



CITY COUNCIL MEETING

Minutes

Tuesday, April 23, 2024
1:30 PM

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**

9:30 a.m.- Closed Session. *See Pages 16 – 21 for Closed Session Minutes.*

Present: Councilmembers: Batra, Foley, Candelas, Ortiz, Cohen, Mahan.

Absent Councilmembers: Doan, Davis, Torres, Jimenez, Kamei.

1:36 p.m.- Regular Session.

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

Absent Councilmembers: Jimenez, Torres, Doan.

- **Pledge of Allegiance**

Mayor Mahan led the Pledge of Allegiance.

- **Invocation (District 4)**

St. Victor School Choir offered the invocation with a singing performance.

- **Orders of the Day**

None provided.

- **Adjournment**

Councilmember Pam Foley announced the Council meeting was adjourned in memory of Edward Lee Chirco, who passed away on February 20, 2024. Mr. Chirco was a cherished member of the Cambrian community who gave selflessly and passionately and positively impacted many lives throughout his decade years of service to the community.

- **Closed Session Report**

None provided.

1. **CEREMONIAL ITEMS**

1.1 (*Item was heard third during ceremonials*) Councilmember Domingo Candelas presented a proclamation declaring April 2024 as National Donate Life Month in the City of San José to recognize and raise awareness for organ and tissue donation being vital for life and the well-being of millions of people annually.

1.2 Councilmember Dev Davis (*in Councilmember Bien Doan's absence*) presented a commendation to Gay Routh, a 15-year San José Animal Care Center volunteer who donated two walk-in grooming bathtubs for the shelter pets of all sizes and needs.

- 1.3 (*Item was heard first during ceremonies*) Councilmember Pam Foley presented a commendation recognizing the Branham High School Varsity Girls Basketball team for winning the Division 1 Central Coast Championship and marking its second Central Coast Section (CCS) Championship in school history.

2. **CONSENT CALENDAR**

Public Comment: None provided.

Councilmember Arjun Batra pulled Item 2.17 for comment only.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved as a whole, the below actions were taken as indicated. (8-0-3; Absent: Jimenez, Torres, Doan)

2.1 **Approval of City Council Minutes.**

2.2 **Final Adoption of Ordinances.**

(a) Ordinance No. 31051 - An Ordinance of the City of San José Amending Chapter 11.98 of Title 11 of the San José Municipal Code to Add Section 11.98.025 Authorizing the Removal of Large Vehicles Parked Upon a Street, or Portions thereof, where the Parking of Large Vehicles Creates a Safety Hazard for Pedestrians or Vehicles; and Amending Section 11.98.040 to Require the Posting of Signage Authorizing the Removal of Large Vehicles Parked in “No Large Vehicle Parking Zones”.

[Passed for Publication on 4/9/2024 - Item 3.3(a) (24-76353)]

(b) Ordinance No. 31052 - An Ordinance of the City of San José Amending Chapter 11.36 of Title 11 of the San José Municipal Code to Add Section 11.36.255 to Prohibit the Overnight Parking of Vehicles Upon a Street, or Portions thereof; and Amending Chapter 11.56 of Title 11 to Add Section 11.56.060 Authorizing the Removal of Vehicles Parked where the Overnight Parking of Vehicles is Prohibited.

[Passed for Publication on 4/9/2024 - Item 3.3(b) (24-76353)]

(c) Ordinance No. 31053 - An Ordinance of the City of San José Amending Chapter 10.20 of Title 10 of the San José Municipal Code to Add Part 6 to Establish “School Clearance Zones” which Would Prohibit Certain Obstructions within 150 Feet of Schools.

[Passed for Publication on 4/9/2024 - Item 3.4 (24-76354)]

(d) Ordinance No. 31054 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Willow Street, between South Almaden Avenue and Highway 87.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(e) Ordinance No. 31055 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along East San Salvador Street, between South Fourth Street and South Eleventh Street.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(f) Ordinance No. 31056 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Empire Street from North Second Street to North Fourth Street, Hensley Street from North Second Street to North Fourth Street, North Second Street from Railroad Tracks to East Empire Street, North Third Street from Railroad Tracks to East

Empire Street, and North Fourth Street from Railroad Tracks to East Empire Street.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(g) Ordinance No. 31057 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along North First Street from Nortech Parkway to Liberty Street, and North Taylor Street from Liberty Street to El Dorado Street.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(h) Ordinance No. 31058 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along White Road, between McKee Road and Eastside Drive.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(i) Ordinance No. 31059 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along White Road (Mount Pleasant High School), between Park Lane and 75 ft North of Coldwater Drive (1910 S. White Road).

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(j) Ordinance No. 31060 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Story Road from King Road to McLaughlin Avenue, and Felipe Avenue from Story Road to Olinder Court.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(k) Ordinance No. 31061 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Coyote Road, between Crosslees Drive and Silver Creek Valley Road.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(l) Ordinance No. 31062 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along San Felipe Road, between Silver Creek Road and the Villages Parkway.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(m) Ordinance No. 31063 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Branham Lane, between Camden Avenue and Tupolo Drive.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(n) Ordinance No. 31064 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Almaden Road from Mesa Drive to Via Monte Drive, Almaden Expressway from Via Monte Drive to Coleman Road, and Coleman Road from Almaden Expressway to Guadalupe River Trail.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(o) Ordinance No. 31065 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Blossom Hill Road from Judith Street to Snell Avenue, and Snell Avenue from Giuffrida Avenue to Blossom Hill Road.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(p) Ordinance No. 31066 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Saratoga Avenue, between San Tomas Aquino Road and Payne Avenue.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

(q) Ordinance No. 31067 - An Ordinance of the City of San José Establishing a Rule 20a Underground Utility District along Umbarger Road from Monterey Road to Pancer Lane.

[Passed for Publication on 4/9/2024 - Item 3.7 (24-76357)]

Action: (a) **Ordinance No. 31051**, (b) **Ordinance No. 31052**, (c) **Ordinance No. 31053**, (d) **Ordinance No. 31054**, (e) **Ordinance No. 31055**, (f) **Ordinance No. 31056**,

(g) **Ordinance No. 31057**, (h) **Ordinance No. 31058**, (i) **Ordinance No. 31059**, (j) **Ordinance No. 31060**, (k) **Ordinance No. 31061**, (l) **Ordinance No. 31062**, (m) **Ordinance No. 31063**, (n) **Ordinance No. 31064**, (o) **Ordinance No. 31065**, (p) **Ordinance No. 31066**, and (q) **Ordinance No. 31067** were adopted.
(8-0-3; Absent: Jimenez, Torres, Doan)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for:

(a) Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on April 3, 2024 due to the authorized City business, to attend a meeting of the Local Agency Formation Commission of Santa Clara County.

(b) Councilmember Jimenez from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on April 10, 2024 due to attend the funeral and memorial service for Tim Quigley, former President of the Sister Cities International Foundation.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Kamei and Jimenez)
[Rules Committee referral 4/17/2024 - Item A.1.a]

Action: The request for an excused absence for (a) Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on April 3, 2024, and (b) Councilmember Jimenez from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on April 10, 2024 were approved.
(8-0-3; Absent: Jimenez, Torres, Doan)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Fifth Amendment to Legal Services Agreement with Hawkins, Delafield & Wood LLP for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

Approve a Fifth Amendment to the legal services agreement with Hawkins, Delafield & Wood LLP, increasing the amount of compensation by \$600,000 for a total agreement amount not to exceed \$3,100,000 and extending the term of the agreement through June 30, 2029 to support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

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

Action: The Fifth Amendment to the legal services agreement with Hawkins, Delafield & Wood LLP was approved. (8-0-3; Absent: Jimenez, Torres, Doan)

2.8 Reallocate Funds from City Attorney's Office Outside Litigation Reserve for Outside Litigation Services.

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

- (a) Decrease the City Attorney's Office Outside Litigation Reserve by \$750,000; and
- (b) Increase the Non-Personal/Equipment appropriation by \$750,000.

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. (City Attorney/City Manager)

Action: Appropriation **Ordinance No. 31069** was adopted, regarding the reallocation of funds from the City Attorney's Office Outside Litigation Reserve for Outside Litigation Services. (8-0-3; Absent: Jimenez, Torres, Doan)

2.9 Fourth Amendment to Small Concession Agreement between the City of San José and Smarte Carte, Inc.

Approve a Fourth Amendment to the Small Concession Agreement between the City of San José and Smarte Carte, Inc. for massage chair services to extend the term by an additional three years at the San José Mineta International Airport.

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

Action: A Fourth Amendment to the Small Concession Agreement between the City of San José and Smarte Carte, Inc. was approved. (8-0-3; Absent: Jimenez, Torres, Doan)

2.10 Sixth Amendment to the Consultant Services Agreement with Century Urban, LLC.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a sixth amendment to the existing Consultant Services Agreement with Century Urban, LLC with a total compensation not to exceed \$372,430.

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

Action: **Resolution No. RES2024-109** was adopted, authorizing the City Manager or her designee to negotiate and execute a sixth amendment to the existing Consultant Services Agreement with Century Urban. (8-0-3; Absent: Jimenez, Torres, Doan)

2.11 Amendment to Master Consultant Agreement with AECOM Technical Services, Inc. for General Engineering Services at the San José-Santa Clara Regional Wastewater Facility for the Capital Improvement Program.

Approve the Second Amendment to the Master Consultant Agreement with AECOM Technical Services, Inc. for the 7995 – General Engineering Services, extending the term from June 30, 2024 to June 30, 2025.

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

Action: The Second Amendment to the Master Consultant Agreement with AECOM Technical Services, Inc. was approved. (8-0-3; Absent: Jimenez, Torres, Doan)

2.12 Actions Related to 10369 – South Bay Water Recycling Metering and Pressure Monitoring Improvements Phase II Project.

(a) Accept the report on bids and award of a contract for the construction of 10369 – South Bay Water Recycling Metering and Pressure Monitoring Improvements Phase II Project to the lowest responsive, responsible bidder, JMB Construction, Inc., in the amount of \$3,196,000.

(b) Approve a 10% contingency in the amount of \$319,600.

CEQA: Categorically Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities; Section 15302, Replace or Reconstruction. (Environmental Services)

Action: (a) The report on bids and award of a contract for the construction of 10369 – South Bay Water Recycling Metering and Pressure Monitoring Improvements Phase II Project was accepted, and (b) the 10% contingency was approved. (8-0-3; Absent: Jimenez, Torres, Doan)

2.13 Actions Related to an Application for Assistance for the Adoption of the Latest and Zero Building Energy Codes.

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

(a) Submit an application to the United States Department of Energy for the Assistance for the Adoption of the Latest and Zero Building Energy Codes grant in the estimated amount of \$5,000,000, or in any other amount supported under the terms of the grant; and

(b) Negotiate and execute any grant, payment agreements, amendments, and any other documents necessary with the United States Department of Energy to accept, receive, and fulfill the requirements of the Assistance for the Adoption of the Latest and Zero Building Energy Codes grant upon award.

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. (Environmental Services)

Action: **Resolution No. RES2024-110** was adopted, regarding actions related to an application for assistance for the adoption of the latest and zero building energy codes. (8-0-3; Absent: Jimenez, Torres, Doan)

2.14 Actions Related to the Purchase Orders with Pacific Electric Contracting Inc., to Install, Remove and Replace Foundations for Traffic Signal Poles.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Pacific Electric Contracting, Inc. (San José, CA) to install, remove, and replace foundations for traffic signal poles, with the last option ending on or about April 30, 2030, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. (Finance)

Action: **Resolution No. RES2024-111** was adopted, regarding the purchase order with Pacific Electric Contracting, Inc. (8-0-3; Absent: Jimenez, Torres, Doan)

2.15 Actions Related to the #CaliforniansForAll Youth Service Corps Program.

(a) Adopt a resolution:

(1) Accepting a \$5,321,342 grant from the California Volunteers State Office for the #CaliforniansForAll Youth Service Corp to continue the Resilience Corps Program; and

(2) Authorizing the City Manager or her designee to negotiate and execute agreements, and all other necessary and/or ancillary documents, with the San José Conservation Corps, San José Public Library Foundation, Keep Coyote Creek Beautiful, Trash Punx, Our City Forest, Veggielution, San José Downtown Association, Goodwill of Silicon Valley, South Bay Clean Creeks Coalition and Guadalupe River Park Conservancy to implement the Resilience Corps program in a combined amount not to exceed \$5,321,342.

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

(1) Increase the estimate for Revenue from State Government appropriation by \$1,412,687; and

(2) Increase the CaliforniansForAll Youth Workforce Program – Learning Loss Mitigation Pathway City-Wide Expenses appropriation to the Library Department by \$1,412,687.

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

Action: (a) **Resolution No. RES2024-112** was adopted, regarding actions related to the #CaliforniansForAll Youth Service Corps Program; (1) The grant from the California Volunteers State Office was accepted, (2) authorizing the City Manager or her designee to negotiate and execute agreements; (b) Appropriation **Ordinance No. 31070** and Funding Sources **Resolution No. RES2024-113** were adopted, (1) increasing the estimate for Revenue from State Government appropriation and (2) increasing the CaliforniansForAll Youth Workforce Program – Learning Loss Mitigation Pathway City-Wide Expenses appropriation. (8-0-3; Absent: Jimenez, Torres, Doan)

2.16 Appropriation of 2023 State Homeland Security Grant Program Funds.

Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (a) Establish the State Homeland Security Grant Program - Fire 2023 City-Wide Expenses appropriation to the Fire Department in the amount of \$267,796; and
 - (b) Increase the estimate for Revenue from Federal Government by \$267,796.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Fire/City Manager)

Action: Appropriation **Ordinance No. 31071** and Funding Sources **Resolution No. RES2024-114** were adopted. (8-0-3; Absent: Jimenez, Torres, Doan)

2.17 Donation to Animal Care and Services from the Keeton Estate.

- (a) Adopt a resolution authorizing the City Manager, or her designee, to accept a donation from the Estate of James Keeton of approximately \$200,000 to Animal Care and Services into the Gift Trust Fund and execute any necessary documents to accept the donation.
- (b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:

- (1) Increase the Animal Services Donations appropriation to the Public Works Department by \$200,000; and

- (2) Increase the estimate for Other Revenue by \$200,000.

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. (Public Works/City Manager)

Councilmember Arjun Batra commented on Item 2.17, recognizing the generous donation to Animal Care and Services from the Keeton Estate.

Action: (a) **Resolution No. RES2024-115** was adopted, authorizing the City Manager, or her designee, to accept a donation from the Estate of James Keeton; (b) Appropriation **Ordinance No. 31072** and Funding Sources **Resolution No. RES2024-116** were adopted. (8-0-3; Absent: Jimenez, Torres, Doan)

2.18 Master Agreements with Sandis Civil Engineers Surveyors Planners, BKF Engineers, and Mesiti-Miller Engineering for Civil Engineering Consultants Services.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute master agreements with Sandis Civil Engineers Surveyors Planners, BKF Engineers, and Mesiti-Miller Engineering for the civil engineering consultant services from the date of execution through December 31, 2027, in an amount not to exceed \$700,000 for each 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. (Public Works)

Action: **Resolution No. RES2024-117** was adopted, regarding the master agreements with Sandis Civil Engineers Surveyors Planners, BKF Engineers, and Mesiti-Miller Engineering for the civil engineering consultant services. (8-0-3; Absent: Jimenez, Torres, Doan)

2.19 VEBA Advisory Committee Appointment.

As recommended by the Rules and Open Government Committee on April 17, 2024, approve the following appointments to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a term beginning June 1, 2024 and ending on May 31, 2028:

- (a) Sebastian Wisniewski, nominated by the Police Officers' Association (POA) as the POA's active employee member; and
 - (b) Elsa Cordova, nominated by the City Manager as the unrepresented employee member.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)
[Rules Committee referral 4/17/2024 - Item B.2]

Action: The following appointments to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee were approved: (a) Sebastian Wisniewski was nominated by the Police Officers' Association (POA) as the POA's active employee member, and (b) Elsa Cordova was nominated by the City Manager as the unrepresented employee member. (8-0-3; Absent: Jimenez, Torres, Doan)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 Spring Intergovernmental Relations Report.

- (a) Accept the Spring Intergovernmental Relations Report.
 - (b) Reaffirm all City positions summarized in the 2024 Intergovernmental Relations Priority Federal Legislation Log.
 - (c) Reaffirm all City positions summarized in the 2024 Intergovernmental Relations Priority State Legislation Log.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Sara Zarate, Director, Office of Administration, Policy, & Intergovernmental Relations, City Manager's Office; Zane Barnes, Chief Intergovernmental Relations Officer, City Manager's Office; Martina Davis, Division Manager, Planning, Building, and Code Enforcement; Kristin Clements, Division Manager, Policy Group, Housing; and Stephanie Estrada and Nick Romo from Cruz Strategies

offered the presentation and responded to questions.

Public Comment: None provided.

Motion: Councilmember Peter Ortiz moved approval of the staff report and to the joint memorandum co-authored by Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated April 19, 2024. Councilmember David Cohen seconded the motion.

Zane Barnes, Chief Intergovernmental Relations Officer, City Manager's Office, informed Council that AB 3035 (Pellerin) would have minimal impact on the City and expressed the Planning, Building and Code Enforcement Departments concerns with Cottle Park being designated as farmland.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment regarding AB 3035 (Pellerin) of the joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated, April 19, 2024, to include the bill is designated as *support if amended*. The friendly amendment was accepted by the maker of the motion and seconder.

Zane Barnes, Chief Intergovernmental Relations Officer, City Manager's Office, requested additional time for the Housing Department to analyze and monitor the legislation in AB 2881 (Lee) from the joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated, April 19, 2024, and return to the full Council with a report.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment to request additional time for the Housing Department to analyze and monitor the legislation in AB 2881 (Lee) from the joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated April 19, 2024, with staff direction to monitor and return to the full Council with a report. The friendly amendment was accepted by the maker of the motion and seconder.

Zane Barnes, Chief Intergovernmental Relations Officer, City Manager's Office, expressed staff concerns regarding SB 1211 (Skinner) being recently amended. Due to the amendments not being available yet, staff requested flexibility in monitoring SB 1211 (Skinner), pending the amendments.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment to direct staff to monitor SB 1211 (Skinner), pending its recent amendments regarding the joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated April 19, 2024. The friendly amendment was accepted by the maker of the motion and seconder.

Councilmember Dev Davis addressed her concerns regarding the importance of avoiding the unintended consequences of homes staying vacant.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment to

direct staff to monitor AB 2584 (Lee), mentioned in the joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated, April 19, 2024. The friendly amendment was *not* accepted by the maker of the motion and seconder.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment to bifurcate the vote regarding AB 2584 (Lee) of the joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated, April 19, 2024. The friendly amendment was accepted by the maker of the motion and seconder. *After further discussion the friendly amendment was retracted.*

Councilmember Dev Davis addressed her reservations regarding the analysis of AB 2584.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment to *support in concept* AB 2584 (Lee) regarding the joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen, dated, April 19, 2024. The friendly amendment was accepted by the maker of the motion and seconder.

Action: On a call to question, the motion carried unanimously, (a) the Spring Intergovernmental Relations Report was accepted, (b) City positions summarized in the 2024 Intergovernmental Relations Priority Federal Legislation Log were reaffirmed, and (c) City positions summarized in the 2024 Intergovernmental Relations Priority State Legislation Log were reaffirmed.

Including acceptance of the *amended* joint memorandum from Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember David Cohen dated April 19, 2024, recommending the following: (1) Accept the Spring Intergovernmental Relations Report and staff's recommendations and (2) Direct the Intergovernmental Relations team to adopt a position of support for the following pieces of legislation.

SB 1300 (Cortese) – Addressing California's Mental Health Crisis

AB 3035 (Pellerin) – Agricultural employee housing (*AB 3035 is designated as support if amended*)

AB 2881 (Lee) – The Social Housing Action (*Including staff direction to monitor and return to the full Council with a report*)

AB 2584 (Lee) – Ban Corporate-Owned Single-Family Homes (*including staff direction to support in concept*)

AB 1990 (Carrillo) – Criminal procedure: arrest, shoplifting

AB 2030 (Davies) – Public contract: small business participation

SB 982 (Wahab) – Crimes: organized theft

AB 2200 (Karla) – Guaranteed Health Care for All

SB 1431 (Cortese) - San José State University: fire building protection standards

AB 3089 (Jones-Sawyer) - Chattel Slavery: a formal apology

SB 1211 (Skinner)-Land use: ADUs: Ministerial Approval (*including staff direction to monitor SB 1211 pending its recent amendments*).

(8-0-3; Absent: Jimenez, Torres, Doan)

4. **PUBLIC SAFETY**

4.1 **Santa Clara County 9-1-1 Ambulance Services Status Report and Fire Department Emergency Medical Services Annual Report.**

As recommended by the Public, Safety, Finance, and Strategic Support Committee on March 21, 2024, accept the status report on the Fire Department's evaluation of possible service options for ambulance transport services and the annual report on Fire Department Emergency.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Fire)
[Public, Safety, Finance, and Strategic Support Committee referral 3/21/2024 – (d)1]

Patrick Chung, Battalion Chief, San José Fire Department; and Robert Sapien Jr., Fire Chief, San José Fire Department, offered the presentation and responded to questions.

Action: Upon motion by Councilmember Arjun Batra, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the status report on the Fire Department's evaluation was accepted. (8-0-3; Absent: Jimenez, Torres, Doan)

5. **TRANSPORTATION & AVIATION SERVICES**

6. **ENVIRONMENTAL & UTILITY SERVICES**

6.1 **San José Clean Energy Programs Roadmap Status Report.**

As recommended by the Transportation and Environment Committee on March 4, 2024:

(a) Accept the status report on the San José Clean Energy Programs Roadmap.

(b) Adopt a resolution:

(1) Approving the proposed programs presented in the San José Clean Energy Programs Roadmap; and

(2) Authorizing the City Manager or her designee to negotiate and execute contract(s) with consultant(s) to implement the heat pump and battery storage incentive programs for up to five years and up to \$1.5 million from the San José Clean Energy fund.

CEQA: Statutorily Exempt, ER24-021, CEQA Guidelines Section 15601(b)(3), Review for Exemption; and Categorically Exempt, File No. ER24-021, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. (Energy)

[Transportation and Environment Committee referral – 3/4/2024 – Item (d)2]

[Deferred from 4/9/2024 – Item 6.1 (24-76358)]

Lori Mitchell, Director, Community Energy Department; Kate Ziemba, Senior Environmental Program Manager, Community Energy Department; Leslie Park, Senior Power Resources Specialist, Community Energy Department; and Marcos Santiago, Power

Resources Specialist II, Community Energy Department offered the presentation and responded to questions.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, (a) the status report on the San José Clean Energy Programs Roadmap was accepted; and (b) **Resolution No. RES2024-118** was adopted, regarding the approval of the proposed programs presented and authorizing the City Manager or her designee to negotiate and execute contract(s) with consultant(s).

Including acceptance of the amended joint memorandum from Mayor Matt Mahan, Councilmember David Cohen, and Councilmember Dev Davis, dated April 23, 2024, with the following changes as noted below, recommending the following: (1) Accept the staff report, (2) Direct staff to add a \$500 (*open for staff to determine appropriate amount*) rebate for ~~battery- powered~~ (*electric*) leaf blowers purchased by commercial landscaping companies in San Jose to the list of proposed programs in the San Jose Clean Energy Roadmap, and (3) Direct staff to conduct outreach with local landscaping companies to analyze the battery- powered leaf blower battery loads and charging requirements for gardening-related business operations. (8-0-3; Absent: Jimenez, Torres, Doan)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

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. Gordon inquired about the repossession of his belongings.

• Adjournment

The Council of the City of San José adjourned at 4:05 p.m. in memory of Edward Lee Chirco, who passed away on February 20, 2024. Mr. Chirco was a cherished member of the Cambrian community who gave selflessly and passionately and positively impacted many lives throughout his decade years of service to the community.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

Actions: 4

Attest By:

Toni Taber, CMC
City Clerk, City of San José

*Office of the City Attorney***SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA****April 23, 2024**

Place: City Hall Conference Room W-133

Time: 9:30 a.m.

ITEMS DISCUSSED:**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):****1. Case Name: In re: Claim of Aten**

Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court

Case No: ADJ12471856.

Amount of Money or Other Relief Benefits
Sought:**2. Case Name: In re: Claim of Sanchez**

Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court

Case No: ADJ15227062.

Amount of Money or Other Relief Benefits
Sought:**3. Case Name: Guadalupe Marin v City of San Jose, et al.**Name(s) of Party(ies) GUADALUPE MARIN, CITY OF SAN JOSE,
MATTHEW RODRIGUEZ, TYLER MORAN, and
DOES 1-25Court: United States District Court Northern District of
California

Case No: 5:21-cv-06372-VKD

Amount of Money or Other Relief Damages according to proof

Sought:

4. Case Name: Yolanda Patterson v. City of San Jose, et al.
Name(s) of Party(ies) YOLANDA PATTERSON, CITY OF SAN JOSE,
COUNTY OF SANTA CLARA, CAMPBELL UNION
HIGH SCHOOL DISTRICT, AND DOES 1 TO 50
Court: Superior Court of California, County of Santa Clara
Case No: 22CV393195
Amount of Money or Other Relief Damages according to proof
Sought:
5. Case Name: Howard Jarvis Taxpayers Association, et al. v. City of San Jose, et al.
Name(s) of Party(ies) HOWARD JARVIS TAXPAYERS ASSN., SILICON VALLEY TAXPAYERS ASSN., SILICON VALLEY PUBLIC ACCOUNTABILITY FOUNDATION, JAMES BARRY and GEORGE ARRINGTON, CITY OF SAN JOSE, AND ALL PERSONS INTERESTED IN THE MATTER OF SAN JOSE ORDINANCE NO. 30716, ESTABLISHING AN ANNUAL GUN HARM REDUTION FEE,
Court: United States Court of Appeals for the Ninth Circuit
Case No: 22CV395596
Amount of Money or Other Relief Equitable relief according to proof
Sought:

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code:

1. Claimants(s): In re Claim of Allstate aso FFF Roofing Specialist
City Department: Transportation
2. Claimants(s): In re Claim of Infinity Insurance aso Chou Phoebe
City Department: PCBE/Code Enforcement
3. Claimants(s): In re Claim of Mercury Insurance aso Chan Pham
City Department: Police Department

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

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

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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)
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- 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

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