



City Council Meeting MINUTES

Tuesday, March 14, 2023

1:30 PM

**Hybrid Meeting – Council Chambers and Virtually –
<https://sanjoseca.zoom.us/j/88957084529>**

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

23-413 Closed Session: [See Page 22 for Closed Session Minutes](#)

Absent: All Present.

1:32 p.m. - Afternoon Session

Present: Councilmembers - Jimenez (via Zoom), Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra, Kamei; Mahan.

Absent: Councilmembers - All Present.

- Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

- Invocation (District 3)

Carlos Barba, provided the Invocation through a guitar performance of América de los Indios by Daniel Valdez, and performed the song also as a land acknowledgement.

- Orders of the Day

Motion: Councilmember Arjun Batra made a motion to request deferment of Item 8.1 for four weeks to better understand the full criteria being used and to understand the total amount of taxpayer money that goes into this funding in order to make an informed decision. Councilmember Sergio Jimenez seconded this motion for the sake of discussion.

Director of Housing Jacky Morales-Ferrand and Assistant Director of Housing Rachel VanderVeen responded to questions.

Public Comment: Alicia Klein (Resources for Community Development), Paul Soto, Jennifer Loving, Adrian Gonzales (All Home)

The motion failed. (1-10. Noes: Candelas, Cohen, Davis, Doan, Foley, Jimenez, Kamei, Ortiz, Torres, Mahan.)

Second Motion: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei and carried unanimously, the Orders of the Day and the Amended Agenda were approved as is. (11-0.)

- **Closed Session Report**

City Attorney Nora Frimann reported that the City of San José is joining the national settlement in the opioid litigation and that portions of the settlement involve Walgreens, Walmart, CVS, Teva and Allergan. The City Attorney also reported that once the documents of the potential settlement are finalized, they will be made available publicly.

1. CEREMONIAL ITEMS

- 1.1 Mayor Matt Mahan presented a proclamation, recognizing March 12 to March 18 as Americorps Week to recognize and give thanks to the millions of Americans who have chosen to serve their country through AmeriCorps and AmeriCorps Seniors, and encourage others to follow in their footsteps. (Mayor).

2. CONSENT CALENDAR

Upon motion by Councilmember David Cohen seconded by Councilmember Omar Torres and carried unanimously, all the below listed actions were taken as indicated with Item 2.23 pulled for separate consideration. (11-0.)

Public Comment: Blair Beekman and Paul Soto offered public comments.

- 2.1 **23-399** **Approval of City Council Minutes.**
(a) City Council Study Session Minutes of February 14, 2023. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Minutes were approved. (11-0.)

- 2.2 **23-395** **Final Adoption of Ordinances.**
(a) Ordinance No. 30887 - An Ordinance of the City of San José Rezoning Two Properties from the A Agriculture Zoning District to the CIC Combined Industrial/Commercial Zoning District, Seven Properties from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, Six Properties from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District, Ten Properties from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, 17 Properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 14 Properties from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, Two Properties from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District, Eight Properties from the HI Heavy Industrial Zoning District to the DC Downtown Primary Commercial Zoning

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2.2 (Cont'd.)

District, One Property from the IP Industrial Park Zoning District to the DC Downtown Primary Commercial Zoning District, 10 Properties from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District, Three Properties from the PQP Public/Quasi-Public Zoning District to the DC Downtown Primary Commercial Zoning District, Two Properties from the R-1-8 Single-Family Residential Zoning District to the DC-NT1 Downtown Commercial - Neighborhood Transition 1 Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the DC Downtown Primary Commercial Zoning District, 39 Properties from the LI Light Industrial Zoning District to the HI Heavy Industrial Zoning District, Three Properties from the CO Commercial Office Zoning District to the LI Light Industrial Zoning District, One Property from the CP Commercial Pedestrian Zoning District to the LI Light Industrial Zoning District, 23 Properties from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District, Four Properties from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District, Two Properties from the R-1-8 Single-Family Residential Zoning District to the LI Light Industrial Zoning District, 17 Properties from the R-2 Two-Family Residential Zoning District to the LI Light Industrial Zoning District, Two Properties from the R-M Multiple Residence Zoning District to the LI Light Industrial Zoning District, 30 Properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, 18 Properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, Four Properties from the LI Light Industrial Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, Six Properties from the R-2 Two-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the R-M Multiple Residence Zoning District to the MUC Mixed Use Commercial Zoning District, 25 Properties from the CN Commercial Neighborhood Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Properties from the CO Commercial Office Zoning District to the MUN Mixed Use Neighborhood Zoning District, Four Properties from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Properties from the LI Light Industrial Zoning District to the MUN Mixed Use Neighborhood Zoning District, One Property from the R-1-8 Single Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 35 Properties from the R-2 Two-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 66 Properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, Six Properties from the A Agriculture Zoning District to the OS Open Space Zoning District, One Property from the CIC Combined Industrial/Commercial Zoning District to the OS Open Space Zoning District, Seven Properties from the CO Commercial Office Zoning District to the OS Open Space Zoning District, Two Properties from the CO (PD) Planned Development Zoning

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2.2 (Cont'd.)

District to the OS Open Space Zoning District, One Property from the CP Commercial Pedestrian Zoning District to the OS Open Space Zoning District, 20 Properties from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District, Six Properties from the HI Heavy Industrial Zoning District to the OS Open Space Zoning District, 14 Properties from the IP Industrial Park Zoning District to the OS Open Space Zoning District, 19 Properties from the LI Light Industrial Zoning District to the OS Open Space Zoning District, 12 Properties from the R-1-8 Single-Family Residential Zoning District to the Os Open Space Zoning District, 50 Properties from the R-2 Two-Family Residential Zoning District to the OS Open Space Zoning District, Seven Properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, Two Properties from the CN Commercial Neighborhood Zoning District to the PQP Public/Quasi-Public Zoning District, 24 Properties from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District, 30 Properties from the HI Heavy Industrial Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District, 20 Properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, Seven Properties from the R-2 Two-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, Two Properties from the R-M Multiple Residence Zoning District to the PQP Public/Quasi-Public Zoning District, Ten Properties from the CG Commercial General Zoning District to the R-1-8 Single-Family Residential Zoning District, 44 Properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, 20 Properties from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residential Zoning District, 11 Properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, Seven Properties from the DC-NT1 Downtown Commercial - Neighborhood Transition 1 Zoning District to the R-1-8 Single-Family Residential Zoning District, 19 Properties from the LI Light Industrial Zoning District to the R-1-8 Single-Family Residential Zoning District, One Property from the CG Commercial General Zoning District to the TEC Transit Employment Center Zoning District, One Property from the CN Commercial Neighborhood Zoning District to the TEC Transit Employment Center Zoning District, 28 Properties from the HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District, Seven Properties from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District, Four Properties from the LI Light Industrial Zoning District to the TEC Transit Employment Center Zoning District, Five Properties from the CP Commercial Pedestrian Zoning District to the TR Transit Residential Zoning District, One Property from the CG Commercial General Zoning District to the UR Urban Village Zoning District, Three Properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, Four Properties from the CN

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Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, Two Properties from the CO Commercial Office Zoning District to the UV Urban Village Zoning District, One Property from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, Two Properties from the IP Industrial Park Zoning District to the UV Urban Village Zoning District, Four Properties from the R-M Multiple Residence Zoning District to the UV Urban Village Zoning District, One Property from the Split Zoned HI Heavy Industrial and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, Two Properties from the HI Heavy Industrial Zoning District to the Split Zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, Three Properties from the Split Zoned R-1-8 Single-Family Residential and R-M Multiple Residence Zoning Districts to the MUN Mixed Use Neighborhood Zoning District, One Property from the Split Zoned IP Industrial Park and CP Commercial Pedestrian Zoning Districts to the UV Urban Village Zoning District, One Property from the Split Zoned R-1-8 Single-Family Residential and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, Two Properties from the Split Zoned R-1-8 Single-Family Residential and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned R-1-8 Single-Family Residential and IP Industrial Park Zoning Districts to the Split Zoned LI Light Industrial and OS Open Space Zoning Districts, One Property from the Split Zoned R-1-8 Single-Family Residential and CO Commercial Office Zoning Districts to the OS Open Space Zoning District, Two Properties from the CO Commercial Office Zoning District to the Split Zoned LI Light Industrial and OS Open Space Zoning Districts, One Property from the Split Zoned R-1-8 Single-Family Residential and LI Light Industrial Zoning Districts to the OS Open Space Zoning District, Two Properties from the Split Zoned R-2 Two-Family Residential, CO Commercial Office, and CP Commercial Pedestrian Zoning Districts to the OS Open Space Zoning District, Five Properties from the Split Zoned R-2 Two-Family Residential and LI Light Industrial Zoning District to the OS Open Space Zoning District, Two Properties from the Split Zoned R-1-8 Single-Family Residential and CP Commercial Pedestrian Zoning Districts to the MUN Mixed Use Neighborhood Zoning District, One Property from the Split Zoned R-2 Two-Family Residential and CO Commercial Office Zoning District to the OS Open Space Zoning District, Two Properties from the Split Zoned R-2 Two Family Residential and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family-Residential, and R-1-8 Single-Family Residential Zoning Districts to the Split Zoned LI Light Industrial and OS Open Space Zoning Districts, One Property from Split Zoned CO Commercial Office and R-1-8 Single-Family Residential to the PQP Public/Quasi-Public Zoning Districts, One Property from the Split Zoned R-1-8 Single Family Residential, R-2 Two-Family Residential, CP Commercial Pedestrian, and A Agriculture Zoning Districts to the OS Open Space Zoning District, One

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Property from the Split Zoned R-2 Two-Family Residential and CP Commercial Pedestrian Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned R-2 Two-Family Residential, R-M Multiple Residence, and LI Light Industrial Zoning District to the OS Open Space Zoning District, Two Properties from the IP Industrial Park Zoning District to the DC Downtown Primary Commercial Zoning District, One Property from the HI Heavy Industrial Zoning District to the Split Zoned OS Open Space and TEC Transit Employment Center Zoning Districts, Two Properties from the Split Zoned HI Heavy Industrial and LI Light Industrial Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned HI Heavy Industrial and LI Light Industrial Zoning Districts to the DC Downtown Primary Commercial Zoning District, Two Properties from the Split Zoned LI Light Industrial and HI Heavy Industrial Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned CO (PD) Planned Development and LI Light Industrial Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned LI Light Industrial and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, Two Properties from the DC Downtown Primary Commercial to the Split Zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, One Property from the Split Zoned R-2 Two-Family Residential and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned R-2 Two-Family Residential and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned R-M Multiple Residence and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned R-2 Two-Family Residential and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, Two Properties from the Split Zoned A Agriculture and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, and One Property from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District, All on those Certain Real Properties Located throughout the Mineta Airport Influence Area, City of San José. [Passed for Publication on 2/28/2023 - Item 10.1(a) (23-274)]

(b) Ordinance No. 30888 - An Ordinance of the City of San José Rezoning Two Properties from the A Agriculture Zoning District to the IP Industrial Park Zoning District, Two Properties from the LI Light Industrial Zoning District to the IP Industrial Park Zoning District, One Property from the R-1-2(PD) Planned Development Zoning District to the IP Industrial Park Zoning District, Five Properties from the A Agriculture Zoning District to the CG Commercial General Zoning District, Seven Properties from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning District, Two Properties from the R-1-8 Single-Family Residential Zoning District to the UR Urban Residential Zoning District, 16 Properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, Three Properties from the A Agriculture Zoning

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District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, Nine Properties from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residential Zoning District, Seven Properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the A Agriculture Zoning District to the PQP Public/Quasi-Public Zoning District, Four Properties from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the CO Commercial Office Zoning District to the PQP Public/Quasi-Public Zoning District, 35 Properties from the IP Industrial Park Zoning District to the PQP Public/Quasi-Public Zoning District, 42 Properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 15 Properties from the A Agriculture Zoning District to the OS Open Space Zoning District, Three Properties from the CN Commercial Neighborhood Zoning District to the OS Open Space Zoning District, Two Properties from the R-1-5 Single-Family Residential Zoning District to the OS Open Space Zoning District, 34 Properties from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the OS Open Space Zoning District, Two Properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, 10 Properties from the R-1-8 Single-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, Five Properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, One Property from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District, Four Properties from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District, 11 Properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 16 Properties from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District, One Property from the Split Zoned CO Commercial Office, CP Commercial Pedestrian, R-1-8 Single-Family Residential, R-2 Two-Family Residential, and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, Two Properties from the Split Zoned A Agriculture and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, Two Properties from the Split Zoned CP Commercial Pedestrian and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, Two Properties from the A Agriculture Zoning District to the Split Zoned CG Commercial General and IP Industrial Park Zoning Districts, One Property from the Split Zoned A Agriculture and R-1-8 Single-Family Residential Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the R-1-8 Single-Family Residential Zoning District to the Split Zoned OS Open Space and PQP

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Public/Quasi-Public Zoning Districts, and One Property from the A Agriculture Zoning District to the Split Zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, All on those Certain Real Properties Located throughout the Reid-Hillview Airport Influence Area, City of San José. [Passed for Publication on 2/28/2023 - Item 10.1(b) (23-275)]

(c) Ordinance No. 30889 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.895 Gross Acres, Situated on the Northeast Corner of West and Carlos Street and Brooklyn Avenue (APNs 274-16-050, 052, 053, 069 & 070) from Unincorporated Territory within the County of Santa Clara County to the Mixed Use Commercial Zoning District. [Passed for Publication on 2/28/2023 - Item 10.2(b) (23-276)]

Action: (a) **Ordinance No. 30887**, (b) **Ordinance No. 30888**, and (c) **Ordinance No. 30889** were adopted. (11-0.)

2.3 23-400 **Approval of Council Committee Minutes.**

(a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 8, 2023. (b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 15, 2023. (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 22, 2023. (d) Regular Neighborhood Services and Education Committee Minutes of February 9, 2023. (e) Regular Community and Economic Development Committee Minutes of February 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: The Council Committee Minutes were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7 23-347 **City Manager’s Travel to Phoenix, Arizona for the San José Chamber of Commerce Annual Study Mission**
Authorize travel for City Manager Jennifer Maguire to Phoenix, Arizona on April 18-21, 2023 to participate in the San José Chamber of Commerce Annual Study Mission. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: Council authorized travel for the City Manager Jennifer Maguire to Phoenix, Arizona on April 18-21, 2023 to participate in the San José Chamber of Commerce Annual Study Mission. (11-0.)

- 2.8 23-348 **Designation of Official Authorized to Apply for Disaster Assistance.**
Adopt a resolution designating City of San José officials to be authorized to apply for Federal and State Disaster Assistance. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance)

Action: **Resolution No. RES2023-57** was adopted, designating City of San José officials to be authorized to apply for Federal and State Disaster Assistance. (11-0.)

- 2.9 23-355 **Second Quarter Financial Reports for Fiscal Year 2022-2023.**
As recommended by the Public Safety, Finance and Strategic Support Committee on February 16, 2023: (a) Accept the Second Quarter (period ending December 31, 2022) Financial Reports for Fiscal Year 2022-2023 for the following programs: (1) Debt Management; (2) Investment Management; (3) Revenue Management; (4) Purchasing & Risk Management. (b) Adopt a resolution authorizing the Director of Finance to write off uncollectible debts in an amount up to \$619,047.71. 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 referral 2/16/2023 - Item (d)1]

Action: (a) The Second Quarter Financial Reports for Fiscal Year 2022-2023 were accepted and (b) **Resolution No. RES2023-58** was adopted, authorizing the Director of Finance to write off uncollectible debts in an amount up to \$619,047.71. (11-0.)

- 2.10 23-349 **Actions Related to the Agreement with HomeFirst Services of Santa Clara County for Temporary Sheltering Operations and Support Services for 2023 Winter Storm Response and Appropriation Amendments.**
(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with HomeFirst Services of Santa Clara County in an amount not to exceed \$1,900,000 to operate emergency Evacuee Transition Facilities, providing additional temporary sheltering and support services necessary for winter emergency response, retroactive to January 1, 2023 until June 30, 2023. (b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the General Fund:

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2.10 (Cont'd.)

(1) Decrease the Measure E - 15% Homeless Support Programs Reserve by \$1,400,000; and (2) Increase the Measure E - Storm Evacuee Transition Facilities (15% HSP) appropriation by \$1,400,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)

Action: (a) **Resolution No. RES2023-59**, authorizing the City Manager or designee to negotiate and execute an agreement with HomeFirst Services of Santa Clara County and (b) **Appropriation Ordinance No. 30891** were adopted. (11-0.)

- 2.11 23-350 Actions Related to the 9084-9183 - Fire Department Training Center and Emergency Operation Center Relocation Project.**
Approve an increase in the project construction contingency for the new Fire Department Training Center and the Emergency Operations Center Relocation project located at 1591 Senter Road from 10% of the construction contract amount to 12%, resulting in a new contingency amount of \$6,492,600, an increase of \$1,082,100. CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. Council District 7. (Public Works)

Action: The increase in the project construction contingency for the new Fire Department Training Center and the Emergency Operations Center Relocation project located at 1591 Senter Road was approved. (11-0.)

- 2.12 23-351 2023 Major Streets Remove and Replace Pavement Project.**
(a) Approve award of a construction contract for the 2023 Major Streets Remove and Replace Pavement Project, to the low bidder, G. Bortolotto & Company, Inc., in the amount of \$1,815,463. (b) Approve an approximate 10% contingency in the amount of \$181,500. CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: The (a) award of a construction contract for the 2023 Major Streets Remove and Replace Pavement Project to G. Bortolotto & Company, Inc., in the amount of \$1,815,463 and (b) approximate 10% contingency were approved. (11-0.)

2.13 23-418 Retroactive Approval of St. Patrick's Day Flag Tower and Rotunda Lighting for the Celebration of the Sister City Relationship and Visit from the Dublin Delegation Sponsored by Council District 6 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 March 8, 2023: (a) Retroactively approve the St. Patrick's Day Flag Tower and Rotunda Lighting in clover green scheduled on March 11-18, 2023 for St. Patrick's Day and in celebration of the City's sister city relationship with Dublin, Ireland 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. (Davis) [Rules Committee referral 3/8/2023 - Item B.4]

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

2.14 23-422 Retroactive Approval of District 8 Budget and Breakfast Sponsored by Council District 8 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 March 8, 2023: (a) Retroactively approve the District 8 Budget and Breakfast scheduled on February 25, 2023 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. (Candelas) [Rules Committee referral 3/8/2023 - Item B.5]

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

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 23-361 City of San José Investment Policy Annual Review.**
As recommended by the Public Safety, Finance and Strategic Support Committee on February 16, 2023: (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 reduce the combined issuer/institution limits from 10% to 5%, reflect the updated version of the Federal Reserve Bank’s Primary Dealer List, and various technical clean-ups. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance) [Public Safety, Finance and Strategic Support Committee referral 2/16/2023 - Item (d)3]

Department of Finance’s Director Julia H. Cooper, Assistant Director Luz Cofresi-Howe, and Deputy Director of Debt & Treasury Management Qianyu Sun provided the presentation and responded to questions.

Public Comments: None provided.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Omar Torres, and carried unanimously, (a) the annual review of the City of San José Investment Policy, as amended was accepted and (b) **Resolution No. RES2023-60** was adopted, amending Council Policy 1-12. (10-0-1. Absent: Doan.)

- 3.4 23-364 Amendments to Title 4 of the San José Municipal Code Chapter 4.04 Contract Authority and Chapter 4.12 Procurements of Goods and Services.**
As recommended by the Public Safety, Finance and Strategic Support Committee on February 16, 2023: (a) Accept the status report on amendments to Title 4 of the San José Municipal Code Chapter 4.04 Contract Authority and Chapter 4.12 Procurements of Goods and Services to help streamline the City’s procurement process for goods and services. (b) Direct the Administration to work with the City Attorney’s Office to prepare the necessary ordinance to amend the San José Municipal Code and report back to City Council in fall 2023. CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance) [Public Safety, Finance and Strategic Support Committee referral 2/16/2023 - Item (d)4]

Department of Finance’s Director Julia H. Cooper and Assistant Director Luz Cofresi-Howe provided the presentation and responded to question along with the Acting Public Works Development Matt Loesch.

Public Comment: Paul Soto and Blair Beekman provided public comment.

Action: Upon motion by Councilmember Omar Torres, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) the status report on amendments to Title 4 of the San José Municipal Code Chapter 4.04 Contract Authority and Chapter 4.12 Procurements of Goods and Services was accepted and (b) direction was given to Administration to work with the City Attorney’s Office to prepare the necessary ordinance to amend the San José Municipal Code and report back to City Council in fall 2023. (11-0.)

- 3.5 23-365 **Status Report on the November 2018 Ballot Measure T - The Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond.**
(a) Accept the status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond Measure. (b) Approve the proposed funding of projects identified in Table 3 of the staff memorandum to: (1) Reallocate the remaining Environmental Protection Funds; (2) Rescope the Fire Station 23 Project; and (3) Allocate \$7.1 million that had been previously set aside for the cost of bond issuance. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Acting Public Works Director Matt Loesch and Acting Assistant Public Works Director Katherine Brown provided the presentation and responded to questions with Assistant City Manager Lee Wilcox

Public Comments: Juan Estrada (Green Foothills), Jose A Bistida, Patrick McGarrity (County Supervisor Sylvia Arenas), Resident, Tamara Sanchez, Martha O’Connell, Blair Beekman, Hà Trieu, Jeremy Barousse (School Board Trustee for Evergreen School District), Brian Darby, Erica Valentine, Brian Pors (UA Local 393), Mundo Escarcega, KC Hetterly (Santa Clara County Audubon Society), Dora Amezcuita, Janet Holt (District 8 Roundtable, Evergreen Leadership Neighborhood Association), Victoria Partida, and Robert Reese, offered public comments.

Motion: Councilmember Domingo Candelas moved to approve the March 10, 2023 joint memorandum co-authored by Councilmembers Candelas and Ortiz. Councilmember Peter Ortiz seconded this motion.

Substitute Motion: Councilmember Arjun Batra moved to approve the March 10, 2023 joint memorandum co-authored by Councilmembers Davis and Batra and to include Councilmember Doan's March 14, 2023 memorandum. This motion was seconded by Councilmember Dev Davis.

Staff requested clarification on the number of reports directed in Item #2 of the March 14, 2023 memorandum by Councilmember Doan.

Amendment: Mayor Matt Mahan requested a friendly amendment to amend Item #2 of the March 14, 2023 Memorandum by Councilmember Doan to direct staff to provide quarterly information memos rather than a bi-monthly update and to drop Item #4. This amendment was accepted by Councilmembers Batra and Davis.

Action: On a call to the question, the March 10, 2023 joint memorandum co-authored by Councilmembers Dev Davis and Arjun Batra was approved to:

- 1) Accept and approve the staff memorandum for item 3.5
- 2) Direct City Staff to retain all current and future project savings in the Measure T fund until all currently approved projects are completed, moving any project savings between projects as required to complete the list of currently approved projects.

(Item continued on next page)

3.5 (Cont'd.)

The staff memorandum was accepted to:

- (a) Accept the status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond Measure.
- (b) Approve the proposed funding of projects identified in Table 3 of the staff memorandum to:
 - (1) Reallocate the remaining Environmental Protection Funds;
 - (2) Rescope the Fire Station 23 Project; and
 - (3) Allocate \$7.1 million that had been previously set aside for the cost of bond issuance.

Items #1-3 of the March 14th, 2023 memorandum authored by Councilmember Bien Doan was also approved with the amendment to change Item #2 to the following:

1. Accept the staff memorandum to ensure Measure T funds are used only for Disaster Preparedness, Public Safety, and Infrastructure projects.
2. Direct staff to return to provide *quarterly informational memos* on land acquisition for Fire Station 23.
3. Direct staff to prioritize the restoration of Lake Cunningham for recreational use by pursuing other funding opportunities at the state and Federal levels, along with public private partnerships, and updating the scope of the work involved, with a report date to council of fall 2023.

The motion passed. (8-3. Noes: Torres, Ortiz, Candelas.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 23-366 City Initiatives Roadmap: Digital Equity and Empowerment Program Status Report. - DEFERRED

As recommended by the Neighborhood Services and Education Committee on December 8, 2022, accept a report on preliminary findings and recommendations related to the Digital Inclusion and Broadband strategy, Digital Inclusion Fund grant program, and Digital Equity program outcomes as part of the approved City Initiatives Roadmap for 2022-2023. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (Library) [Neighborhood Services and Education Committee referral 12/8/2022 - Item (d)4] [Deferred from 2/14/2023 - Item 7.1 (23-193)]

DEFERRED TO 4/4/2023 PER ADMINISTRATION

7.2 23-367 **Actions Related to the Lake Cunningham Shoreline and Water Quality Report and Prototype Wetland Restoration Project. - TO BE HEARD BEFORE ITEM 3.5**

As recommended by the Neighborhood Services and Education Committee on December 8, 2022: (a) Accept the report on the Lake Cunningham Shoreline and Water Quality Report. (b) Adopt a resolution authorizing the City Manager to submit a grant application and negotiate and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to \$250,000 for Design and Environmental Review of a 1-acre Prototype Wetland Restoration Project. 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. (Parks, Recreation and Neighborhood Services/Public Works) [Neighborhood Services and Education Committee referral 12/8/2022 - Item (d)6] [Deferred from 2/7/2023 - Item 7.1 (23-164)]

THIS ITEM WAS HEARD FOLLOWING ITEM 3.4 AND BEFORE ITEM 3.5.

Parks, Recreation, & Neighborhood Service’s Interim Deputy Director Sara Sellers provided the presentation and responded to questions with Parks, Recreation, and Neighborhood Services Director Jon Cicirelli and Assistant City Manager Lee Wilcox.

Public Comments: Juan Estrada (Green Foothills), Liz Holtz, KC Hetterly (Santa Clara County Audubon Society), Maria D Manzanares, and Amy Ly offered public comments.

Motion: Councilmember Domingo Candelas moved to approve the joint March 10, 2023 memorandum co-authored by Mayor Mahan, Councilmember Candelas, Councilmember Ortiz, and Councilmember Cohen. The motion was seconded by Councilmember Peter Ortiz.

Action: The joint March 10, 2023 memorandum co-authored by Mayor Mahan, Councilmember Candelas, Councilmember Ortiz, and Councilmember Cohen was approved:

1. Accept report on the Lake Cunningham Shoreline and Water Quality Study; and
2. Accept report on staff work plan and next steps for making recommendations to Council on project scope, phasing and financial resources.
3. Accept staff recommendation and adopt a resolution authorizing the City Manager to submit a grant application and negotiate and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to \$250,000 for Design and Environmental Review of a 1-acre Prototype Wetland Restoration Project
4. Direct staff to return to Council by Fall 2023 with a five-year funding strategy for infrastructure repairs at Lake Cunningham:
 - a. Outline specific actions for water quality remediation including phases
 - b. Include potential partner organization support in cost estimate such as tree planting through Our City Forest, and native drought resistant plants with Valley Water
 - c. Provide current estimates for existing maintenance backlog of water drainage and lake management infrastructure, average cost and lifespan of previous repairs or replacements, and when future repairs or replacements would be anticipated
 - d. Pursue grants from state or federal infrastructure money to help fund Lake Cunningham restoration.

(Item continued on next page)

7.2 (Cont'd.)

Per Item #3 of the approved memorandum, the approved staff recommendation is as follows:
As recommended by the Neighborhood Services and Education Committee on December 8, 2022:

- (a) Accept the report on the Lake Cunningham Shoreline and Water Quality Report.
- (b) Adopt a resolution authorizing the City Manager to submit a grant application and negotiate and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to \$250,000 for Design and Environmental Review of a 1-acre Prototype Wetland Restoration Project.

Resolution No. RES2023-61 was adopted. (11-0.)

7.3 23-373 **Long-Term Lease of Municipal Golf Courses.**

(a) Accept the report on the Golf Course Management, Operations and Maintenance Services Request for Proposal process and results. (b) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a lease agreement, and all other necessary and/or ancillary documents, with CourseCo, Inc. for the three City-owned golf courses (Los Lagos, Rancho del Pueblo, and San José Municipal) that substantively conforms to the key terms negotiated by staff, which include ensuring and expanding community use, as described in the staff memorandum to Council. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no significant physical changes to the environment. Council Districts 3, 5, and 7. (Parks, Recreation and Neighborhood Services) [Deferred from 3/7/2023 - Item 7.1 (23-319)]

Parks, Recreation, and Neighborhood Service's Director Jon Cicirelli, Deputy Director Avi Yotam, and Interim Parks Manager Dominique Pacolba provided the presentation and responded to questions.

The Appellant, Aaron J Flores, Esq. of Golf Automation expressed opposition to the project due to the term of contract with one company and provided a brief presentation detailing the opposition.

Public Comments: Michael Sharp (President/CEO of CourseCo), Kelvin M., Bardia Tabiatnejad, Brian Darby, Mostafa, Jenny, and Lilian Koenig offered public comments.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember David Cohen, (a) the report on the Golf Course Management, Operations and Maintenance Services Request for Proposal and (b) **Resolution No. RES2023-62** was adopted, authorizing the City Manager, or designee, to negotiate and execute a lease agreement, and all other necessary and/or ancillary documents, with CourseCo, Inc. for the three City-owned golf courses (Los Lagos, Rancho del Pueblo, and San José Municipal). (10-0-1. Absent: Davis.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-368

Actions Related to the Loan Commitment and Land Purchase for 797 Almaden, a New Affordable Housing Development.

(a) Adopt a resolution: (1) Approving a total Construction-Permanent Loan commitment of up to \$21,350,000 and a land acquisition loan or acquisition funding commitment of up to \$3,590,000 in funds from Measure E Real Property Transfer Tax allocations (Measure E) for Resources for Community Development (RCD) and Almaden Affordable Housing, L.P. or another affiliate formed by RCD (Developer) for the 797 Almaden, a new affordable housing development to be located at 771, 777, 787, 797 South Almaden Avenue (Site), which is being developed to offer 98 rent-and income-restricted apartments for extremely low income, very low income, and low income households, and one unrestricted manager's apartment (Development); (2) Authorizing a loan-to-value ratio of greater than 100% for the Development; (3) Authorizing the Director of Housing to acquire the site from the Developer for a price not to exceed \$3,590,000 at the time of transfer, to accept the grant deed, and to enter into a long-term ground lease of the site to the Developer for the Development; (4) Authorizing the Director of Housing or the Director's designee to negotiate and execute documents and document amendments related to the acquisition and development of the Site, the ground leasing of the Site and any riders to the ground leases required by government entities; (5) Authorizing the loan terms to allow an increase in the rents and income restrictions up to 60% of Area Median Income (AMI) (low-income) for new tenants in Project-Based Voucher (PBV) subsidized apartments in the event of expiration or termination of Project-Based Vouchers and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the above Development and allowed by other funds; (6) Authorizing the Director of Housing or the Director's designee to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Development; (7) Authorizing the Mayor to execute on behalf of the City Council those letters of support as may be required by the California Housing and Community Development Department in connection with the Developer's applications for Infill Infrastructure Grants or other grants that require no grant participation or commitment by the City; and (8) Making a determination that, consistent with Government Code Section 37364, after acquisition, the Site is to be leased by the City to the Developer without first offering the site to the public for any other use, since the Site will be restricted so as to provide housing affordable to persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code or as defined by the United States Department of Housing and Urban Development (HUD) or its successors, and that this use is in the City's best interests. (b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the General Fund: (1) Decrease the Measure E - 30% Low-Income Households Reserve by \$12,215,510; (2) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$12,724,490; (3) Increase the Measure E - 30% Low-Income Households appropriation to the Housing Department by \$12,215,510; and (4) Increase the

(Item continued on next page)

8.1 (Cont'd.)

Measure E - 40% Extremely Low-Income Households appropriation to the Housing Department by \$12,724,490. CEQA: Exempt, Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 3. (Housing/City Manager)

Housing Director Jacky Morales-Ferrand and Assistant Director of Housing Rachel Vander Veen provided the presentation and responded to questions along with Alicia Klein from the organization Resources for Community Development.

Public Comments: Alex Shoor (Catalyze SV), David Low (Destination Home), Albert Lustre (North-Cal Carpenters) offered public comments.

Councilmember Torres requested including direction to staff to conduct an official cost analysis and report to the council with a difference in cost overtime, including operating and construction cost when it comes to affordable housing or modular pre-fab construction.

Mayor Mahan noted that an analysis on the Cost of Construction was presented to the Council last year and suggested that instead, staff return with the previously provided presentation and include additional analysis that aligns with analyzing the drivers of increase, what's in the cost stack and where there might be opportunities to bring down cost.

Motion: Councilmember Omar Torres made a motion to approve the joint March 9, 2023 memorandum co-authored by Councilmember Omar Torres, Vice Mayor Rosemary Kamei and Councilmember Domingo Candelas which was to 1. Accept Staff Recommendations. Councilmember Domino Candelas seconded the motion.

Action: On a call to the question, the joint March 9, 2023 memorandum co-authored by Councilmember Omar Torres, Vice Mayor Rosemary Kamei and Councilmember Domingo Candelas was approved to: 1. Accept Staff Recommendations. (a) **Resolution No. RES2023-63**, and (b) **Ordinance No. 30892** were adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

10.1(a) 23-369 Burbank No. 47 - Ordering the Annexation of Certain Real Property Located at 560 Bascom Avenue. – DEFERRED

Adopt a resolution ordering the annexation of the territory designated as Burbank No. 47, which involves the annexation to the City of San José of approximately 1.31 gross acres from Santa Clara County unincorporated territory located on the east side of South Bascom Avenue between Basile Avenue and Parkmoor Avenue (APNs 277-29-044 and 277-29-044) and portions of Basile Avenue and South Bascom Avenue, and the detachment of the same from the appropriate special districts, including Central Fire Protection District, Santa Clara Valley Water District, Santa Clara County Lighting District, and Santa Clara County Library District. CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041, and Addendum thereto. Council District 6. (Planning, Building and Code Enforcement) DEFERRED TO 3/28/2023 PER ADMINISTRATION

10.1(b) 23-370 C19-011, H19-020 & ET19-003 - Conforming Rezoning, Site Development Permit, and Release of the Covenant of Easement on Certain Real Property Located on the Southeastern Corner of Berryessa Road and Jackson Avenue to Allow a Future Parcel Merger.

(a) Adopt a resolution adopting the Berryessa-Jackson Commercial Project Initial Study/Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program; (b) Approve an ordinance rezoning the approximately 2.7-gross acre site located on the southeastern corner of Berryessa Road and Jackson Avenue from the PD Planned Development Zoning District to the CP Commercial Pedestrian Zoning District; (c) Adopt a resolution approving, with conditions, a Site Development Permit allowing the construction of a commercial plaza consisting of two buildings totaling approximately 47,000 square feet on an approximately 2.7-gross acre site; and (d) Adopt a resolution granting a Release of the Covenant of Easement to facilitate the development of the subject site. CEQA: Berryessa-Jackson Commercial Project Initial Study/Mitigated Negative Declaration. Council District 4. (Planning, Building and Code Enforcement)

HEARD IMMEDIATELY AFTER CONSENT

Motion: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan, and carried unanimously (a) **Resolution No. RES2023-64**, (c) **Resolution No. RES2023-65**, and (d) **Resolution No. RES2023-66** were adopted and (b) **Ordinance No. 30893** was passed for publication. (11-0.)

Public Comments: None provided.

END OF LAND USE CONSENT CALENDAR.

10 Land Use – Regular Agenda

10.2 23-371 Burbank No. 44 - Annexation of Property Located at 1883-1887, 1891-1995, 1897-1899 West San Carlos Street and 13 Boston Avenue. - RENOTICED TO 3/28/2023.

Adopt a resolution ordering the annexation of territory designated as Burbank No. 44, which involves the annexation to the City of San José of approximately 0.895 gross acre of land located on the northeast corner of West San Carlos Street and Brooklyn Avenue (APNs: 274-16-050, 052, 053, 069 & 070), and the detachment of the same from the appropriate special districts, including Central Fire Protection District, Santa Clara Valley Water District, Santa Clara County Lighting District, and Santa Clara County Library District. CEQA: Environmental Impact Report for the 1881 West San Carlos Project (Burbank 44/C20-011/ CP20- 020/T20-016) (Resolution No. RES2023-49). Council District 6. (Planning, Building and Code Enforcement) [Renoticed from 3/14/2023 - Item 10.2 (23-320)]

RENOTICED TO 3/28/2023

• Open Forum

1. Sean Paul expressed thanks for investment in the community and expressed the need to continue to work towards a better future.
2. Chris Martinez (Northern California Carpenters Union) spoke on carpentry wages and benefits standards and expressed a need to hold contractors and developers to a higher standard, emphasizing local hiring and to ensure the workers can make a decent life through wage and health care.

• Adjournment

The Council of the City of San José adjourned at 7:59 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

SAN JOSÉ CITY COUNCIL CLOSED SESSION

MARCH 14, 2023

The Council of the City of San José convened into Closed Session at 9:30 a.m.

This meeting was held in City Hall Conference room W-133

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

Absent: Councilmembers - All Present.

Closed Session Item(s) discussed:

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

1. Case Name: Juan Pablo Garcia Torres v. City of San Jose, et al
Name(s) of Partie(s) JUAN PABLO GARCIA TORRES, CITY OF SAN JOSE,
RICARDO SALVADOR MURILLO, an individual; and DOES
1-25
Court: Santa Clara County Superior
Case No: 22CV403190
Amount of Money or Declaratory And Injunctive Relief
Other Relief Sought:
2. Case Name: City of San Jose, et al. v. AmerisourceBergen Drug
Corporation, et al.
Name(s) of Partie(s) AMERISOURCEBERGEN DRUG CORPORATION;
CARDINAL HEALTH, INC.; MCKESSON CORPORATION;
PURDUE PHARMA L.P.; PURDUE PHARMA, INC.; THE
PURDUE FREDERICK COMPANY, INC.; TEVA
PHARMACEUTICAL INDUSTRIES, LTD.; TEVA
PHARMACEUTICALS USA, INC.; CEPHALON, INC.;
JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS,
INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS,
INC. N/K/A JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA INC. N/K/A JANSSEN
PHARMACEUTICALS, INC.; NORAMCO, INC.; ENDO
HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS,
INC.; ALLERGAN PLC F/K/A ACTAVIS PLS; WATSON
PHARMACEUTICALS, INC. N/K/A ACTAVIS, INC.;
WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS
PHARMA, INC. F/K/A WATSON PHARMA, INC.;
MALLINCKRODT PLC; MALLINCKRODT LLC; INSYS
THERAPEUTICS, INC; CVS HEALTH CORP.; THE
KROGER CO.; RITE AID OF MARYLAND, INC.; THRIFTY

PAYLESS, INC.; WALGREENS BOOTS ALLIANCE, INC.;
WAL-MART, INC.

Court: U.S. District Court, Northern District of California, San Jose
Division

Case No: 5:19-cv-04529

Amount of Money or Damages according to proof

Other Relief Sought:

B. 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 of 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
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 of 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
3. 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 of 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
4. 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 of 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
5. 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 of 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
6. 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 of 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150

7. Organization or Name **Peace Officer Park Ranger Association (POPRA)**
and Title of
Unrepresented
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Memorandum of Agreement – City of San Jose and Peace
Contract of MOA: Officer Park Ranger Association
How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-
government/departments/employee-relations/labor-relations-
information/bargaining-units-labor-contract-info](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info)
Existing Contract or MOA:
Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 2:26 p.m. in the Council Chamber.