



# **CITY COUNCIL MEETING DRAFT MINUTES**

**Tuesday, September 17, 2024  
1:30 PM**

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**

9:35 a.m. - Closed Session. *See Pages 11-13 for Closed Session Minutes.*

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

Absent Councilmembers: Davis, Cohen, Jimenez, Kamei.

- **1:36 p.m. - Regular Session.**

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

Absent Councilmembers: Cohen.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 8)**

San José Police Department, Chaplain Bryan Allen offered the invocation with a prayer.

- **Orders of the Day**

None provided.

- **Adjournment Recognition**

Mayor Matt Mahan and Councilmember Peter Ortiz adjourned the meeting in memory of Dr. George Castro, a scientist, educator, and Chicano community leader, who passed away peacefully in his home on July 30, 2024. Dr. Castro was an accomplished chemist with a storied career at IBM before becoming Associate Dean in the College of Science at San José State University, where he became a passionate advocate for equal opportunity in education. He established multiple partnerships with local public school districts and Evergreen Valley College, and served on President Clinton's Commission on Educational Excellence for Hispanics. He is remembered as a compassionate mentor in the sciences and a fierce champion for the Latino community.

- **Closed Session Report**

*REPORT TO BE PROVIDED.*

## 1. CEREMONIAL ITEMS

- 1.1 Councilmember Domingo Candelas presented the commendation recognizing Michael Gabler, president of the Norwood Neighborhood Association and Vice President of Field Operations for the Silicon Valley Monterey Bay Council, Boy Scouts of America, providing his unwavering commitment to bettering our community here in San José.
- 1.2 Councilmember Bien Doan presented the proclamation declaring September 16, 2024 as Mexican Independence Day to celebrate the heritage and contributions of the Mexican-American community in the City of San José.

## 2. CONSENT CALENDAR

Item 2.9 was pulled by Councilmember Sergio Jimenez for further questions.

Albie Udom, Deputy Director, Finance, responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, the Consent Calendar was approved as a whole, and the below actions were taken as indicated. (10-0-1; Absent: Cohen.)

### 2.1 **Approval of City Council Minutes.**

None provided.

### 2.2 **Final Adoption of Ordinances.**

None provided.

### 2.3 **Approval of Council Committee Minutes.**

- (a) Regular Community and Economic Development Committee Minutes of June 26, 2023.
- (b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of June 7, 2023.
- (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of June 14, 2023.
- (d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of June 21, 2023.
- (e) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 2, 2023.
- (f) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 9, 2023.
- (g) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 16, 2023.
- (h) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 8, 2024.
- (i) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 21, 2024.
- (j) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 28, 2024.
- (k) Regular Neighborhood Services and Education Committee Minutes of June 8, 2023.

(l) Regular Neighborhood Services and Education Committee Minutes of August 10, 2023.  
(m) Regular Public Safety, Finance and Strategic Support Committee Minutes of June 15, 2023.  
(n) Regular Public Safety, Finance and Strategic Support Committee Minutes of August 17, 2023.  
(o) Regular Transportation and Environment Committee Minutes of June 5, 2023.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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

#### **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 Amended and Restated Wholesaler–Retailer Agreement for Supply of Recycled Water Between the City of San José and San José Water Company.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amended and restated wholesaler-retailer agreement between the City of San José and San José Water Company to increase recycled water supply by up to an additional 5,000 acre-feet-per-year.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Action: **Resolution No. RES2024-318** was adopted, regarding an amended and restated wholesaler-retailer agreement between the City of San José and San José Water Company. (10-0-1; Absent: Cohen.)

#### **2.8 United States Environmental Protection Agency Grant Applications.**

Adopt a resolution authorizing the City Manager or her designee for a period of five years, beginning September 10, 2024, through September 9, 2029, to: (a) Apply for all grant programs offered by the United States Environmental Protection Agency, and (b) Negotiate and execute all grant documents, including agreements, amendments, and requests for payment, necessary to accept and secure grant funds, provided that the total grant amount, including any matching funds commitment, is within the City Manager’s authority, as set forth in the San José Municipal Code. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an 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. RES2024-319** was adopted, regarding the United States Environmental Protection Agency grant applications. (10-0-1; Absent: Cohen.)

**2.9 Actions Related to the Purchase Orders with Laguna Auto Body, Inc. and B2 Perfection Auto Body for Vehicle and Truck Collision Repairs, Bodywork, and Painting Services.**

Adopt a resolution authorizing the City Manager or her designee to: (a) Amend purchase orders OP 65170 with Laguna Auto Body, Inc. (Sunnyvale, CA) and OP 65172 with B2 Perfection Auto Body (Sunnyvale, CA) for vehicle and truck collision repairs, bodywork, and painting services to increase the combined total compensation by \$350,000, for a maximum compensation not-to-exceed \$900,000 for the period ending May 29, 2025; and (b) Exercise up to six one-year options to extend the term of the purchase orders with the last option ending on or about May 29, 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. RES2024-320** was adopted, regarding the Purchase Orders with Laguna Auto Body, Inc. and B2 Perfection Auto Body. (10-0-1; Absent: Cohen.)

**2.10 Actions Related to a Purchase Order with Carahsoft Technology Corporation for Salesforce, Inc. Customer Relationship Management Licenses.**

Adopt a resolution authorizing the City Manager or her designee to: (a) Negotiate and execute a Citywide purchase order with Carahsoft Technology Corporation for Salesforce, Inc. Customer Relationship Management licenses, and related services for a maximum compensation of \$1,535,659 for the initial term beginning on or about September 1, 2024, and ending August 31, 2025, or as otherwise adjusted to align with the software subscription term; (b) Negotiate and execute amendments as required for any unanticipated changes to the purchase order with Carahsoft Technology Corporation not to exceed a total amount of \$307,000, subject to the appropriation of funds; and (c) Exercise up to six additional one-year options to extend the term through August 31, 2031, or as may be adjusted to align with the software subscription 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)

Action: **Resolution No. RES2024-321** was adopted, regarding purchase order with Carahsoft Technology Corporation for Salesforce, Inc. Customer Relationship Management licenses. (10-0-1; Absent: Cohen.)

**2.11 Agreement with HomeAway.com, Inc. for the Collection of Transient Occupancy Tax.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Tax Collection Agreement with HomeAway.com, Inc., at no cost to the City, for the collection of the City's Transient Occupancy Tax on short-term rentals, where the host (owner or primary tenant) uses a hosting platform provided by HomeAway.com, Inc. and its subsidiaries. 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. RES2024-322** was adopted, authorizing the City Manager or her designee to negotiate and execute a Tax Collection Agreement with HomeAway.com, Inc. (10-0-1; Absent: Cohen.)

## 2.12 Approval of Citywide Insurance Renewals.

Adopt a resolution authorizing the Acting Director of Finance or his designee to: (a) Select and purchase City property, liability, and executive risk insurance policies for the period of October 1, 2024 to October 1, 2025, at a total cost not-to-exceed \$3,281,702 as well as an 18% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers: (1) Factory Mutual Insurance Company for Property Insurance, including Boiler and Machinery and Terrorism Risk Insurance Act Coverage; (2) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance; (3) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses; (4) Lexington Insurance Company for Secondary Employment Law Enforcement Professional Liability; (5) Arch Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and (6) Great American Insurance Company for Government Fidelity/Crime Coverage. (b) Select and purchase Additional Liability Insurance for the period October 22, 2024 to October 22, 2025, at a cost ranging from \$500,000 to \$1,100,000, subject to the appropriation of funds. (c) Select and purchase up to \$15 million in Excess Flood insurance on a 50/50 quota share basis for the period October 1, 2024 to October 1, 2025, for a cost not-to-exceed \$345,197, as well as an 18% contingency for additional property scheduled, subject to the appropriation of funds. (d) Select and purchase Airport Auto Liability insurance for the period October 1, 2024 to October 1, 2025, for a cost not-to-exceed \$219,877, as well as an 18% contingency for additional assets scheduled, subject to the appropriation of funds. (e) Select and purchase Regional Wastewater Facility Auto Liability insurance for the period October 1, 2024 to October 1, 2025, for a cost not-to-exceed \$191,803, as well as an 18% contingency for additional assets scheduled, 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. RES2024-323** was adopted, regarding the approval of Citywide Insurance Renewals. (10-0-1; Absent: Cohen.)

## 2.13 Amendments to Consultant Master Agreements for Architectural Services for Essential City Facilities Projects.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute amendments to the master agreements for consultant services with Shah Kawasaki Architect, Inc. (CPMS Contract No. 9030-C) and Ten Over Studios, Inc. (CPMS Contract No. 9030-B), extending the term of each contract by up to two years and increasing the total maximum compensation limits for each contract by \$800,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: **Resolution No. RES2024-324** was adopted, regarding amendments to Consultant Master Agreements for Architectural Services for Essential City Facilities Projects. (10-0-1; Absent: Cohen.)

**2.14 Amendments to Consultant Master Agreements for Architectural Services for Non-Essential City Facilities Projects.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute amendments to the existing Master Agreements for consultant services with Anderson Brule Architects, Inc. (CPMS Contract No. 9031-A), Studio G Architects, Inc. (CPMS Contract No. 9031-B), Group 4 Architecture, Research and Planning, Inc. (CPMS Contract No. 9031-C), and ELS Architecture and Urban Design (CPMS Contract No. 9031-D), extending the term of each contract by up to three years and increasing the total maximum compensation limit for each contract by various amounts up to \$500,000 each. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: **Resolution No. RES2024-325** was adopted, regarding amendments to Consultant Master Agreements for Architectural Services. (10-0-1; Absent: Cohen.)

**3. STRATEGIC SUPPORT**

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

*REPORT TO BE PROVIDED.*

**3.2 Labor Negotiations Update.**

None provided.

**3.3 Adoption of Statement of Policy and City Council Questions for the Prospective Director of Environmental Services.**

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

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

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez , seconded by Councilmember Domingo Candelas, and carried unanimously, a statement of Policy and City Council questions related to the selection of a prospective Director of Environmental Services was adopted. (10-0-1; Absent: Cohen)

### 3.4 **Resolution on Federal Recognition for Muwekma Ohlone Tribe.**

Receive information to questions from the August 7, 2024 Rules Committee Meeting.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Ortiz/Davis/Cohen/Candelas/Doan) [Rules and Open Government Committee referral 8/7/2024 – C.2 and 9/4/2024 – A.2] [Deferred from 8/27/2024 – Item 3.6]

*ITEM 3.4 ACTION TO BE PROVIDED.*

## 4. **PUBLIC SAFETY**

## 5. **TRANSPORTATION & AVIATION SERVICES**

## 6. **ENVIRONMENTAL & UTILITY SERVICES**

### 6.1 **Stormwater Management Annual Report 2023-2024.**

Adopt a resolution authorizing certification and submittal of the Fiscal Year 2023- 2024 Stormwater Management Annual Report to the San Francisco Bay Regional Water Quality Control Board by September 30, 2024, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City Action. (Environmental Services)

Lori Mitchell, Acting Director, Environmental Services; Rajani Nair, Deputy Director, Environmental Services; Jennifer Seguin, Deputy Director, Transportation; Matthew Nguyen, Deputy Director, Public Works; and James A. Williams, Assistant Chief, Fire, offered the presentation and responded to questions.

Public Comment: None provided.

Olympia Williams, Interim Deputy Director, Parks, Recreation and Neighborhood Services, answered questions from Council.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2024-326** was adopted, authorizing certification and submittal of the Fiscal Year 2023- 2024 Stormwater Management Annual Report to the San Francisco Bay Regional Water Quality Control Board. (9-0-2; Absent: Cohen, Davis.)

## 7. **NEIGHBORHOOD SERVICES**



## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

### **8.1 Rent Stabilization Strategic Plan Status Report.**

As recommended by the Community and Economic Development Committee on August 26, 2024, accept the status report on the draft Rent Stabilization Program Strategic Plan including Apartment Rent Ordinance, Mobilehome Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and goals and objectives for the program over the coming years.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)  
[Community and Economic Development Committee 8/26/24 – Item (d)1]

Public Comment: Anil Babbar offered public comment.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Omar Torres, and carried unanimously, the status report on the draft Rent Stabilization Program Strategic Plan including Apartment Rent Ordinance, Mobilehome Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and goals and objectives for the program over the coming years was accepted. (9-0-2; Absent: Cohen, Davis)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar**

**No Land Use Items on Consent Calendar**

**END OF CONSENT CALENDAR**

### **10. Land Use - Regular Agenda**

#### **• Open Forum**

1. Lakshmi Iyer provided public comment on the plight of our sheltered animals in the City, and asked for more community education on the subject.
2. Krishna provided public comment asking for a safe haven for the animals that are found as strays.
3. Diane Foxen provided public comment on the experience in San José regarding unwanted kitten births in our communities.
4. Elena Gaffney provided public comment to discuss the animal crisis including animal overpopulation in our communities.

## • Adjournment

The Council of the City of San José adjourned the meeting at 5:11 p.m. in memory and honor of Dr. George Castro, a scientist, educator, and Chicano community lead who passed away peacefully in his home on July 30, 2024. Dr. Castro was an accomplished chemist with a storied career at IBM before becoming Associate Dean in the College of Science at San José State University, where he became a passionate advocate for equal opportunity in education. He established multiple partnerships with local public school districts and Evergreen Valley College, and served on President Clinton’s Commission on Educational Excellence for Hispanics. He is remembered as a compassionate mentor in the sciences and a fierce champion for the Latino community.

Minutes Recorded, Prepared, and Respectfully Submitted by,

***DRAFT***

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Daniel Aguilar,  
Deputy City Clerk City of San José

Approved at Council on:

# of Actions: 4

Attest By:

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Toni Taber, MMC  
City Clerk, City of San José

**SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA**

**September 17, 2024**

Place: City Hall Conference Room W-133

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

Item(s) to be discussed:

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

Consultation with: Security

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

1. Case Name: Streb, Elizabeth v. City of San Jose and Robert Chris Lang  
Name(s) of Party(ies) ELIZABETH STREB; CITY OF SAN JOSE, ET AL.  
Court: Santa Clara County Superior Court  
Case No: 23-cv-424207  
Amount of Money or Other Relief Sought: Damages according to proof
  
2. Case Name: Sanderlin, Derrick et al., v City of San Jose, et al.  
Name(s) of Party(ies) JASON DWYER, LEE TASSIO, JONATHAN MARSHALL, MICHAEL PANIGHETTI, JUAN AVILA, DERRICK SANDERLIN, CAYLA SANDERLIN, BREANNA CONTRERAS, PIETRO DI DONATO, ADIRA SHARKEY, JOSEPH STUKES, AND VERA CLANTON  
Court: U.S. Court of Appeals for the Ninth Circuit  
Case No: 23-15487  
Amount of Money or Other Relief Sought: Damages according to proof

3. Case Name: Baca, David v. City of San Jose; et al.  
Name(s) of Party(ies) DAVID BACA, JONATHAN ANDERSON AND  
BRETT MICHAEL WEIDNER  
Court: U.S District Court- Northern District  
Case No: 3:22-cv-02461-WHO  
Amount of Money or Other Relief Sought: Damages according to proof
4. Case Name: Sutter's Place, Inc., dba Bay 101 v. City of San Jose  
Name(s) of Party(ies) SUTTER'S PLACE, INC., CITY OF SAN JOSE  
ET AL.  
Court: Court of Appeal of the State of California, Sixth  
Appellate District  
Case No: H046146  
Amount of Money or Other Relief Sought: Refund, declaratory relief, injunctive relief
5. Case Name: N/A  
Name(s) of Party(ies) CALIFORNIA RIVER WATCH  
Court: N/A  
Case No: N/A  
Amount of Money or Other Relief Sought: Injunctive Relief, Penalties, and damages  
according to Proof
6. Case Name: City of San Jose, California v. 3M Company (F/K/A Minnesota Mining and Manufacturing Co.); E. I. Dupont De Nemours and Company; The Chemours Company; The Chemours Company FC, LLC; Dupont De Nemours, Inc.; Corteva, Inc.; Chemguard, Inc.; Tyco Fire Products LP; Johnson Controls International, PIC; Carrier Global Corporation; Central Sprinkler, LLC; Fire Products GP Holding, LLC; Kidde-Fenwal, Inc.; Kidde PLC, Inc.; UTC Fire & Security Americas Corporation, Inc.; Raytheon Technologies Corporation F/K/A United Technologies Corporation; National Foam, Inc.; Angus Fire Armourcorporation; Angus International Safety Group; Buckeye Fire

Equipment Company; Arkema, Inc.; BASF Corporation; Chemdesign Products, Inc.; Clariant Corporation; Chemicals Incorporated; Nation Ford Chemical Company; AGC Chemicals Americas Inc.; AGC Inc. F/K/A Asahi Glass Co., Ltd; Deepwater Chemicals, Inc.; Dynax Corporation; Archroma Management, LLC; And John Doe Defendants 1-49 (City v.) (City v.) [2:20-cv-2812-RMG] USDC District of South Carolina -Complaint for environmental claims related to aircraft rescue and firefighting ("ARFF") -- firefighting foam

Name(s) of Party(ies) CITY OF SAN JOSE, MULTIPLE CLASS MEMBERS; 3M, DUPONT, AND NUMEROUS DEFENDANTS;

Court: USDC District of South Carolina

Case No: 2:20-cv-2812-RMG

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

7. Case Name: Almanza, Adam v. City of San Jose & FE Michael Moraida

Name(s) of Party(ies) ADAM ALMANZA; CITY OF SAN JOSE, MICHAEL MORAIDA

Court: Santa Clara County Superior Court

Case No: 21CV387923

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: 1