



City Council Meeting Minutes

**Tuesday, April 9, 2024
1:30 PM**

**LOCATION:
Council Chambers - 200 E. Santa Clara Street**

MATT MAHAN, MAYOR
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
OMAR TORRES, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
DEV DAVIS, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, DISTRICT 10

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session. *See Pages 18-20 for Closed Session Minutes.*

Present: Councilmembers: Mahan, Kamei, Jimenez, Ortiz,
Doan, Candelas, Foley, Batra.

Absent Councilmembers: Torres, Cohen, Davis.

1:35 p.m.- Regular Session.

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

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Mahan led the Pledge of Allegiance.

- **Invocation (District 4)**

Kathleen MacDonald High School Cheer Team offered the invocation with a chant and cheer performance.

- **Orders of the Day**

None provided.

- **Adjournment**

Councilmember Omar Torres announced that the Council Meeting was adjourned in memory of the incredibly dedicated and gracious soul of Lt. Rich Saito who passed away on Friday March 15, 2024.

1. **CEREMONIAL ITEMS**

- 1.1 Councilmember David Cohen presented the commendation to the Peninsula Humane Society and SPCA/South Bay Wildlife Center in recognition for administering care to sick, injured, and orphaned wildlife, as well as providing educational programming for 30 years. Ashley Kinney, Wildlife Rehabilitation Program Manager accepted the commendation on behalf of the Peninsula Humane Society & SPCA.

- 1.2 Councilmember Pam Foley presented the proclamation declaring April 2024 as Distracted Drivers Awareness Month to raise awareness and implementation of safe driving practices to decrease the number of road-related injuries and fatalities in the City of San José. The proclamation was accepted by Jackie Lowther, the Emergency Medical Services Director for Santa Clara County.
- 1.3 Councilmember Peter Ortiz presented the proclamation declaring April 13-16, 2024 as Cambodian New Year to join in celebration with the Cambodian community in the City of San José. Nancy K. and Davi, Board Member, (CARA) Cambodian Resource Agency accepted the Proclamation.

2. CONSENT CALENDAR

Public Comment: None provided.

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

- 2.1 Approval of City Council Minutes.**
None provided.
- 2.2 Final Adoption of Ordinances.**
None provided.
- 2.3 Approval of Council Committee Minutes.**
None provided.
- 2.4 Mayor and Council Excused Absence Requests.**
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 Agreement with the State of California, Office of Planning and Research, California Volunteers for Phase Two Grant Funding for TogetherSJ.

Adopt a resolution authorizing the City Manager or her designee to execute an Agreement between the City of San José and the State of California, Office of Planning and Research, California Volunteers to accept the Phase Two Grant Funding for TogetherSJ in the amount of \$1,000,000 and to negotiate and execute additional amendments and related documents without further City Council action.

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 Clerk)

Action: **Resolution No. RES2024-88** was adopted, regarding the Agreement between the City of San José and the State of California, Office of Planning and Research, California Volunteers to accept the Phase Two Grant Funding for TogetherSJ. (11-0-0)

2.8 Pathways to Self-Sufficiency Program.

Adopt the following 2023-2024 Funding Sources Resolution and Appropriation Ordinance Amendments in the Workforce Development Fund:

(a) Increase the estimate for revenue from Federal Government appropriation by \$2,700,000; and

(b) Establish the Pathway to Self-sufficiency Program City-Wide Expenses appropriation to the Office of Economic Development and Cultural Affairs by \$2,700,000.

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. (Economic Development and Cultural Affairs/City Manager)

Action: Funding Sources **Resolution No. RES2024-89** and Appropriation **Ordinance No. 31049** were adopted, regarding the Pathways to Self-sufficiency Program. (11-0-0)

2.9 Actions Related to the Purchase Orders with George Bianchi Construction, Inc. and Granite Rock Company for As-Required Minor Bridge Repair Services.

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

(a) Amend purchase orders OP 64582 with George Bianchi Construction, Inc. (San José, CA) and OP 64584 with Granite Rock Company (Watsonville, CA) for as-required minor bridge repair services, to increase the total combined compensation by \$500,000 for a revised maximum total compensation not-to-exceed \$1,200,000 for the period ending on or about January 22, 2025; and

(b) Exercise up to six one-year options to extend the terms of each purchase order, with the last option ending on or about January 22, 2031, subject to appropriation of funds.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Finance)

Action: **Resolution No. RES2024-90** was adopted, regarding the purchase orders with George Bianchi Construction, Inc. and Granite Rock Company for as-required minor bridge repair services. (11-0-0)

2.10 Second Amendment to Master Agreement with SANDIS Civil Engineers Surveyors Planners for Two Central Service Yard Projects: Water Lines Replacement and Fire Sprinkler System Upgrades.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the Second Amendment to the Master Agreement for consultant services with SANDIS Civil Engineers Surveyors Planners (CPMS Contract No. 9433-A), increasing the maximum compensation amount from \$320,000 to \$420,000 for the sole purpose of completing the two Central Service Yard Projects: Water Lines Replacement and Fire Sprinkler System Upgrades.

CEQA: Categorically Exempt, File No. ER24-019, CEQA Guidelines Section 15301, Existing Facilities; and File No. ER24-020, CEQA Guidelines Section 15302, Replacement or Reconstruction. (Public Works)

Action: **Resolution No. RES2024-91** was adopted, regarding the Second Amendment to the Master Agreement for consultant services with SANDIS Civil Engineers Surveyors Planners for the sole purpose of completing the two Central Service Yard Projects. (11-0-0)

2.11 **Renewal of the Willow Glen Community Benefit Improvement District.**

(a) Adopt a resolution approving the execution of petitions, as property owner, to expand and renew the Willow Glen Community Benefit Improvement District for an additional 15-year term.

(b) Approve an agreement with the Willow Glen Business Association to fund the City's costs in conducting proceedings to expand and renew the Willow Glen Community Benefit Improvement District in the amount of \$31,366.

(c) Adopt the following 2023-2024 Funding Sources Resolution and Appropriation Ordinance amendments in the Business Improvement Districts Fund:

(1) Establish an estimate for Other Revenue in the amount of \$31,366; and

(2) Increase the Administration Services appropriation to the Public Works Department by \$31,366.

(d) Adopt a resolution:

(1) Stating City Council's intention to expand and renew the Willow Glen Community Benefit Improvement District for an additional 15-year term;

(2) Preliminarily approving the Willow Glen Community Benefit Improvement District Management Plan, including the Engineer's Report; and

(3) Setting a public hearing and the tabulation of the majority protest ballots for June 4, 2024, at 1:30 p.m. or as soon thereafter as the matter may be heard.

(e) Adopt a resolution finding the Willow Glen Business Association remains uniquely situated to manage and oversee the delivery of services specified in the Willow Glen Community Benefit Improvement District Management Plan and Engineer's Report pursuant to San José Municipal Code section 4.12.235, and delegating to the City Manager, or her designee, the authority to negotiate and execute an agreement with the Willow Glen Business Association to provide management of the expanded and renewed Willow Glen Community Benefit Improvement District, if approved by the property owners and formed by City Council on June 4, 2024.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and 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. Council District 6. (Public Works/City Manager)

Action: (a) **Resolution No. RES2024-92**, (c) Funding Sources **Resolution No. RES2024-93**, (c) Appropriation **Ordinance No. 31050**, (d) **Resolution No. RES2024-94**, and (e) **Resolution No. RES2024-95** were adopted, regarding the renewal of the Willow Glen Community Benefit Improvement District; (b) the agreement with the Willow Glen Business Association to fund the City's costs in conducting proceedings to expand and renew the Willow Glen Community Benefit Improvement District in the amount of \$31,366 was approved. (11-0-0)

2.12 Agreement with RC Design Collaborative for the Reimagining Santa Clara Street Complete Street Plan.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a consulting services agreement with RC Design Collaborative (Sitelab Urban Studio) for the Reimagining Santa Clara Street Complete Street Plan from the date of execution through December 30, 2025, for an amount not to exceed \$485,000.

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 3 and 6. (Transportation)

Action: **Resolution No. RES2024-96** was adopted, regarding the agreement with RC Design Collaborative (Sitelab Urban Studio) for the Reimagining Santa Clara Street Complete Street Plan. (11-0-0)

2.13 Acceptance of California Department of Transportation Sustainable Transportation Planning Grant.

Adopt a “Resolution of Local Support” to receive grant funds from the California Department of Transportation Sustainable Transportation Planning Grant that indicates the City will:

- (a) Follow all grant program requirements; and
- (b) Authorize the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements administered by the California Department of Transportation, in an amount not to exceed \$345,269 for reimbursement for the Guadalupe River Trail Connections and Crossings Flooding Adaptation Plan.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 3, 4, 6. (Transportation)

Action: **Resolution No. RES2024-97**, a “Resolution of Local Support” was adopted, regarding grant funds from the California Department of Transportation Sustainable Transportation Planning Grant. (11-0-0)

2.14 2024 Major Streets Remove and Replace Pavement Project.

- (a) Report on bids and award a contract for the construction of 10402 – 2024 Major Streets Remove and Replace Pavement Project, to the lowest responsive, responsible bidder, O’Grady Paving, Inc., in the amount of \$1,692,749; and
- (b) Approve a 10% contingency in the amount of \$169,275.

CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation/Public Works)

Action: (a) The report on bids and award a contract for the construction of 10402– 2024 Major Streets Remove and Replace Pavement Project was accepted and the (b) 10% contingency in the amount of \$169,275 was approved. (11-0-0)

2.15 Approval of National Night Out as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on March 27, 2024:

- (a) Approve the National Night Out scheduled on August 6, 2024 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. (City Clerk)

[Rules Committee referral 3/27/2024 - Item B.2]

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

2.16 Approval of Free Use on April 26, 2024 for the Career Fair Event Co-hosted by Council District 7 and East Side Union High School District (ESUHSD) as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

(a) Adopt a resolution authorizing “Free Use” for the ESUHSD Career Fair held at City Hall Rotunda, Council Chambers and the Wing Committee Rooms on April 26, 2024.

(b) Approve the Career Fair Event scheduled for April 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 4/3/2024 - Item A.1]

Action: (a) **Resolution No. RES2024-98** was adopted, and the City Council Sponsored Special Event was approved. (11-0-0)

2.17 Retroactive Approval of Multiple Special Events 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 April 3, 2024:

(a) Retroactively approve the Synopsys Winners Awards Ceremony scheduled on April 2, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(a) Retroactively approve the District 4 Dumpster Day scheduled on April 2, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) 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. (Cohen)

[Rules Committee referral 4/3/2024 - Item B.2]

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

2.18 Retroactive Approval and Approval of Multiple Events Sponsored by Council District 5 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 3, 2024:

- (a) Retroactively approve the Tarde de Union y Noche de Fuerza event scheduled on February 9, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the 1st Annual Parents in Action Conference event scheduled on February 17, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Tet New Year Celebration event scheduled on February 23, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Dobern Community Townhall Meeting event scheduled on February 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Budget Townhall #1 event scheduled on March 1, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the Budget Townhall #2 event scheduled on March 13, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Retroactively approve the Foxdale Renter's Rights Townhall event scheduled on March 21, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Retroactively approve the Mayfair Community Center Spring Fling event scheduled on March 23, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Retroactively approve the SJSU Cinco de Mayo Educational Panel event scheduled on March 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (j) Retroactively approve the Poco Way Renter's Rights Townhall event scheduled on March 29, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (k) Retroactively approve the Grammercy Neighborhood Dumpster Day event scheduled on March 30, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (l) Retroactively approve the SJ Earthquakes Soccer Celebration event scheduled on April 5, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (m) Approve the Budget Townhall Meeting #3 event scheduled on April 13, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (n) Approve the D5 + D8 Budget Townhall event scheduled on April 15, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (o) Approve the Budget Townhall #4 event scheduled on April 17, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (p) 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. (Ortiz) [Rules Committee referral 4/3/2024 - Item B.3]

Action: The Multiple City Council sponsored special events by District 5 were both retroactively approved and approved. (11-0-0)

3. **STRATEGIC SUPPORT**

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

None provided.

3.2 **Labor Negotiations Update.**

None provided.

3.3 **Proposed Ordinances Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones.**

(a) Approve an ordinance amending Chapter 11.98 of Title 11 of the San José Municipal Code to add Section 11.98.025 authorizing the removal of large vehicles parked upon a street, or portions thereof, where the parking of large vehicles creates a safety hazard for pedestrians or vehicles; and amending Section 11.98.040 to require the posting of signage authorizing the removal of large vehicles parked in “No Large Vehicle Parking Zones.”

(b) Approve an ordinance amending Chapter 11.36 of Title 11 of the San José Municipal Code to add Section 11.36.255 to prohibit the overnight parking of vehicles upon a street, or portion thereof; and amending Chapter 11.56 of Title 11 of the San José Municipal Code to add Section 11.56.060 authorizing the removal of vehicles parked where the overnight parking of vehicles is prohibited.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)

Public Comment: Gail Osmer, Dana Harris, Ashley R., and Chris Bang offered public testimony regarding the item.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) **Ordinance No. 31051**, regarding the amendment of Chapter 11.98 of Title 11 of the San José Municipal Code, and (a) **Ordinance No. 31052**, regarding the amendment of Chapter 11.36 of Title 11 of the San José Municipal Code were *passed for publication*. (11-0-0)

3.4 Proposed Ordinance Codifying the Existing Encampment Management Program Around Schools and Establishing School Clearance Zones.

Approve an ordinance amending Chapter 10.20 of Title 10 of the San José Municipal Code to add Part 6 to Chapter 10.20 to establish “School Clearance Zones” which would prohibit certain obstructions within 150 feet of schools.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)

Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Bien Doan, and carried unanimously, (a) **Ordinance No. 31053**, regarding the amendment of Chapter 10.20 of Title 10 of the San José Municipal Code was *passed for publication*. (11-0-0)

3.5 Language Accessibility Audit Report.

As recommended by the Public Safety, Finance, and Strategic Support Committee on March 21, 2024, accept the report on the language accessibility audit.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral – 3/21/2024 – Item (d)2]

Joe Rois, City Auditor offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Peter Ortiz, and carried unanimously, the language accessibility audit report was accepted. (10-0-1; Absent: Kamei)

- 3.6 Amendments to Consolidated Open Government and Ethics Resolution No. 77135 (Section 4.3.2.5 C), Code of Ethics for Officials and Employees of the City of San José Policy, Code of Ethics Policy, Investigation Principles Policy, and Discipline Policy.**
- (a) Adopt a resolution to amend the City of San José’s Consolidated Open Government and Ethics Resolution No. 77135 (Section 4.3.2.5 C) to document circumstances under which disciplinary actions taken against regular Classified Civil Service Employees may be subject to disclosure due to serious misconduct and supersede Resolution No. 77135.
- (b) Adopt a resolution to amend:
- (1) Council Policy 0-15, Code of Ethics for Officials and Employees of the City of San José in the Council Policy Manual; and
 - (2) City’s Code of Ethics Policy in the City Administrative Policy Manual.
- (c) Accept the update regarding revisions made to the City’s Investigation Principles Policy and Discipline Policy in the City Administrative Policy Manual.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Jennifer Maguire, City Manager and Allison Suggs, Assistant Director, City Manager’s Office of Employee Relations offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Pam Foley, and carried unanimously, (a) **Resolution No. RES2024-99**, regarding the amendment to the City of San José’s Consolidated Open Government and Ethics Resolution No. 77135 (Section 4.3.2.5 C), and (b) **Resolution No. RES2024-100**, regarding the amendment to Council Policy 0-15, Code of Ethics for Officials and Employees of the City of San José in the Council Policy Manual were adopted. (9-0-2; Absent: Kamei, Torres)

- 3.7 Adoption of Ordinances to Establish 14 New Rule 20A Underground Utility Districts.** Conduct Public Hearings and approve ordinances to establish Rule 20A Underground Utility Districts along Willow Street, East San Salvador Street, Empire Street, Hensley Street, North First Street, North Second Street, North Third Street, North Fourth Street, White Road, Story Road, Felipe Avenue, Coyote Road, San Felipe Road, Branham Lane, Almaden Road, Almaden Expressway, Coleman Road, Blossom Hill Road, Snell Avenue, Saratoga Avenue, Umbarger Road, and North Taylor Street.
- CEQA: Categorically Exempt, File No. ER24-011, Exempt pursuant to CEQA Guidelines Section 15301(b) Existing Facilities and 15302(d) Conversion of Overhead Electric Facilities. (Public Works)

Katherine Brown, Assistant Director, Public Works Department and J. Guevara, Deputy Director, Public Works Department offered the presentation and responded to questions.

Public Comment: Debbie and Bill Jewell (Coyote Creek Neighborhood) offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, a public hearing was conducted, the staff recommendation was approved, and (1) **Ordinance No. 31054** (WILLOW STREET), (2) **Ordinance No. 31055** (EAST SAN SALVADOR STREET), (3) **Ordinance No. 31056** (EMPIRE STREET, HENSLEY STREET, NORTH SECOND STREET, NORTH THIRD STREET,

and NORTH FOURTH STREET), (4) **Ordinance No. 31057** (NORTH FIRST STREET, AND NORTH TAYLOR STREET), (5) **Ordinance No. 31058** (WHITE ROAD), (6) **Ordinance No. 31059** (WHITE ROAD, MOUNT PLEASANT HIGH SCHOOL) (7) **Ordinance No. 31060** (STORY ROAD AND FELIPE AVENUE), (8) **Ordinance No. 31061** (COYOTE ROAD), (9) **Ordinance No. 31062** (SAN FELIPE ROAD), (10) **Ordinance No. 31063** (BRANHAM LANE), (11) **Ordinance No. 31064** (ALMADEN ROAD, ALMADEN EXPRESSWAY, AND COLEMAN ROAD), (12) **Ordinance No. 31065** (BLOSSOM HILL ROAD AND SNELL AVENUE), (13) **Ordinance No. 31066** (SARATOGA AVENUE), (14) **Ordinance No. 31067** (UMBARGER ROAD), were *passed for publication*, regarding the establishment of 14 new Rule 20A Underground Utility Districts.

Including acceptance of the joint memorandum from Councilmember David Cohen and Councilmember Pam Foley, dated, April 9, 2024 recommending: (1) Direct the City Manager to continue with the planned undergrounding of utilities lines based on the current availability of funds and in accordance with the guidelines outlined in the aforementioned City Council item. Furthermore, staff should proceed with CPUC recommendations for Rule 20a, ensuring that the undergrounding process adheres to regulatory standards and timelines. (2) Direct the City Manager to advocate with CPUC and PG&E to increase the maximum reimbursement for the cost of upgrading electrical panels. (3) Direct the City Manager to return to council annually to provide updates on the progress made by the CPUC and PG&E regarding the recommended sites for undergrounding. This annual review will allow for transparency and accountability in the process, ensuring that stakeholders are informed of developments and any potential challenges encountered. (10-0-1; Absent: Kamei)

4. **PUBLIC SAFETY**

5. **TRANSPORTATION & AVIATION SERVICES**

5.1 **City of San José Community Forest Investment Project.**

(a) Accept and receive United States Forest Service funds awarded for the Community Forest Investment Project.

(b) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a grant agreement with the United States Forest Service for an amount not to exceed \$5,644,300 as part of the Community Forest Investment Project via the Inflation Reduction Act of 2022.

CEQA: Categorically Exempt, File No. ER23-151, CEQA Guidelines Section 15301(h), Existing Facilities. (Transportation)

Director, Department of Transportation, John Ristow offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, (a) the United States Forest Service funds awarded for the City of San José Community Forest Investment Project was received and accepted, and (b) **Resolution No. RES2024-101** was adopted, regarding the grant agreement with the United States Forest Service. (10-0-1; Absent: Kamei)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 San José Clean Energy Programs Roadmap Status Report.

As recommended by the Transportation and Environment Committee on March 4, 2024, a accept the status report on the San José Clean Energy’s Programs Roadmap, and authorize the City Manager or her designee to fund consultant(s) to implement the heap pump incentive and on-bill financing program and allocate \$495,000 in community development funds received to date to workforce development programs to be developed in fall 2024. CEQA: Statutorily Exempt, ER24-021, CEQA Guidelines Section 15601(b)(3), Review for Exemption; and Categorically Exempt, File No. ER24-021, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. (Energy)
[Transportation and Environment Committee referral – 3/4/2024 – Item (d)2]

DEFERRED TO 4/23/2024 PER ADMINISTRATION

7. NEIGHBORHOOD SERVICES

7.1 **Children and Youth Services Master Plan Status Report. – HEARD AT 5:38 P.M.**

As recommended by the Neighborhood Services and Education Committee on February 8, 2024, accept the status report on the Children and Youth Services Master Plan, including the American Rescue Plan spending plan for children and youth services.

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

[Neighborhood Services and Education Committee referral – 2/8/2024 – Item (d)2]

Mayor Mahan announced that due to the high volume of speakers, public comment was limited to one-minute for the remainder of the Council Meeting. Speakers that requested interpretation services were allotted two-minutes to allow time for translation.

Angel Rios Jr., Deputy City Manager, City Manager’s Office; Deitra Hoang, District 3, Youth Commission; Jill Bourne, City Librarian; Jon Cicirelli, Director, Parks, Recreation and Neighborhood Services; and Laura Buzo, Assistant to the City Manager, City Manager’s Office offered the presentation and responded to questions.

Public Comment: Maryam Adalat (East Side Union High), Sylvia Arenas (County Supervisor, District 1), Magdalena Carrasco (Former Councilmember), Caesar Huerta (7 Trees Community Center), Pamela Campos (Early Care Educator), Sebastian Scheinhart (7 Trees Community Center), Jane Kovac (7 Trees Community Center), Adam Ybarra (The Tenacious Group), Angel A. (SVCN), Lisa Christian (Catholic Charities), Sean Paul Guess (Step Up and Do Something! Inc.), Joe Herrity, Wendi Mahoney, Oscar Q. M., Hector Sanchez-Flores (National Compadres Network), Jeremy Barousse, Lesly Becerrill Diaz, Maria Alejandres (Jovenes Activos/ Somos), Abigail Fernandez (Jovenes Activos), Esperanza Alejandrez (Jovenes Activos), Maria D. Martinez, Cara Ramirez, (Jovenes Activos/ Somos), Nha Nguyen (Healthier Kids Foundation), Andres Quintero (Alum Rock School District), Elizabeth Quezada (SOMOS Mayfair), Jessica Trejo, Jessica Moctezuma, (SOMOS Mayfair), Alejandra Vargas, Ariadna Gallardo, Daniel Gutierrez (Bill Wilson Center), Francisco Valenzuela (San Andres Regional Center), Sona Groves (Catholic Charities of Santa Clara), Dafne Hernandez (Jovenes Activos), Jessy Pacheco (Jovenes Activos/ SOMOS Mayfair), Rosa Velasquez, Victor Vasquez (Jovenes Activos/ SOMOS), Celia Plascencia Juan ((Jovenes Activos/ SOMOS Mayfair), Cynthia Fernandez, Fabiola Rubero (SOMOS), Yunery Ramon, Camille L. Fantanilla (Sobrato Philanthropies), Zelica Rodriguez-Deamo (Sobrato Philanthropies), Kimberly (Jovenes Activos/ SOMOS), Jose Y., Veronica Goei (Grail Family Services), Angelica Ramos-Allen (Grail Family Services), Rosibell Adolfo, Noemi Gomez (Catholic Charities), Nayeli Sedano, Claudia Coello (SOMOS Mayfair), Margarito Gomez (Vecinos Activos), Gustavo Flores (Vecinos Activos), Maria Teresa Barcenas (SOMOS Mayfair), Jacqueline Mora (SOMOS/ Amigos), Mike Gonzalez, Hector Torres (Step Up and Do Something), Miguel Barahona (Seven Trees Community Center), Pashel Garcia, Alice Gomez (SOMOS Colectivo), Christine Kraft, *the following speakers requested Vietnamese Translation:* Thi Trinh (Catholic Charities), *the following speakers requested Spanish Translation:* Karima Garcia (Amigos De Guadalupe), Yesenia Diaz (Amigos De Guadalupe), Anastasia (Amigos De Guadalupe), Rafael Morales (Catholic Charities), Maria F. Garcia, Maricela Betancourt, Glafira Pinor, Brenda Arenas, Veronica Perez, Marly Cantor (SOMOS Mayfair), Yolanda Quinones, Veronica Ordaz, Rosario Aguirre (Santee), Martha Avalos, Norma Chavez, and

(3 speakers who did not provide their name at the podium).

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Peter Ortiz, and carried unanimously, the status report on the Children and Youth Services Master Plan, including the American Rescue Plan spending plan for children and youth services were accepted.

Including acceptance of the joint memorandum from Councilmember Omar Torres, Councilmember Dev Davis, Councilmember Peter Ortiz, Councilmember Bien Doan, and Councilmember Pam Foley, dated, April 5, 2024 recommending: Accept staff recommendations with the following additional directions: • Direct the City Manager to draft an MBA during the FY 24-25 budget process, exploring establishing an Office of Children and Youth and developing a comprehensive action plan to implement the long-term strategies outlined in the Children and Youth Services Master Plan. This plan should include, at a minimum: • Strategies for executing short and mid-term goals to support youth, categorized into four groups: 0 to 5 years, K – 5th grade, 6th – 12th grade, and post-high school to 24 years old, ensuring success in high school, college, or career and technical schools. • An outreach and engagement strategy involving efforts by the City Manager’s Office and other relevant City departments, such as the Library and Parks, Recreation and Neighborhood Services, to collaborate with current and potential partner organizations, such as school districts and non-profits providing after-school and youth enrichment programs, skills-based job training, post-secondary supports, and college and career opportunities and resources. (10-0-1; Absent: Jimenez)

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. Sean Paul spoke to proactive measures to improve society and issues regarding communication best practices and approaches.
2. Mark D. Dobson spoke to a notice of repair he submitted years ago regarding a sunken sidewalk at his residence and expressed his concerns with the lack of communication from his District's Councilmember, the City Manager, or the Mayor to go over his concerns.

• Adjournment

The Council of the City of San José adjourned at 8:53 p.m. in memory of the incredibly dedicated and gracious soul of Lt. Rich Saito who passed away on Friday March 15, 2024. Lt. Saito was a courageous Police Officer for the City of San José who led with boldness and a passion to provide safety and security for all residents. Lt. Saito's legacy is one that will continue to inspire, motivate, and foster public service. Lt. Saito will be missed dearly, yet always in our hearts and minds.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 8

Attest By:

Toni Taber, CMC
City Clerk, City of San José

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

April 9, 2024

The Council of the City of San José convened into Closed Session at 9:30 a.m. The meeting was held at City Hall, in Council Chambers Conference Room, W133.

Present: Councilmembers: Mahan, Kamei, Jimenez, Ortiz,
Doan, Candelas, Foley, Batra.

Absent Councilmembers: Torres, Cohen, Davis.

CLOSED SESSION ITEM(S) DISCUSSED:

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

1. Case Name: Adelina Perez v. City of San José, et al.
Name(s) of Party(ies) ADELINA PEREZ, CITY OF SAN JOSE,
FRANKLIN-MCKINLEY SCHOOL DISTRICT
Court: Superior Court of California, Santa Clara County
Case No: 23CV398455
Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: Lionel Rubalcava v. City of San José, et al.
Name(s) of Party(ies) LIONEL RUBALCAVA, CITY OF SAN JOSE,
JOSEPH PEREZ, RAFAEL NIEVES, RAMON
AVALOS, STEVEN SPILLMAN, TOPUI FONUA
Court: U.S. District Court, Northern District of California
Case No: 5:20-CV-04191-BLF
Amount of Money or Other Relief Sought: Damages according to proof.
3. Case Name: K'aun Green v. City of San José, et al.,
Name(s) of Party(ies) K'AUN GREEN; an individual, CITY OF SAN JOSE,
a municipal corporation; and DOES 1-50, inclusive

Court: United States District Court Northern District of California
Case No: 5:22-cv-02174
Amount of Money or Other Relief Sought: Damages according to proof

4. Case Name: Dillon Randolph v. City of San José
Name(s) of Party(ies) DILLON RANDOLPH, CITY OF SAN JOSE
Court: Santa Clara County Superior Court
Case No: 23CV413129
Amount of Money or Other Relief Sought: Damages according to proof

5. Case Name: Rodolfo Duenas, Raul Jimenez, Yolanda Jimenez v. City of San José
Name(s) of Party(ies) CITY OF SAN JOSE, RODOLFO DUENAS, RAUL JIMENEZ, YOLANDA JIMENEZ
Court: Santa Clara County Superior Court
Case No: 23-CV-414892
Amount of Money or Other Relief Sought: Eminent Domain – title to property

6. Case Name: Sainte Claire Historic Preservation Foundation v. City of San José, et al.
Name(s) of Party(ies) SAINTE CLAIRE HISTORIC PRESERVATION FOUNDATION, A CALIFORNIA NON-PROFIT CORPORATION; AND DOES 1 TO 5, CITY OF SAN JOSE, CITY COUNCIL OF THE CITY OF SAN JOSE AND CITY OF SAN JOSE DEPARTMENT OF PARKS, RECREATION, AND NEIGHBORHOOD SERVICES;
Court: Superior Court of the State of California, County of Santa Clara
Case No: 20CV374459
Amount of Money or Other Relief Sought: Damages according to proof

7. Case Name: Preservation of Benefit Plan Retirees Association, et al. v. City of San José, et al.
Name(s) of Party(ies) PRESERVATION OF BENEFIT PLAN RETIREES ASSOCIATION; JOSEPH BASS; LAWRENCE JAY CASTELLANO; RICHARD COCO; LESLYE CORSIGLIA; HARRY FREITAS; LINDA HORWEDEL; WILLIAM HUGHES; DANNY JORDAN; DAVID MAAS; BARRY NG; ANITA

PHAGAN; GEORGE RIOS; GARY
SCHOENNAUER; KEN TANASE; WAYNE
TANDA; NONA TOBIN; RANDAL TURNER;
STEVEN TURNER; ROBERT WILSON; CITY OF
SAN JOSE; BOARD OF ADMINISTRATION OF
THE FEDERATED CITY EMPLOYEES'
RETIREMENT SYSTEM; DAVID SYKES;
ROBERT DAVIS; SAN JOSE RETIRED
EMPLOYEES ASSOCIATION

Court: Court of Appeal of State of California, Sixth Appellate
District

Case No: H049387

Amount of Money or Other Relief Sought: Damages according to proof

8. Case Name: Evet Loewen v. City of San José, et al.

Name(s) of Party(ies) EVET LOEWEN; CITY OF SAN JOSE; DAVID
SYKES; BOARD OF ADMINISTRATION OF THE
FEDERATED CITY EMPLOYEES' RETIREMENT
SYSTEM

Court: Court of Appeal of State of California, Sixth Appellate
District

Case No: H050036

Amount of Money or Other Relief Sought: Damages according to proof

9. Case Name: Nona Tobin v. City of San José, et al.

Name(s) of Party(ies) NONA TOBIN; CITY OF SAN JOSE; DAVID
SYKES; BOARD OF ADMINISTRATION OF THE
FEDERATED CITY EMPLOYEES' RETIREMENT
SYSTEM

Court: Court of Appeal of State of California, Sixth Appellate
District

Case No: H049987

Amount of Money or Other Relief Sought: Damages according to proof