment for Fiscal Year 2024-2025; and (2) set Tuesday, June 4, 2024, at 1:30 p.m. as the date and time for the public hearing. (11-0-0)

2.10 Actions Related to the Downtown Business Improvement District 2024-2025 Budget Report, 2024-2025 Annual Assessments, and Setting a Public Hearing on the Levy of Assessments.

(a) Preliminarily approve the 2024-2025 Budget Annual Report as filed by the Downtown Business Improvement District Advisory Board, or as modified by City Council.

(b) Adopt a resolution of intention to levy the annual assessment for Fiscal Year 2024-2025, and set Tuesday, June 4, 2024 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

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)

Action: The 2024-2025 Budget Annual Report was preliminarily approved, and (b) **Resolution No. RES2024-146** was adopted to levy the annual assessment for Fiscal Year 2024-2025, and set Tuesday, June 4, 2024 at 1:30 p.m. as the date and time for the public hearing. (11-0-0)

2.11 Actions Related to the Purchase Order with Iteris, Inc. for Modular Video Detection Systems and Accessories.

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

- (a) Execute a purchase order with Iteris, Inc. (Santa Ana, CA) for modular video detection systems and accessories, for a one-year term beginning on or about June 11, 2024, ending on or about June 10, 2025, for a not-to-exceed amount of \$720,000; and
 - (b) Exercise up to six one-year options to extend the term of the purchase order with the last option year ending on or about June 10, 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)

Action: **Resolution No. RES2024-147** was adopted, authorizing the City Manager or her designee to: (a) Execute a purchase order with Iteris, Inc. and (b) exercise up to six one-year options to extend the term of the purchase order. (11-0-0)

2.12 Report on Request for Proposals for an Energy Storage Optimization Solution.

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

- (a) Negotiate and execute an agreement with Customized Energy Solutions, Ltd. (Philadelphia, PA) for an energy storage optimization solution for an initial one-year term beginning on or about June 1, 2024 through May 31, 2025, for a maximum compensation not-to-exceed \$180,000, subject to the appropriation of funds;
 - (b) Negotiate and execute amendments and change orders as required for any unanticipated changes, consistent with the procurement and the City's standard terms and conditions, including a contingency amount not-to-exceed \$20,000 during the initial term, subject to the appropriation of funds; and
 - (c) Exercise up to six one-year options to extend the term of the agreement through May 31, 2031 for costs related to resources under management, support, maintenance, and related professional services, 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 was accepted, and **Resolution No. RES2024-148** was adopted, authorizing the City Manager or her designee to: (a) negotiate and execute an agreement with Customized Energy Solutions, Ltd., (b) negotiate and execute amendments and change orders as required, and (c) exercise up to six one-year options to extend the term of the agreement through May 31, 2031. (11-0-0)

2.13 Actions Related to the Purchase Orders with MT Tire Service LLC and Southern Tire Mart LLC for On-Site Tire Service and 24/7 Emergency Road Service.

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 orders with MT Tire Service LLC (San José, CA), and Southern Tire Mart LLC (San José, CA) for on-site tire service and 24/7 emergency road service, with the last option ending on or about February 6, 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)

Action: **Resolution No. RES2024-149** was adopted, authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with MT Tire Service LLC, and Southern Tire Mart LLC. (11-0-0)

2.14 Amendments to Agreements with Wells Fargo Bank, National Association for Banking Services.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute amendments to extend the terms of the current agreements with Wells Fargo Bank, National Association for general banking, lock box services, and merchant card services from July 1, 2024 to June 30, 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)

Action: **Resolution No. RES2024-150** was adopted, authorizing the City Manager or her designee to negotiate and execute amendments to extend the terms of the current agreements with Wells Fargo Bank. (11-0-0)

2.15 Second Amendment to the Agreement with PMWEB, Inc. for a Project Management Information System for the Airport.

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

- (a) Negotiate and execute the Second Amendment to the Agreement for a Project Management Information System with PMWeb, Inc. (Wakefield, MA);
- (b) Extend the initial term through November 30, 2024, under the same material terms and conditions as the original agreement;
- (c) Increase initial term compensation by \$103,618 for a revised maximum compensation of \$403,788 for the initial term ending November 30, 2024; and
- (d) Negotiate and execute up to four one-year options to extend the Agreement for ongoing support, maintenance, and related professional services through November 30, 2028, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds.

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

Action: **Resolution No. RES2024-151** was adopted, authorizing the City Manager or her designee to: (a) negotiate and execute the Second Amendment to the Agreement, (b) extend the initial term, (c) Increase initial term compensation and (d) negotiate and execute up to four one-year options. (11-0-0)

2.16 Award of Capacity Building Grants to Nonprofit Organizations Performing Community Development Activities in San José Neighborhoods Experiencing, or at High Risk of, Residential Displacement.

Adopt a resolution authorizing:

- (a) The award of funds from the Notice of Funding Availability for nonprofit capacity building related to community development programming to the agencies below; and
- (b) The Director of Housing, Acting Director of Housing, or their designee to negotiate and execute grant agreements with the following nonprofit organizations for the term of August 1, 2024 – July 31, 2026, in the amounts listed below:
 - (1) South Bay Community Land Trust to build capacity to do housing acquisition/rehabilitation work, in the amount of \$300,000;

- (2) Sacred Heart Community Service to build capacity to do housing acquisition/rehabilitation work, in the amount of \$265,000;
 - (3) SOMOS Mayfair, Inc. to build its community engagement and limited equity housing cooperatives capacity supporting housing acquisition/rehabilitation, in the amount of \$260,000; and
 - (4) School of Arts and Culture at the Mexican Heritage Plaza to build its capacity to undertake community-focused affordable housing development, in the amount of \$175,000.
- CEQA: Not a Project, File No. PP17-009, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

Action: **Resolution No. RES2024-152** was adopted, authorizing (a) the award of funds from the Notice of Funding Availability, and authorizing (b) the Director of Housing to negotiate and execute grant agreements with the following nonprofit organizations: (1) South Bay Community Land Trust, (2) Sacred Heart Community Service, (3) SOMOS Mayfair, Inc., and (4) School of Arts and Culture at the Mexican Heritage Plaza. (11-0-0)

2.17 Actions Related to the 10287 – New Generators at the Central Service Yard and Fire Training Center Re-bid Project.

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 10287- New Generator at the Central Service Yard and Fire Training Center Re-Bid Project to the lowest responsive, responsible bidder in an amount not to exceed \$3,000,000;
 - (b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
 - (c) Approve a contingency in the amount of 10% of the contract amount.
- CEQA: File No. ER23-262, Determination of Consistency to the Fire Training and Emergency Operations Center Relocation Project Initial Study Mitigated Negative Declaration (Resolution No. 79804). Council District 7. (Public Works)

Action: **Resolution No. RES2024-153** was adopted, authorizing the Director of Public Works to: (a) award and execute a contract, (b) decide any timely bid protest(s), and (c) approve a contingency. (11-0-0)

2.18 Action Related to the 9703 – Large Trash Capture Device Installation Project Phase VII. – DEFERRED

Approve an increase to the construction contingency from 15% to 36% for the 9703 – Large Trash Capture Device Installation Project Phase VII in the amount of \$1,568,571 for a revised total contingency amount of \$2,691,771.

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)

DEFERRED TO 6/4/2024 PER ADMINISTRATION

2.19 Master Consultant Agreement with Wood Rodgers, Inc. for Storm Sewer System Computer Modeling and Master Planning.

Approve a Master Consultant Agreement with Wood Rodgers, Inc. for on-call computer modeling and master planning consultant services for the City of San José's storm sewer system from the date of execution to June 30, 2027, in an amount not to exceed \$500,000.

CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Public Works)

Action: A Master Consultant Agreement with Wood Rodgers, Inc. was approved. (11-0-0)

2.20 Actions Related to the 9405 – SJC Perimeter Protection Re-Bid II project.

(a) Approve an increase in the construction contingency from 10% to 30% for the 9405 – SJC Perimeter Protection Re-Bid II Project in the amount of \$600,000 for a total contingency of \$899,939.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:

(1) Decrease the Ending Fund Balance appropriation by \$600,000; and

(2) Increase the Perimeter Security Projects appropriation by \$600,000.

CEQA: PP18-103: Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497). (Public Works/Airport/City Manager)

[Deferred from 5/14/2024 – Item 2.15 (24-88305)]

Action: (a) An increase in the construction contingency was approved, and (b) Appropriation **Ordinance No. 31077** was adopted to (1) decrease the Ending Fund Balance appropriation and (2) increase the Perimeter Security Projects appropriation. (11-0-0)

2.21 Actions Related to Grant Funding for Bicycle and Pedestrian Projects.

Adopt a resolution:

(a) Authorizing the City Manager or her designee to submit a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2024-2025 Transportation and Development Act, Article III State grant funding in the amount of \$1,388,980 for bicycle and pedestrian projects;

(b) Making the certifications and assurances required under the Transportation and Development Act, Article III grant; and

(c) Authorizing the City Manager or her designee to accept Transportation and Development Act, Article III grant funding awarded from the Metropolitan Transportation Commission, and to negotiate and execute any grant documents to effectuate the grant.

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

Action: **Resolution No. RES2024-154** was adopted, (a) authorizing the City Manager or her designee to submit a request to the Metropolitan Transportation Commission, (b) making the certifications and assurances required under the Transportation and Development Act, and (c) authorizing the City Manager or her designee to accept Transportation and Development Act, Article III grant funding. (11-0-0)

2.22 Third Amendment to the Funding Agreement with Santa Clara Valley Transportation Authority for the U.S. 101/Zanker Road Project.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the US 101/Zanker Road Project to extend the term of the agreement to December 31, 2026.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 4. (Transportation)

Action: **Resolution No. RES2024-155** was adopted, authorizing the City Manager or her designee to negotiate and execute an amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority. (11-0-0)

2.23 List of Pavement Maintenance Projects Eligible for Senate Bill No. 1 Funding.

Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2024-2025 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1, otherwise known as the Road Repair and Accountability Act of 2017.

CEQA: Categorical Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: **Resolution No. RES2024-156** was adopted, approving a list of pavement maintenance projects eligible for San José's 2024-2025 allocation of the Road Maintenance and Rehabilitation Account funding. (11-0-0)

2.24 Resolutions Authorizing Removal of Vehicles Parked in Violation of Large Vehicle or Overnight Parking Restrictions on Identified Streets.

(a) Adopt a resolution authorizing the removal of large vehicles parked or left standing in violation of "no large vehicle parking zones" on portions of the streets located on both sides of Rock Springs Drive – Wool Creek Drive, between Needles Drive and the driveway of Shirakawa Elementary School.

(b) Adopt a resolution authorizing the removal of vehicles parked or left standing between 10:00 p.m. and 6:00 a.m. in violation of "no overnight parking zones" on the following streets or portions of streets:

- (1) Both sides of East Gish Road, between Berger Drive and Oakland Road;
- (2) The east side of Education Park Drive, between North Pine Hollow Circle and Schulte Drive;
- (3) The west side of Education Park Drive, between Mabury Road and Schulte Drive;
- (4) The north side of Wool Creek Drive, between Senter Road and Will Wool Drive;

(5) The south side of Wool Creek Drive, between Senter Road and 400 feet east of Senter Road; and

(6) Both sides of Will Wool Drive, between Wool Creek Drive and Quinn Avenue.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Transportation)

Action: (a) **Resolution No. RES2024-157** was adopted, authorizing the removal of large vehicles parked or left standing in violation of “no large vehicle parking zones”,

(b) **Resolution No. RES2024-158** was adopted, authorizing the removal of vehicles parked or left standing between 10:00 p.m. and 6:00 a.m. in violation of “no overnight parking zones” on the following streets or portions of streets:

(1) Both sides of East Gish Road, between Berger Drive and Oakland Road;

(2) The east side of Education Park Drive, between North Pine Hollow Circle and Schulte Drive;

(3) The west side of Education Park Drive, between Mabury Road and Schulte Drive;

(4) The north side of Wool Creek Drive, between Senter Road and Will Wool Drive;

(5) The south side of Wool Creek Drive, between Senter Road and 400 feet east of Senter Road; and

(6) Both sides of Will Wool Drive, between Wool Creek Drive and Quinn Avenue. (11-0-0)

2.25 Amendment to the Agreement with Trio Community Meals LLC. for Senior Nutrition Services at Multiple City-Owned Community Centers.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a seventh amendment to the agreement with TRIO Community Meals LLC. (formerly Bateman Community Living, a division of Compass Group), for a contract not to exceed \$3,278,126.98, subject to the annual appropriation of funds, for the term of the agreement from July 1, 2024 to June 30, 2025.

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

[Rules Committee referral 5/15/2024 - Item A.1.a]

Action: **Resolution No. RES2024-159** was adopted, authorizing the City Manager or her designee to negotiate and execute a seventh amendment to the agreement with TRIO Community Meals LLC. (11-0-0)

2.26 Approval of Pride and Transgender Flag Raisings and Lighting for Pride Month Sponsored by Council District 3, Council District 6, and Council District 9 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 15, 2024:

(a) Approve the Progressive Pride and Transgender Flag Raisings for Pride Month to be recognized by the City Council scheduled on June 4, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the 2024 Pride Month Lighting scheduled on June 1-7, 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. (Torres, Davis and Foley)
[Rules Committee referral 5/15/2024 - Item B.3]

Action: The Special Events were approved. (11-0-0)

2.27 Retroactive Approval of Multiple Special Events Sponsored by Council District 3 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 15, 2024:

- (a) Retroactively approve San José Day scheduled on April 6, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Cinco de Mayo Car Show scheduled on May 4, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Cinco de Mayo Parade and Festival scheduled on May 5, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (d) 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. (Torres)
[Rules Committee referral 5/15/2024 - Item B.4]

Action: The Special Events were retroactively approved. (11-0-0)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire recognized the 64th Annual National Public Works week, and the 12 divisions which maintain crucial infrastructure like roads, bridges, and community facilities. The dedicated staff ensures the City's essential services and amenities are well-supported.

3.2 Labor Negotiations Update.

None provided.

3.3 Approval of the Updated Emergency Operations Plan.

Adopt a resolution adopting the updated City of San José Emergency Operations Plan.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Raymond Riordan, Director, Office of Emergency Management, City Manager's Office, offered the presentation and responded to questions.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Domingo Candelas, and carried unanimously, **Resolution No. RES2024-160** was adopted, updating the City of San José Emergency Operations Plan. (11-0-0)

3.4 **Amendments to Title 8, Chapter 8.08 (Office of Emergency Services) of the San José Municipal Code.**

Approve an ordinance amending Title 8, Chapter 8.08 (Office of Emergency Services) 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.

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

Raymond Riordan, Director, Office of Emergency Management, City Manager's Office, offered the presentation and responded to questions.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Sergio Jimenez, and carried unanimously, **Ordinance No. 31078** was passed for publication amending Title 8, Chapter 8.08 of the San José Municipal Code. (11-0-0)

3.5 **Approval of the Terms of an Agreement with the International Brotherhood of Electrical Workers, Local 332 (IBEW) for the Term of July 1, 2024 through June 30, 2027.**

Adopt a resolution approving the terms of a collective bargaining agreement between the City of San José and the International Brotherhood of Electrical Workers, Local 332 (IBEW) for the term of July 1, 2024, through June 30, 2027, and authorizing the City Manager or her designee to execute an agreement with those terms.

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

City Manager Jennifer Maguire provided insight on the agreement prior to hearing the item.

Elsa Cordova, Assistant to the City Manager, Office of the City Manager, responded to questions.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2024-161** was adopted, approving the terms of a collective bargaining agreement between the City of San José and the International Brotherhood of Electrical Workers, Local 332. (11-0-0)

3.6 **Approval of the Terms of an Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the Term of July 1, 2024 through June 30, 2027.**

Adopt a resolution approving the terms of a collective bargaining agreement between the City of San José and the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the term of July 1, 2024, through June 30, 2027, and authorizing the City Manager or her designee to execute an agreement with those terms.

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

DEFERRED DURING ORDERS OF THE DAY.

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

5.1 Report on Bids and Award of Contract for the Construction of 10381 – 2024 Major Streets Resurfacing Project #1.

(a) Report on bids and award a contract for the construction of 10381 – 2024 Major Streets Resurfacing Project #1 to the lowest responsive, responsible bidder, O’Grady Paving Inc., in the amount of \$8,024,854; and

(b) Approve a 10% contingency in the amount of \$802,485.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation/Public Works)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) Report on bids and award a contract for the construction of 10381 – 2024 Major Streets Resurfacing Project #1 and (b) a 10% contingency was approved. (11-0-0)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar - HEARD IMMEDIATELY AFTER CONSENT

(a) PP24-001 - Amendments to Various Sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) Related to the Conversion of Private Parking to Outdoor Dining and Other Outdoor Uses Associated with an On-Site Business.

Approve an ordinance amending various sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) related to outdoor uses of private property to: (a) Incorporate requirements for outdoor dining and other outdoor activities associated with an on-site business and for those within 150 feet of residentially zoned property within

Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code; and (b) Delete current references to outdoor dining within Chapter 20.40, Chapter 20.50, Chapter 20.55, Chapter 20.75, and Chapter 20.100 in Title 20 of the San José Municipal Code to be addressed by regulations listed within revised Part 10.5 of Chapter 20.80, including hours of operation, separation criteria, permit processing, and noise parameters; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR Resolution No. 77617, and Addenda thereto. Planning Commission recommends approval (10-0-1; Garcia absent) (Item 6a on the 5/8/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, **Ordinance No. 31079** was passed for publication, amending various sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) related to outdoor uses of private property to: (a) incorporate requirements for outdoor dining and other outdoor activities and (b) delete current references to outdoor dining within Chapter 20.40, Chapter 20.50, Chapter 20.55, Chapter 20.75, and Chapter 20.100 in Title 20 of the San José Municipal Code. (11-0-0)

(b) C24-002, C24-016, C24-017, C24-018, C24-019, C24-020, C24-021, C24-022, and C24-023 - City Initiated Rezoning of 511 Parcels to Align a Property's Zoning District to its' General Plan in Land Use Designation in Response to Senate Bill 1333. – HEARD IMMEDIATELY AFTER CONSENT

Approve an ordinance 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 PQP 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 PQP Public/Quasi-Public Zoning District, five properties from R-1-1 Single-Family Zoning District to PQP 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 PQP Public/Quasi-Public Zoning District, 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 Zoning 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 Zoning 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, located in various locations on those certain real properties 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: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, **Ordinance No. 31080** was passed for publication, rezoning multiple properties. (11-0-0)

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• Open Forum

1. Bob Audyski spoke to the poor driving behaviors in his neighborhood, and requested that speed bumps and traffic signs be placed in his neighborhood.

• Adjournment

The Council of the City of San José adjourned at 2:35 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 7

Attest By:

Toni Taber, CMC
City Clerk, City of San José



NORA FRIMANN, CITY ATTORNEY

*Office of the City Attorney***SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA****May 21, 2024**

Place: City Hall Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be discussed:

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **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 **San José Police Officers' Association**
 . of Unrepresented Employees: (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 **Peace Officer Park Ranger Association (POPRA)**
 . of Unrepresented Employees: (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

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: 2

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

- 1.** Case Name: San Francisco Baykeeper v. City of San Jose
 Name(s) of Party(ies) SAN FRANCISCO BAYKEEPER, CITY OF SAN JOSE
 Court: United States District Court, Northern District
 Case No: 15-CV-00642-BLF
 Amount of Money or Other Relief Consent Decree

Sought:

2.

Case Name: N/A

Name(s) of Party(ies) CALIFORNIA RIVER WATCH

Court:

Case No:

Amount of Money or Other Relief Injunctive Relief, Penalties, and damages
Sought: according to Proof

3.

Case Name: Test Claim for Unfunded Mandates Relating to
the California Water Quality Control Board, San
Francisco Region

Name(s) of Party(ies) CITY OF SAN JOSE, WATER QUALITY
CONTROL BOARD, SAN FRANCISCO
REGION

Court: Commission on State Mandates

Case No: N/A

Amount of Money or Other Relief Test Claim for Unfunded Mandate in an amount
Sought: according to proof