



CITY COUNCIL MEETING

Draft Minutes

Tuesday, November 19, 2024

1:30 PM

LOCATION:

Council Chambers- 200 E. Santa Clara Street

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

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session. *See Pages 17-22 for Closed Session Minutes.*

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

Absent Councilmembers: Kamei, Jimenez, Davis, Torres.

1:39 p.m. – Regular Session.

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

Absent Councilmembers: Torres.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 9)**

Pioneer High Schools String Quartet offered a musical performance for this invocation.

- **Orders of the Day**

Mayor Matt Mahan requested that Council vote to accept the amended item 2.10 on the November 19, 2024, City Council agenda for consideration. Item 2.10 requires a determination by a two-thirds (2/3) vote of the members of the Council present at the meeting.

Public Comment: None provided.

Action to amend item 2.10: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Domingo Candelas, and carried unanimously, the amendment to item 2.10 was approved. (10-0-1; Absent: Torres)

- **Closed Session Report**

None provided.

1. **CEREMONIAL ITEMS**

- 1.1 Councilmember Dev Davis presented a proclamation declaring November 2024 as Janet Gray Hayes Month in the City of San José to honor her historic tenure as the first female mayor of a major U.S. city and for her support of district elections that added to the diversity of voices and backgrounds on the City Council.

- 1.2 Mayor Matt Mahan and Councilmember Domingo Candelas presented a proclamation declaring November 2024 as Sikh American Awareness and Appreciation Month in San José.
- 1.3 Mayor Matt Mahan presented a commendation to the United States Department of Commerce from Mayor Mahan joined by the companies of San José Foreign Trade Zone 18 - Maxar Space LLC, Lam Research Corporation, Tesla, Inc., the RK Group, Bloom Energy Corporation, Epoch International Enterprises, Inc., Seyond, Inc. and ISE Labs, Inc. - for its valued contributions on the 50th anniversary of the City's Foreign Trade Zone.

2. **CONSENT CALENDAR**

Councilmember Arjun Batra pulled item 2.10 for comment.

Public Comment: None provided.

Action: Upon motion by Councilmember Arjun Batra, 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: Torres)

2.1 **Approval of City Council Minutes.**

None provided.

2.2 **Final Adoption of Ordinances.**

- (a) Ordinance No. 31143 - An Ordinance of the City of San José Amending Section 6.88.840 of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to Allow Notice of Completed Registration Transfers.
[Passed for Publication on 11/5/2024 - Item 2.8 (24-2153)]
- (b) Ordinance No. 31144 - An Ordinance of the City of San José Establishing the Tully Road Eastridge Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989.
[Passed for Publication on 11/5/2024 - Item 8.2(a) (24-2157)]

Action: **Ordinance No. 31143, Ordinance No. 3114, Ordinance No. 31125, and Ordinance No. 31126** were adopted. (10-0-1; Absent: Torres)

2.3 **Approval of Council Committee Minutes.**

- (a) Special Transportation and Environment Committee Minutes of September 11, 2023.
- (b) Regular Transportation and Environment Committee Minutes of December 4, 2023.
- (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 25, 2023.
- (d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 1, 2023.
- (e) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 15, 2023.

- (f) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 29, 2023.
- (g) Regular Neighborhood Services and Education Committee Minutes of November 9, 2023.
- (h) Special Joint Neighborhood Services and Education Committee Minutes of November 9, 2023.
- (i) Regular Neighborhood Services and Education Committee Minutes of December 14, 2023.
- (j) Regular Public Safety, Finance and Strategic Support Committee Minutes of November 16, 2023.
- (k) Regular Community and Economic Development Committee Minutes of November 27, 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: Multiple Council Committee Minutes were approved. (10-0-1; Absent: Torres)

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Davis from the regular meeting of Rules and Open Government Committee on October 30, 2024 due to illness.

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

Action: The Mayor and Council Excused Absence Request for Councilmember Dev Davis was approved. (10-0-1; Absent: Torres)

2.5 City Council Travel Reports

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Actions Related to Authorizing an Application for Urban Streams Restoration Grant Program.

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

- (a) Apply for and take all necessary actions needed to fulfill grant requirements of the California Department of Water Resources Urban Streams Restoration Program in the amount of \$900,000, or other amount awarded;
- (b) Negotiate and execute any grant documents, payment agreements, amendments, and any other related documents necessary to accept, receive, utilize, and disburse funding, and take any other actions necessary to comply with the terms and conditions of the Urban Streams Restoration Program grant upon award; and
- (c) Negotiate and execute any memoranda of agreement with nonprofit entities engaged in creek cleanup activities, watershed stewardship, outreach, and education activities to comply with the terms of the Urban Streams Restoration grant.

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: Actions related to authorizing an application for Urban Streams Restoration Grant Program were approved, including the adoption of **Resolution No. RES2024-390**. (10-0-1; Absent: Torres)

2.8 **Actions Related to Purchase Orders with NewsBank Inc. for San Jose Mercury News Digital Archives.**

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

- (a) Amend purchase order OP 63124 with NewsBank, Inc. (Naples, FL) to add San José Mercury News (1900-1922) and San José Evening News digital archives and increase compensation by \$337,456 for a revised maximum compensation of \$1,183,209 and extend the current term to December 31, 2024; and
- (b) Negotiate and execute amendments as required for any unanticipated changes during the current term ending December 31, 2024, subject to the appropriation of funds; and
- (c) Negotiate and execute annual purchase orders with NewsBank, Inc. for subscription renewals as required, 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: Actions related to Purchase Orders with NewsBank Inc. for San Jose Mercury News Digital Archives were approved, including the adoption of **Resolution No. RES2024-391**. (10-0-1; Absent: Torres)

2.9

Agreement with N. Harris Computer Corporation for the Upgrade of the CIS Infinity Utility Billing System.

- (a) Adopt a resolution authorizing the City Manager or her designee to:
 - (1) Negotiate and execute an agreement for the Customer Information System (CIS) Infinity Utility Billing System Upgrade with N. Harris Computer Corporation, doing business as Advanced Utility Systems (Ottawa, Ontario, Canada) for an initial two-year term, beginning on or about December 1, 2024, and ending on or about November 30, 2026, or as may be adjusted to align with the software subscription term, with a maximum compensation not to exceed \$1,211,865, subject to the appropriation of funds;
 - (2) Negotiate and execute change orders as required for any unanticipated changes to the agreement with Advanced Utility Systems not to exceed a total amount of \$175,000 during the initial term, subject to the appropriation of funds; and
 - (3) Exercise up to nine additional one-year options to extend the term through November 30, 2035, or as may be adjusted to align with the software subscription term, subject to the appropriation of funds.
- (b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Integrated Waste Management Fund:
 - (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$318,979; and
 - (2) Decrease the Ending Fund Balance by \$318,979.
- (c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:
 - (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$221,898; and

- (2) Decrease the Ending Fund Balance by \$221,898.
- (d) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Storm Sewer Operating Fund:
 - (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$208,030; and
 - (2) Decrease the Ending Fund Balance by \$208,030.
- (e) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Water Utility Fund:
 - (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$637,958; and
 - (2) Decrease the Ending Fund Balance by \$637,958.

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

Action: The Agreement with N. Harris Computer Corporation for the Upgrade of the CIS Infinity Utility Billing System was approved including the adoption of (a) **Resolution No. RES2024-392** (b) **Ordinance No. 31145** (c) **Ordinance No. 31146** (d) **Ordinance No. 31147** and (e) **Ordinance No. 31148** (10-0-1; Absent: Torres)

2.10 Amendments to Grant Agreements for Multiple Unsheltered Homelessness Programs.

Adopt a resolution authorizing the Housing Director or his designee to negotiate and execute amendments to grant agreements for the following shelter management system programs serving individuals and families experiencing homelessness in San José:

- (a) LifeMoves (Motel Vouchers Program), in an amount not to exceed \$2,500,000 from January 1, 2025 through June 30, 2025;
- (b) LifeMoves (Temporary Housing Access Program), in an amount not to exceed \$325,000 from January 1, 2025 through March 31, 2025;
- (c) Goodwill of Silicon Valley (SJ Bridge Program), a no-cost grant agreement term extension from January 1, 2025 through June 30, 2026; and
- (d) HomeFirst Services of Santa Clara County (Overnight Warming Location Program), in an amount not to exceed \$1,222,000 retroactive from September 25, 2024 through June 30, 2025.

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

Erik Solivan responded to questions regarding the item.

Action: Amendments to Grant Agreements for Multiple Unsheltered Homelessness Programs were approved, including the adoption of **Resolution No. RES2024-393**. (10-0-1; Absent: Torres)

2.11 Amended Cooperative Agreement for the Diridon Station Project.

Authorize travel for the Independent Police Auditor, Eddie Aubrey, to attend the Association of Inspectors General Annual Training Conference in New Orleans, Louisiana from November 13 to November 15, 2024. Source of Fund: Personal Funds.

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

Action: The Amended Cooperative Agreement for the Diridon Station Project was approved. (10-0-1; Absent: Torres)

2.12 Approval of World AIDS Day Flag Raising, Quilt Display, and Tower and Rotunda Lighting Sponsored by Council District 9 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 6, 2024:

- (a) Approve the World AIDS Day Flag Raising scheduled on December 3, 2024, Tower and Rotunda Lighting scheduled for December 1 - December 7, 2024, and special use of the Rotunda for December 1 and December 3, 2024, 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)

[Rules Committee referral 11/6/2024 - Item B.5]

Action: The Council District 9 World AIDS Day Flag Raising, Quilt Display, and Tower and Rotunda Lighting City Council sponsored Special Event was approved. (10-0-1; Absent: Torres)

2.13 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 6, 2024:

- (a) Retroactively approve the Clarice Drive Beautification scheduled on July 13, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the District 8 CERT M&G scheduled on July 18, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the San Rivas Road Neighborhood Ice Cream Social scheduled on July 21, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Dumpster Day at Millbrook Elementary scheduled on July 27, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Boulevard Bombs Back to School Drive scheduled on August 3, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the Evergreen Little League Movie Night scheduled on August 15, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Retroactively approve the John J Montgomery SJFD Backpack Drive scheduled on August 16, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Retroactively approve the KR Smith Back to School BBQ scheduled on August 16, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Retroactively approve the Sharky's Coffee Back to School Drive scheduled on August 17, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (j) Retroactively approve the Dumpster Day at Evergreen Estates scheduled on August 24,

- 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (k) Retroactively approve the SV Pride Parade scheduled on August 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (l) Retroactively approve the La Raza Invocation scheduled on September 10, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (m) Retroactively approve the Creekside Neighborhood Association Bridge Painting scheduled on September 14, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (n) Retroactively approve the Music in the Villages scheduled on September 20, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (o) Retroactively approve the Dumpster Day at The Ranch/The Meadowlands scheduled on September 21, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (p) Retroactively approve the Binational Health Week Kickoff scheduled on October 5, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (q) Retroactively approve the Meadowfair NA Litter Pickup scheduled on October 5, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (r) Retroactively approve the Dumpster Day at Brigadoon Park scheduled on October 12, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (s) Retroactively approve the Tom Matsumoto Elementary School Trunk or Treat scheduled on October 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (t) Retroactively approve the Holly Oak Harvest Festival on October 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (u) Retroactively approve the Evergreen Elementary Fall Festival on October 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (v) Retroactively approve the Pack 264 Trunk or Treat on October 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (w) Retroactively approve the Family Fall Festival on October 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (x) Retroactively approve the Bon Bon Halloween Party on October 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (y) Retroactively approve the Blessed Side Trunk or Treat on October 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (z) Retroactively approve the Fire Station 31 Trick or Treating on October 31, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (aa) Retroactively approve the Diwali Celebration at Evergreen Community Center on November 1, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (ab) Retroactively approve the Dia de los Muertos Celebration on November 1, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (ac) Retroactively approve the Coat Drive on November 15, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (ad) Approve the Holiday in the Square at Evergreen Village Square on December 13, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (ae) Approve and accept donations from various individuals, businesses, or community groups to support the events.

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

[Rules Committee referral 11/6/2024- Item B.6]

Action: Multiple Special Events sponsored by Council District 8 were approved and retroactively approved. (10-0-1; Absent: Torres)

2.14 Retroactive Approval of District 4 Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on November 6, 2024:
 (a) Retroactively approve the District 4 Dumpster Day scheduled on September 28, 2024 as a City Council sponsored Special Event 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. (Cohen)
 [Rules Committee referral 11/6/2024 - Item B.7]

Action: District 4 sponsored Dumpster Day as a City Council Special Event was retroactively approved. (10-0-1; Absent: Torres)

2.15 City Council Appointment.

As recommended by the Rules and Open Government Committee on November 13, 2024, appoint Councilmember Candelas to the Valley Transportation Agency (VTA) Board in the alternate position. 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 11/13/2024 - Item B.1]

Action: The City Council Appointment for Councilmember Domingo Candelas to the Valley Transportation Agency (VTA) Board was approved. (10-0-1; Absent: Torres)

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 Tenant Protection Ordinance Audit Report.

As recommended by the Community and Economic Development Committee on October 28, 2024, accept the report on the Tenant Protection Ordinance Audit.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
 [Community and Economic Development Committee referral 10/28/2024 - Item (d)1]

Joe Rios, City Auditor; Alison Pauly, Supervising Auditor; Maria Valle, Program Performance Auditor II; Hiwad Hader, Program Performance Auditor II; Eric Solivan, Housing Director; and Emily Hislop, Division Manager offered the presentation and responded to questions.

Public Comment: Emily Ramos offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Tenant Protection Ordinance Audit Report was accepted. (10-0-1; Absent: Torres)

3.4

Public Member Appointments to the Board of Administration for Federated City Employees' Retirement System and the Board of Administration for the Police & Fire Employees Retirement System.

- (a) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2028.
- (b) Interview applicant(s) for appointment to the Public Member Seat, consider the Board's recommendation for appointment, and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through April 30, 2027, pursuant to San José Municipal Code Section 2.08.1240.B.
- (c) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through November 30, 2028.

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

Toni Taber, City Clerk; Spencer Horowitz, David Kwan, and Gretchen Flicker spoke to the item.

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the following Public Member Appointments were approved:

- (a) Spencer Horowitz was reappointed to the Public Member Seat on the Board of Administration for the Federated City Employees Retirement System through November 30, 2028.
- (b) Gretchen Flicker was appointed to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through April 30, 2027, pursuant to San Jose Municipal Code Section 2.08.1240.B.
- (c) David Kwan was reappointed to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through November 30, 2028.

(10-0-1; Absent: Torres)

3.5

Amendments to the Microsoft Related Enterprise Licenses and Service Agreement.

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

- (a) Amend purchase order OP 65248 with Insight Public Sector, Inc. (Chandler, AZ), an authorized Microsoft reseller for Microsoft 365 and related enterprise licenses to increase the compensation for the agreement by \$4,260,000 for a total not to exceed amount of \$14,577,180 for the initial five-year term ending on May 31, 2026;
- (b) Extend the term of the agreement with Microsoft Corporation (Redmond, WA) to purchase Microsoft 365 and related enterprise licenses for an additional five years (Extended Term) beginning on June 1, 2026 through May 31, 2031 for total not to

- exceed amount of \$31,251,720, subject to the appropriation of funds;
- (c) Execute purchase orders in favor of Insight Public Sector (Chandler, AZ), to purchase Microsoft 365 and related enterprise licenses during the Extended Term, subject to the appropriation of funds;
 - (d) Approve a contingency of \$5,000,000 for unanticipated and related services during the Extended Term, subject to the appropriation of funds; and
 - (e) Negotiate and execute amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including additional subscriptions at the Enterprise Agreement discounted rates as may be required, 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/Information Technology)

Councilmember Arjun Batra recused himself from the item due to a financial conflict of interest.

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, amendments to the Microsoft Related Enterprise Licenses and Services Agreement were approved, including the adoption of **Resolution No. RES2024-394**. (9-0-1-1; Recused: Batra; Absent: Torres)

3.6

Annual Merit Increases and Additional Executive Leave for Council Appointees.

As recommended by the Rules and Open Government Committee on November 13, 2024, adopt a resolution approving a 2.5% merit increase for the City Manager, City Attorney, and City Auditor retroactively effective to July 1, 2024, and granting an additional forty (40) hours of executive leave to each of these Council Appointees for the payroll calendar year 2025; and approving a 1% merit increase for the City Clerk retroactively effective to July 1, 2024, and granting an additional twenty-four (24) hours of executive leave for the payroll calendar year 2025. 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 11/13/2024 - Item C.1]

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Annual Merit Increases and additional Executive Leave for Council Appointees were approved. (10-0-1; Absent: Torres)

3.7

District 3 Upcoming Vacancy.

Discuss and direct the City staff to agendize at a future meeting filling the upcoming vacancy Council District 3 pursuant to the options found in Charter Section 410:

- (a) APPOINTMENT. If the vacancies are filled by appointments, the appointments shall be effective until the end of the unexpired term of office, December 31, 2026.
- (b) ELECTION. If the vacancies are to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.
- (c) INTERIM APPOINTMENT. If a vacant office is to be filled by election, the Council

may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 11/13/2024 - Item C.2]

Public Comment: Chuck Cantrell, Jeff Levine, Krista Hamby, Meena Nieto, Alex S., Ed Berger, Stephanie Patterson, Irene Smith, Jose Posadas, Roxanne, David Heindel, Gina Gates-Lopez, Maria Bornski, and Kay Angelor offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, Council approved to hold a Special Election as soon as possible, with an appointment during the interim period for the vacant position only to be filled *after* the Special Election candidate filing period expires. Applications are permitted to be concurrently accepted for the vacant seat.

Including staff direction to present an analysis by legal counsel regarding the possibility of moving District 3 administration from the Mayor's Office to the City Manager's Office.

Also, including the approval of the memorandum authored by Councilmember David Cohen, dated November 18th, 2024, recommending the following:

Direct the City Clerk to return to Council on December 3rd with a detailed process and timeline for filling the vacancy using the process agreed to by Council at the November 19th meeting.

(8-2-1; Noes: Jimenez, Cohen; Absent: Torres)

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

5.1 **Amendments to City Council Policy 6-4 and Authorization to Proceed with Request for Proposal for Large Format Signage/Billboards at the San José Mineta International Airport.**

- (a) Adopt a resolution adopting the Addendum to a Negative Declaration to incorporate revisions to City Council Policy 6-4 for consideration of signs on City-owned property, including billboards, programmable electronic signs, and signs displaying off-site commercial speech.
- (b) Adopt a resolution approving amendments to City Council Policy 6-4 entitled Signs on City-owned Land, including Billboards, Programmable Electronic Signs and Signs displaying off-site Commercial Speech.
- (c) Direct staff to proceed with a Request for Proposal solicitation process on San José Mineta International Airport property for two large format electronic signage/ billboard locations.

CEQA: Addendum to a Negative Declaration (File No. PP18-058 adopted on September 25, 2018) to incorporate revisions to City Council Policy 6-4 for consideration of signs on City-owned property, including billboards, programmable electronic signs, and signs displaying off-site commercial speech (File No. PP24-003); and Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport/Planning, Building, and Code Enforcement)

Mukesh (Mookie) Patel, Director of Aviation; Chris Burton, Director of Planning, Building, and Code Enforcement; and Martina Davis, Division Manager for Citywide Planning offered the presentation and responded to questions.

Public Comment: Dr. Paul D. Lynam, Jason Hemp, John Miller, Les Levitt, and Shauwn offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Peter Ortiz, and carried unanimously, amendments to City Council Policy 6-4 and the authorization to proceed with the request for proposal for Large Format Signage/Billboards at the San Jose Mineta International Airport was approved, and (a) **Resolution No. RES2024- 396** and (b) **Resolution No. RES2024-397** were adopted. (10-0-1; Absent: Torres)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 **2026 Major Events Status Report.**

As recommended by the Community and Economic Development Committee on October 28, 2024, accept the status report on planning to facilitate marketing, sponsorships, local special events, and other activities for the 2026 destination sports events.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Economic Development and Cultural Affairs)

[Community and Economic Development Committee referral 10/28/2024 - Item (d)2]

Rosalynn Hughey, Deputy City Manager; Nanci Klein, Director, OEDCA; Kerry Adams-Hapner, Assistant Director, OEDCA; and John Poch, Executive Director, San Jose Sports Authority offered the presentation and responded to questions.

Public Comment: Eire Stewart, Beth Seibert, and Leah Toeniskoetter offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously the 2026 Major Events Status Report was accepted. (9-0-2; Absent: Torres, Davis)

Council recessed from 4:57- 6:08 p.m.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE on Consent Calendar

Public Comment: None provided.

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

10.1(a) **PD24-012 & ER24-118 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 1130 East Santa Clara Street.**

HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

Adopt a resolution approving, subject to conditions, a Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of beer, wine, and distilled alcoholic beverages (Type 21 license) at an approximately 1,053-square-foot tenant space (jewelry store) on an approximately 0.4-gross-acre site located at the southwesterly corner of East Santa Clara Street and South 24th Street (1130 East Santa Clara Street, APN 467-58-040). CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a), Existing Facilities. Planning Commission recommends approval (7-1-1; Young opposed, Bickford absent) (Item 4.d. on the 10/23/2024 Planning Commission agenda). Council District 3. (Planning, Building and Code Enforcement)

Action: The Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 1130 East Santa Clara Street was approved, including the adoption of **Resolution No. RES2024-398**. (10-0-1; Absent: Torres)

10.1(b) **PP24-007 - Phase II Emergency Shelter Updates - An Ordinance Amending Various Sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) Related to Emergency Shelters.**

HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

Approve an ordinance amending various sections of Title 20 of the San José Municipal Code to amend the definition of emergency residential shelter, an amendment to Chapter 20.80 to amend the specific use regulations for emergency residential shelter, and amendments to the Use Regulations tables in Chapter 20.40 ‘Commercial Zoning Districts and Public/Quasi-Public Zoning District,’ Chapter 20.50, ‘Industrial Zoning District,’ Chapter 20.55 ‘Urban Village and Mixed Use Zoning Districts,’ and Chapter 20.70, ‘Downtown Zoning Districts’ to allow emergency residential shelters by right within the Airport Influence Area. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommends approval (7-1-1; Oliverio opposed, Bickford absent) (Item 4.e. on the 10/23/2024 Planning Commission agenda). (Planning, Building, and Code Enforcement)

Action: The Phase II Emergency Shelter Updates was approved, and **Ordinance No. 31149** was passed for publication amending various sections of Title 20 of the San Jose Municipal Code (Zoning Ordinance or Zoning Code) Related to Emergency Shelters. (10-0-1; Absent: Torres)

10. LAND USE – Regular Agenda

10.2 **PDC22-132 & ER23-041 - Planned Development Rezoning of the Good Samaritan Hospital Site on Certain Real Property Located at 2333 and 2425 Samaritan Drive.**

- (a) Adopt a resolution certifying the Good Samaritan Hospital Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a related mitigation monitoring and reporting program, in accordance with the California Environmental Quality Act, as amended.
- (b) Approve an ordinance rezoning certain real property of an approximately 21-gross-acre site situated on the north side of Samaritan Drive and the east side of Samaritan Place, approximately 275 feet east of Kinghurst Drive (2333 and 2425 Samaritan Drive) (APNs 421-36-009; 421-36-011) from the A(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District.

CEQA: Environmental Impact Report for the Good Samaritan Hospital Project (File Nos. PDC22-132 and ER23-41). Planning Commission made no recommendation to the EIR and voted to not recommend approval of an ordinance to rezone (7-1-1; Oliverio opposed, Bickford absent) (Item 5.a on the 10/23/2024 Planning Commission agenda). Council District 9. (Planning, Building, and Code Enforcement)

Public Comment: Jose Mexicano, Stella Slyngstad, Alejandro Martinez, Danny Manning, Rhonda, Gobi Ayer MD, Dr. H. Sachdev, Charles Toeniskoetter, Stacie Russell, Al Pippert, Ryan Seay, Harish Murthy, Gloria Wu MD, Tuan Van, Dolly Sandoval, Deb Shaw, Nancy Kazdan,Carolynn Johnson, Kayvon Kordestani, Anup Singh, Steven Due, Greg Henderson, Meera Sankaran, Anjali Gulati, Dr. James Hinsdale, Tony Silveria, Leah Toeniskoetter, Clint Hopwood, Dr. Henry Kamali, Julie Kim MD, James Lilja MD, Bob Brownstein, David Mineta, Kenneth Wo, Dillon Buesgens, Genaro Diaz, Michelle Garza, Patrick Rohan, Johnrey Hassan, Carol Siebenmorgen, Cole Cameron, Jane Siebenmorgen, Betsy Reed, Robert Petree, Samantha, Dr. Rich Briones, Paul James, Dr. Fahd Khan, Liyon Smith, Kimberly Saucedo, Gabriel Hernandez, Teresita Garcia (*assisted by Spanish Interpreter*), Darcie Green, Eva Terrazas, Laisha Martinez, Karen Deloumi, Alex Turner, Fernando Villanueva, and Lucia Ortiz offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Planned Development Rezoning of the Good Samaritan Hospital Site was approved, (a) **Resolution No. RES2024-399** was adopted; and (b) **Ordinance No. 31150** was *passed for publication*. Also, including the joint memorandum co-authored by Councilmember Pam Foley, Mayor Matt Mahan, Councilmember Sergio Jimenez, Councilmember David Cohen, and Councilmember Dev Davis, dated November 15th, 2024, recommending the following:

Approve staff recommendation with the following addition in Recommendation 2:

1. As part of the PDC22-132 Rezoning Development Standards, require the applicant to contribute \$3 million to the City within 60 days of approval of the rezoning to advance the City’s housing and homelessness goals as follows:
 - a. \$1 million to be allocated to the City’s Emergency Interim Housing Funds to be used for the development of emergency housing solutions in or near Council District 9.

- b. \$2 million to be allocated to citywide permanent affordable housing development.
(10-0-1; Absent: Torres)

- **Open Forum**

None provided.

- **Adjournment**

The meeting was adjourned at 8:41 p.m. by Mayor Matt Mahan.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Vanessa Velez, Deputy City Clerk
City of San José

Approved at Council on:

of Actions: 11

Attest By:

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



Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

November 19, 2024

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

Absent Councilmembers: Torres, Jimenez, Davis,
Kamei.

Place: City Hall Conference Room W-133

Time: 9:30 a.m.

CLOSED SESSION ITEM(S) DISCUSSED:

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

1. Case Name: Ernesto Montellano v. City of San Jose, Greenwaste Recovery, Inc., et al
Name(s) of Party(ies) ERNESTO MONTELLANO, CITY OF SAN JOSE, DANE RUDD

Court: California Superior Court Santa Clara County
Case No: 20CV367890
Amount of Money or Other Relief Sought: Damages according to proof

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 2

C. CONFERENCE WITH 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.

Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)

Name 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>

How to Obtain a copy of Existing Contract or MOA: 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)

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>

How to Obtain a copy of Existing Contract or MOA: 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>

- Contract or MOA: 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
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>
How to Obtain a copy of Existing Contract or MOA: 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
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>
How to Obtain a copy of Existing Contract or MOA: 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

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-](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](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 **San José Police Dispatchers’ Association**
 Name and Title of Unrepresented (SJPDA)
 Employees:
 Nature of wages/salaries, hours, working conditions, etc. negotiations:
 Name of Existing Memorandum of Agreement – City of San Jose and
 Contract or MOA: Municipal Employees’ Federation (MEF),
 AFSCME, Local 101
- How to Obtain a Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpd>
 copy of Existing Contract or MOA:
- Telephone – Employee Relations: (408) 535-8150

11. Organization or **San José Police Officers’ Association**
 Name and Title of Unrepresented (SJPOA)
 Employees:
 Nature of wages/salaries, hours, working conditions, etc. negotiations:
 Name of Existing Memorandum of Agreement — City of San José
 Contract or MOA: and San José Polices’ Association
- How to Obtain a 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>
 copy of Existing Contract or MOA:
- Telephone – Employee Relations: (408) 535-8150

12. Organization or **Peace Officer Park Ranger Association**
 Name and Title of (POPRA)
 Unrepresented
 Employees:
 Nature of wages/salaries, hours, working conditions, etc. negotiations:

Name of Existing Memorandum of Agreement – City of San Jose and
Contract or MOA: Peace Officer Park Ranger Association

How to Obtain a 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>
copy of Existing
Contract or MOA:

Telephone – Employee Relations: (408) 535-8150