



City Council Meeting MINUTES

Tuesday, October 25, 2022

1:30 PM

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

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 80628, 80659, 80685, 80724 and 80758, Councilmembers may be teleconferencing from remote locations.

• **Call to Order and Roll Call**

9:30 a.m. - Closed Session

22-1576 Closed Session: [See Page 16 for Closed Session Minutes](#)

Absent: Jimenez, Peralez.

1:30 p.m. - Afternoon Session

Present: Councilmembers - Arenas, Carrasco, Cohen, Davis, Esparza (via Zoom), Foley, Jones, Mahan, Peralez; Liccardo.

Absent: Councilmembers - Jimenez.

6:00 p.m. – Evening Session

Present: Councilmembers - Carrasco, Cohen, Davis, Foley, Jones, Mahan, Peralez; Liccardo.

Absent: Councilmembers - Jimenez, Esparza, Arenas.

• **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

• **Invocation (District 10)**

Author Elizabeth Kile led the invocation by reading a passage from her book *Haunted San José*.

• **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

• **Closed Session Report**

None

1. CEREMONIAL ITEMS

- 1.1 Councilmember Magdalena Carrasco presented a proclamation to the Office of Economic Development and Cultural Affairs Director, Nanci Klein, and Deputy Director, Kerry Adams-Hapner, declaring October 2022 as Arts and Humanities Month in order to continue to celebrate the arts and highlight the importance of them to our community, as well as the efforts of the Office of Economic Development and Cultural Affairs. (Carrasco)
- 1.2 Councilmember Pam Foley recognized October 2022 as Hindu American Awareness and Appreciation Month to celebrate the culture, history, traditions, achievements, and contributions of the Hindu American community living throughout San José. The Hindu American Foundation's Managing Director, Samir Kalra, and Community Volunteer for the Hindu Education Foundation, Milind Makwana, received the proclamation on behalf of the Hindu-American Residents of San José. (Foley)
- 1.3 Councilmember Matt Mahan presented a proclamation to Khaled Tawfik and the Information Technology Department team, declaring October 2022 as Cybersecurity Awareness Month to encourage residents to build positive habits securing their information in our practices at home, school, and work. (Mahan)

2. CONSENT CALENDAR

Upon motion by Maya Esparza, seconded by Magdalena Carrasco, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Jimenez.)

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

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

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 22-1558 **Adoption Amendment to the Master Consultant Services Agreement with Abadjis Systems, Ltd. For Airport On-Call Professional Consulting Services.**
Approve a Fourth Amendment to the Master Consultant Services Agreement with Abadjis Systems, Ltd. for project management services, extending the term from December 31, 2022 to December 31, 2023 and increasing maximum compensation from \$285,000 to \$485,000. CEQA: Not a Project, File No. PP17-003, Agreements /Contracts resulting in no physical changes to the environment. (Airport)

Action: Fourth Amendment to the Master Consultant Services Agreement was approved. (10-0-1. Absent: Jimenez.)

- 2.8 22-1171 **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through November 24, 2022 during the Governor's Proclaimed COVID State of Emergency.**
Adopt a resolution finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: **Resolution No. 80724** was adopted. (10-0-1. Absent: Jimenez.)

- 2.9 22-1559 **Actions Related to the Purchase Order with Jervis B. Webb Company for Airport Baggage Handling System Server Upgrade.**
Adopt a resolution authorizing the City Manager to issue a purchase order to Jervis B. Webb Company (Novi, MI) for software and related professional services, including five years of maintenance and support, to upgrade and configure the Norman Y. Mineta San José International Airport baggage handling system servers for a maximum compensation not to exceed \$426,608 for a one-year term beginning on or about November 1, 2022 and ending October 31, 2023, and negotiate and execute change orders and amendments as required for a contingency not to exceed \$20,000 for any unanticipated changes in requirements, 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. 80725** was adopted. (10-0-1. Absent: Jimenez.)

- 2.10 22-1560 City Cooperative Agreement with Prime Government Solutions, Inc. for an Agenda and Meeting Management Solution. - DROP.**
Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute an agreement with Prime Government Solutions, Inc. (Austin, TX) for an agenda and meeting management solution, including related professional services such as implementation, training, support, and maintenance, for an initial one-year term beginning on or about October 26, 2022, and ending on or about October 25, 2023, with an initial term maximum compensation not to exceed \$185,980, subject to the appropriation of funds; (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$50,000 during the initial one-year term, subject to the appropriation of funds; and (c) Exercise up to nine one-year options to extend the term of the agreement and the software licenses with the last option ending on or about October 25, 2032, in alignment with the software renewal term, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Information Technology/Public Works/City Manager)

DROPPED PER ADMINISTRATION

- 2.11 22-1561 Amendment to the Agreement with Cal Engineering and Geology, Inc. for Engineering Services for - FEMA Kelley Park Storm Outfall and FEMA Alum Rock Park Mineral Spring Bridge Embankment Projects.**
Approve the Second Amendment to the Standard Agreement with Cal Engineering and Geology, Inc. to extend the term from October 31, 2022, to October 31, 2024, and increase the maximum compensation from \$659,312 to \$754,540 for the sole purpose of completing the FEMA Kelley Park Storm Outfall (SCSJC88/PW1137) and FEMA Alum Rock Park Mineral Spring Embankment (SCSJC01/PW745) projects. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 4 and 7. (Public Works)

Action: The Second Amendment to the Standard Agreement with Cal Engineering and Geology, Inc. was approved. (10-0-1. Absent: Jimenez.)

- 2.12 22-1562 Amendment to the Master Agreement with RRM Design Group for Landscape Architectural Services for Various City Facility Projects.**
Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement for consultant services with RRM Design Group (CPMS Contract No. 9192) increasing the maximum total compensation by \$500,000 from \$750,000 to \$1,250,000, extending the term from December 31, 2022 to June 30, 2026, and adopting a new Schedule of Rates and Charges for the sole purpose of completing the Columbus Park Soccer Facility Project. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: **Resolution No. 80726** was adopted. (10-0-1. Absent: Jimenez.)

- 2.13 22-1563 **Amendment to the Funding Agreement with the Peninsula Corridor Joint Powers Board for the Diridon Integrated Station Concept Plan.**
Adopt a resolution authorizing the City Manager or designee to negotiate and execute the second amendment to the Funding Agreement between the City of San José and the Peninsula Corridor Joint Powers Board to increase the City’s contribution by \$1,000,000, from \$718,734 to \$1,718,734. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 6. (Transportation)

Action: **Resolution No. 80727** was adopted. (10-0-1. Absent: Jimenez.)

- 2.14 22-1564 **City Initiatives Roadmap - Vision Zero Traffic Safety: Consulting Services for King Road Complete Streets Plan.**
Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consulting services agreement with MIG, Inc. for the King Road Complete Streets Plan from the date of execution through June 30, 2024, for an amount not to exceed \$451,000. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 5, 7, 8. (Transportation)

Councilmember Magdalena Carrasco thanked staff; she also expressed interest in seeing what the community input will be and how it will be incorporated into the plan.

Action: **Resolution No. 80728** was adopted. (10-0-1. Absent: Jimenez.)

- 2.15 22-1598 **Boards and Commissions Appointment.**
Approve the following Boards and Commissions appointment: (a) Library and Education Commission: (1) Early Childcare Seat 2: Appoint Kristen Brown for a term ending June 30, 2026. 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 10/19/2022 - Item A.1.a]

Action: Kristen Brown was appointed to the Library and Education Commission for a term ending June 30, 2026. (10-0-1. Absent: Jimenez.)

- 2.16 22-1612 **Lateral Firefighter Paramedic Hiring Incentive Pilot Program.**
Adopt a resolution approving the terms of a Side Letter Agreement between the City of San José and the International Association of Firefighters, Local 230 for a Lateral Firefighter Paramedic Hiring Incentive Pilot Program, effective October 30, 2022 through June 30, 2023, subject to the annual appropriations of funds. CEQA: Not a Project, File No. PP17 008, General Procedure and Policy Making resulting in no change to the physical environment. (City Manager) [Rules Committee referral 10/19/2022 - Item A.1.a]

Action: **Resolution No. 80729** was adopted. (10-0-1. Absent: Jimenez.)

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 22-1565 Award of Contract for the 10038 - Norman Y. Mineta San José International Airport New Taxiway Victor, Phase 1 Project.

(a) Report on bids and award of contract for the 10038 - Norman Y. Mineta San José International Airport - New Taxiway Victor Phase 1 Project to the lowest responsive bidder, Granite Construction Company, for the base bid in an amount of \$9,851,018.60. (b) Approve a 10% contingency in the amount of \$985,101.86. CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report, File No. ER22-021, New Taxiway Victor Project at the Norman Y. Mineta San José International Airport. (Public Works/Airport)

Public Comments: None provided.

Action: Upon motion by Councilmember Maya Esparza, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Contract for the 10038 - Norman Y. Mineta San José International Airport - New Taxiway Victor Phase 1 Project was awarded with the approved contingency amount. (10-0-1. Absent: Jimenez.)

3.4 22-1566 Award of Contract for the 9703 - Large Trash Capture Device Installation Project - Phase VII.

(a) Report on bids and award of contract for the 9703 - Large Trash Capture Device Installation Project Phase VII to the lowest responsive and responsible bidder, KJ Woods Construction, Inc., in the amount of \$7,488,000; and (b) Approve a construction contingency of 15% in the amount of \$1,123,200. CEQA: Categorically Exempt, File No. ER21-299, CEQA Guidelines Section 15301, Existing Facilities, adopted on March 17, 2022. Council Districts 4, 5, 6, 8, and 10. (Public Works)

Public Works Deputy Director Mathew Nguyen provided the presentation and responded to questions with Deputy City Manager Kip Harkness.

Public Comments: Paul Soto offered public comment.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Chappie Jones, and carried unanimously, the contract for the 9703 - Large Trash Capture Device Installation Project - Phase VII, was awarded with the approved contingency amount. (10-0-1. Absent: Jimenez.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

- 5.1 22-1567 **Proposed Addition to Air Service Support Program.**
Adopt a resolution revising the Airport Air Service Support Program to provide additional benefits for domestic and international new entrant carriers that have not previously served our airport with scheduled commercial flights, including fee waivers for ticket counters and boarding gates, and additional marketing funds on a case-by-case basis with City Council’s approval for airlines that meet the program’s threshold requirements, and repeal Resolution No. 79885. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Director of Aviation John Aitken responded to questions.

Public Comments: None provided.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, **Resolution No. 80730** was adopted. (10-0-1. Absent: Jimenez.)

- 5.2 22-1568 **Public Hearing for New Air Service Support Program for ZIPAIR Tokyo.**
(a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City’s Air Service Support Program, as authorized by the Federal Aviation Administration, to ZIPAIR Tokyo. (b) Adopt a resolution authorizing the Director of Aviation or the Director’s designee to provide the City’s Air Service Support Program to new air carrier service as outlined below:
ZIPAIR Tokyo Estimated Impact:
Airport Served: Tokyo Narita
Frequency: Up to Daily
Period of Support: 18 Months
Total Airport Fees to be Collected: \$4,148,332
Passenger Spend and Benefits: \$549,822
Total Revenue to SJC: \$4,698,154
Support Program Fee Waivers: \$1,673,031
Dedicated Marketing Funds: \$600,000
Total Fee Waivers and Marketing: \$2,273,031
Net Impact to SJC: \$2,425,123
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Public Comments: Mayor Sam Liccardo opened the public hearing. No public comments were offered. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, **Resolution No. 80731** was adopted. (10-0-1. Absent: Jimenez.)

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 22-1569 San José Clean Energy 2022 Integrated Resource Plan.**
Adopt a resolution revising the Airport Air Service Support Program to provide additional benefits for domestic and international new entrant carriers that have not previously served our airport with scheduled commercial flights, including fee waivers for ticket counters and boarding gates, and additional marketing funds on a case-by-case basis with City Council's approval for airlines that meet the program's threshold requirements, and repeal Resolution No. 79885. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

San Jose Clean Energy's Director Lori Mitchell, Deputy Director Jeanne Solé, and Senior Power Resources Specialist Cara Koepf provided the presentation and responded to questions.

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

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 80732** was adopted. (9-0-2. Absent: Jimenez, Carrasco.)

- 6.2 22-1570 City Initiatives Roadmap - Clean Energy Resilience: Agreements for Solar Power and Battery Storage.**
Adopt a resolution: (a) Authorizing the City Manager or designee to negotiate and execute: (1) An agreement with Cascade Energy Storage LLC, a subsidiary of Broad Reach Power, to buy Resource Adequacy associated with a battery storage facility, for a term of 10 years in an amount not to exceed \$360,000 annually and \$3,600,000 in aggregate during Calendar Years 2023 through 2033, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; (2) An agreement with Noosa Energy Storage LLC, a subsidiary of Broad Reach Power, to buy Resource Adequacy associated with a battery storage facility, in an amount not to exceed \$2,600,000 annually and \$25,200,000 in aggregate during Calendar Years 2024 through 2034, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; (3) An agreement with Nova Power, LLC, a subsidiary of Calpine Corporation, to buy Resource Adequacy and Dispatchable Energy associated with a battery storage facility, for a term of 15 years in an amount not to exceed \$9,900,000 annually and \$148,500,000 in aggregate during Calendar Years 2025 through 2040, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; (b) Authorizing the City Manager or designee to negotiate and execute the following agreements to replace the Renewable Power Purchase Agreement between the City of San José and Edwards Solar V, LLC, dated December 16, 2019: (1) An agreement with TGP Energy Management II, LLC, a subsidiary of Terra-Gen, LLC, to buy renewable energy associated with TGP Energy Management II's existing portfolio, for a term of 15 years in an amount not to exceed \$5,800,000 annually and \$94,000,000 in aggregate during Calendar Years 2023 through 2038, to be paid

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6.2 (Cont'd.)

solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; (2) An agreement with Enterprise Solar Storage II, LLC, a subsidiary of Terra-Gen, LLC, to buy Resource Adequacy and renewable energy associated with a solar and battery storage facility, in an amount not to exceed \$5,200,000 annually and \$77,800,000 in aggregate during Calendar Years 2025 through 2039, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; (3) An agreement with Enterprise Solar Storage III, LLC, a subsidiary of Terra-Gen, LLC, to buy Resource Adequacy and renewable energy associated with a solar and battery storage facility, in an amount not to exceed \$11,600,000 annually and \$172,900,000 in aggregate during Calendar Years 2026 through 2040, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; and (4) An agreement with Enterprise Solar Storage II, LLC, a subsidiary of Terra-Gen, LLC, to buy Resource Adequacy associated with a solar and battery storage facility, in an amount not to exceed \$540,000 annually and \$6,300,000 in aggregate during Calendar Years 2025 through 2039, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds. CEQA: Not a Project. File No. PP17-003. Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

San Jose Clean Energy's Director Lori Mitchell, Deputy Director Jeanne Solé, Senior Power Resources Specialist Phil Cornish, and Division Manager of Risk Management Prachi Avasthy provided the presentation and responded to questions

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

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 80733** was adopted. (9-0-2. Absent: Jimenez, Carrasco.)

7. NEIGHBORHOOD SERVICES

- 7.1 22-1571 **Grant Agreement with the California State Library for the Building Forward Library Infrastructure Grants.**
Adopt a resolution authorizing the City Manager to accept Building Forward Library Infrastructure grants and negotiate and execute a grant agreement with the California State Library, for a total award of \$8,668,887 to fund repairs at nine San José Public Library branches. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Library)

Library Director Jill Bourne and Program Manager Anh Trinh provided the presentation and responded to questions.

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

(Item continued on next page)

7.1 (Cont'd.)

Motion: Councilmember David Cohen moved his October 25, 2022 memorandum. Councilmember Pam Foley seconded this motion

Action: The October 25, 2022 Memorandum authored by Councilmember David Cohen was approved to

(1) Approve the staff recommendation and directs Library and Public Works staff to prioritize grant funded projects at the branches that were not built or modernized using Measure O funding (Alviso and Biblioteca Latinoamericana); and

(2) Direct staff to return to the Council during the mid-year budget review with an analysis of any additional funding necessary to augment the grant project scope to include new finishes, furnishings, fixtures, and equipment at the Alviso Branch to improve customer experience and bring it more in line with the experience at the City's newer branches, when grant funds are appropriated during the Mid-Year Budget Review.

Per staff recommendation, **Resolution No. 80734** was adopted, authorizing the City Manager to accept Building Forward Library Infrastructure grants and negotiate and execute a grant agreement with the California State Library, for a total award of \$8,668,887 to fund repairs at nine San José Public Library branches. (9-0-2. Absent: Jimenez, Carrasco.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1572 Public Hearing and Approval of a Downtown High-Rise Residential Tax and Fee Waiver for Scape at 10 East Reed Street.

Conduct a public hearing to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and a potential reduction of the Inclusionary Housing Ordinance in lieu fee for a downtown residential high-rise at 10 East Reed Street in the amount of up to \$9,856,585 pursuant to California Government Code Section 53083 and Open Government Resolution No. 77135 Section 2.3.2.6.C. CEQA: Determination of Consistency with Downtown Strategy 2040 Final Environmental Impact Report, as supplemented and addenda thereto, Planning File Nos. SP18-001 and SPA18-001-01. Council District 3. (Economic Development and Cultural Affairs/Housing)

Office of Economic Development and Cultural Affairs Director Nanci Klein and Housing Catalyst Jerad Ferguson provided the presentation and responded to questions.

Public Comments: Mayor Sam Liccardo opened the public hearing. Blair Beekman, Paul Soto, Victor Gomez (San Jose Downtown Association), and Mike Sodergren (Preservation Action Council) offered public comments. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Matt Mahan and carried unanimously, the economic development tax and fee waiver, in connection with a reduction in construction taxes and a potential reduction of the Inclusionary Housing Ordinance in lieu fee for a downtown residential high-rise at 10 East Reed Street, were approved. (8-0-3. Absent: Jimenez, Carrasco, Esparza.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

Land Use Consent Calendar was heard following the Consent Calendar during the Afternoon Council Session.

10.1(a) 22-1573 PP22-009 - Uncodified Ordinance Extending Land Use and Historic Preservation Permits.

Approve an uncodified ordinance to temporarily extend the term of specified land use and Historic Preservation Permits by two years from their expiration dates due to persistent adverse economic and public health impacts from the COVID-19 pandemic. CEQA: Exempt pursuant to CEQA Guidelines Section 15378 for Not a Project. Planning Commission recommended approval (7-2-1 Barocio and Young opposed; Ornelas-Wise absent). (Planning, Building and Code Enforcement)

Public Comments: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen, and carried unanimously, Uncodified **Ordinance No. 30837** was passed for publication. (10-0-1. Absent: Jimenez.)

END OF CONSENT CALENDAR.

• Open Forum - Afternoon

1. Executive Director, Catalyze SV, Alex Shoor spoke on development and to the need of conversations between the City and developers, based on trust and verification.
2. Blair Beekman spoke to the need for open discussions on affordable housing.
3. Paul Soto expressed thanks for the clarity of the agenda and spoke to the issue of affordable housing versus market rate housing goals.

The Council Recessed at 4:19 p.m. and reconvened at 6:00 p.m. for the Evening Session.

6:00 p.m. – Evening Session

Present: Councilmembers - Carrasco, Cohen, Davis, Foley, Jones, Mahan, Peralez; Liccardo.

Absent: Councilmembers - Jimenez, Esparza, Arenas.

10 Land Use – Regular Agenda

10.2 22-1574 SP21-006, ER21-035, and T21-012 - Special Use Permit and Tentative Map for a Project Site Located at 1065 South Winchester Boulevard.

(a) Adopt a resolution certifying the Environmental Impact Report for the 1065 South Winchester Boulevard Mixed Use Project and make certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended. (b) Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one lot with up to 70 residential condominium units, nine commercial condominium units, and one common area on the approximately 0.93-gross acre project site. (c) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of an existing single-family residence, barn, and accessory buildings, the removal of 30 ordinance-size and 19 non-ordinance trees, and construction of a six-story, mixed-use building consisting of up to 70 residential condominium units and nine commercial condominium units with approximately 20,410 square feet of commercial space including one podium parking level and one underground parking level and associated landscaping and amenities. CEQA: Environmental Impact Report for the 1065 South Winchester Boulevard Mixed Use Project. Planning Commission recommends approval (8-1; Ornelas-Wise opposed). Council District 1. (Planning, Building and Code Enforcement)

Planning, Building, Code Enforcement’s Deputy Director Robert Manford and Director Chris Burton provided the presentation and responded to questions.

The Applicant, Henry Cord, spoke to the merits of the project.

Public Comments: Paul Soto, Paul Boehm, Weng Tam, and Mike Sodergren (Preservation Action Council) offered public comments.

Motion: Vice Mayor Chappie Jones moved his October 22, 2022 memorandum and made a modification to set a 90-day window for History San Jose and Preservation Action Council San Jose to be able to implement the move of the structures. This motion was seconded by Councilmember David Cohen.

Action: On a call to the question the October 22, 2022 memorandum authored by Vice Mayor Chappie Jones was approved to:

Approve Staff and Planning Commission’s recommendation to approve the project with the following conditions as offered and agreed to by the Developer:

1. The Developer will work with History San Jose and the Preservation Action Council of San Jose (PAC*SJ) to relocate the historic farmhouse, barn and other historic buildings on the project site for relocation to a receiver site (or sites) acceptable to San Jose’s Historic Preservation Officer.
2. The developer will contribute funding that would have been spent on demolition, conveyance, disposal to the relocation of the historic buildings. The Developer shall provide two estimates of these costs to the entity that takes the building(s) to assist in determining the Developer’s funding contribution to relocate the building(s).

And to include a modification to set a 90-day window for History San Jose and Preservation Action Council San Jose to be able to implement the move of the structures

(a) **Resolution No. 80735**; (b) **Resolution No. 80736**; (c) and **Resolution No. 80737** were adopted. (8-0-3. Absent: Jimenez, Esparza, Arenas.)

10.3 22-1575 DA22-001 - Third Amendment to the Development Agreement with Jackson-Taylor Partners, LLC for the Japantown Corporation Yard Redevelopment Project (Ordinance No. 29528).

(a) Approve an ordinance approving the Third Amendment to the Development Agreement with Jackson Taylor Partners, LLC, to amend sections: (i) Section 3.C(1) Developer’s Creation of Separate Parcels; (ii) Section 3.C(4) Design Review of Performance Center; (iii) Section 3.C(5)(a), (iv) Section 3.C(5)(b), (v) Section 3.C(5)(c), (vi) Section 3.C(5)(d), and (vii) Section 4.D Legal Actions. (b) Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Ground Lease between the City of San José and ICS Corporate Yard Multifamily, LLC consistent with the terms in the Third Amendment to the Development Agreement with Jackson Taylor Partners, LLC (now assigned to ICS Corporate Yard Multifamily, LLC). CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (8-0-1; Cantrell absent). Council District 3. (Planning, Building and Code Enforcement)

Office of Economic Development and Cultural Affairs Director Nanci Klein, Real Estate Manager Kevin Ice, and Senior Executive Analyst Yen Bui provided the presentation and responded to questions.

Wisa Uemura, Executive Director of San Jose Taiko; Connie Martinez, Chief Executive Officer of SVCCreates; Sean McEachern with Shae Properties also offered support and spoke to the merits of the project.

Public Comments: Victoria Taketa (Japantown Community Congress), Roy Hirabayashi (San Jose Taiko, Japantown Community Congress), and Paul Soto offered public comments.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Magdalena Carrasco, and carried unanimously, the October 21, 2022 memorandum authored by Councilmember Raul Peralez was approved to approve Staff’s recommendation and direct Staff to return to the Community and Economic Development Committee with regular progress reports on the construction, occupation, and utilization of the Creative Center for the Arts with (a) **Ordinance No. 30838** passed for publication and (b) **Resolution No. 80738** adopted. (8-0-3. Absent: Jimenez, Esparza, Arenas.)

- **Open Forum - Evening**

1. Paul Soto acknowledged the work and integrity of the Preservation Action Council in city preservation and architecture. Paul also expressed concern about the City using the Preservation Action Council towards the process of gentrification.
2. Blair Beekman spoke to the legacy of items passed by the Councilmembers and Mayor leaving office and hopes that their projects can be remembered and continued including affordable housing, elderly care, technology, and work on city encampments.
3. Mike Sodergren acknowledged the work of the Office of Economic Development and expressed appreciation for the work of Nanci Klein. He also thanked the Planning Director and Preservation officer for increasing off site meetings to help the cause of preservation and the continued need to limit greenhouse gases.

- **Adjournment**

The Council of the City of San José adjourned at 6:55 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner
Deputy City Clerk

get/10-25-22 MIN

SAN JOSÉ CITY COUNCIL CLOSED SESSION

OCTOBER 25, 2022

The Council of the City of San José convened into Closed Session at 9:30 a.m.
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Carrasco, Cohen, Davis, Esparza, Foley, Jones,
Mahan; Liccardo.

Absent: Councilmembers - Jimenez, Peralez.

Closed Session Item(s) discussed:

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

1. Case Name: In re: Claim of Alvarado
Name(s) of Partie(s)
Involved:
Court: Workers Compensation Appeals Board
Case No.: ADJ15161152
Amount of Money or Benefits
Other Relief Sought:
2. Case Name: In re: Claim of Estrada
Name(s) of Partie(s)
Involved:
Court: Workers Compensation Appeals Board
Case No.: ADJ9815939, ADJ9816022, and ADJ11591366
Amount of Money or Benefits
Other Relief Sought:
3. Case Name: In re: Claim of Medina
Name(s) of Partie(s)
Involved:
Court: Workers Compensation Appeals Board
Case No.: ADJ15143632
Amount of Money or Benefits.
Other Relief Sought:

4. Case Name: Sanderlin, Derrick et al., v City, et al.

Name(s) of Partie(s) Involved: DERRICK SANDERLIN, CAYLA SANDERLIN, BREANNA CONTRERAS, PIETRO DI DONATO, SHANTE THOMAS, ADIRA SHARKEY, JOSEPH STUKES, CITY OF SAN JOSE, EDGARDO GARCIA, JASON DWYER, CHRISTOPHER SCIBA, JONATHAN BYERS, JARED YUEN

Court: U.S. District Court, Northern District of California

Case No.: 20-cv-04824-BLF

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 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 Legal Professionals of San José (ALP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/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: **Association of Maintenance Supervisory Personnel (AMSP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and 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
5. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/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: **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/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: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
8. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)
- 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
9. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
10. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers’ Association (SJPDA)**

- Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA:
 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
11. Organization or Name and Title of Unrepresented Employees:
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices’ Association
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
 Telephone – Employee Relations: (408) 535-8150
11. Organization or Name and Title of Unrepresented Employees:
 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 to reconvene in Regular Open Session at 1:30 p.m. in the Council Chamber.