CITY COUNCIL MEETING
Minutes

Tuesday, February 6, 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

9:33 a.m. - Closed Session
See Pages 17-23 for the Closed Session Minutes.

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

1:34 p.m. - Regular Session

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

Absent Councilmembers: Batra, Mahan.

• Pledge of Allegiance

Vice Mayor Rosemary Kamei led the Pledge of Allegiance.

• Invocation (District 2)

Chuck Cantrell, Community Leader, offered the Invocation with a presentation and data regarding the African American community in Santa Clara County.

• Orders of the Day

SEE NEW ITEM 3.7 - RATIFICATION OF PROCLAMATION OF LOCAL EMERGENCY, TO BE ADDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION AND THE NEED TO TAKE ACTION AROSE AFTER THE POSTING OF THE AGENDA.

Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.F.1.b; Council's Rules of Conduct, Resolution No. RES2023-22, Rule 3(d).

Public Comment: None**.**

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Orders of the Day were approved, *with the addition of Item 3.7*. (9-0-2; Absent: Batra, Mahan)

• Closed Session Report

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Domingo Candelas and Councilmember Dev Davis presented a proclamation recognizing February 2024 as American Heart Month to raise awareness on heart health and combating heart disease and stroke in the City of San José.

1.2 Councilmember Peter Ortiz and Councilmember Dev Davis presented a commendation to the Grateful Garment Project in recognition of their support and services to survivors of sexual violence in San José by providing clothing and other resources needed to reclaim their dignity and begin the healing process.

1.3 **(*Ceremonial item 1.3 was not heard*.)**
Commendation to the San José 311 Team to celebrate the planned implementation of Phase I of the new vehicle blight system and to share a higher customer satisfaction rate.

2. CONSENT CALENDAR

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Domingo Candelas, and carried unanimously, the Consent Calendar was approved *as a whole*. (9-0-2; Absent: Batra, Mahan)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

(a) Ordinance No. 31005 - An Ordinance of the City of San José Establishing a Pedestrian Mall on North San Pedro Street between West Santa Clara Street and West St. John Street.
[Passed for Publication on 1/23/2024 - Item 8.1(c) (24-68247)]
(b) Ordinance No. 31007 - An Ordinance of the City of San José Pre-Zoning Certain Real Property of Approximately 1.49 Gross Acres Situated on the Southerly Side of Kirk Avenue, Approximately 160 Feet Easterly of Madeline Drive (APN 601-07- 066), from Unincorporated Territory within the County of Santa Clara to the R-1(PD) Planned Development Zoning District.
[Passed for Publication on 1/23/2024 - Item 10.3(b) (24-68250)]

Action: (a) **Ordinance No. 31005** and (b) **Ordinance No. 31007** were adopted. (9-0- 2: Absent: Batra, Mahan)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Davis from the Regular Meeting of Neighborhood Services and Education Committee on February 8, 2024 due to travel (a study trip to the Regional Transportation District (RTD) in Denver, Colorado from February 7-10, 2024).

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 1/31/2024 - Item A.1.a]

Action: The request for an excused absence for Councilmember Dev Davis was approved. (9-0-2; Absent: Batra, Mahan)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Actions Related to the Purchase Orders with Kemira Water Solutions, Inc. for Ferrous Chloride.

Adopt a resolution authorizing the City Manager or her designee to:
(a) Amend purchase order OP 63602 with Kemira Water Solutions, Inc. (Lawrence, KS) for ferrous chloride, to increase the total compensation by $286,020 for a maximum compensation not-to-exceed $1,673,025 for the period ending June 30, 2024; and
(b) Execute additional annual purchase orders for ongoing ferrous chloride purchases pursuant to competitive solicitations facilitated by the Bay Area Chemical Consortium, 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. RES2024-16** was adopted, (a) amending purchase order OP 63602 and (b) executing additional annual purchase orders for ongoing ferrous chloride purchases.
(9-0-2; Absent: Batra, Mahan)

2.8 Actions Related to the Purchase Orders with New Image Landscape Company and Brightview Landscape Services, Inc. for Green Stormwater Infrastructure Landscape Maintenance Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to four one- year options to extend the terms of the purchase orders with New Image Landscape Company (Fremont, CA) and Brightview Landscape Services, Inc. (San José, CA) for green stormwater infrastructure landscape maintenance services, with the last option ending on or about February 7, 2028, subject to the appropriation of funds.
CEQA: Categorically Exempt, File No. PP18-600, CEQA Guidelines Section 15301 for Existing Facilities. (Finance)

Action: **Resolution No. RES2024-17** was adopted, authorizing the City Manager to exercise up to four one-year options to extend the terms of the purchase orders with New Image Landscape Company and Brightview Landscape Services, Inc. (9-0-2; Absent: Batra, Mahan)

2.9 Set a Public Hearing on the Cost of Sidewalk Repairs.

Adopt a resolution setting a public hearing on Tuesday, May 14, 2024, at 1:30 p.m. for the approval of the

report from the Director of Finance for the cost of sidewalk repairs.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance)

Action: **Resolution No. RES2024-18** was adopted, setting a public hearing for the approval of the report from the Director of Finance on May 14, 2024, at 1:30 p.m. (9-0-2; Absent: Batra, Mahan)

2.10 Amendment to the Agreement with IPS Group, Inc. for Single Space Smart Meters, Parking Sensors, and Data Management System.

Adopt a resolution authorizing the City Manager or her designee to:
(a) Negotiate and execute the Third Amendment to the Agreement with IPS Group, Inc., (San Diego, CA) for the purchase of single space smart meters, parking sensors, and data management system;
(b) Extend services for up to five additional one-year option terms through February 23, 2029 under the same terms and conditions as the original agreement; and
(c) Provide for a maximum compensation of $700,000 for the option period beginning February 24, 2024 and ending February 23, 2025, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Transportation)

Action: **Resolution No. RES2024-19** was adopted, authorizing the City Manager to (a) negotiate and execute the Third Amendment to the Agreement with IPS Group, (b) extend services for up to five additional one-year option terms through February 23, 2029, and (c)
provide for a maximum compensation of $700,000 for the option period beginning February 24, 2024 and ending February 23, 2025. (9-0-2; Absent: Batra, Mahan)

2.11 Amendment to the Agreement with Occupational Health Centers of California DBA Concentra for Occupational Medical Services to the City.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the Consultant Agreement with Occupational Health Centers of California, DBA Concentra, amending the scope of the agreement to include new services, and increasing the total maximum amount of compensation of the not-to-exceed agreement amount from $2,257,024 to a revised not-to-exceed amount of $3,569,982, with increases to the initial term and optional term periods of the agreement, subject to the annual appropriation of funds, for the term of the agreement from July 1, 2021 to June 30, 2024 with three options to extend through June 30, 2027.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)

Action: **Resolution No. RES2024-20** was adopted, authorizing the City Manager to negotiate and execute an amendment to the Consultant Agreement with Occupational Health Centers of California. (9-0-2; Absent: Batra, Mahan)

2.12 Google, LLC Donation of Trees for Citywide Planting.

Adopt a resolution accepting a donation from Google, LLC of 544 trees that are valued at $258,315 to be planted throughout the City of San José in median islands, road backups, and parks.
CEQA: Categorically Exempt, File No. ER22-049, CEQA Guidelines Section 15301 for Existing Facilities. (Transportation/Parks, Recreation, and Neighborhood Services)

Action: **Resolution No. RES2024-21** was adopted, accepting a donation from Google, LLC for 544 trees. (9-0-2; Absent: Batra, Mahan)

2.13 Approval of the Tet Festival, Tower Lighting and Flag Raising, and Black April Flag Raising and Gala Sponsored by Council District 7 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 24, 2024:
(a) Approve the Tet Festival, Tower Lighting and Flag Raising scheduled on February 12, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Approve the Black April Flag Raising and Gala scheduled on April 30, 2024 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 events.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan)
[Rules Committee referral 1/24/2024 - Item B.3]

Action: The City Council Sponsored Special Event was approved. (9-0-2; Absent: Batra, Mahan)

2.14 Approval of the Music in the Valley Festival Sponsored by Council District 9 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 24, 2024:
(a) Approve the Music in the Valley Festival scheduled on April 28, 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. (Foley)
[Rules Committee referral 1/24/2024 - Item B.5]

Action: The City Council Sponsored Special Event was approved. (9-0-2; Absent: Batra, Mahan)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire offered the verbal report and gave insight into City services provided by the San José Public Library, in reference to the month-long celebration of Black History Month.

3.2 Labor Negotiations Update.

None provided.

3.3 Adoption of Statement of Policy and City Council Questions for the Prospective Director of Aviation.

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Aviation as described in the memorandum to City Council, in compliance with City Charter Section 411.1.

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

Public Comment: None provided.

Councilmember Sergio Jimenez requested the following question be added to the questions for the prospective Director of Aviation: "*A variety of bargaining units comprise some of the stakeholders within the airport. What experience do you have building and maintaining with such stakeholders?"*

Motion: Councilmember Dev Davis motioned to remove Recommendation 1 for approval from the Councilmember Kamei memorandum, dated February 6, 2024; and include the following question to Recommendation 3 from Councilmember Jimenez: "*A variety of bargaining units comprise some of the stakeholders within the airport. What experience do you have building and maintaining with such stakeholders?"* Councilmember Pam Foley seconded the motion.

Friendly Amendment: Councilmember Omar Torres requested a Friendly Amendment to include the following question be added to the questions for the prospective Director of Aviation: "*As the Director of Aviation, how will you increase transit and pedestrian service to the airport so that transit is the obvious and easy choice for accessing San José Mineta International Airport*?"
The Friendly Amendment was accepted by the maker of the motion.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the statement of Policy and City Council Questions for the Prospective Director of Aviation were adopted.

Including acceptance of the memorandum authored by Councilmember Rosemary Kamei, dated February 6, 2024, recommending the following:

1. ~~Direct the City Manager to work with key partners such as the South Bay AFL-CIO Labor Council to identify representatives of the unions representing San José Mineta International Airport (hereafter, "SJC" or "Airport") workers and workers within SJC vendors, respectively, in the hiring committee aiding in the selection of the next Director of Aviation.~~

2. Amend City Council Questions, Question #13 (additions in bold) as follows: "Employee retention and turnover can be significant challenges for both the Airport and City because of the Bay Area's high cost of living, budget, and competition from nearby airports and employers. How do you work with union partners, workers, and stakeholders to build a culture that attracts great talent, minimizes loss of institutional experience, and achieves at a higher level than peers?"

3. Add the following Question to City Council Questions: "The operations of the Airport depend on the hard work of over 200 City employees and roughly 3,000 workers for airlines, vendors, and other businesses, many of whom are represented by labor unions. How do you plan to build a relationship and engage union partners representing the SJC workforce in your efforts to improve the operations of the airport and achieve our overall goals?"
"*A variety of bargaining units comprise some of the stakeholders within the airport. What experience do you have building and maintaining with such stakeholders?"*
"As the Director of Aviation, how will you increase transit and pedestrian service to the airport so that transit is the obvious and easy choice for accessing San José Mineta International Airport?" (9-0-2; Absent: Batra, Mahan)

3.4 Violence Prevention Service Models Status Report.

As recommended by the Public Safety, Finance and Strategic Support Committee on December 7, 2023, accept the status report on violence prevention service models employed by other local government agencies.
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)

[Public Safety, Finance and Strategic Support Committee referral 12/7/2023 – Item (d)2]

Peter Hamilton, Assistant to the City Manager, City Manager's Office; Alan Barner, Management Fellow, City Manager's Office; Angel Rios, Deputy City Manager, City Manager's Office; and Andrea Flores Shelton, Deputy Director, Parks, Recreation and Neighborhood Services, offered the presentation and responded to questions.

Public Comment: (In Person) Poncho Guevara and Angel Aliano provided public comment.

Action: Upon motion by Councilmember Ortiz, seconded by Councilmember Torres, and carried unanimously, the status report on violence prevention service models was accepted. (9-0-2; Absent: Batra, Mahan)

3.5 Support for Proposition 1.

As recommended by the Rules and Open Government Committee on January 24, 2024, adopt a resolution taking a position in support for Proposition 1 on California's March 5, 2024 primary election, and authorizing the City Manager's Office to issue letters of support in accordance with Council direction.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor and Cohen) [Rules and Open Government referral 1/24/2024 – C.2]

Lee Wilcox, Assistant City Manager, and Sarah Zarate, Director, City Manager's Office, responded to questions from Council.

Public Comment: Vic, Alex Stettinski, Allie Victorine, Jordan, Jon Davis, and one anonymous speaker, offered public comment.

Motion: Councilmember David Cohen motioned to take a position in support for Proposition 1. The motion was seconded by Councilmember Bien Doan.

Friendly Amendment: Councilmember Domingo Candelas made a friendly amendment to delay the vote on this item for one week. The amendment was *denied* by the maker of the motion.

Action: Upon motion by Councilmember Cohen, and seconded by Councilmember Bien Doan, support for Proposition 1 on California's March 5, 2024 primary election *was denied.* (4-5-2; Noes: Kamei, Jimenez, Torres, Davis, Foley; Absent: Batra, Mahan)

3.6 Preserving Our Progress - Guadalupe River Trail.

As recommended by the Rules and Open Government Committee on January 24, 2024, direct the City

Manager to promptly implement a "no return zone" that prevents re- encampment along the Guadalupe River Trail between 280/87/Woz Way and 87/Julian St using existing resources available through the Encampment Resolution Fund (ERF) grant and the FY 23-24 Adopted Budget, including:
(a) Deploying a rapid-response abatement team comprising the two therapeutic specialists funded in the FY 2023-2024 Adopted Budget, or other appropriate classification, to work in close concert with the BeautifySJ team and the San José Police Department (SJPD) to engage with unsheltered residents and advance abatement operations in a safe and humane way; and
(b) Enforcing park rules set forth by the City's Municipal Code and installing signage with posted park rules as required by law; and
(c) Utilizing SJPD's Guadalupe River Trail Bike Patrol Program; and
(d) Coordinating with the Guadalupe River Park Conservancy (GRPC) to ensure frequent and robust activation along the river trail, leveraging the $200,000 in City grant funding to GRPC from the ERF to sustain the revitalization project.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor, Torres, and Davis) [Rules and Open Government referral 1/24/2024 – C.3]

Public Comment: (In Person) Marilee Jennings, Mark Lewis, Alex Stettinski, David Pandori, and Jordan Moldow provided public comment.

John Cicirelli, Director, Parks, Recreation and Neighborhood Services; and Omar Passons, Deputy City Manager, City Manager's Office, responded to questions.

Action: Upon motion by Councilmember Davis, seconded by Councilmember Torres, and carried unanimously, the recommendation was approved, providing direction to the ity Manager to promptly implement a "no return zone", including: (a) deploying a rapid-response abatement team, (b) enforcing park rules and installing signage, (c) utilizing SJPD's Guadalupe River Trail Bike Patrol Program, and (d) coordinating with the Guadalupe River Park Conservancy (GRPC), leveraging the $200,000 in City grant funding to sustain the revitalization project.
(a) a rapid-response abatement team comprising the two
therapeutic specialists funded in the FY 2023-2024 Adopted Budget will be deployed, (b) rules set forth by the City's Municipal Code will be enforced, (c) SJPD's Guadalupe River Trail Bike Patrol Program will be utilized, and (d) coordination with the Guadalupe River Park Conservancy will be ensured. (9-0-2; Absent: Batra, Mahan)

3.7 Ratification of Proclamation of Local Emergency.

Adopt a resolution ratifying the Director of Emergency Services' proclamation of the existence of a local emergency.
CEQA: Statutory Exempt, Section 15269, Emergency Projects Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley , seconded by Councilmember Dev Davis, and carried unanimously, **Resolution No. RES2024-23** was adopted, ratifying the Director of Emergency Services' proclamation. (9-0-2; Absent: Batra, Mahan)

4. PUBLIC SAFETY

4.1 Prohibiting the Unlawful Possession of Catalytic Converters in San José.

(a) Approve an ordinance adding Part 6 to Chapter 10.20 of Title 10 of the San José Municipal Code to prohibit the unlawful possession of catalytic converters in San José.
(b) Adopt a resolution amending the Administrative Citation Schedule of Fines to establish civil fines for unlawful possession of a catalytic converter specifying increased fines for repeat violations of the same code provision by the same person within 12 months from the date of an administrative citation.
CEQA: Not a Project, File No. PP17-008, General Procedures and Policy Making, resulting in no physical changes to the environment. (Police)

Lt. Brent McKin, San José Police Department, provided a presentation and provided comment.

Public Comment: None provided.

Action: Upon motion by Councilmember Ortiz, seconded by Councilmember Doan, and carried unanimously, (a) **Ordinance No. 31038** was approved, adding Part 6 to Chapter 10.20 of Title 10 of the San José Municipal Code, and (b) **Resolution No. RES2024-24** was adopted, amending the Administrative Citation Schedule of Fines. (9-0-2; Absent: Batra, Mahan)

5. TRANSPORTATION & AVIATION SERVICES

No items provided.

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 2024 Power Mix and Rates.

Adopt a resolution to:
(a) Maintain the renewable energy content of GreenSource at 60 percent renewable and set rates, inclusive of the Power Charge Indifference Adjustment and Franchise Fee Surcharge, according to the rate schedule in Attachment A of the staff memorandum, effective February 15, 2024.
(b) Set the rate for TotalGreen to $0.01 per kilowatt-hour above GreenSource for all rate schedules according to the rate schedule in Attachment B of the staff memorandum, effective February 15, 2024, while maintaining the renewable energy content of TotalGreen at 100 percent renewable.
(c) Maintain the renewable energy content of SJ Cares at 60 percent renewable and set rates, inclusive of the Power Charge Indifference Adjustment and Franchise Fee Surcharge, at a ten percent discount to GreenSource rates, according to the rate schedule in Attachment C of the staff memorandum, effective February 15, 2024.
(d) Expand the SJ Cares program to customers who are residents of the 16,854 affordable housing units shown in Attachment D of the staff memorandum and, as a pilot for 12 months, to up to 1,000 customers that participate in the County of Santa Clara Homelessness Prevention Program.
(e) Approve the implementation of an Emergency Bill Relief pilot program with a budget not to exceed $150,000 in calendar year 2024, forestalling Pacific Gas and Electric's electricity disconnections for approximately 100 residential customers by providing a credit of up to $1,600 directly to a resident's utility account and smaller credits for three subsequent months.
CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates and Fares, resulting in no changes to the physical environment. (Energy)

Lori Mitchell, Director of Community Energy, Community Energy Department; Zach Struyk, Assistant

Director, Community Energy Department; and Lina Williams, Deputy Director Account Management and Marketing, Community Energy Department, offered the presentation and responded to questions.

Public Comment: Victor Niemeyer provided public comment.

Action: Upon motion by Councilmember Doan, seconded by Councilmember Jimenez, and carried unanimously, **Resolution No. RES2024-25** was adopted to (a) maintain the renewable energy content of GreenSource, (b) set the rate for TotalGreen to $0.01 per kilowatt-hour above GreenSource, (c) maintain the renewable energy content of SJ Cares at 60 percent renewable, (d) expand the SJ Cares program to customers who are residents of the 16,854 affordable housing units, and (e) approve the implementation of an Emergency Bill Relief pilot program with a budget not to exceed $150,000 in calendar year 2024. (9-0-2; Absent: Batra, Mahan)

7. NEIGHBORHOOD SERVICES

No items provided.

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Agreements with Santa Clara Valley Transportation Authority and State of California for an Interim Shelter/Housing Community Located at the Cerone Property and Approve the Cerone, Cherry Avenue and Via Del Oro Interim Shelter/Housing Communities Currently in Development as Committed Additions to the General Fund.

(a) Adopt a resolution authorizing the City Manager or her designee, to negotiate and execute all necessary agreements, subject to the appropriation of funds:
(1) To site an interim shelter/housing community on the Valley Transportation Authority Cerone property, and to implement the requirements of the ground lease; and
(2) To support the State of California in its efforts to fund portions of the project at the Valley Transportation Authority Cerone property.
(b) Approve the Cerone, Cherry Avenue, and Via Del Oro interim shelter/housing communities currently in development as "Committed Additions" to the 2024-2025
General Fund Base Budget, certifying that all operating and maintenance costs associated with these projects will be included in future Five-Year General Fund Forecasts, beginning with the 2025-2029 Forecast.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment (Cerone site); Determination of Consistency with Mitigated Negative Declaration for the Emergency Interim Housing Programs project (Resolution RES 2023-380), File No. ER22-198 (Via del Oro and Cherry Avenue sites). Council District 4. (Public Works/City Manager)

Omar Passons, Deputy City Manager, City Manager's Office; Jim Shannon, Budget Director, City Manager's Budget Office; John Cicirelli, Director, Parks, Recreation and Neighborhood Service; and Ragan Henninger, Deputy Director, Housing, offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Cohen, seconded by Councilmember Davis, and carried unanimously, (a) **Resolution No. RES2024-26** was adopted, authorizing the City Manager to negotiate and execute all necessary agreements, and (b) the Cerone,

Cherry Avenue, and Via Del Oro interim shelter/housing communities currently in development were approved as "Committed Additions" to the 2024-2025 General Fund Base Budget. (9-0-2; Absent: Batra, Mahan)

8.2 Public Hearing on the 2024 Weed Abatement Commencement Report and Removal of Weeds or Refuse.

Conduct a Public Hearing and adopt a resolution:
(a) Overruling any and all objections to the 2024 Weed Abatement Commencement Report; and
(b) Directing the County of Santa Clara's Consumer and Environmental Protection Agency - Weed Abatement Program to abate the seasonal and/or recurrent public nuisances on those properties identified in the 2024 Weed Abatement Commencement Report pursuant to Chapter 9.12 of Title 9 of the San José Code and the Weed Abatement Program Agreement between the City of San José and the County of Santa Clara.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, PP18-094. (Planning, Building and Code Enforcement)

Public Comment: None provided.

Action: Upon motion by Councilmember Foley, seconded by Councilmember Doan, and carried unanimously, a hearing was conducted, **Resolution No. RES2024-27** was adopted, (a) overruling any and all objections to the 2024 Weed Abatement Commencement Report, and (b) directing the County of Santa Clara's Consumer and Environmental Protection Agency - Weed Abatement Program to abate the seasonal and/or recurrent public nuisances on those properties identified in the 2024 Weed Abatement Commencement Report. (9-0-2; Absent: Batra, Mahan)

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE THE JOINT CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSÉ

9.1 Agreement with Macias, Gini & O'Connell LLP for Annual Financial and Compliance Audits. – HEARD IMMEDIATELY AFTER CONSENT

(a) City Council approve an agreement with Macias, Gini & O'Connell LLP to perform annual financial and compliance audit services for fiscal years ending June 30, 2024, 2025, 2026, 2027, and 2028 with three one-year extension options for fiscal years ended June 30, 2029, 2030, and 2031, with annual compensation not to exceed $895,653 in year one and with annual adjustments of 3% in years two through eight, for a total amount not to exceed $7,964,448 for a potential eight-year term subject to annual appropriation of funds by the City Council.
(b) Board of the Successor Agency to the Redevelopment Agency approve an agreement with Macias, Gini & O'Connell LLP to perform annual financial and compliance audit services for fiscal years ending June 30, 2024, 2025, 2026, 2027, and 2028 with three one- year extension options for fiscal years ended June 30, 2029, 2030, and 2031, with annual compensation not to exceed $65,432 in year one and with annual adjustments of 3 percent in years two through eight, for a total amount not to exceed $581,843 for a potential eight year term subject to annual appropriation of funds by the Board of the Successor Agency.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Auditor)
[Deferred from 1/23/2024 – Item 9.1]
HEARD IMMEDIATELY AFTER CONSENT

Joe Rois, City Auditor, City Auditor's Office, provided a presentation and answered questions from Council.

Public Comment: None provided.

Action: Upon motion by Councilmember Davis, seconded by Councilmember Foley, and carried unanimously, (a) City Council approved an agreement with Macias, Gini & O'Connell LLP, and (b) the Board of the Successor Agency to the Redevelopment Agency approved an agreement with Macias, Gini & O'Connell LLP to perform annual financial and compliance audit services. (9-0-2; Absent: Batra, Mahan)

10. LAND USE

No Land Use Items on Consent Calendar

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• Open Forum

1. Jose Murillo provided insight on a family who would soon become unhoused.
2. Stephanie Jayne provided insight on keeping families housed.
3. Charlotte Casey discussed starting a policy to prohibit City officials traveling to Israel.
4. Stan Simon discussed adding Israel to the no travel zone for City officials.
5. Joan Simon provided comments on the genocide in Israel.
6. Wade offered a perspective on Israeli and Palestinian civilians and banning trips to Israel.
7. Nickolas Sapa provided comment about funding of Israel and lives lost in Palestine.
8. Donna expressed concern and referenced past City officials who were not permitted to travel to Qatar.
9. "Concerned Citizen" referenced blocked travel to Qatar.
10. Laura requested the consideration of banning travel to Israel.
11. Omar provided comment on banning City travel to Israel.
12. Aysha provided comment on banning City travel to Israel.
13. Elizabeth provided comment on banning City travel to Israel.
14. Rod Shrubber provided comment regarding Palestine territories.
15. Sharat Lin discussed banning City travel to Israel.
16. Mimi Spreadbury discussed banning City travel to Israel.
17. Wendy Greenfiled discussed children dying in Gaza, and those in need of medical care.
18. Nancy discussed banning City travel to Israel.
19. King Suri noted that she does posess the nuclear code, and that her mental state changes throughout the day.
20. Elias Welsh cited that 61% of structures have been destroyed in Gaza.
21. Shaun Benak provided insight on homelessness in the City.
22. Nikki F. discussed banning City travel to Israel.
23. Keely discussed banning City travel to Israel.
24. Nadine read a quote regarding former Mayor Licardo's travel to Qatar.
25. "Anonymous" discussed banning City travel to Israel.

26. Christopher Wess provided insight on the Arena Hotel and the current conditions.
27. "Anonymous" discussed banning City travel to Israel.
28. Mark discussed a course of action if a Council office will not return calls.

- **Adjournment**

The City Council meeting adjourned at 6:52 PM

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar,
Deputy City Clerk, City of San José

Approved at Council on:

# of Actions: 12

Attest By:

Toni Taber, MMC
City Clerk, City of San José

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

NORA FRIMANN, CITY ATTORNEY

Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

February 6, 2024

Place: City Hall Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be discussed:

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

1.
Case Name: In re: Claim of Santos
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ12379744
Amount of Money or Other Relief Sought: Benefits

2.
Case Name: In re: Claim of Gervasoni
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ16904540
Amount of Money or Other Relief Sought: Benefits

3.
Case Name: Roy Gallego v. City of San José, et al.
Name(s) of Party(ies): ROY GALLEGO, CITY OF SAN JOSE, ANTHONY CANCIAMILA, AND MARIA CANCIAMILA, IN INDIVIDUAL AND REPRESENTATIVE CAPACITIES AS TRUSTEES OF THE CANCIAMILA TRUST
Court: Superior Court, Santa Clara County

Case No:	23CV410943
Amount of Money or Other Relief Sought:	Damages according to proof

4.

Case Name:	Andrew Johnson v. City of San José, et. al.
Name(s) of Party(ies)	ANDREW JOHNSON, CITY OF SAN JOSE, OFFICER JAMIE HALL, OFFICER MARCO MONZON
Court:	U.S. District Court, Northern District of California
Case No:	18-CV-6264-EJD
Amount of Money or Other Relief Sought:	Damages according to proof

5.

Case Name:	Sutter's Place, Inc. dba Bay 101 v. California Gambling Control Commission, et al.
Name(s) of Party(ies)	SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CALIFORNIA GAMBLING CONTROL COMISSION, CITY OF SAN JOSE, a California charter city; GARDEN CITY, INC. dba CASINO M8TRIX, a California corporation,
Court:	United States Court of Appeals, First Appellate District
Case No:	A168427
Amount of Money or Other Relief Sought:	Damages according to proof

C. **CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a):**

Consultation with: IT Department
Representatives: Khaled Tawfik, Director

D. **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 Jose and Municipal Employees' Federation (MEF), AFSCME, Local 101
	How to Obtain a copy of Existing Contract or MOA:	Web: https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpda 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