



# **City Council Meeting Minutes**

**Tuesday, May 14, 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**

**9:34 a.m.- Closed Session.** *See Pages 14-18 for Closed Session Minutes.*

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

Absent Councilmembers: Torres.

**1:35 p.m.- Regular Session.**

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

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 5)**

Father Jon Pedigo from the Diocese of San José offered the invocation.

- **Orders of the Day**

None provided.

- **Closed Session Report**

None provided.

## 1. CEREMONIAL ITEMS

- 1.1 Councilmember Domingo Candelas presented the proclamation declaring May 17, 2024, as World Neurofibromatosis (NF) Awareness Day in the City of San José to recognize and raise awareness for this genetic condition and to ensure that research into NF can continue to make a difference. Dina M. accepted the proclamation on behalf of the Childrens Tumor Foundation.
- 1.2 Vice Mayor Rosemary Kamei, Councilmember Bien Doan, and Councilmember Arjun Batra, presented the proclamation declaring May 2024 as Asian American and Pacific Islander Heritage Month in the City of San José to recognize the contributions, culture, and heritage of communities in our city from Asia and the Pacific Islands.
- 1.2 Mayor Matt Mahan, Vice Mayor Rosemary Kamei, and Councilmember Sergio Jimenez presented the declaring May 2024 as Affordable Housing Month in the City of San José in support of affordable housing solutions in our city and to recognize the efforts of organizations that work toward producing, protecting, and preserving affordable housing.

## 2. CONSENT CALENDAR

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, 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.**

(a) Ordinance No. 31073 - An Ordinance of the City of San José Amending Sections 4.47.096 and 4.47.097 of Chapter 4.47 of Title 4 of the San José Municipal Code to Extend the Temporary Partial Suspension of the Commercial-Residential-Mobilehome Park Building Tax At the Rate of 0.5% for Office Uses as Defined by San José Municipal Code Sections 20.200.813 and 20.200.818, until June 30, 2029.  
[Passed for Publication on 4/30/2024 - Item 8.1 (24-84729)]

Action: (a) **Ordinance No. 31073** was adopted, regarding the Ordinance of the City of San José Amending Sections 4.47.096 and 4.47.097 of Chapter 4.47 of Title 4 of the San José Municipal Code. (11-0-0)

### 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 Settlement of Eminent Domain Lawsuit for Property Located at 150 North Montgomery Street.**

Approve the settlement of an eminent domain lawsuit brought by Plaintiff City of San José against Defendant Property Owners Rodolfo Duenas, Raul Jimenez, and Yolanda Jimenez in the total amount of \$1,980,470 and authorize the City Attorney to execute a stipulation for entry of judgment.

CEQA: Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) for the Lot E Parking Structure Project. (City Attorney)

Action: The settlement of an eminent domain lawsuit brought by Plaintiff City of San José against Defendant Property Owners Rodolfo Duenas, Raul Jimenez, and Yolanda Jimenez in the total amount of \$1,980,470 and authorization of the City Attorney to execute a stipulation for entry of judgment was approved. (11-0-0)

**2.8 Consultant Agreement with Raimi and Associates for the Climate Adaptation and Resilience Plan.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a consulting agreement with Raimi and Associates to develop the City's Climate Adaptation and Resilience plan for an initial two-year term beginning on or about May 1, 2024, through April 30, 2026, with a total maximum compensation not to exceed \$438,464.

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: **Resolution No. RES2024-133** was adopted, regarding the consulting agreement with Raimi and Associates to develop the City's Climate Adaptation and Resilience plan. (11-0-0)

## 2.9 San José Clean Energy Non-Residential Customer Energy Services.

Adopt a resolution amending San José Clean Energy service offerings to include the following service offerings for non-residential customers:

- (a) Establish a San José Economic Development Rate set at 12% below Pacific Gas and Electric Company's bundled service generation charges, inclusive of the Power Charge Indifference Adjustment and Franchise Fee Surcharge that will be offered to ratepayers approved to receive PG&E's Economic Development Rate; and
- (b) Establish a Green Transportation Product that offers 100% emissions-free power at a discounted rate of \$0.005 per kilowatt-hour to public transportation accounts serving guided rail traction power facilities.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates and Fares, resulting in no changes to the physical environment. (Energy)

Action: **Resolution No. RES2024-134** was adopted, regarding the amendment to the San José Clean Energy services. (11-0-0)

## 2.10 Actions Related to the Purchase Order with Waterworks Industries Incorporated for Fountain and Pool Maintenance.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Waterworks Industries Incorporated (Windsor, CA) for fountain and pool maintenance, with the last option ending on or about May 31, 2030, subject to the appropriation of funds.

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

Action: **Resolution No. RES2024-135** was adopted, regarding actions related to the purchase order with Waterworks Industries Incorporated (Windsor, CA) for fountain and pool maintenance. (11-0-0)

## 2.11 Actions Related to the Purchase Order with Stommel, Inc. dba Lehr for Police Vehicle Equipment.

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

- (a) Amend purchase order OP 64631 with Stommel, Inc dba Lehr (Sacramento, CA) for police vehicle equipment to increase the total compensation by \$200,000, for a maximum compensation not-to-exceed \$850,000 for the period ending February 7, 2025; and
- (b) Exercise up to three additional one-year options to extend the term of the purchase order with the last option ending on or about February 7, 2028, 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. RES2024-136** was adopted, regarding actions related to the purchase order OP 64631 with Stommel, Inc dba Lehr (Sacramento, CA) for police vehicle equipment. (11-0-0)

**2.12 Report on Request for Proposals for As-Needed Geographic Information System Technical and Professional Services.**

Accept the report on the Request for Proposals and adopt a resolution authorizing the City Manager or her designee to:

(a) Negotiate and execute agreements with Dewberry Engineers Inc. (New York, New York), and Timmons Group, Inc. (Richmond, Virginia) for as-required professional services related to the City of San José's Environmental Systems Research Institute, Inc. geographic information system for a seven-year term beginning on June 3, 2024 through June 2, 2031, with a maximum aggregate compensation not to exceed \$4,000,000, subject to the appropriation of funds; and

(b) Negotiate and execute amendments for all agreements as required to address changes in the City geographic information system professional service's needs, including associated adjustments in compensation and reallocation of funds between providers, consistent with the procurement and the City's standard terms and conditions, subject to 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: The report on the request for proposals for as-needed Geographic Information System Technical and Professional Services was accepted, and **Resolution No. RES2024-137** was adopted. (11-0-0)

**2.13 Agreement with Umojo, Inc. for a Curb Digitization and Management Pilot Project.**

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

(a) Negotiate and execute an agreement with Umojo, Inc. (Chicago, IL) for a Curb Digitization and Management Pilot Project for an initial one-year term, beginning on or about June 1, 2024, and ending on or about May 31, 2025, with maximum compensation not to exceed \$1,700,000, or as may be adjusted to align with the software subscription term, subject to the appropriation of funds; and

(b) Exercise up to four one-year options to extend the term of the agreement with the last option ending on May 31, 2029, or as may be adjusted to align with the software subscription 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)

Action: **Resolution No. RES2024-138** was adopted, regarding the agreement with Umojo, Inc. for a Curb Digitization and Management Pilot Project. (11-0-0)

**2.14 Approval of "Free Use" of City Hall Rotunda for the 2024 Youth Commission Annual Recognition Awards Event.**

Adopt a resolution authorizing "Free Use" for the private 2024 Youth Commission End of the Year Recognition Awards held at the City Hall Rotunda on June 10, 2024, co-hosted by the Library Department.

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

Action: **Resolution No. RES2024-139** was adopted, regarding the “Free Use” for the private 2024 Youth Commission End of the Year Recognition Awards held at the City Hall Rotunda on June 10, 2024. (11-0-0)

### **2.15 Actions Related to the 9405 – SJC Perimeter Protection Re-Bid II Project.**

(a) Approve an increase in the construction contingency from 10% to 30% for the 9405 – SJC Perimeter Protection Re-Bid II Project in the amount of \$600,000 for a total contingency of \$899,939.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:

(1) Decrease the Ending Fund Balance appropriation by \$600,000; and

(2) Increase the Perimeter Security Projects appropriation by \$600,000.

CEQA: PP18-103, Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497). (Public Works/Airport/City Manager)

**DEFERRED TO 5/21/2024 PER ADMINISTRATION.**

### **2.16 Request for Travel Authorization for Mayor's Staff.**

Authorize travel, accept travel payments to the City of San José and designate the Mayor’s Staff, Stephen Caines, as the City representative to attend the Smart Cities Expo USA to participate in a panel on the application of artificial intelligence in managing and maintaining urban infrastructure in New York City from May 21-24, 2024. Source of Fund: Bloomberg Philanthropies, What Works Cities, 501c3 (airfare, lodging, and meals).

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

[Rules Committee referral 5/8/2024 - Item A.1.a]

Action: The request for travel for the Mayor’s Staff was authorized. (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 Appeals Hearing Board Interview.

(a) Interview applicants and consider appointment to fill one Member-at-Large seat with a term ending December 31, 2025 on the Appeals Hearing Board.

(b) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Both Applicants William Hale and Willie Adams advised that they were unable to attend the Appeals Hearing Board Interview.

#### ITEM DEFERRED TO A LATER DATE - DATE TO BE DETERMINED.

### 3.4 Public Hearing on the 2024-2025 Proposed Operating and Capital Budgets and the 2024-2025 Proposed Fees and Charges for the City of San José, including a Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues.

Conduct a Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2024 to June 30, 2025, the Proposed Five-Year Capital Improvement Program for 2025-2029, the Proposed Fees and Charges Report for the Fiscal Year 2024-2025, and a Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues for the Fiscal Year 2024-2025. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

City Manager, Jennifer Maguire and City Attorney, Nora Frimann offered clarifications and opening comments.

Mayor Matt Mahan open the public hearing.

Mayor Mahan announced that due to the high volume of speakers (143 Speaker Cards), public comment was limited to one-minute for the remainder of the meeting. Speakers that requested interpretation services were allotted two-minutes to allow time for translation.

Public Comment: Rosie Amador (Conxion), Larry Whitaker (SJVRC), Lori Chavez (Conxion), Hong Cao (IRCC/ Viet. Museum), Neil Collins, Enrique Navarro-Donnellan, Lisa Radding, Greg Peralta, Doug Goss, Joe Brown, Gianella Ordonez, Angel Aliano, Patty McNeil (Stonegate Neighborhood), Karl Lee, Dmitriy Kruglyak, Gene Hunt, Luz Alvarez Esteban (SHCS) (*Assisted by Spanish Translator*), Lorraine Zeller, Karla Coyoc (Luna) (*Assisted by Spanish Translator*), Tamra Chavez (PATH), Alie Victorine, Carlos A. (The People), Gustavo Gonzalez, Tuan Van, Stephanie Ligsay, Lizbeth Cisneros (Sacred Heart Community Service), Gerardo Gallardo (Sacred Heart Community Service), Edgar Munoz (Sacred Heart Community Service), Isela Reyes (Sacred Heart Community Service), Alejandra Cruz (Sacred Heart Community Service), Monica Delfin, Myisha Taylor (SHCS), Cassandra Magana (West Valley Community Services), Chris Noller (Sacred Heart Community Service), Diana Clayton (SHCS), Poncho Guevara (Sacred Heart Community Service), Xochitl Guevara (Sacred Heart), Paulina Soto (Sacred Heart Community Service), Blanca, Anthony Mejano (Sacred Heart Community Service),



Michael Vega (Sacred Heart Community Service), Emilia Castellanos (Sacred Heart Community Service), Liliana Murillo (Sacred Heart Community Service), Erin Stanton (Sacred Heart Community Service), Fernando R. (SHCS), Lupita Inda (Sacred Heart Community Service), Chris Sturken (Sacred Heart Community Service), Elizabeth (SHCS), Erin Campos (SHCS), Angie Guatemala (SHCS), Vivian Le (SHCS), Bridget McKay, Alliya Haeri (SHCS), Maria Gallardo (SHCS), Eugene Torres (SHCS), Lucia Garcia (SHCS), Darren Seaton (SHCS), Jaala Robinson (SHCS), Thao Shaw (SHCS), Michael Gordon, Dalenna Hughes (Sacred Heart), Roberto Gil (REAL Coalition/ SHCS), Fatima Flores (SHCS), Tori Truscheit (SHCS), Lydia Bustamante (SHCS), Lorena Sanchez Castaneda (SHCS), Veronica Amador (SHCS), Amor Santiago (SHCS), Areli Leyva (SHCS), Edgar Daniel (SHCS), Hoa Ha (SHCS), Cathy Young (SHCS), Alejandro Gonzalez (SHCS), Brad Feller (SHCS), Celeste Munoz (SHCS), Gabriela Muro (SHCS), Demone Carter (SHCS), Kiyomi Honda Yamamoto, Emilie Quihuis (SHCS), Marita Zavaleta (SHCS), Jeff Levine, Terri Teresi (SHCS), Gerardo Sandoval (SHCS), Leticia Alvarez, George Szymkiewicz (Monte Vista HDA), Mary Helen Doherty (Sacred Heart), Jonna Bohigian (Gloria Dei Lutheran Church), Speaker "SOMOS", Elizabeth Molina (REAL Coalition), Emily Ann Ramos (SV @ Home), Gabriel Manrique (LUNA), Shirley Stager, Albert Dalrymple, Nicki Holman, Alyssa Serrano (MidPen Housing Corp./ SBCLT), Maria Inez Ortega (Cadillac-Winchester NA), Joe Lopez, Esmeralda Virelas (Destination Home), Huy Tran, Maria Blaze, Sandy Perry, Robert Aguirre (AHN & SCC Union of the Homeless), Huascar Castro (WPOST), Tristia Bauman (Law Foundation of Silicon Valley), Olivia Ortiz (SOMOS Mayfair), Estefania Bautista (LUNA), Oscar Q.W., Allison Cingolani, Debra, Bob Brownstein, Delma Hernandez, Dilza Gonzalez, Shane Patrick Connolly, Beth Seibert, Maricruz Cedano (Sacred Heart), Kyra Kazantzis, Cheryl L., Eliseo Aceves, Juanita C., Vasundhara, Gabriel Hernandez (Si Se Puede Collective), Mary Nguyen, Shaunn, Claudia Martinez, and five speakers who did not provide their name at the podium offered public testimony regarding the item.

Mayor Matt Mahan closed the public hearing.

**NO ACTION WAS TAKEN ON THE ITEM.**

**3.5 Amendment to Chapter 2.04 of Title 2 of the San José Municipal Code for the Office of Racial and Social Equity and Amendment to the Council Policy to Add Equity Values and Standards Policy.**

(a) Approve an ordinance amending Chapter 2.04 of Title 2 of the San José Municipal Code to add a new Part 43 establishing the Office of Racial and Social Equity.

(b) Adopt a resolution approving the proposed Equity Values and Standards Policy that establishes a framework for advancing racial and social equity.

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

Zulma Maciel, Director, Office of Racial Equity, City Manager's Office offered the presentation and responded to questions.

Public Comment: Michele Masaburn, Ellen Rollin (SCC CDA), Bob Brownstein, Ellina Yin, Kyra Kazantzis, and Huy Tran offered public testimony regarding the item.

Councilmember Omar Torres requested information regarding how members of the disability community are being included.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Bien Doan, and carried unanimously, (a) **Ordinance No. 31076** was *passed for publication*, regarding the amendment to Chapter 2.04 of Title 2 of the San José Municipal Code to add a new Part 43 establishing the Office of Racial and Social Equity; and (b) **Resolution No. RES2024-140** was adopted, regarding the proposed Equity Values and Standards Policy that establishes a framework for advancing racial and social equity. (11-0-0)

### 3.6 **Public Hearing on Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs to be Placed on the Fiscal Year 2024-2025 Santa Clara County Secured Property Tax Bill.**

- (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.
- (b) Adopt a resolution confirming the report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report.
- (c) Direct the recording of liens and the placement of charges as set forth therein on the 2024-2025 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs. 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. (Finance)

Rick Bruneau, Director of Finance; John Ristow, Director of Transportation; and John Kachmanian, Deputy Director of Finance, Revenue Management offered the presentation and responded to questions.

Mayor Matt Mahan opened the public hearing.

Public Comment: None provided.

Mayor Matt Mahan closed the public hearing.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, (a) the Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs was conducted; and (b) **Resolution No. RES2024-141** was adopted, regarding the report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report, and (c) the recording of liens and the placement of charges as set forth therein on the 2024-2025 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs was directed. (10-0-1; Absent: Davis)

## 4. **PUBLIC SAFETY**

### 4.1 **Cannabis Regulation of Tobacco Retailers Status Report.**

As recommended by the Public Safety, Finance and Strategic Support Committee on April 18, 2024, accept the status report on the possibility of expanding the San José Police Department Division of Cannabis Regulation's responsibilities to include regulating licensed tobacco retailers.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police/Planning, Building and Code Enforcement)

[Public Safety, Finance and Strategic Support Committee referral – 4/18/2024 Item (d)3]

Deputy Chief Brian Shab, San José Police Department and Rachel Roberts, Deputy Director, Planning, Building and Code Enforcement, offered the presentation and responded to questions.

Public Comment: Maria Ines Ortega (CWNA) offered public testimony regarding the item.

Councilmember Peter Ortiz requested information regarding the differences between criminal and administrative citations and addressed the memorandum he submitted.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Dev Davis, and carried unanimously, the status report on the possibility of expanding the San José Police Department Division of Cannabis Regulation's responsibilities to include regulating licensed tobacco retailers was accepted.

Including acceptance of the memorandum authored by Councilmember Peter Ortiz, dated May 14 2024, recommending the following:

- 1.) Accept the staff report with the following direction:
  - a.) Direct the Administration to Amend Title 20 to define and establish vape and smoke shops as an enumerated use within the land use tables for zoning districts and require a Conditional Use Permit or other permit as appropriate to operate.
  - i.) While completing this, analyze the feasibility of placing a cap on Conditional Use Permits or other permit for this use while staff works to develop either proposed new cost recovery fees and resources or general funding streams and resources to build out a program in either Code Enforcement or the San José Police Department Division of Cannabis Regulation's to include regulating vape and smoke shops.
  - b.) Return to the Public Safety, and Strategic Finance Committee by end of 2024 (or after new year) with an update on these efforts. (11-0-0)

## 5. TRANSPORTATION & AVIATION SERVICES

## 6. ENVIRONMENTAL & UTILITY SERVICES

### 6.1 Republic Services Solid Waste Services Rates.

(a) Conduct a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates for 2024-2025 are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.

(b) Adopt a resolution to increase the Maximum Commercial Solid Waste Services Rates in the City of San José for 2024-2025 by 2.32 percent pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, adjustments to fees, rates and fares without changes to or expansion of services.

(Environmental Services)

Councilmember David Cohen and Councilmember Arjun Batra announced that they were recusing themselves from the item due to campaign contributions received from Republic Services.

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Pam Foley, and carried unanimously, the (a) the public hearing was conducted to confirm that the proposed Maximum Commercial Solid Waste Services Rates for 2024-2025 are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services; and (b) **Resolution No. RES2024-142** was adopted, regarding the increase of the Maximum Commercial Solid Waste Services Rates in the City of San José for 2024-2025 by 2.32 percent pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services. (9-0-2; Recused: Cohen, Batra)

## 7. NEIGHBORHOOD SERVICES

## 8. COMMUNITY & ECONOMIC DEVELOPMENT

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

## 10. LAND USE

### 10.1 Land Use on Consent Calendar

(a) **ER20-049 - Supplemental Environmental Impact Report (SEIR) for the Milligan Parking Lot Project Located at 405, 407 and 447 W. St. John Street and 130 and 150 Autumn Street.**

Supplemental Environmental Impact Report for the Milligan Parking Lot Project located at 405, 407 and 447 W. St. John Street and 130 and 150 Autumn Street to demolish all buildings on site and construct an approximately 300-space interim surface parking lot. CEQA: Supplemental Environmental Impact Report to the Coleman Avenue/Autumn Street Improvement Project Final Focused Environmental Impact Report (Resolution 74870) and the Downtown Strategy 2040 Final Environmental Impact Report (Resolution 78942) for the Milligan Parking Lot Project. Council District 6. (Planning, Building and Code Enforcement)

**DROPPED TO BE CONSIDERED ON JUNE 11, 2024, WITH THE DEPARTMENT OF PUBLIC WORKS ACTIONS RELATED TO THE 8820 – MILLIGAN PARKING LOT.**

**END OF CONSENT CALENDAR**

**10. Land Use - Regular Agenda**

**• Open Forum**

None provided.

**• Adjournment**

The Council of the City of San José adjourned at 5:53 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

***DRAFT***

\_\_\_\_\_  
Yasmin Johnson, Deputy City Clerk,  
City of San José

Approved at Council on:

# of Actions: 5

Attest By:

\_\_\_\_\_  
Toni Taber, CMC,  
City Clerk, City of San José



*Office of the City Attorney*

**SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES**

**May 14, 2024**

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

Absent Councilmembers: Torres.

Place: City Hall Conference Room W-133

Time: 9:34 a.m.

**CLOSED SESSION ITEM(S) DISCUSSED:**

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

1. Case Name: Cleber Giassi Ribeiro v. City of San José  
Name(s) of Party(ies) CLEBER GIASSI RIBEIRO, ZACHARY COLE  
BUNCE, CITY OF SAN JOSE  
Court: Santa Clara County Superior Court  
Case No: 21CV384438  
Amount of Money or Other Relief Sought: Damages according to proof.

2. Case Name: Carina Romero, et al. v. City of San José  
Name(s) of Party(ies) CARINA ROMERO, ROBERTO ROMERO, CITY  
OF SAN JOSE  
Court: Santa Clara County Superior Court  
Case No: 23CV410518  
Amount of Money or Other Relief Sought: Damages according to proof.

**B. CONFERENCE WITH REAL PROPERTY DESIGNATED REPRESENTATIVES PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

1. Property Street Address, Parcel Number, or Other Unique Reference of Property: 88 S. 4<sup>th</sup> Street Rotary Summit Center, San José, California
  - Negotiating Parties: Nanci Klein for the City of San José, Steve Mayer and Sammy Reyes, Scott’s Seafood
  - Under Negotiation: The direction will concern price and terms of payment.
  - Likely Range of Value of Property: Negotiated price based on intended use and comparable rental values.

**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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/abmei>  
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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea>  
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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/alp>  
 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: 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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/amsp>  
 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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/camp>  
 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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>

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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>
- 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
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/mef>
- 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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/oe-3>  
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: Memorandum of Agreement – City of San José and Municipal Employees’ Federation (MEF), AFSCME, Local 101

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpd>  
Telephone – Employee Relations: (408) 535-8150

**11.** Organization or Name and Title of Unrepresented Employees: **San José Police Officers’ Association (SJPOA)**

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-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/poa>  
Telephone – Employee Relations: (408) 535-8150

**12.** Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Peace Officer Park Ranger Association

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/popra>  
Telephone – Employee Relations: (408) 535-8150