



CITY COUNCIL MEETING

Draft Minutes

Tuesday, March 5, 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

9:36 a.m. - Closed Session (Council Chambers Conference Room, W133.)

See pages 13-15 for Closed Session Minutes.

Present Councilmembers: Batra, Foley, Doan, Cohen, Torres, Mahan.

Absent Councilmembers: Candelas, Davis, Ortiz, Jimenez, Kamei.

1:37 p.m. - Regular Session (Council Chambers, City Hall)

Present Councilmembers: Batra (1:40 p.m.), Foley, Candelas, Doan, Davis (present at 2:03p.m.), Ortiz, Cohen, Torres, Jimenez, Kamei, Mahan.

Absent Councilmembers: All present.

• Pledge of Allegiance

Mayor Matt Mahan led the pledge of allegiance.

• Invocation (District 3)

Dr. Jonathan D. Gomez from San José State University opened up the invocation with a poem.

• Orders of the Day

None provided.

• Closed Session Report

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember David Cohen presented a commendation to the board members and 2024 student winners of the annual Synopsys Science and Technology Championship to recognize the visionary ideas and groundbreaking student projects that will contribute to the City of San José and the global community.

1.2 Vice Mayor Rosemary Kamei presented a proclamation declaring March 2024 as Women's History Month in the City of San José.

1.3 Councilmember Omar Torres presented a commendation to Los Bomberos of Northern California for 52 years of enriching and supporting residents of San José through charity and educational programs.

2. CONSENT CALENDAR

Public Comment: None provided.

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

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for excused absences for Councilmember Davis from the Regular Meetings of City Council on February 27, 2024, and Joint Meeting for the Rules and Open Government Committee on February 28, 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)
[Rules Committee referral 2/28/2024 - Item A.1]

Action: The request for excused absences was approved. (11-0-0)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Request for Travel Authorization for City Auditor.

Authorize travel for City Auditor Joe Rois to Seattle, Washington from May 6 to May 7, 2024, to participate in the Association of Local Government Auditors 2024 Annual Conference. Source of Funds: City Auditor non-personal appropriation and professional development funds.

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

Action: The travel for the City Auditor was authorized. (11-0-0)

2.8 Second Quarter Financial Reports for Fiscal Year 2023-2024.

As recommended by the Public Safety, Finance and Strategic Support Committee on February 15, 2024:

(a) Accept the Second Quarter (period ending December 31, 2023) Financial Reports for Year 2023-2024 for the following programs:

- (1) Debt Management;
- (2) Investment Management;
- (3) Revenue Management; and
- (4) Purchasing and Risk Management.

(b) Adopt a resolution authorizing the Director of Finance to write off uncollectible debt amount up to \$1,053,825.71.

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

[Public Safety, Finance and Strategic Support Committee 2/15/2024 – Item (d)2]

[Rules Committee referral 2/28/2024 - Item A.1]

Action: (a) The Second Quarter Financial Report was accepted, and (b) **Resolution No. RES2024-43** was adopted. (11-0-0)

2.9 Actions Related to the Purchase Orders with Stephen Ciari Plumbing and Heating, Inc. and Castillo Plumbing Inc. for Plumbing Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to four one-year options to extend the term of the purchase orders with Stephen Ciari Plumbing and Heating Inc. (San José, CA) and Castillo Plumbing Inc. (Burlingame, CA), with the last option ending on or about March 14, 2028, subject to the appropriation of funds.

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

Action: **Resolution No. RES2024-44** was adopted, authorizing the City Manager or her designee to exercise up to four one-year options to extend the term of the purchase orders with Stephen Ciari Plumbing and Heating Inc. (11-0-0)

2.10 Amendment to the City Pay Plan for Various Classifications.

- (a) Adopt a resolution amending the City of San José Pay Plan effective March 5, 2024, to:
- (1) Create the Community Activity Specialist (6106) classification with an annual pensionable salary range of \$65,353.60 - \$79,435.20; and
 - (2) Delete the Assistant Director of Economic Development U (1998) classification.
- (b) Delete 2.0 Therapeutic Specialist positions in the Housing Department.
- (c) Add 2.0 Community Activity Specialist positions through June 30, 2026, in the Parks, Recreation and Neighborhood Services Department.
- (d) Adopt the following Appropriation Ordinance amendments in the General Fund:
- (1) Decrease the Measure E – Homeless Response and Outreach Staffing (15% HSP) City-Wide Expenses appropriation to the Housing Department by \$827,520; and
 - (2) Establish the Measure E – Homeless Response and Outreach Staffing (15% HSP) City-Wide Expenses appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$827,520.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources/City Manager)

Action: (a) **Resolution No. RES2024-45** was adopted, amending the City of San José Pay Plan to (1) create the Community Activity Specialist and (2) delete the Assistant Director of Economic Development U, (b) The 2.0 Therapeutic Specialist positions in the Housing Department were deleted, (c) The 2.0 Community Activity Specialist positions were added, (d) **Ordinance No. 31042** was adopted, with amendments to the General Fund to (1) decrease the Measure E – Homeless Response and Outreach Staffing and (2) establish the Measure E – Homeless Response and Outreach Staffing. (11-0-0)

2.11 Report on Bids and Award of Contract for the 10277 – Park: The Beautiful Way (Hanchett) Park Project.

- (a) Report on bids and award of a contract for the construction of 10277 - Park: The Beautiful Way (Hanchett) Park Project to the lowest responsive, responsible bidder Robert A. Bothman Inc., in the amount of \$1,365,991; and
- (b) Approve a 10% contingency in the amount of \$136,599.
- CEQA: Categorically Exempt, File No. ER22-071. CEQA Guidelines Section 15303. New Construction or Conversion of Small Structures. Council District 6. (Public Works/Parks. Recreation and Neighborhood Services)

Action: (a) The report on bids and award of a contract for the construction of 10277 - Park: The Beautiful Way (Hanchett) Park Project was accepted, and (b) a 10% contingency was approved. (11-0-0)

2.12 Agreements for 2023-2024 Transportation Fund for Clean Air and Vehicle Registration Fee Grant Funding. (Contracts, 12a and 12b)

(a) Approve the Transportation Fund for Clean Air (TFCA) retroactive grant agreement with the Santa Clara Valley Transportation Authority (VTA) in an amount not to exceed \$1,729,035 for reimbursement of work that occurs on or after July 1, 2023.

(b) Approve the Vehicle Registration Fee (VRF) retroactive grant agreement with VTA in an amount not to exceed \$394,000 for reimbursement of work that occurs on or after November 2, 2023.

(c) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution and amendments in the Building and Structure Construction Tax Fund:

(1) Increase the estimate for Revenue from Local Agencies by \$944,000;

(2) Establish the TFCA 2023-2024 Centralized Transit Signal Priority appropriation to the Transportation Department in the amount of \$325,000;

(3) Establish the TFCA 2023-2024 Grand Boulevard Centralized Transit Signal Priority appropriation to the Transportation Department in the amount of \$225,000; and

(4) Establish the VTA – VRF ITS Cycle 4 appropriation to the Transportation Department in the amount of \$394,000.

(d) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution and amendments in the Construction Excise Tax Fund:

(1) Increase the estimate for Revenue from Local Agencies by \$86,235; and

(2) Increase the Bicycle and Pedestrian Facilities (TFCA) appropriation to the Transportation Department in the amount of \$86,235.

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

Action: (a) the Transportation Fund for Clean Air retroactive grant agreement was approved, (b) the Vehicle Registration Fee retroactive grant agreement with VTA was approved, (c) **Ordinance No. 31043** and (c) **Resolution No. RES2024-46** were adopted, to (1) increase the estimate for Revenue from Local Agencies, (2) Establish the TFCA 2023-2024 Centralized Transit Signal Priority appropriation, (3) Establish the TFCA 2023-2024 Grand Boulevard Centralized Transit Signal Priority appropriation, and (4) establish the VTA – VRF ITS Cycle 4 appropriation; and (d) **Ordinance No. 31044** and (d) **Resolution No. RES2024-47** were adopted, (1) increasing the estimate for Revenue from Local Agencies and (2) increasing the Bicycle and Pedestrian Facilities appropriation. (11-0-0)

2.13 Approval of the Greek Flag Raising and Greek Independence Day Lighting Sponsored by Council District 9 as City Council Sponsored Special Events to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on February 21, 2024:

(a) Approve the Greek Flag Raising scheduled on March 25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve the Greek Independence Day Tower and Rotunda Lighting scheduled on March 25, 2024 to March 31, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.

(c) 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. (Foley)

[Rules Committee referral 2/21/2024 - Item B.4]

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

2.14 Actions Related to Mayor and Councilmembers' Travel to Los Angeles, California for the San José Chamber of Commerce Annual Study Mission. – RENUMBERED

Approve travel to Los Angeles, California and request for an excused absence for the following Councilmembers from the following meetings due to Authorized City Business: San José Chamber of Commerce Annual Study Mission:

(a) Mayor Mahan (Source of Funds: Mayor/Council Travel Budget; Travel Dates: April 23, 2024 to April 26, 2024; Meeting: none).

(b) Councilmember Jimenez (Source of Funds: District 2 Council Office Budget; Travel Dates: April 23, 2024 to April 26, 2024; Meeting: April 23, 2024 San José City Council and April 24, 2024 Rules and Open Government Committee).

(c) Councilmember Torres (Source of Funds: District 3 Council Office Budget; Travel Dates: April 23, 2024 to April 26, 2024; Meeting: April 23, 2024 San José City Council).

(d) Councilmember Cohen (Source of Funds: District 4 Council Office Budget; Travel Dates: April 23, 2024 to April 26, 2024; Meeting: April 24, 2024 Rules and Open Government).

(e) Councilmember Doan (Source of Funds: District 7 Council Office Budget; Travel Dates: April 23, 2024 to April 26, 2024; Meeting: April 23, 2024 San José City Council).

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

[RENUMBERED FROM ITEM 3.4 (24-73496)]

Action: The Mayor and Councilmembers travel to Los Angeles for the San José Chamber of Commerce Annual Study Mission was approved. (11-0-0)

2.15 Amicus brief in City of Chicago v. Westforth Sports, Inc.

Authorize the City Attorney to join an Amicus Curiae brief for submission to the First Judicial District in the Appellate Court of Illinois in City of Chicago v. Westforth Sports, Inc., Case No. I-23-1908, supporting the plaintiff-appellant's arguments to reverse the Illinois trial court's dismissal holding that it does not have jurisdiction over an Indiana federal firearms licensee that has sold hundreds of straw-purchased guns used to commit crimes in Chicago. The brief will be submitted on behalf of the Giffords Law Center to Prevent Gun Violence, the Brady Center to Prevent Gun Violence, and cities participating as Amicus Curiae.

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

[Rules Committee referral 2/28/2024 - Item A.1]

Action: The City Attorney was authorized to join an Amicus Curiae brief for submission to the First Judicial District in the Appellate Court of Illinois in City of Chicago v. Westforth Sports, Inc., Case No. I-23-1908. (11-0-0)

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 Non-Management Employee Appraisals Audit Report.

As recommended by the Public Safety, Finance and Strategic Support Committee on February 15, 2024, accept the report on the non-management employee appraisals audit.

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

[Public Safety, Finance and Strategic Support Committee 2/15/2024 – Item (d)4]

Joe Rois, City Auditor, City Auditor's Office; Jennifer Schembri, Director of Employee Relations, Office of the City Manager; and Ebelechukwu Obi, Program Performance Auditor, City Auditor's Office provided the presentation and answered questions.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Councilmember Omar Torres, and carried unanimously, the report on the non-management employee appraisals audit was accepted. (11-0-0)

3.4 Actions Related to Mayor and Councilmembers' Travel to Los Angeles, California for the San José Chamber of Commerce Annual Study Mission.

RENUMBERED TO ITEM 2.14 (24-73496-01)

3.5 Stormwater Permit Requirements, Homelessness and Neighborhood Considerations. – HEARD LAST PER ADMINISTRATION.

Direct the City Manager or her designee to develop and implement an Enhanced Neighborhoods and Waterways approach to addressing homelessness issues that ensures compliance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Stormwater Permit) and maintains acceptable levels of service in our neighborhoods:

(a) Resubmit a revised Direct Discharge Trash Control Program Plan (Direct Discharge Plan) to the San Francisco Bay Regional Water Quality Control Board that fully addresses all identified deficiencies in the previous Direct Discharge Plan submittal and appropriately prioritizes services to homeless individuals living within and adjacent to waterways;

(b) Identify and evaluate structural and operational changes within the City organization, as required, to comply with the Stormwater Permit while addressing the needs of homeless individuals and maintaining acceptable levels of services in neighborhoods

(c) Develop a plan to phase in implementation of any necessary no encampment zones in priority areas in and near waterways (e.g., the direct discharge areas), and return to the City Council with any needed policy and ordinance changes;

- (d) Include prioritization criteria for abatement along waterways within San José and include this prioritization in the Framework for Shared Public Spaces;
- (e) Explore and pursue potential additional funding mechanisms and partnerships that can provide one-time and ongoing funds to support the work of complying with the Stormwater Permit, homelessness needs, and neighborhood service levels; and
- (f) Develop a recommended Enhanced Neighborhoods and Waterways program budget proposal for the City Council's consideration, as part of the 2024-2025 City Manager's Proposed Budget, that complies with the Stormwater Permit while maintaining, to the extent feasible, acceptable levels of service in our neighborhoods.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from a decision-making body. (City Manager)

Kip Harkness, Deputy City Manager, Office of the City Manager; Omar Passons, Deputy City Manager, Office of the City Manager; and Kerrie Romanow, Director, Environmental Services Department provided the presentation and responded to questions.

Public Comment: Gale Osmer, Anne Deschenes, Deb Kramer, Alie Victorine, and Sandy Perry provided public comment regarding the item.

Motion: Councilmember Bien Doan made the motion to move approval of the staff recommendation and his blue memorandum dated March 5, 2024 which recommends the following addition: direct the City Manager to analyze the use of pre-engineered congregate shelter as a method for sheltering people living in the discharge areas of waterways in San José with the methodologies in item C.1. of the March 6, 2024, Rules and Open Government Committee Agenda. The motion failed for a lack of second.

Motion: Councilmember Arjun Batra made the motion to move approval of *only* recommendation (a) of the staff memorandum and directed staff to return to the full City Council with additional details regarding recommendation (b) through (f) before approval can be made. The motion failed for a lack of second.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Dev Davis, and carried unanimously, the staff recommendation was approved, regarding the City Manager or her designee was directed to develop and implement an Enhanced Neighborhoods and Waterways approach to addressing homelessness issues that ensures compliance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Stormwater Permit) and maintains acceptable levels of service in our neighborhoods. (11-0-0.)

3.6 City of San José Investment Policy Annual Review.

As recommended by the Public Safety, Finance and Strategic Support Committee on February 15, 2024:

- (a) Accept the annual review of the City of San José Investment Policy, as amended.
- (b) Adopt a resolution amending Council Policy 1-12, City of San José Investment Policy to consolidate two investment categories of Authorized Investments and update their portfolio percentage constraints, update the list of primary dealers, and make technical and clarifying changes.

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

[Public Safety, Finance and Strategic Support Committee 2/15/2024 – Item (d)3]

Rick Bruneau, Director, Finance Department; Luz Cofresi-Howe, Assistant Director, Finance Department; and Qianyu Sun, Deputy Director of Finance-Debt and Treasury Management provided the presentation and responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, (a) the annual review of the City of San José Investment Policy, as amended was accepted, and (b) **Resolution 2024-48** was adopted, regarding the amendment of Council Policy 1-12. (11-0-0)

3.7 Shenzhen Sister City Affiliation.

As recommended by the Rules and Open Government Committee on February 21, 2024:

- (a) Approve a Sister City affiliation with Shenzhen, China; and
- (b) Work with the Mayor’s Office to identify non-profit community partners that can help provide fundraising and community building capacity for the Sister City relationship.

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

[Rules Committee referral 2/21/2024 - Item C.2]

DEFERRED TO 3/26/2024 PER ADMINISTRATION

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar - HEARD IMMEDIATELY AFTER CONSENT

(a) C24-001, C24-003, C24-004, C24-005, C24-006, C24-007, C24-008, C24-009, and C24-010 – City Initiated Rezoning of 702 Parcels to Align a Property’s Zoning District to its’ General Plan in Land Use Designation in Response to Senate Bill 1333.

Approve an ordinance of the City of San José rezoning 194 properties from R-M Multi-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 135 properties from R-M Multi-Family Residential Zoning District to UR Urban Residential Zoning District, 70 properties from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, 52 properties from R-1-8 Single-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, 39 properties from A Agriculture Zoning District to OS Open Space Zoning District, 39 properties from R-1-8 Single-Family

Residential Zoning District to PQP Public/Quasi-Public Zoning District, 36 properties from R-1-5 Single-Family Residential Zoning District to OS Open Space Zoning District, 26 properties from R-2 Two Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 20 properties from R-1-1 Single-Family Residential Zoning District to OS Open Space Zoning District, 10 properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, nine properties from R-1-5 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, nine properties from R-1-1 Single-Family Residential District to R-1-RR Single-Family Rural Residential Zoning District, eight properties from R-1-2 Single-Family Residential Zoning District to OS Open Space Zoning District, six properties from R-1-8 Single-Family Residential District to R-1-RR Single-Family Rural Residential Zoning District, five properties from A Agriculture Zoning District to PQP Public/Quasi-Public Zoning District, five properties from R-1-1 Single-Family Residential to PQP Public/Quasi-Public Zoning District, five properties from R-1-2 Single-Family Residential Zoning District to R-1-RR Single-Family Rural Residential Zoning District, four properties from HI Heavy Industrial Zoning District to OS Open Space Zoning District, four properties from R-1-5 Single-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, four properties from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, four properties from IP Industrial Park Zoning District to TEC Transit Employment Center Zoning District, three properties from LI Light Industrial Zoning District to OS Open Space Zoning District, three properties from A Agriculture Zoning District to R-1-RR Single-Family Rural Residential Zoning District, two properties from HI Heavy Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, two properties from IP Industrial Park Zoning District to OS Open Space Zoning District, one property from IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District, one property from Commercial Pedestrian Zoning District to OS Open Space Zoning District, one property from IP Industrial Park Zoning District to PQP Public/Quasi-Public Zoning District, one property from R-2 Two Family Zoning District to PQP Public/Quasi-Public Zoning District, one property from R-M Multi-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, one property from A Agriculture Zoning District to R-1-2 Single-Family Residential Zoning District, one property from R-1-5 Single-Family Residential Zoning District to R-1-RR Single-Family Rural Residential Zoning District, and one property from Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, located in various locations on those certain real properties within the City of San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617). Council District 10. (Planning, Building and Code Enforcement)

Public Comment: Roman Avdanin, Svetlana, Jonathan Lee, Dr. Rajiv Ramjan, and Kathrine Kelly provided public comment.

Chris Burton, Director, Planning, Building and Code Enforcement Department responded to questions from Council.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Bien Doan, and carried unanimously, **Ordinance No. 31045** was passed for publication, regarding the rezoning of 194 properties from R-M Multi-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District. (11-0-0.)

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• Open Forum

1. Aswathi addressed her concerns regarding road safety, such as a car that crashed into her house.
2. Aurelia Sanchez provided comment regarding homelessness and her frustrations with government officials not listening to the public.
3. Surinder spoke to an incident regarding her son.

• Adjournment

The Council of the City of San José adjourned at 4:20 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Daniel Aguilar

Deputy City Clerk, City of San José

Approved at Council on: #

of Actions: 5

Attest By:

Toni Taber, CMC

City Clerk, City of San José



SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

March 5, 2024

Present Councilmembers: Batra, Foley, Doan, Cohen, Torres, Mahan.

Absent Councilmembers: Candelas, Davis, Ortiz, Jimenez, 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: Lionel Rubalcava v. City of San Jose, et al.
Name(s) of Party(ies) LIONEL RUBALCAVA, CITY OF SAN JOSE, JOSEPH PEREZ, RAFAEL NIEVES, RAMON AVALOS, STEVEN SPILLMAN, TOPUI FONUA.
Court: U.S. District Court, Northern District of California
Case No: 5:20-CV-04191-BLF
Amount of Money or Other Relief Sought: Damages according to proof

2. Case Name: City of San Jose v. Howard Jarvis Taxpayers Association, et al.
Name(s) of Party(ies) CITY OF SAN JOSE, ALL PERSONS INTERESTED IN THE MATTER OF THE ISSUANCE AND SALE OF PENSION, PAT WAITE, HOWARD JARVIS TAXPAYERS ASSOCIATION, CITIZENS FOR FISCAL RESPONSIBILITY
Court: Superior Court of California, County of Santa Clara
Case No: 21CV391517

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: 1

C. CONFERENCE WITH LEGAL COUNSEL – RESPONSE TO CONFIDENTIAL FINAL DRAFT AUDIT REPORT:

Pursuant to Section 54956.75 of the Government Code:

Number of matter(s) to be discussed: 2

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 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
2. 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

3. Organization or Name and Title of Unrepresented Employees:
Nature of negotiations:
Name of Existing Contract or MOA:

How to Obtain a copy of Existing Contract or MOA:

International Brotherhood of Electrical Workers, Local 332 (IBEW)
wages/salaries, hours, working conditions, etc.
Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)

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

4. Organization or Name and Title of Unrepresented Employees:
Nature of negotiations:
Name of Existing Contract or MOA:

How to Obtain a copy of Existing Contract or MOA:

International Union of Operating Engineers, Local No. 3 (OE#3)
wages/salaries, hours, working conditions, etc.
Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)

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