



City Council Meeting Minutes

Tuesday, December 5, 2023

1:30 PM

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

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



- **Call to Order and Roll Call**

9:30 a.m.- Closed Session (Council Chambers Conference Room, W133.)

23-1648: *See Pages 20- 25 for the Closed Session Minutes.*

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

Absent Councilmembers: Ortiz, Davis.

1:34 p.m.- Regular Session (Council Chambers, City Hall)

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

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (Mayor)**

Pastor Lorianna Gardere from Bible Way Christian Center offered the Invocation with a prayer.

- **Orders of the Day**

Mayor Matt Mahan announced that there would be a one-minute time limitation for public comment, open Forum, and the meeting's entirety.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, the Orders of the Day were approved, *including a one week deferral of Items 3.3 and 3.7 to the December 12, 2023 City Council Meeting.* (11-0-0)

- **Closed Session Report**

City Attorney, Nora Frimann reported that during Closed Session, City Council provided authority to join in an Amicus Curiae brief in the State of Texas et al. v. The United States of America Case, relating to the DACA Program. This Item will go to the full Council for review and consideration on the Regular Session portion of the December 12, 2023 City Council Agenda.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Arjun Batra presented the commendation recognizing the Recreation of City Kids (R.O.C.K.) Afterschool Program at the Almaden Community Center for its recreation leaders' recent heroic act in saving a student's life. The commendation was presented to the (R.O.C.K.) Afterschool Program Staff Members, and highlighted Elias and Darius for their outstanding service.
- 1.2 Councilmember Sergio Jimenez presented the commendation to Traci Williams, East Side Union High School District's Director of Adult Education, in recognition of being a dedicated educator and distinguished community leader, and the recipient of the Dr. TJ Owens Award.

2. CONSENT CALENDAR

Councilmember Bien Doan requested to pull Item 2.13 from the Consent Calendar for further discussion.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the Consent Calendar was approved, *excluding Item 2.13 which was voted on separately*, the below actions were taken as indicated. (11-0-0)

2.1 Approval of City Council Minutes.

None provided.

2.2 23-1708 Final Adoption of Ordinances.

(a) Ordinance No. 30982 - An Ordinance of the City of San José Rezoning Certain Real Properties of Approximately 10.3 Gross Acres Generally Bounded by Monterey Road to the West, Kenbrook Circle to the North, Pfeifle Avenue to the East, and East Capitol Expressway to the South, from the CG Commercial General Zoning District to the UR Urban Residential Zoning District (APNS: 497-07- 028 and 497-07-029), from the CG Commercial General Zoning District to the UV Urban Village Zoning District (APN 497-07-030); from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District (APNS 497- 07-19, 497-07-020 and 497-08-025); and from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District (APNS: 497- 07-022, 497-08-023 and 497-08-024).

[Passed for Publication on 11/28/2023 - Item 10.2(c) (23-1637)]

Action: (a) **Ordinance No. 30982** was 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.

2.7 23-1649 **Agreements for Legal Services Related to the San José Clean Energy Program.**

Adopt a resolution authorizing the City Attorney to negotiate and execute agreements for legal services for the Energy Department with (1) Hall Energy Law, P.C. in an initial amount not to exceed \$1,000,000, (2) Keyes & Fox LLP in an initial amount not to exceed \$1,000,000, (3) Braun Blasing & Wynne, P.C. in an initial amount not to exceed \$350,000, (4) Best & Krieger LLP in an initial amount not to exceed \$150,000, and (5) Spiegel & McDiarmid LLP in an initial amount not to exceed \$150,000; for an initial term up to five years, with two two-year options to extend the term through June 30, 2032, and to negotiate and execute amendments to each agreement as needed consistent with the scope of the Request for Proposals during the 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. (City Attorney)

Action: **Resolution No. RES2023-430** was adopted, regarding the agreements for legal services related to the San José Clean Energy Program. (11-0-0)

2.8 23-1650 **Restatement of Lease Agreement Between the City of San José and Whispers, Inc. for the City-Owned Property Located at 150 South Second Street.**

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

- (a) A first restatement of the lease dated February 1, 2013, among the City of San José and Whispers, Inc., a California corporation, for the use of approximately 5,070 square feet of space at the City-owned building located at 150 South Second Street, San José, allowing for an initial term of five years at a rate of \$12,725.70 per month inclusive of base rent and common area maintenance fees for the first year with a 3% annual escalator each year thereafter, totaling \$904,109.05, including a required sewer payment within 30-days of lease execution, for the initial five-year term, and one tenant option to extend for an additional five years for a total of no less than \$932,855.57; and
- (b) All other documents, agreements, or amendments necessary to effectuate the first restatement of the lease.

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

Action: **Resolution No. RES2023-431** was adopted, regarding the restatement of lease agreement between the City of San José and Whispers, Inc. for the City owned property located at 150 South Second Street. (11-0-0)

2.9 23-1651 Amendment to the Master Consultant Agreement with Energeia USA to Provide Technical Consulting Services.

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

(a) Negotiate and execute a Second Amendment to the Master Consultant Agreement with Energeia USA for technical consulting services supporting electricity rate and cost of services studies, regulatory compliance support, and energy program support, to increase the maximum compensation from \$320,000 to \$800,000 through June 30, 2026, and extend the term for up to three one-year options through June 30, 2029, subject to the appropriation of funds; and

(b) Exercise the three one-year options to extend the term of the Master Consultant Agreement through June 30, 2029.

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

Action: **Resolution No. RES2023-432** was adopted, regarding the second amendment to the Master Consultant Agreement with Energeia USA to provide technical consulting services. (11-0-0)

2.10 23-1652 Actions Related to an Application for CalRecycle Senate Bill 1383 Local Assistance Grant.

Adopt a resolution authorizing the City Manager or her designee for a period of five years from December 5, 2023 to December 5, 2028 to:

(a) Submit applications to the California Department of Resources Recycling and Recovery for Senate Bill 1383 Local Assistance Grants, and

(b) Negotiate and execute all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment, necessary to secure Senate Bill 1383 Local Assistance grant funds upon award and implement the approved grant project.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into agreement at the time of application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Action: **Resolution No. RES2023-433** was adopted, regarding the actions related to an application for CalRecycle Senate Bill 1383 Local Assistance Grant. (11-0-0)

2.11 23-1653 Actions Related to the Purchase Order with J.D. Power for an Electric Vehicle Informational and Educational Assistant Tool.

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

(a) Execute a purchase order with J.D. Power (Agoura Hills, CA) to provide an electric vehicle information and educational assistant tool

for the Energy Department, including related professional services such as implementation, maintenance, and support, for a maximum compensation not to exceed \$136,800 during the initial one-year term beginning on or around December 1, 2023 and ending November 30, 2024, or as may be adjusted to align with the term of the software subscription;

(b) Negotiate and execute amendments as required during the initial term for unanticipated changes in requirements for a contingency not to exceed \$20,000, subject to the appropriation of funds; and

(c) Exercise up to six one-year options to extend the term of the purchase order through November 30, 2030, or as may be adjusted to align with the term of the software subscription, subject to the appropriation of funds.

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

Action: **Resolution No. RES2023-434** was adopted, regarding the actions related to the purchase order with J.D. Power for an electric vehicle informational and educational assistant tool. (11-0-0)

2.12 23-1654

Amendment to the Agreement with Concern for Employee Assistance Program and Critical Incident Response Program.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the consultant agreement between the City and Concern: Employee Assistance Program for the employee assistance program and critical incident response services, to include employee assistance program services for part-time unbenefited employees in the Municipal Employees' Federation Union effective January 1, 2024 and increasing the not-to-exceed agreement amount from \$3,481,561 to a revised not-to-exceed amount of \$3,814,179, for the full term of the agreement, including the renewal option from January 1, 2023, through December 31, 2028, subject to the annual appropriation of funds.

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

Action: **Resolution No. RES2023-435** was adopted, regarding the amendment to the agreement with concern for Employee Assistance Program and Critical Incident Response Program. (11-0-0)

2.13 23-1655

Amendment to the AT&T Hotspot Agreement for Digital Inclusion Connectivity.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the CALNET AT&T Hotspot Agreement to extend the term from November 30, 2023 to June 30, 2024. CEQA: Categorically Exempt, File No. ER22-134, CEQA Guidelines Section 15301, Existing Facilities. (Library)

Councilmember Bien Doan addressed his concerns with the project potentially decreasing the availability of hotspots and its impacts to low income residents and students who rely on City services.

City Attorney, Nora Frimann requested that Item 2.13 be voted upon separately, due to Councilmember Arjun Batra's recusal regarding a conflict of interest.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen, and carried Unanimously, **Resolution No. RES2023-436** was adopted, regarding the amendment to the AT&T Hotspot Agreement for Digital Inclusion Connectivity. (10-1-0; Recused: Batra)

2.14 23-1656

Approval of the Proposed 2023 Edward Byrne Memorial Justice Assistance Grant Spending Plan and Adoption of Related Appropriation Actions.

- (a) Approve the proposed Spending Plan for the 2023 Edward Byrne Memorial Justice Assistance Grant in the amount of \$395,840.
 - (b) Adopt a resolution accepting the 2023 Edward Byrne Memorial Justice Assistance Grant in the amount of \$395,840 and authorize the City Manager or her designee to negotiate and execute the Grant Agreement and all related documents for the grant award received from the United States Department of Justice without further City Council action.
 - (c) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
 - (1) Increase the estimate for Revenue from Federal Government by \$395,840; and
 - (2) Establish the 2023 Justice Assistance Grant appropriation to the Police Department in the amount of \$395,840.
- 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) The proposed Spending Plan for the 2023 Edward Byrne Memorial Justice Assistance Grant in the amount of \$395,840 was approved, (b) **Resolution No. RES2023-437**, (c) Appropriation **Ordinance No. 30983**, and (c) Funding Sources **Resolution No. RES2023-438** were adopted. (11-0-0)

2.15 23-1657

Approval of Exception to the City Multifamily Housing Revenue Bond Policy Allowing Four Affordable Housing Developments to Use an Alternate Bond Issuer.

- Adopt a resolution:
- (a) Authorizing exceptions to the City Council's Multifamily Housing Revenue Bond Policy 1-16 for the issuance of Multifamily Housing Revenue Bonds due to special circumstances, thereby allowing the California Municipal Finance Authority to issue the bonds for the following developments:
 - (1) Villa Del Sol Apartments located at 1936 Alum Rock Avenue;
 - (2) Martha Gardens Apartments located at 802 South First Street;

(3) Monterey Road Apartments located at 4300-4310 Monterey Road;
and

(4) 2880 Alum Rock Avenue Apartments located at 2880 Alum Rock Avenue.

(b) Authorizing the Director of Finance to hold the Tax Equity and Fiscal Responsibility Act hearings for the Villa Del Sol Apartments, Martha Gardens Apartments, Monterey Road Apartments, and 2880 Alum Rock Avenue Apartments upon receipt of California Debt Limit Allocation Committee approval and debt allocations.

CEQA: Villa Del Sol, 1936 Alum Rock Ave: File Nos. CP20-015 and ER20-092, Mitigated Negative Declaration for Villa Del Sol Mixed-Use Project (Planning Commission Resolution No. 21-002); Martha Gardens, 802 South 1st Street: File Nos. PDC17-022, PD21-011, and ER21-130, South First/East Virginia Street Mixed-Use Development Project Initial Study and Mitigated Negative Declaration (Resolution no. 79906); Monterey Road Apartments, 4300-4310 Monterey Road: Exempt from CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Development pursuant to Government Code Section 65913.4, File No. ER20-150; 2880 Alum Rock Avenue Apartment, 2880 Alum Rock Ave: File Nos. CP20-025 and ER20-216, Mitigated Negative Declaration for 2880 Alum Rock Mixed-Use Project (Planning Commission Resolution No. 21-029). Council Districts 2, 3, and 5. (Housing/Finance)

Action: **Resolution No. RES2023-439** was adopted, regarding the approval of exception to the City Multifamily Housing Revenue Bond Policy allowing four affordable housing developments to use an alternate bond issuer. (11-0-0)

2.16 23-1711

Retroactive Approval of World AIDS Day Flag Raising and Tower and Rotunda Lighting Sponsored by Council Districts 9 and 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 November 29, 2023:

(a) Retroactively approve the World AIDS Day Flag Raising scheduled on December 1, 2023, and Tower and Rotunda Lighting scheduled from November 27, 2023 to December 3, 2023 as City Council sponsored Special Events and approve the expenditure of funds; and

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

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley and Torres) [Rules Committee referral 11/29/2023 - Item B.3]

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

2.17 23-1715

Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on November 29, 2023:

- (a) Retroactively approve the Meadowfair Neighborhood Beautification Day scheduled on October 7, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Old Pleasant Hills Golf Course Community meeting scheduled on October 12, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Norwood Dumpster Day scheduled on October 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Retroactively approve the Autumn Litter Pick Up scheduled on October 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Retroactively approve the Family Fall Festival scheduled on October 28, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (f) Retroactively approve the Coat Drive Event scheduled from November 11, 2023 to December 10, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (g) Retroactively approve the Lake Cunningham Beautification Day scheduled on November 12, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (h) Approve the Community Leaders Celebration scheduled on December 7, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (i) Approve the Tree lighting at Lake Cunningham scheduled on December 8, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (j) Approve the Santa in the Square scheduled on December 15, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (k) 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. (Candelas)
[Rules Committee referral 11/29/2023 - Item B.4]

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

2.18 23-1718

Retroactively Approval and Approval of Multiple Special Events Sponsored by Council District 4 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 November 29, 2023:

- (a) Retroactively approve the Berryessa Arts and Crafts Holiday

Boutique scheduled on November 18, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Retroactively approve the Ruskin Drive District 4 Dumpster Day scheduled on December 2, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
(c) Approve the Santa Visits Alviso Foundation Event scheduled on December 9, 2023 as City Council sponsored Special Event and approve the expenditure of funds;
(d) Approve the Christmas in the Park District 4 Day scheduled on December 14, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
(e) Approve the District 4 Pajama Giveaway scheduled on December 19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
(f) 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. (Cohen)
[Rules Committee referral 11/29/2023 - Item B.5]

Action: The City Council Sponsored Special Event 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 Infinera, a semiconductor company in San José was selected to receive a \$14 million grant, to be distributed over the next five years from the California Governor’s Office of Business and Economic Development (GO-Biz). She spoke to the Grants agreement regarding employment opportunities and the CHIPS and Science Act.

3.2 Labor Negotiations Update.

None provided.

3.3 23-1665 Proposed Ordinance Regulating Foreign Influence in City Elections Prohibiting Foreign-Influenced Business Entities from Making Independent Expenditures, Campaign Contributions or Contributing to Independent Expenditure Committees.

Approve an ordinance 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, add Section 12.06.114 defining a foreign-influenced business entity, and add 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.

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

[Deferred from 11/16/2021 - Item 3.6 (21-2421) and 3/22/2022 - Item 3.3 (22-365)]

Deferred during Orders of the Day to the December 12, 2023 City Council meeting.

3.4 23-1658

Amendment to the City's Pay Plan for the Director of Retirement Services and Chief Executive Officer, Assistant Director and Chief Investment Officer, Senior Investment Officer, and Investment Officer Classifications.

(a) Accept the Director of Retirement Services and Chief Executive Officer (CEO) compensation study results.

(b) Accept the Chief Investment Officer (CIO) and Retirement Investment Officers compensation study results.

(c) Adopt a resolution amending the City of San José Pay Plan effective December 5, 2023, as follows:

(1) Change the total annual salary range for the classification of Director of Retirement Services and Chief Executive Officer U (7501)

from \$244,134.49 - \$345,857.33 to \$244,134.49 - \$376,488.00;

(2) Change the total annual salary range for the classification of Assistant Director and Chief Investment Officer U (7506) from \$279,737.54 - \$375,102.57 to \$279,737.54 - \$408,300.00;

(3) Change the total annual salary range for the classification of Senior Retirement Investment Officer U (7507) from \$152,703.48 - \$238,033.77 to \$152,703.48 - \$266,409.00; and

(4) Change the total annual salary range for the classification of Retirement Investment Officer U (7505) from \$144,514.82 - \$204,364.25 to \$144,514.82 - \$231,660.00.

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

[Deferred from 9/19/2023 Item 3.6 (23-1241) and 9/26/2023 Item 3.6 (23-1296)]

Public Comment: Brian Darby and Ruthie Callahan provided public testimony regarding the item.

Federated Retirement Board Member, Andrew Gardanier and Police and Fire Retirement Board member, Andrew Gardanier offered the presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, (a) the Director of Retirement Services and Chief Executive Officer (CEO) compensation study results and (b) the Chief Investment Officer (CIO) and Retirement Investment Officers compensation study results were accepted; and (c) **Resolution No. RES2023-440** was adopted, regarding the amendment of the City of San José Pay Plan effective December 5, 2023. Including acceptance of the joint memorandum from Mayor Matt Mahan, Councilmember Dev Davis, and Councilmember Pam Foley, dated December 1, 2023, recommending: (1) Accept the Director of Retirement Services and Chief Executive Officer (CEO) compensation study results. (2) Accept the Chief Investment Officer (CIO) and Retirement Investment Officers compensation study results. (3) Utilizing the City's methodology to reach 50% of Market, retain the current total annual salary ranges for the following classifications: (A) Director of Retirement Services & Chief

Executive Officer U (CEO) (B) Assistant Director & Chief Investment Officer U (CIO) (C) Senior Retirement Investment Officer U (D) Retirement Investment Officer U. (11-0-0)

Councilmember Arjun Batra amended his vote on Item 3.4 to “yes”, his previous “no” vote was submitted accidentally.

3.5 23-1659 Actions Related to the Purchase Orders with Hi-Tech Emergency Vehicle Service, Inc. and Golden State Fire Apparatus, Inc. for Fire Apparatuses.

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

- (a) Execute purchase orders with Hi-Tech Emergency Vehicle Service, Inc. (Oakdale, CA) and Golden State Fire Apparatus, Inc. (Sacramento, CA) for fire apparatuses for a one-year term beginning on or about December 6, 2023, and ending on or about December 5, 2024, for a combined not-to-exceed amount of \$10,154,416;
- (b) Approve a contingency of \$1,500,000 for unanticipated modifications to fire apparatus orders and specifications, subject to the appropriation of funds; and
- (c) Exercise up to six additional one-year options to extend the term of the purchase orders, with the last option year ending on or about December 5, 2030, subject to the appropriation of funds.

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

Public Comment: Brian Darby and Paul Soto provided public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Omar Torres, and carried unanimously, **Resolution No. RES2023-441** was adopted, regarding the purchase orders with Hi-Tech Emergency Vehicle Service, Inc. and Golden State Fire Apparatus, Inc. for fire apparatuses. (11-0-0)

3.6 23-1660 Report on Bids and Award of Contract for the Construction of 9149 - Police Department Training Center Relocation (2018 Measure T) Project.

(a) Report on bids and award of a contract for the construction of 9149 - Police Department Training Center Relocation Project to the lowest responsive, responsible bidder, Midstate Construction Corporation, for the base bid and bid alternate Nos. 1, 2, 3, 4, and 5 in the amount of \$28,748,000;

(b) Approve a 20% contingency in the amount of \$5,749,600; and

(c) In accordance with City Council-approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Police Department Training Center, which is estimated to exceed \$100,000 annually in the General Fund shall be made available in the applicable year of the cost impact.

CEQA: Categorically Exempt, File No. ER23-188, CEQA Guidelines Section 15301, Existing Facilities and Section 15303 New Construction and Conversion of Small Structures. Council District 2.
(Public Works)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Report on Bids and Award of Contract for the Construction of 9149 - Police Department Training Center Relocation (2018 Measure T) Project was accepted. (11-0-0)

3.7 23-1726 Annual Merit Increases and Additional Executive Leave for Council Appointees.

As recommended by the Rules and Open Government Committee on November 29, 2023, adopt a resolution approving a 2.5% merit increase for the City Manager, City Attorney, City Clerk, and City Auditor retroactively effective to July 1, 2023, and granting an additional 40 hours of executive leave to each of these Council appointees for the payroll calendar year 2024.

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 11/29/2023 - Item B.6]

Deferred during Orders of the Day to the December 12, 2023 City Council meeting.

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-1661 Mutual Termination and Settlement of Lease Agreement and Release of Claims Between the City of San José and 4th Street Foods, Inc., as Assignee of Cupertino Flames, LLC, DbA Flames Eatery and Bar and New Lease Agreement Between the City of San José and Home Eat, LLC at 88 South Fourth Street, Suite 150.

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

(a) A Mutual Termination of Lease Agreement and Release of Claims related to the lease dated December 16, 2003, as amended on December 14, 2004, June 27, 2006, April 2, 2009, and August 11, 2009 between the City of San José as successor in interest of the Redevelopment Agency of the City of San José, as Landlord, and 4th Street Foods, Inc. as assignee of Cupertino Flames, LLC, doing business as Flames Eatery and Bar, previously Century Flames, Inc., doing business as Flames Coffee Shop, as Tenant, for the lease of a portion of the City-owned Fourth and San Fernando Street Garage located at 88 South Fourth Street, Suite 150; and

(b) A Lease Agreement between the City of San José, as Landlord, and Home Eat, LLC, a California limited liability company, as Tenant, for the use of approximately 11,035 square feet of restaurant and banquet ground floor space at 88 South Fourth Street, Suite 150 for a 63-month initial term at an annual rental rate of \$281,061.45 for the first year, \$383,180.44 for the second year, \$394,675.86 for the third year, \$406,516.13 for the fourth year, \$418,711.62 for the fifth year, and \$105,445.71 for the remaining three months of the lease term, totaling \$1,989,591.21 for the initial five-year term, and three mutual option periods with rental rates to be established by staff at then-current fair market value.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

Public Comment: Jordan Moldow, Brian Darby, Ursula, William Cooper, Oded, and Paul Soto provided public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2023-442** was adopted, regarding the Mutual Termination and Settlement of Lease Agreement and Release of Claims Between the City of San José and 4th Street Foods, Inc. (11-0-0)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

CONTINUE GENERAL PLAN FOURTH REVIEW CYCLE FOR 2023 HEARING

Councilmember Sergio Jimenez pulled Item 10.1(a) for further discussion.

Public Comment: Brian Darby provided public comment regarding the Land Use Calendar as a whole.

Action: Upon motion by Councilmember Pam Foley, seconded by Omar Torres, and carried unanimously, the Land Use Consent Calendar was approved, *excluding Item 10.1(a), which was voted on separately*, the below actions were taken as indicated. (11-0-0)

10.1 Land Use on Consent Calendar

10.1(a) 23-1662 PP22-002 - An Ordinance Amending Various Sections of Title 20 of the San José Municipal Code and to Make Other Technical, Non-Substantive, or Formatting Changes.

Approve an ordinance of the City of San José amending various sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) to:

(1) Eliminate commercial space requirement for “100% deed-restricted affordable housing” and incorporate those references within (a) Chapter 20.40, ‘Commercial Zoning District and Public/ Quasi-Public district,’ Section 20.40.100; (b) Chapter 20.55, ‘Urban Village and

Mixed-use Zoning district,' Sections 20.55.100 and 20.55.203; (c) Chapter 20.70, 'Downtown Zoning Regulations,' Section 20.70.100; (d) Chapter 20.75, 'Pedestrian oriented Zoning districts,' Section 20.75.200;

(2) Repeal Sections 20.30.460, 20.30.470, 20.30.480, and 20.30.490 related to Accessory Dwelling Units from Part 4.5, amend the Title of Part 4.5 to 'Tiny Home on Wheels (THOW);' and incorporate minor reference edits to Table 20-50, Section 20.30.100, Chapter 20.30, and Section 20.55.201, Chapter 20.55; add new Part 2.75, "Accessory Dwelling Units," in Chapter 20.80, 'Specific Use Regulations; and (3) Amend Chapter 20.200, 'Definitions,' to add new Sections 20.200.547, 'Housing, Affordable Deed Restricted Housing;' 20.200.549, 'Housing, Employee,' and incorporate minor edits to Section 20.200.324, 'Dwelling-Junior Accessory Dwelling Unit or JADU; 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 Final Supplemental Environmental Impact Report (SEIR) for the City of San José 2023-2031 Housing Element Update (Resolution No. RES2023-262).

Planning Commission recommends approval (9-0-2; Bickford and Cantrell absent) (Item 5.a on the 11/15/2023 Planning Commission agenda). (Planning, Building and Code Enforcement)

Motion: Councilmember Sergio Jimenez moved approval of the joint memorandum he co-authored, dated December 1, 2023. The motion was seconded by Councilmember Pam Foley.

Friendly Amendment: Councilmember Peter Ortiz requested to include his memorandum dated December 5, 2023, as part of the of the motion on the floor. The friendly amendment was accepted by the maker of the motion and seconder.

Mayor Matt Mahan expressed his concerns with Councilmember Peter Ortiz' memorandum dated, December 5, 2023; regarding the direction to staff and the interpretation of the word "encourage" in recommendation 2.

Deputy Director, Planning, Building & Code Enforcement Department, Michael Brilliot, stated that Council can encourage staff per Council direction, but makes it difficult to require under State Law.

Mayor Matt Mahan requested to include the informational staff memorandum dated, December 1, 2023 as part of the motion. The make of the motion and seconder did not respond to the request.

Councilmember Dev Davis expressed her concerns with the word "encourage" in recommendation 2 of Councilmember Peter Ortiz' memorandum dated, December 5, 2023; and highly recommended removing recommendation 2 from the memorandum.

Councilmember Pam Foley suggested amending the language in recommendation 2 of Councilmember Peter Ortiz' memorandum dated, December 5, 2023, from "encourage" to "suggest".

Deputy Director, Planning, Building & Code Enforcement Department; Michael Brilliot offered the following additional language suggestion regarding recommendation 2 of Councilmember Peter Ortiz' memorandum dated, December 5, 2023; "*Staff should inform Affordable Housing Developers that they are not required to*

provide commercial space, however staff should either consider, suggest, or encourage that Affordable Housing Developers consider including commercial space if it is feasible as part of their project.”

Deputy City Manager, Rosalynn Hughey suggested to use the word “explore” instead of “encourage,” regarding the language in recommendation 2 of Councilmember Peter Ortiz’ memorandum dated, December 5, 2023. The maker of the motion and seconder accepted the staff recommendation as part of the motion.

Councilmember Dev Davis requested to take a separate vote on Item 10.1(a)

Deputy Director, Planning, Building & Code Enforcement Department, Michael Brilliot, requested clarification of the motion on the floor.

Councilmember Sergio Jimenez confirmed that the staff suggestion to use the word “explore” instead of “encourage,” regarding the language in recommendation 2 of Councilmember Peter Ortiz’ memorandum dated, December 5, 2023, was accepted.

Mayor Matt Mahan stated that it doesn’t fundamentally work to substitute the word “encourage” to “explore.”

Councilmember David Cohen offered grammatical clarification that the word “explore” in recommendation 2 should read as follows: *“To encourage Affordable Housing Developers to explore including commercial spaces”*

Mayor Matt Mahan requested clarification of the motion.

Councilmember David Cohen stated that Council should reiterate its position to encourage affordable housing projects to have commercial space if feasible.

After further discussion, Mayor Mahan called for a vote, and stated the motion includes both the joint memorandum and Ortiz’ memorandum, with the word “encourage” given unclarified modifications in recommendation 2 of Councilmember Peter Ortiz’ memorandum dated, December 5, 2023.

Action: On a call for question, the motion carried, **Ordinance No. 30984** was *passed for publication*, regarding the amendments of Various Sections of Title 20 of the San José Municipal Code and to make other technical, non-substantive, or formatting changes. including acceptance of the joint memorandum from Vice Mayor Rosemary Kamei, Councilmember Sergio Jimenez, Councilmember David Cohen, and Councilmember Pam Foley, dated December 1, 2023, recommending: (1) Approve the staff recommendations. (2) Direct the City Manager and the City Attorney to return to the City Council with options for an ordinance implementing AB 1033, allowing the separate sale of ADUs, as part of the next round of routine Zoning Code amendments.

Also including acceptance of the memorandum from Councilmember Peter Ortiz, dated December 5, 2023, *with the word “encourage” given unclarified modifications*, recommending: (1) Approve the staff recommendations. (2) Direct Planning, Building & Code Enforcement and Housing staff to continue to *encourage* commercial spaces within “100% deed-restricted affordable housing.” (3) Direct the Intergovernmental Relations Team to provide the City Council an informational memorandum on what measures the City can take regarding residential development and its impact on commercial tenants/small businesses at the State level. (7-4-0; Noes: Mahan, Davis, Doan, Batra)

10.1(b) 23-1663 GPT23-007, PP23-006 & C23-108 - Amendment to Title 20 (Zoning Ordinance), Chapter 20.65 (Overlay Districts) and Chapter 20.195 (Ministerial Approvals).

(1) *Dropped per City Staff Request: Adopt a resolution* approving the General Plan Text Amendment to amend the Envision San José 2040 General Plan to amend the Residential Neighborhood land use designation to increase density for sites included in the HERO Housing Element Residential Overlay District.

(2) Approve an ordinance amending Chapter 20.65 “Overlay Districts” to include “HERO Housing Element Residential Overlay District.”

(3) Approve an ordinance amending the Zoning District Map to apply the “HERO Housing Element Residential Overlay District” to certain real properties.

(4) Approve an ordinance amending Chapter 20.195 “Ministerial Approvals” to establish “Local Ministerial Approvals” for housing developments receiving entitlements under the zoning overlay districts and to allow a streamlined ministerial approval process for housing occupied by agricultural (farm) employees within Section 20.195.010, 20.195.020, 20.195.030, and 20.195.050.

CEQA: Determination of Consistency with the City of San José 2023-2031 Housing Element Update Supplemental Environmental Impact Report (Resolution No. RES2023-262). Planning Commission recommends approval (8-1-2, Garcia opposed, Bickford and Cantrell absent) (Item 8.c on the 11/15/2023 Planning Commission agenda). (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres, and carried unanimously, (b)(2) **Ordinance No. 30985**, (b)(3) **Ordinance No. 30986**, and (b)(4) **Ordinance No. 30987** were *passed for publication*. (11-0-0)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 23-1664 **GP23-005 & GPT23-005 - A City Initiated General Plan Amendment, a Zoning Ordinance Update, an Amendment to the Zoning Map to Create New and Modify Existing Housing Overlay Districts on Certain Properties in North San José.**

(a) Adopt a resolution amending the Envision San José 2040 General Plan to add AHO Affordable Housing Overlay and MIHO Mixed-Income Housing Overlay to Chapter 5 “Special Land Use Designations and Overlays;” and make clarifying edits to Chapter 5 “Transit Employment Center and amending the Envision San José 2040 General Plan Land Use/Transportation Diagram to add the AHO Affordable Housing Overlay to five parcels, change the Overlay from TERO to AHO on five parcels, add the MIHO Mixed Income Overlay to 13 parcels, as well as remove the TERO Transit Employment Residential Overlay from two parcels in North San José.

(b) Approve an ordinance amending San José Municipal Code Title 20 of the San José Municipal Code (Zoning Ordinance) to amend Chapter 20.65 “Overlay Districts” to establish the “AHO Affordable Housing Overlay District,” and

(c) Approve an ordinance amending the Zoning District Map to add the

AHO Affordable Housing Overlay to five parcels, change the Overlay from TERO to AHO on five parcels, add the MIHO Mixed Income Overlay to 13 parcels, as well as remove the TERO Transit Employment Residential Overlay from two parcels in North San José. CEQA: Determination of Consistency with the City of San José 2023-2031 Housing Element Update Supplemental Environmental Impact Report (Resolution No. RES2023-262). Planning Commission recommends approval (8-1-2, Garcia opposed, Bickford and Cantrell absent) (Item 8.b on the 11/15/2023 Planning Commission agenda). Council Districts 4 and 6. (Planning, Building and Code Enforcement) Public Comment: (Zoom) Jim Conley, Peter Jacobson, Amir Rosenbaum, Yaron S., Brian Darby, Rocio Molina, Abu Huraira, Michael Cohen, Hector Ramirez, and Sandeem Allbeck provided public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Dev Davis, and carried unanimously, (a) **Resolution No. RES2023-443** was adopted; (b) **Ordinance No. 30988**, and (c) **Ordinance No. 30989** were *passed for publication*. (11-0-0)

CONTINUE GENERAL PLAN FOURTH REVIEW CYCLE FOR 2023 HEARING TO DECEMBER 12, 2023

Open Forum

Mayor Matt Mahan informed the public that there is a Council Policy that restricts the City Council from taking positions on Foreign Policies. He clarified the Cities legislative process and possible timelines, should one or more members of the City Council bring forward a Resolution.

1. The following members of the public voiced their concerns in person in Council Chambers and on Zoom regarding the events taking place in Gaza, the safety of children and family members in Gaza, U.S funding and tax dollar oppositions, and urged City Council to agendize a permanent Cease Fire Resolution on the December 12, 2023 Agenda, regarding the events occurring in Gaza: Albert Chavez, Rachel Batish, Charlotte Casey, Peter O'Reilly, Jeff T., Dr. Sarah Azod, Deana H., Yusra Hussain, Donna, Mamu (Azteca Mexica), Donna Wallach, Dana Samhour, Nadine, Nuha Khan, Noshaba, Nancy Tsou, Mayeena Ulkarim, Elizabeth Agramont-Justiniano, Natalie Bui, Nickolas Saba, Tammy Saah, Shawna Tran, Joan Simon, Kareem D., Charlene Nijmeh, Amani Hamed, Rhonda Jarrar, Faten, Omar Shorab, Fatima, Mike Sanford, Laura, Aisha Khan, Ayya Elzarka, Leslie Gonzalez, Rashid K., Nakil I. Reigat, Joy Ajlouny, Alie, Tamara H, Lucia Ruiz, Bassam, Tammy Saah, Sarah, Ann Pennlosa, Marwa, Rabia A., Will, Sumayyah Rawashdeh, Muhammad, Sharat Lin, Maya Ayoubi, Anna Koski, Hector Hernandez, Sigal, Marwa, Sarah, Nahla Molla, Rosie, Kunal Kaul, Vanessa Rivera, Jonathan, Kannal, Nas, Natasha, Khari Crawford, Marisol Diaz, Sarah, Noor, Alandra, Yusuf, Brian Darby, Dr. Rebecca N., Syed H., Abu Huraira, Rami Asia, Ash Cable, Hamza, Krista De La Torre, Fouzia Babar, Gilbert Fix, Neda, Caller 'Free Palestine', Lina Baroudi, Newt Lee, Sameena Usman, Saad Qureshi, Diana Valencia, Araceli, Anam Soomro, Sandra, Rupini, Naiema, Tanya, Caller '4462', Jillian Murphy, Nhada Ahmed, Ilseh Buraselo, Vanessa Kha, Hina, Laksh Bhasin, Ahmed Arafa, Bassam, Hamza, Bojana C., Craig F., José Sanders, Nimah, Kamal, Jana Hamdy, Abdelgawad, Saman Qadri, Tim, Sara Kenana, Hala, Rania, Aylin, Christian, Fadi Sckak, Caller 'SS', Fatima Abdel-Wahab Siema, Laura, Samer Barakat, Ahmed, Suri Kaur Dhaliwal, Aziz, Haneen, Mimi, B. Storey, Uriel, and nine speakers whose names were not audible or provided at the podium.
2. Maya K. spoke to the importance of keeping all San José residents safe.

3. Don Milenko discouraged Council from making pronouncements on foreign policies.
4. Lisa Levenberg spoke to the Darfur War that began in April between the RSF and SAF and the importance on focusing on every kind of humanitarian crisis around the globe.
5. Gilli spoke to the importance of having good neighbor relationships and urged Council to focus on America first.
6. Bill Kennedy quoted and read from the December 4th United Nations (UN) Report a spoke to UN Shelters.
7. Khamis spoke to the Cities position on Foreign Policies.
8. Paul Soto spoke to the American genocide that took place in 1851.
9. Blair Beekman spoke to the importance of good practices, ideas on reimagining, and technology accountability.

Adjournment

The Council of the City of San José adjourned at 6:04 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: 9

Attest By:

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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, DECEMBER 5, 2023

The Council of the City of San José convened into Closed Session at 9:30 a.m. The meeting was held in Council Chambers Conference Room, W133.

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

Absent: Councilmembers - Ortiz, Davis.

CLOSED SESSION ITEM(S) DISCUSSED:

A. CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a):

Consultation with: San José Police Department
Representatives: Anthony Mata, Chief of Police

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

1. Case Name: Mathew Price v. City of San José
Name(s) of Party(ies) MATTHEW PRICE, CITY OF SAN JOSE
Court: Santa Clara Superior Court
Case No: 20CV366160
Amount of Money or Other Relief Sought: Damages according to proof

2. Case Name: State of Texas et al. v. The United States of America, et al.
Name(s) of Party(ies) State of Texas; State of Alabama; State of Arkansas; State of Louisiana; State of Nebraska; State of South Carolina; State of West Virginia; State of Kansas; State of Mississippi, United States of America; Alejandro Mayorkas, Secretary; U.S. Department of Homeland Security; Troy Miller,

Acting Commissioner, U.S. Customs and Border Protection; Tae D. Johnson, Acting Director of U.S. Immigration and Customs Enforcement; Ur M. Jaddou, Director of U.S. Citizenship and Immigration Services, Elizabeth Diaz; Jose Magana-Salgado; Karina Ruiz De Diaz; Jin Park; Denise Romero; Angel Silva; Moses Kamau Chege; Hyo-Won Jeon; Blanca Gonzalez; Maria Rocha; Maria Diaz; Elly Marisol Estrada; Darwin Velasquez; Oscar Alvarez; Luis A. Rafael; Nanci J. Palacios Godinez; Jung Woo Kim; Carlos Aguilar Gonzalez; State of New Jersey,

Court: United States Court of Appeals for the Fifth Circuit

Case No: 21-40680

Amount of Money or Other Relief Sought: Damages according to proof.

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 3

D. 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 José 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 José 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

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

1. Department or Agency: City Manager’s Office
 Title: City Manager
2. Department or Agency: City Attorney’s Office
 Title: City Attorney
3. Department or Agency: City Auditor’s Office
 Title: City Auditor
4. Department or Agency: City Clerk’s Office
 Title: City Clerk