



# **City Council Meeting Minutes Draft**

**Tuesday, January 24, 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  
VACANT, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
VACANT, DISTRICT 10



**MINUTES OF THE SAN JOSÉ CITY COUNCIL  
JANUARY 24, 2023**

**COVID-19 NOTICE**

*Consistent with AB 361 and City of San José Resolution Nos. 80628, 80659, 80685, 80724, 80758, 80809, and 80853, Councilmembers may be teleconferencing from remote locations.*

**• Call to Order and Roll Call**

**9:35 a.m.- Closed Session 23-057: *See Pages 15-16 for Closed Session Minutes.***

Present Councilmembers: All present.

Vacant: District 8, District 10.

**1:33 p.m.- Regular Session**

Present Councilmembers: All present. (in Council Chambers)

Absent Councilmembers: All present.

Vacant: District 8, District 10.

**4:04 p.m.- Special Meeting**

Present Councilmembers: All present (in Council Chambers)

Absent Councilmembers: All present.

Vacant: District 8, District 10.

The Special Meeting was heard immediately following the Regular City Council Meeting, but not before 3:00 p.m.

**• Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

**• Invocation (District 1)**

Sister Cecilia from St. Lucy's Church offered the invocation and opened the meeting in prayer.

**• Orders of the Day**

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

Councilmember Omar Torres offered that today's meeting would be adjourned in memory of Ken Podgorsek.

## • Closed Session Report

None provided.

## 1. CEREMONIAL ITEMS

- 1.1 Councilmember Dev Davis presented the commendation recognizing Evan Bautista for bringing holiday joy and community spirit to families with his Holiday Train.
- 1.2 Mayor Matt Mahan, Councilmember Peter Ortiz, and Councilmember Bien Doan presented the proclamation declaring January 22, 2023 to January 31, 2023 as Vietnamese (Tet Celebration) New Year to recognize the San José's Vietnamese population and welcome the Lunar New Year.
- 1.3 Councilmember David Cohen presented the proclamation recognizing January 27, 2023 as International Holocaust Remembrance Day in the City of San José.

## 2. CONSENT CALENDAR

Public Comments: Paul Soto provided public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan and carried unanimously, the below listed actions were taken as indicated. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

### 2.1 23-140

#### **Approval of City Council Minutes.**

(a) City Council Foundational Racial Equity Study Session Minutes of September 29, 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Minutes were approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

### 2.2 23-113

#### **Final Adoption of Ordinances.**

(a) Ordinance No. 30873 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.37 Gross Acres, Situated on the Northwest Corner of Bernal Road and Realm Drive (151 Bernal Road) (APN: 706-01-046) from the IP Industrial Park Zoning District to the CN Commercial Neighborhood Zoning District.

~~[Passed for Publication on 12/6/2022 – Item 8.3(a) (22-1876)]~~

\*[Passed for Publication on 1/10/2023 - Item 10.1(a) (23-018)]

~~\*\* (b) Ordinance No. 30870 – An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10.6 Gross Acres Situated on the West Side of Piercy Road, Approximately 2,070 Feet Northerly of Tennant Avenue (500 Piercy Road) (APN: 678-08-061) from the IP Industrial Park Zoning District to the IP(PD) Planned~~

*(Item Continued on the Next Page)*

## 2.2 (Cont'd.)

Development Zoning District. [~~Passed for Publication on 1/10/2023—  
Item 10.1(a) (23-018)~~]

\* *Note: Correction of Passed for Publication date from Agenda language.*

\*\**City Clerk, Toni Taber noted a clerical error on Item 2.2(b), announcing **Ordinance No. 30870** was included on the Agenda in error.*

Action: (a) **Ordinance No. 30873** was adopted. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

## 2.3 23-120

### **Approval of Council Committee Minutes.**

- (a) Regular Transportation and Environment Committee Minutes of December 5, 2022.
  - (b) Regular Transportation and Environment Committee Minutes of November 7, 2022.
  - (c) Regular Smart Cities and Service Improvements Committee Minutes of December 1, 2022.
  - (d) Regular Community and Economic Development Committee Minutes of November 28, 2022.
  - (e) Regular Community and Economic Development Committee Minutes of October 24, 2022.
  - (f) Regular Community and Economic Development Committee Minutes of September 26, 2022.
  - (g) Regular Public Safety, Finance and Strategic Support Committee Minutes of October 20, 2022.
  - (h) Regular Public Safety, Finance and Strategic Support Committee Minutes of September 15, 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 Council Committee Minutes were approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

## 2.4 Mayor and Council Excused Absence Requests.

None provided.

## 2.5 City Council Travel Reports.

None provided.

Mayor Matt Mahan pulled the item to briefly offer a verbal report.

## 2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 23-058

**Amendment to the Ground Lease Agreement with Hewlett Packard Enterprise Company.**

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Third Amendment to the Ground Lease of Parcel W-9 Agreement with Hewlett Packard Enterprise Company to terminate the agreement early, effective upon execution by the City with a payment to Hewlett Packard Enterprise Company of \$2,200,000;

(b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:

(1) Increase the Hewlett Packard Incorporated Lease Buyout appropriation to the Airport Department by \$700,000; and

(2) Decrease the Ending Fund Balance by \$700,000.

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

(Airport/City Manager)

Action: (a) **Resolution No. RES2023-6** and (b) **Appropriation Ordinance No. 30874** were adopted. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

2.8 23-079

**Amendment to Agreement with Hall Energy Law PC for Legal Services Related to Power Procurement for San José Clean Energy.**

Adopt a resolution authorizing the City Attorney to negotiate and execute a fifth amendment to the agreement with Hall Energy Law PC for legal services related to power procurement for San José Clean Energy extending the term from June 30, 2022 to June 30, 2024, increasing the rates of compensation effective January 9, 2023, and increasing the amount of compensation by \$80,000, for a total amount not to exceed \$800,000, 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. (City Attorney)

Action: **Resolution No. RES2023-7** was adopted. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

2.9 23-025

**Boards and Commissions Appointment.**

Approve the following Boards and Commissions appointments:

(a) Housing and Community Development Commission:

(1) District 9 Seat: Appoint Don Jackson to a term ending June 30, 2025.

(b) Youth Commission:

(1) District 8 Seat: Appoint Aldojoell (Aldo) Gonzalez Muñiz for a term ending May 31, 2024. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: The Boards and Commissions Appointments were approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

**2.10 23-059**

**San José Arena Capital Reserve Fund Amendments.**

Adopt the following 2022-2023 Appropriation Ordinance Amendments in the San José Arena Capital Reserve Fund:

- (a) Decrease the Previously Approved Repairs Reserve by \$3,871,000;
- (b) Increase the Electrical Repairs appropriation to the Office of Economic Development and Cultural Affairs by \$855,000;
- (c) Increase the Mechanical Repairs appropriation to the Office of Economic Development and Cultural Affairs by \$2,655,000;
- (d) Increase the Structures Repairs appropriation to the Office of Economic Development and Cultural Affairs by \$334,000; and
- (e) Increase the Unanticipated/Emergency Repairs appropriation to the Office of Economic Development and Cultural Affairs by \$27,000.

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. (City Manager)

Action: Appropriation **Ordinance No. 30875** was adopted. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

**2.11 23-060**

**Actions Related to the Purchase Order with Bear Electrical Solutions, Inc. for Traffic Signal Installation and Maintenance Services.**

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

- (a) Amend purchase order OP 62540 with Bear Electrical Solutions, Inc. (Alviso, CA) for traffic signal installation and maintenance services to increase the total compensation by \$1,080,000, for a maximum compensation not-to-exceed \$1,400,000 for the period ending August 17, 2023.
- (b) Exercise up to four one-year options to extend the term of the purchase order with the last option ending on or about August 17, 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: **Resolution No. RES2023-8** was adopted. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

**2.12 23-112**

**Retroactive Travel Authorization for Mayor Mahan.**

As recommended by the Rules and Open Government Committee on January 11, 2023, retroactively authorize travel for Mayor Mahan to Washington, D.C. from January 17 - 20, 2023, to attend the United States Conference of Mayors (USCM) Annual Winter Meeting (Source of Fund: Mayor/Council Travel Budget). CEQA: Not a Project, File No. PP17-010, City

*(Item Continued on the Next Page)*

## 2.12 (Cont'd.)

Organizational and Administrative Activities resulting in no changes to the physical environment. (Mahan) [Rules Committee referral 1/11/2023 - Item B.11]

Action: The Travel Authorization for Mayor Mahan was retroactively approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

## 2.13 23-083

### **Retroactive Approval of District 4 Pajama Giveaway and River Oaks Neighborhood Association Meet and Greet Sponsored by Council District 4 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 January 11, 2023:

- (a) Retroactively approve the District 4 Pajama Giveaway Event scheduled on December 12, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the River Oaks Neighborhood Association Meet and Greet event scheduled on January 18, 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. (Cohen)  
[Rules Committee referral 1/11/2023 - Item B.3]

Action: The City Council Sponsored Special Events were retroactively approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

## 2.14 23-087

### **Retroactive Approval of Small Business Advisory Task Force (SBATF) Membership Recognition Event Sponsored by Council District 1 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 January 11, 2023:

- (a) Retroactively approve the SBATF Membership Recognition Event scheduled on December 15, 2022 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. (Jones)  
[Rules Committee referral 1/11/2023 - Item B.4]

Action: The City Council Sponsored Special Event was retroactively approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

2.15 23-096

**Retroactive Approval of Olympic Flag Raising for the 2023 United States Figure Skating Championship 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 January 11, 2023:

(a) Retroactively approve the Olympic Flag Raising for the 2023 United States Figure Skating Championship scheduled on January 10, 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. (Davis)

[Rules Committee referral 1/11/2023 - Item B.5]

Action: The City Council Sponsored Special Event was retroactively approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

2.16 23-107

**Retroactive Approval of District 5 Vision Board Party and Street Banner Unveiling Event Sponsored by Council District 5 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 January 11, 2023:

(a) Retroactively approve the District 5 Vision Board Party scheduled on December 20, 2022, and the Street Banner Unveiling Event scheduled on December 22, 2022, as City Council sponsored Special Events and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

[Rules Committee referral 1/11/2023 - Item B.7]

Action: The City Council Sponsored Special Event was retroactively approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

2.17 23-110

**Retroactive Approval of the District 2 Walnut Mobile Home Park Stocking Giveaway Sponsored by Council District 2 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 January 11, 2023:

(a) Retroactively approve the Walnut Mobile Home Park Stocking

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**2.17 (Cont'd.)**

Giveaway scheduled on December 15, 2022 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. (Jimenez)  
[Rules Committee referral 1/11/2023 - Item B.8]

Action: The City Council Sponsored Special Event was retroactively approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

**2.18 23-144**

**Approval of District 2 SAP Grant for Santa Teresa High School Boys Soccer Program.**

As recommended by the Rules and Open Government Committee on January 18, 2023, approve a \$1,500.00 SAP grant from Council District 2 to the Santa Teresa High School Boys Soccer Program to support their general fund for operating and administrative expenses.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 1/18/2023 - Item B.2]

Action: The \$1,500.00 SAP grant from Council District 2 to the Santa Teresa High School Boys Soccer Program was approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

**2.19 23-148**

**Retroactive Approval of Tower and Rotunda Lighting for San Francisco 49ers Playoffs 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 January 18, 2023:

(a) Retroactively approve the Tower and Rotunda Lighting for San Francisco 49ers Playoffs scheduled from January 13, 2023 to January 20, 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. (Davis)  
[Rules Committee referral 1/18/2023 - Item B.3]

Action: The City Council Sponsored Special Event was retroactively approved. (7-0-1-1. Absent: Torres. Abstain: Kamei.)

### **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 23-048 Appointment of Vice Mayor.**

Approve the appointment of Councilmember Rosemary Kamei as Vice Mayor. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Public Comments: Paul Soto offered public comment regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan and carried unanimously, the appointment of Councilmember Rosemary Kamei as Vice Mayor was approved. (9-0.)

Vice Mayor Rosemary Kamei offered brief words regarding her appointment.

#### **3.4 23-074 Firearm Regulation Audit Report.**

As recommended by the Public Safety, Finance and Strategic Support Committee on December 15, 2022, accept the report on the Firearm Regulation Audit. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Public Safety, Finance and Strategic Support Committee referral 12/15/2022 - Item (d)2]

City Auditor, Joe Rois; City Auditor's Office, Gitanjali Mandrekar; SJPD Lieutenant, Stephen Donohue; and SJPD Lieutenant, Jason Kidwell offered the presentation and responded to questions.

Public Comments: Paul Soto offered public comment regarding the item.

Motion: Councilmember David Cohen moved approval of staff's recommendations. The motion was seconded by Vice Mayor Rosemary Kamei.

Friendly Amendment: Councilmember Omar Torres requested to include his joint memorandum as part of the motion. The friendly amendment was accepted by the maker of the motion and seconder.

Action: On a call for question, the motion carried, including the friendly amendment, and the Firearm Regulation Audit Report was accepted; including the acceptance of the memorandum from Councilmember Omar Torres and Councilmember Peter Ortiz, dated July 20, 2023, recommending to: Accept the Staff's report with the following additions: (1) Ensure information for GVROs is multilingual on all

*(Item Continued on the Next Page)*

### 3.4 (Cont'd.)

outlets virtual and in person. (2) Seek to disseminate information regarding restraining information orders through advocacy groups like Next Door and YWCA. These collaborative relationships should aim to inform and educate their employees and clients. (3) Staff returns with a breakdown of the prevalence of each category of firearm-related incidents (aggravated assault, robbery, homicide, etc.) in each police district and city council district. (9-0.)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**

### 6.1 23-075

#### **Long Term Renewable Energy and Resource Adequacy Contracts.**

Adopt a resolution authorizing the Director of the Community Energy Department or the Director's designee to negotiate and execute:

(a) An agreement with Yellow Pine Solar II, LLC, a subsidiary of NextEra Energy Resources Development, LLC, to buy renewable energy, renewable energy credits, resource adequacy, battery tolling rights, and attributes associated with a solar photovoltaic and battery storage facility for a term of no more than 25 years beginning 2024 through 2049, in an amount not to exceed \$15,400,000 annually and \$332,000,000 in the aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; and

(b) An agreement with Yellow Pine Solar III, LLC, a subsidiary of NextEra Energy Resources Development, LLC, to buy resource adequacy and battery tolling rights associated with a battery storage facility for a term of 20 years beginning 2025 through 2045, in an amount not to exceed \$3,870,000 annually and \$77,400,000 in the aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds.; and

(c) An agreement with Sun Pond, LLC, a subsidiary of Longroad Development Company, LLC, to buy renewable energy, renewable energy credits, resource adequacy, battery tolling rights, and attributes associated with a solar photovoltaic and battery storage facility for a term of 20 years beginning 2025 through 2045, in an amount not to exceed \$11,260,000 annually and \$225,200,000 in the aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; and

(d) An agreement with Alpaugh BESS, LLC, a subsidiary of Con Edison Clean Energy Businesses, Inc., to buy resource adequacy associated with a battery storage facility for a term of 12 years beginning 2024 through 2036, in an amount not to exceed \$450,000 annually and \$5,400,000 in the aggregate, to be paid solely from the

*(Item Continued on the Next Page)*

## 6.1 (Cont'd.)

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).

Deputy City Manager, Kip Harkness; Director of Community Energy, Lori Mitchell; Deputy Director of Power Resources, Jeanne Solé; and Division Manager of Risk Management, Contracts & Administration, Prachi Avasthy offered the presentation and responded to questions.

Public Comment: Paul Soto and Sandra offered public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember David Cohen and carried unanimously, **Resolution No. RES2023-9** was adopted. (9-0.)

## 6.2 23-076

### **2022 Urban Community Drought Relief Grant Program.**

(a) Accept the staff report regarding the 2022 Urban Community Drought Relief Grant Program.

(b) Adopt a resolution:

(1) Ratifying the City of San José application for the Program, and authorizing the City Manager, Director of Finance, or their designees, to negotiate and execute the necessary agreements, including any amendments or revisions, and other actions, to apply for and secure the grant and fulfill the Program requirements;

(2) Accepting up to \$14.3 million, or the amount awarded, in Program funding; and

(3) Authorizing the City Manager, Director of Finance, or their designees, to apply for, negotiate, and execute any documents, and take other actions necessary to receive funds for other State or Federal grant opportunities to fund projects related to drinking water, recycled water, or other associated water supply projects.

CEQA: Not a Project, File No. PP17-009, Staff Reports Assessments, Annual Reports and Informational memos that involve no approvals of any City action and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. Council Districts 2, 4, 7, and 8. (Environmental Services)

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Pam Foley and carried unanimously, (a) the staff report regarding the 2022 Urban Community Drought Relief Grant Program was accepted, and (b) **Resolution No. RES2023-10** was adopted. (9-0.)

6.3 23-077

**Actions Related to the Issuance of a Non-Exclusive Franchise Agreement to Redwood Services, Inc. related to Clean-Out Material and Construction and Demolition Debris.**

(a) Conduct a public hearing on the application of Redwood Services, Inc., dba Redwood Debris Box Service (Redwood Services) for a Non-Exclusive Franchise for the non-exclusive collection, transport, and delivery of residential clean-out material and construction and demolition debris.

(b) Approve an ordinance granting the franchise.

(c) Approve the Non-Exclusive Franchise Agreement with Redwood Services for the collection, transport, and delivery of residential clean-out material and construction and demolition debris, for a term beginning March 3, 2023, through June 30, 2023.

CEQA: Categorically Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment, File No. ER21-060. (Environmental Services)

Mayor Matt Mahan open the public hearing.

Public Comment: Paul Soto offered public testimony regarding the item.

Mayor Matt Mahan closed the public hearing.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, (a) The public hearing was conducted, (c) the Non-Exclusive Franchise Agreement to Redwood Services, Inc. related to Clean-Out Material and Construction and Demolition Debris was approved, and (b) **Ordinance No. 30876** was passed for publication. (9-0.)

## **7. NEIGHBORHOOD SERVICES**

7.1 23-078

**Mayor's Gang Prevention Task Force Plan - San José Youth Violence Prevention Strategy.**

As recommended by the Neighborhood Services and Education Committee on December 8, 2022:

(a) Accept the Mayor's Gang Prevention Task Force Strategic Plan.

(b) Adopt the following changes:

(1) San José Youth Empowerment Alliance as the new name of the Mayor's Gang Prevention Task Force as approved by the Policy Team on October 27, 2022; and

(2) Discontinue use of the term Hot Spots by the Administration to define areas of high youth and gang crime and replace it with the term Opportunity Neighborhoods.

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

*(Item Continued on the Next Page)*

## 7.1 (Cont'd.)

[Neighborhood Services and Education Committee referral 12/8/2022 - Item (d)2]

**DEFERRED TO 1/31/2023 PER ADMINISTRATION.**

## **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. Eric Jimenez, security officer with Allied Universal, contracted by the Department of Transportation, (USWW SEIU) addressed a public letter submitted urging Council to support union jobs for security officers. He addressed the upcoming contract not being unionized, rent displacement, and job security.
2. Lucia Ortiz ( Political Director, Working Partnerships USA) spoke in solidarity of the San José Airport Security and urged Council to choose a union contract for the security services.
3. Paul Soto spoke to the importance of a statue removal and Mexican and Chicano History in San José.
4. Jose L. Pavon (USWW SEIU) urged Council to protect union jobs for security officers contracted through the City of San José and spoke to the importance of financial stability.

## **Adjournment**

The Council of the City of San José adjourned at 10:37 p.m. in honor and memory of Ken Podgorsek, who was a District 3 resident that spent countless hours of devotion in his neighborhood of Naglee Park, the Campus Community Association, and the City of San José, Ken improved a lot of lives with his self-less work.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

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Toni J. Taber, CMC City Clerk  
yj/1-24-23/MIN

## CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, JANUARY 24, 2023

The Council of the City of San José convened into Closed Session at 9:35 a.m.  
The meeting was held in Council Chambers Conference Room, W133.

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

Absent: Councilmembers - All Present.

Vacant - District 8; District 10.

### 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 Flores  
Name(s) of Partie(s)  
Court: Workers Compensation Appeals Court  
Case No: ADJ14147600, ADJ15069724, ADJ15069723, and  
ADJ16769050  
  
Amount of Money or Benefits  
Other Relief Sought:
2. Case Name: FFV Coyote LLC; et al. v. City of San Jose  
Name(s) of Partie(s) FFV COYOTE LLC, a Washington limited  
liability company; EMC7, LLC,  
a Washington limited liability company;  
ERIC F. BONETTI; DAVID R. BONETTI;  
GLEN C. KRAL and SUSAN S. KRAL, as  
Trustees of the Kral 1994 Trust; BENSON  
GROUP LLC, a California limited liability  
company; JEAN BEU, as Trustee of the Jean  
Beu California Property Trust; LEE  
LESTER/BAILEY LLC, a California limited  
liability company; and F.R. LESTER  
CAPITAL, LLC, a California limited liability  
company  
United States District Court  
Court:  
Case No: 3:22-cv-00837  
Amount of Money or Damages according to proof  
Other Relief Sought:

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code:

1. Claimant(s): In re Claim of Santa Clara Valley Transportation Authority  
VTA  
City Department: Police

**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 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

2. 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

By unanimous consent, Council recessed from the Closed Session at 10:45 a.m.; to reconvene in Regular Open Session at 1:33 p.m. in Council Chambers.