



City Council Meeting Minutes

Tuesday, April 18, 2023

1:30 PM

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

MATT MAHAN, MAYOR
ROSEMARY KAMEI, 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**

9:34 a.m.- Closed Session. 23-551: *See pages 13-15 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Jimenez, Cohen, Candelas, Foley, Davis, Batra.
(Council Chambers Conference Room, W133.)

Absent Councilmembers: Torres, Ortiz, and Doan.

1:30 p.m.- Regular Session:

Present Councilmembers: Mahan, Kamei, Jimenez, Cohen, Candelas, Foley, Davis, Batra.
(Council Chambers.)

Absent Councilmembers: Torres, Ortiz, and Doan.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 4)**

Councilmember David Cohen introduced the Piedmont High School Interact Club who offered the invocation.

- **Orders of the Day**

There were no changes to the Orders of the Day. No vote was required.

Councilmember David Cohen stated the meeting would be adjourned in memory of Anne-Marie Katemopoulos.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Domingo Candelas presented the commendation recognizing Los Mestizos de San José on celebrating 50 years of bringing the beauty and tradition of Mexican Folklorico dance to audiences in our City. The commendation was presented to Director, Hector Gonzalez and the five founding families: the Castro, Gutierrez, Rocha, Rodriguez, and Carrasco families.

1.2 Councilmember Pam Foley presented the proclamation declaring April as Distracted Drivers Awareness Month in the City of San José to raise awareness and implementation of safe driving practices to decrease the number of road-related injuries and fatalities in our community. The proclamation was presented to Anthony Montez from the Silicon Valley Bike Coalition.

2. CONSENT CALENDAR

Public Comments: (Zoom speakers) Paul Soto, Blair Beekman, and Paul D. Lynam spoke to the items on the Consent Calendar.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (8-0-3. Absent: Torres, Ortiz, Doan.)

2.1 23-564

Approval of City Council Minutes.

- (a) City Council Meeting Minutes of April 5, 2022.
 - (b) City Council Meeting Minutes of April 19, 2022.
 - (c) City Council Meeting Minutes of May 3, 2022.
 - (d) City Council Meeting Minutes of September 27, 2022.
 - (e) City Council Meeting Minutes of October 18, 2022.
 - (f) City Council Meeting Minutes of October 25, 2022.
 - (g) City Council Meeting Minutes of November 1, 2022.
 - (h) City Council Meeting Minutes of March 14, 2023.
 - (i) City Council Meeting Minutes of March 28, 2023.
 - (j) City Council Meeting Minutes of April 4, 2023.
 - (k) City Council Study Session Meeting Minutes of November 1, 2022.
- 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. (8-0-3. Absent: Torres, Ortiz, Doan.)

2.2 Final Adoption of Ordinances.

None provided.

2.3 23-565

Approval of Council Committee Minutes.

- (a) Regular Neighborhood Services and Education Committee Minutes of March 9, 2023.
 - (b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 15, 2023.
 - (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 22, 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. (8-0-3. Absent: Torres, Ortiz, Doan.)

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 23-542 Extension of the Proclamation of the Existence of a Local Emergency by 60 Days.

Adopt a resolution extending the Director of Emergency Services’ January 3, 2023 Proclamation of the Existence of a Local Emergency that is currently set to expire on April 28, 2023 by 60 days, as the public safety threat for high water flows and flooding remains.

CEQA: Statutory Exempt, Section 15269, Emergency Projects
Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

Action: **RES. NO. RES2023-112** was adopted. (8-0-3. Absent: Torres, Ortiz, Doan.)

2.8 23-544 Actions Related to Open Purchase Orders with Western Pacific Signal, LLC and Western Systems, Inc. for As-Required Outdoor Network Switches.

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute open purchase orders with Western Pacific Signal, LLC (San Leandro, CA) and Western Systems, Inc. (Everett, WA) for as-required outdoor network switches for a maximum aggregate compensation of \$500,000 for the option term beginning May 9, 2023 and ending May 8, 2024, subject to the appropriation of funds.

(b) Negotiate and execute amendments as-required for any unanticipated changes during the option term beginning May 9, 2023 and ending May 8, 2024, subject to the appropriation of funds.

(c) Exercise up to three additional one-year options to extend the terms of the purchase orders through May 8, 2027, 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: **RES. NO. RES2023-113** was adopted. (8-0-3. Absent: Torres, Ortiz, Doan.)

2.9 23-545 Amendment to the Agreement with Caracal Enterprises LLC (DBA Ventek International) for Parking Payment System, Hosting, and Automated Payment Processing Services.

Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Agreement for purchase of parking payment system, hosting and automated payment processing services with Caracal Enterprises LLC, dba VenTek International (Petaluma, CA), to extend services for two additional two-year option terms through April 30, 2027 under the same material terms and conditions as the original agreement for a maximum compensation not to exceed \$364,000 for the option period beginning May 1, 2023 and ending April 30, 2025, 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: **RES. NO. RES2023-114** was adopted. (8-0-3. Absent: Torres, Ortiz, Doan.)

2.10 23-592 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointment:
(a) Measure T Community Oversight Committee:
(1) District 8 Seat: Appoint Gilberto Torres.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 4/12/2023 - Item A.1.a]

Action: The Board and Commissions appointment was approved. (8-0-3. Absent: Torres, Ortiz, Doan.)

2.11 23-595 Retroactive Approval of Multiple Special Events Sponsored by Council District 3 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 April 12, 2023:
(a) Retroactively approve the Business Safety Meeting scheduled on February 22, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Retroactively approve the Cafecito scheduled on March 2, 2023 as a City Council sponsored Special Event and approved the expenditure of funds;
(c) Retroactively approve the Community Swearing In scheduled on March 16, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

(Item Continued on the Next Page)

2.11 (Cont'd.)

(d) 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. (Torres)

[Rules Committee referral 4/12/2023 - Item B.5]

Action: The City Council Sponsored Special Event was retroactively approved. (8-0-3. Absent: Torres, Ortiz, Doan.)

2.12 23-598

Approval of City Hall Free Use for the Trans Day of Visibility Event Sponsored by Council Districts 9 and 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 April 12, 2023:

(a) Adopt a resolution authorizing “Free Use” for events and activities held on April 29, 2023 for the Trans Day of Visibility event;

(b) Approve the Trans Day of Visibility scheduled on April 29, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

(c) 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 and Davis)

[Rules Committee referral 4/12/2023 - Item B.6]

Action: The City Council Sponsored Special Event was approved and (a) **RES. NO. RES2023-115** was adopted. (8-0-3. Absent: Torres, Ortiz, Doan.)

3. STRATEGIC SUPPORT

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

City Manager, Jennifer Maguire offered the verbal report and announced that on Saturday, April 22, 2023 marks the 53rd Annual Celebration of Earth Day in San José. In honor of Earth Day, BeautifySJ will lead the City’s participation in the “Great American Litter Pickup,” which is an annual nationwide event. She spoke to San José’s commitment to environmental protection and stewardship. City Manager, Jennifer Maguire stated that BeautifySJ is a program that takes initiative to clean up illegal dumping and graffiti, manage encampments, provides grants for community beautification projects, organizes neighborhood litter cleanups. BeautifySJ helps restore the San José community by supporting residents efforts of reclaiming their public spaces and empowering residents to demonstrate their pride for their City.

3.2 Labor Negotiations Update.

None provided.

3.3 23-547

Report on Request for Proposal for Graffiti Abatement Services.

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Graffiti Protective Coatings, Inc. (Los Angeles, CA) for Citywide Graffiti Abatement Services with an initial three-year term beginning July 1, 2023 and ending June 30, 2026 and a maximum compensation not to exceed \$5,934,000 for the initial term, subject to the appropriation of funds;
 - (b) Negotiate and execute amendments and change orders as required to add, delete, or modify services due to budgetary constraints or unanticipated changes in demand, subject to the appropriation of funds; and
 - (c) Exercise up to three two-year options to extend the term of the agreement through June 30, 2032, 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)

Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli; Division Manager, Beautify SJ, Olympia Williams; and Director of Finance, Rick Bruneau responded to questions.

Public Comment: (Zoom speakers) Blair Beekman and Paul Soto offered public testimony regarding the item.

Councilmember Domingo Candelas spoke to the contracts language and modifying the memorandums incentives to explore future incentives to meet or exceed goals, while saving taxpayers money.

Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli agreed and thought Councilmember Candela's concept was great, but it wasn't included in the official report and request for proposal. Jon stated that recommendation 4(e) of the joint Council memorandum, "*Approaches that incentivize vendors to meet or exceed SLAs,*" falls into that section, where they will study everything mentioned and come back to the full Council with what they learned.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Pam Foley and carried unanimously, the report on the Request for Proposal for Graffiti Abatement Services was accepted, and **RES. NO. RES2023-116** was adopted. Including acceptance of the *amended* joint memorandum from Mayor Matt Mahan, Councilmember Omar Torres, Councilmember Peter Ortiz, Councilmember Bien Doan, and Councilmember Domingo Candelas, dated April 14, 2023, *with recommendation 1 dropped*, recommending: ~~(1) Accept staff's recommendation with the following addition: (a) Direct the City Manager to negotiate and execute a contract with Graffiti Protective Coatings, Inc. (GPC) that includes a service level agreement (SLA) to meet or exceed response goals 85% of the time.~~ (2) Direct staff to establish a score card for partner agencies' effectiveness and response times for abating graffiti on their properties reported through SJ311, including VTA, Caltrans, Union Pacific, Valley Water, and the County. (a) Staff should return with preliminary scores through an information memo by August 2023 and continue to report to the Neighborhood Services & Education Committee on a bi-annual basis. (3) Staff should report to the San José Youth Empowerment Alliance policy team on the amount of gang-related graffiti removed. (4) Direct staff to study best practices for graffiti deterrents and abatement in other comparable cities and return to Council with an information memo that evaluates: (a) Contracting with community-based organizations (CBO's) (b) Employing youth and young adults

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3.3 (Cont'd.)

from local communities to conduct abatement (c) Partnering with other government agencies to reach economies of scale (d) Establishing distinct, limited areas where street art is allowed with strict enforcement of offensive or gang-related graffiti. (e) Approaches that incentivize vendors to meet or exceed SLAs. (8-0-3. Absent: Torres, Ortiz, Doan.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 23-548 Report on Bids and Award a Construction Contract for the 10182 - 2023-2025 Local Streets Resurfacing (Multi-Term) Project.

(a) Report on bids and award a construction contract for the 10182 - 2023-2025 Local Streets Resurfacing (Multi-Term) Project, to the lowest responsive, responsible bidder, MCK Services, Inc., in the amount of \$12,385,675 and approve a 10% contingency in the amount of \$1,238,000.

(b) Adopt a resolution authorizing the Director of Transportation to:

(1) Exercise up to two one-term options, for a total amount not to exceed \$12,500,000 for each option term period, contingent on the appropriation of funds; and

(2) Establish a construction contingency for any option year of up to 10% of the contract amount, not to exceed \$1,250,000 for each option term, contingent on the appropriation of funds.

CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 2, 8 and 9.
(Transportation/Public Works)

Action: Upon motion by Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, (a) the report on bids and award a construction contract for the 10182- 2023-2025 Local Streets Resurfacing (Multi-Term) Project was accepted and (b) **RES. NO. RES2023- 117** was adopted. (8-0-3. Absent: Torres, Ortiz, Doan.)

5.2 23-546 Actions Related to the Pre-Development Agreement for the 10183 - Design-Build-Finance-Operate-Maintain: Diridon Station to Airport Connector Project.

Adopt a resolution:

(a) Finding that the award of the proposed Pre-Development Agreement (PDA) for the 10183 - Design-Build-Finance-Operate-Maintain:

Diridon Station to Airport Connector (Project) will result in lower costs and/or faster Project delivery than if the City used the traditional publicly funded design-bid-build method of project delivery;

(b) Authorizing the City Manager or their designee to negotiate and execute the PDA with the San José Connection Partners, led by Plenary

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5.2 (Cont'd.)

Americas US Holdings Inc. to continue progress on the Project; and
(c) Authorizing the City Attorney to negotiate and execute a Third Amendment to the Agreement with Ashurst LLP for legal services related to the Project, increasing compensation by \$100,000 for legal services to be provided through PDA implementation for a total amount not to exceed \$375,000. CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 6. (Transportation/Airport/Public Works)

Director of Transportation, John Ristow; Director of Aviation, John Aitken; Division Manager, Ramses Madou; and Project Manager, Brian Stanke offered the presentation and responded to questions.

Public Comment: (In person speakers) John Pospishek (ATU Local 265), Raj Singh (ATU Local 265), Harun Neil, Mark Seeger (Glydways), Jake Wilde, Dale Bonner (Plenary Americas), Shelley Doran (Webcor/Obayashi), (Zoom speakers) Caller '7995', Paul Soto, Matthew Abraham, Rob Means, Siddharth Kotapati, Jason Su, Brett Garrett, Kyle Posey, Rod Diridon Sr., Crystal Conway, Suyog V., Carlos Ferrer, Blair Beekman, Lydon George, and Anthony Tordillos offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei and carried unanimously, **RES. NO. RES2023-118** was adopted. Including acceptance of the joint memorandum from Mayor Matt Mahan, Vice Mayor Rosemary Kamei, and Councilmember Dev Davis dated April 14, 2023, recommending: Accept the staff recommendation with the following direction. (1) Explore and present to Council options for undertaking a feasibility study of the West San Carlos/ Stevens Creek corridor including funding requirements, either as a separate project or as part of the Diridon to Airport Connector's pre-development agreement. (8-0-3. Absent: Torres, Ortiz, Doan.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 23-540

Neighborhoods Commission Status Report.

As recommended by the Neighborhood Services and Education Committee on March 9, 2023, accept the recommendation from the Parks, Recreation and Neighborhood Services Department via the following actions:

- (a) Suspend the Neighborhoods Commission.
- (b) Transition the Independent Citizens Oversight Committee to a Standing Committee of the Parks and Recreation Commission.
- (c) Return to Neighborhood Services and Education Committee in fall 2023 with a report on staff's Neighborhood Association Engagement Model. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 3/9/2023 - Item (d)3]

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7.1 (Cont'd.)

Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli; Deputy Director, Andrea Shelton; and Division Manager, BeautifySJ, Department of Parks, Recreation, & Neighborhood Services, Olympia Williams offered the presentation and responded to questions.

Public Comment: (In person speaker) Danny Garza (Plata Arroyo), (Zoom speakers) Lawrence Ames, Blair Beekman, Olivia Navarro, Gary Cunningham, and David Heindel offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the Neighborhoods Commission Status Report was accepted; including suspension of the Neighborhoods Commission, transitioning of the Independent Citizens Oversight Committee to a standing committee of the Parks and Recreation commission, and returning to Neighborhoods Services and Education Committee in the fall of 2023 with a report on the Neighborhood Association Engagement Model. (8-0-3. Absent: Torres, Ortiz, Doan.)

7.2 23-541 **Actions Related to the Urban Confluence Silicon Valley Breeze of Innovation Project.**

(a) Accept the report on Urban Confluence Silicon Valley's Breeze of Innovation.

(b) Approve Urban Confluence Silicon Valley's proposal to consider Plaza de Cesar Chavez for the Breeze of Innovation Project.

(c) Accept outline for proposed Stakeholder Outreach Plan per Neighborhood Services and Education Committee recommendation.

(d) Approve Schedule and Report Outline for future updates to the Neighborhood Services and Education Committee.

CEQA: Not a Project, File No. PP17-007 Preliminary direction to staff and eventual action requires approval from decision-making body and File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Parks, Recreation and Neighborhood Services) [Deferred from 3/28/2023 - Item 7.2 (23-466)]

Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli and Executive Director, Light Tower Corporation, Steve Bork offered the presentation and responded to questions.

Public Comment: (In person speakers) Dan Orloff, Dan Palcrano, Patron Paule, (Zoom speakers) Nate LeBlanc (SJDA), Blair Beekman, Lawrence Ames, Dave Peterson, and Paul D. Lynam offered public testimony regarding the item.

Motion: Councilmember Pam Foley made the motion to accept the joint memorandum she co-authored with Mayor Matt Mahan dated April 14, 2023; and the joint memorandum from Councilmember Omar Torres, Councilmember Sergio Jimenez, Councilmember David Cohen, and Councilmember Domingo Candelas, dated April 14, 2023. Councilmember Dev Davis seconded the motion.

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7.2 (Cont'd.)

Friendly Amendment: Councilmember Sergio Jimenez made the friendly amendment to include direction to explore the need for traffic studies. The friendly amendment was accepted by the maker of the motion and seconder.

Action: On a call for question, the motion passed unanimously, (a) the report on Urban Confluence Silicon Valley's Breeze of Innovation was accepted, (b) the Urban Confluence Silicon Valley's proposal to consider Plaza de Cesar Chavez for the Breeze of Innovation Project was approved, (c) the outline for proposed Stakeholder Outreach Plan was accepted, and (d) the schedule and report outline for future updates to the Neighborhood Services and Education Committee was approved; *with additional direction to explore the need for traffic studies*. Including acceptance of the joint memorandum from Mayor Matt Mahan and Councilmember Pam Foley, dated April 14, 2023, recommending: To approve staff recommendation with the following additions: (1) Direct staff to prioritize exploring and implementing upgrades to Plaza de Cesar Chavez including, but not limited to: (a) Expanding the park area by reducing traffic lanes and/or parking (b) Installing permanent or semi-permanent event infrastructure (c) Expanding and upgrading the outdoor stage/amphitheater (2) Direct staff to explore establishing a park conservancy charged with development and active use of Plaza de Cesar Chavez. (3) Direct staff to continue to ensure the San José Light Tower Corporation reimburses the city for all staff time associated with project delivery.

Also including acceptance of the joint memorandum from Councilmember Omar Torres, Councilmember Sergio Jimenez, Councilmember David Cohen, and Councilmember Domingo Candelas, dated April 14, 2023, recommending: To accept Staff recommendations with the following additions: (a) Approve preparation of a Park Master Plan consistent with PRNS requirements to consider Plaza de Cesar Chavez as a project site as well as enhance the experience of park visitors through the improvement of public amenities and supporting park activations; (b) Recommend options to honor the legacy of Cesar Chavez at the Plaza, such as commissioning a potential bust or statue of the great Civil Rights leader. (c) Conduct traffic studies to consider lane reductions on Market Street to create a safer, more pedestrian-friendly environment for park users, and expand the footprint of the park. (8-0-3. Absent: Torres, Ortiz, Doan.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

• **Open Forum**

1. Marta Rodriguez spoke to the lack of response from the previous District 8 Councilmember and resolution regarding her case involving a local shelter, she addressed multiple concerns regarding her dog and her herself.
2. Caller ‘1367’ spoke to the Senior Commission application process and the importance of having the vacancies filled so the Senior Commission can be in quorum by May.

Mayor Matt Mahan addressed Marta Rodriguez’s concerns and stated the new District 8 Councilmember, Domingo Candelas and appropriate City staff would follow up with her.

• **Adjournment**

The Council of the City of San José adjourned at 6:10 p.m. in memory and honor of Anne-Marie Katemopoulos, award winning music and choir teacher, who passed away on March 29, 2023. Anne-Marie Katemopoulos was a long time San José resident of District 2. For the last 32 years, she has been devoted to her students at Abraham Lincoln High School where she taught and conducted all the choir classes offered. She was known in the community, served as the Vocal Director for all of Lincoln’s musical theatre productions. During her time at Lincoln, her award-winning choirs have sung all over the country and internationally.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on: **4/25/23**

Attest By:



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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, APRIL 18, 2023

The Council of the City of San José convened into Closed Session at 9:34 a.m.

The meeting was held in Council Chambers Conference Room, W133.

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

Absent: Councilmembers - Torres, Ortiz, and Doan.

CLOSED SESSION ITEM(S) DISCUSSED:

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

- 1. Case Name: Butler, Brian v. City of San Jose, et al.
Name(s) of Parties(s) Involved: BRIAN BUTLER, CITY OF SAN JOSE AND DOES 1TO 50, INCLUSIVE
Court: Superior Court of California, County of Santa Clara
Case No.: 22CV405916
Amount of Money or Other Relief Sought: Damages according to proof.

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 or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/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 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/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 or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/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 or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/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 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/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 or MOA: Memorandum of Agreement – City of San Jose and Municipal Employees’ Federation (MEF), AFSCME, Local 101
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Peace Officer Park Ranger Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session at 11:23 a.m.; to reconvene in Regular Open Session at 1:30 p.m. in Council Chambers.