



# **City Council Meeting MINUTES**

**Tuesday, April 25, 2023**

**1:30 PM**

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

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

9:35 a.m. - Closed Session

**23-573** Closed Session: [See Page 15 for Closed Session Minutes](#)

Absent: All Present.

1:35 p.m. - Afternoon Session

Present: Councilmembers - Jimenez, Torres, Cohen , Ortiz, Davis, Doan, Candelas, Foley (1:36 p.m.), Batra, Kamei; Mahan.

Absent: Councilmembers - All Present.

- Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

- Invocation (District 3)

Piedmont Middle School provided the invocation and shared a recorded musical performance.

- Orders of the Day

No changes were made.

- Closed Session Report

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Omar Torres presented a proclamation declaring April 23-29, 2023 as National Library Week highlighting the valuable role libraries, librarians, and library workers play in transforming lives and strengthening our communities in the City of San José. (Torres)
- 1.2 Mayor Matt Mahan provided a commendation recognizing Welcoming Interactive, an annual conference being held this year in the City of San José, that highlights successful practices and inspiring stories about immigrant inclusion, programs, policies, and partnerships. (Mayor)

- 1.3 Mayor Matt Mahan and Councilmembers Bien Doan and Peter Ortiz presented a proclamation declaring April 30, 2023 as Black April, a day for the Vietnamese American community in the City of San José to reflect on and mourn the Fall of Saigon. (Mayor, Doan, and Ortiz)

## **2. CONSENT CALENDAR**

Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, all the below listed actions were taken as indicated. (11-0.)

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

**2.1            23-607            Approval of City Council Minutes.**

- (a) City Council Meeting Minutes of March 16, 2021.
  - (b) City Council Meeting Minutes of March 30, 2021.
  - (c) City Council Meeting Minutes of April 13, 2021.
  - (d) City Council Meeting Minutes of April 27, 2021.
  - (e) City Council Meeting Minutes of September 13, 2022.
  - (f) City Council Meeting Minutes of October 4, 2022.
  - (g) City Council Meeting Minutes of April 18, 2023.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Minutes were approved. (11-0.)

**2.2            23-599            Final Adoption of Ordinances.**

- (a) Ordinance No. 30897 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 3.62 Gross Acres, Located Westerly of Interstate 680 and Easterly of Pecten Court (0 Pecten Court) (APN 092-08-016) from the R-1-8 Single Family Residence Zoning District to the HI Heavy Industrial Zoning District. [Passed for Publication on 4/11/2023 - Item 10.1(a)(3) (23-501)]
- (b) Ordinance No. 30898 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.39 Gross Acres, Located on the West Side of Plummer Avenue, Approximately 360 Feet Southeast of Curtner Avenue (2267 Plummer Avenue, APN 446-38-005) from the R-1-8 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 4/11/2023 - Item 10.1(b)(3) (23-502)]
- (c) Ordinance No. 30899 - An Ordinance of the City of San José Rezoning Certain Real Properties of Approximately 0.48 Gross Acre, Situated at the Northwest Corner of the Intersection of West Julian Street and North Morrison Avenue (945 West Julian Street, APN 261-02-053 and North Morrison Avenue, APN 261-02-009) from the LI Light Industrial Zoning District to the TR Transit Residential Zoning District. [Passed for Publication on 4/11/2023 - Item 10.1(c)(3) (23-503)]

*(Item continued on next page.)*

## 2.2 (Cont'd.)

(d) Ordinance No. 30900 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 22.36 Gross Acres Situated at the Northern Terminus of Granite Rock Way at 120 Granite Rock Way (APNs: 462-17-024 and 462-17-025) from the IP Industrial Park and IP(PD) Planned Development Zoning District to a HI(PD) Planned Development Zoning District. [Passed for Publication on 4/11/2023 - Item 10.3(c) (23-504)]

Action: (a) **Ordinance No. 30897**, (b) **Ordinance No. 30898**, (c) **Ordinance No. 30899**, (d) **Ordinance No. 30900** were adopted. (11-0.)

### 2.3      23-628      **Approval of Council Committee Minutes.**

(a) Regular Transportation and Environment Committee Minutes April 3, 2023. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (11-0.)

## 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      23-586      **Boards and Commissions Appointment.**

Approve the following Boards and Commissions appointment: (a) Civil Service Commission: (1) Employee Nominated Public Member: Appoint Gary Joseph Diquisto for an unexpired term ending November 30, 2025. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: The appointment for the Civil Service Commission was approved, appointing Gary Joseph Diquisto for a term ending November 30, 2025. (11-0.)

### 2.8      23-574      **Monterey Corridor Working Group Report Update.**

Accept the progress report on the Monterey Corridor Working Group Report implementation. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Action: The progress report on the Monterey Corridor Working Group Report implementation was accepted. (11-0.)

- 2.9            23-575            A Purchase Order with Martech for Overhaul and Repair Services for Rotating Equipment and Transmission Pump Stations, Floway, and Other Pumps.**  
Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the term of the purchase order with Mechanical Analysis/Repair, Inc. dba Martech (Lodi, CA) for overhaul and repair services for rotating equipment and transmission pump stations, Floway, and other pumps, with the last option ending on or about June 29, 2027, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2023-119** was adopted, authorizing the City Manager to exercise up to four one-year options to extend the term of the purchase order with Mechanical Analysis/Repair, Inc. dba Martech. (11-0.)

- 2.10            23-576            Amendment to the Agreement with The Pun Group, LLC for Grant Fund Monitoring Services.**  
Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to an agreement with The Pun Group, LLC for grant fund monitoring services to increase the maximum total compensation by \$451,500 from \$100,000 to \$551,500. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)

Action: **Resolution No. RES2023-120** was adopted, authorizing the Director of Housing to negotiate and execute an amendment to an agreement with The Pun Group, LLC. (11-0.)

- 2.11            23-577            Amendment to the Master Consultant Agreement with LPA, Inc. for Architectural, Landscape Architectural, Environmental, Planning, and Engineering Services.**  
Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the Master Consultant Agreement with LPA, Inc. entered into on April 10, 2018 for architectural, landscape architectural, environmental, planning, and engineering services, to complete active and future projects and extend the agreement from April 30, 2023 to April 30, 2024. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. RES2023-121** was adopted, authorizing the City Manager or designee to negotiate and execute an amendment to the Master Consultant Agreement with LPA, Inc. entered into on April 10, 2018. (11-0.)

- 2.12      23-578      Agreement with Santa Clara Valley Medical Center for the Provision of Sexual Assault Forensic Exam Services for the San José Police Department.**  
Adopt a resolution authorizing the City Manager to execute: (a) Agreement between the City of San José and Santa Clara Valley Medical Center for the cost of sexual assault forensic exam services for the San José Police Department, in an amount not to exceed \$648,350 for the period of July 1, 2022, to June 30, 2023; and (b) Four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$3,241,750, 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. (Police)

Action: **Resolution No. RES2023-122** was adopted, authorizing the City Manager to execute (a) an agreement between the City of San José and Santa Clara Valley Medical Center and (b) four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$3,241,75. (11-0.)

- 2.13      23-632      Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 8 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 19, 2023: (a) Retroactively approve the Trash Talks Community Cleanup Day at Boggini Park scheduled on March 18, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Retroactively approve the Dumpster Day at the corner of Chopin Ave and Sibelius Ave scheduled on March 25, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (c) Retroactively approve the Town Hall at Chaboya Middle School scheduled on April 8, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (d) Retroactively approve the Senior Scam Stopper at the Villages scheduled on April 14, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (e) Retroactively approve the Community Cleanup at Dove Hill Park scheduled on April 15, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (f) Approve the District 8 Dumpster Day off the corner of Brigadoon Way and Daniel Maloney Way scheduled on April 29, 2023 as City Council sponsored Special Events and approve the expenditure of funds. (g) Approve the District 8 Dumpster Day on Scottsdale Drive scheduled on April 29, 2023 as City Council sponsored Special Events and approve the expenditure of funds. (h) Approve the District 8 Dumpster Day on Park Estates Way scheduled on April 29, 2023 as City Council sponsored Special Events and approve the expenditure of funds. (i) 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. (Candelas) [Rules Committee referral 4/19/2023 - Item B.3]

Action: The City Council sponsored special events were approved and retroactively approved. (11-0.)

- 2.14      23-641      **Retroactive Approval of Proclamation, Flag Raising, and Lighting Recognizing Golden State Warriors ‘Blue and Gold Day’ in the Bay Area Sponsored by the Mayor’s Office 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 April 19, 2023: (a) Retroactively approve the proclamation of Golden State Warriors ‘Blue and Gold Day’ in the Bay Area scheduled on April 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Golden State Warriors Flag Raising scheduled on April 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 4/19/2023 - Item B.4]

Action: The City Council sponsored special events were retroactively approved. (11-0.)

- 2.15      23-644      **Retroactive Approval and 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 19, 2023: (a) Retroactively approve the proclamation of Golden State Warriors ‘Blue and Gold Day’ in the Bay Area scheduled on April 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Golden State Warriors Flag Raising scheduled on April 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 4/19/2023 - Item B.4]

Action: The City Council sponsored special events were retroactively approved. (11-0.)

### **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            23-636            San José Conservation Corps Audit Report.**  
As recommended by the Neighborhood Services and Education Committee on April 13, 2023, accept the report on the audit of the San José Conservation Corps service delivery and expenditures under City contracts. 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) [Neighborhood Services and Education Committee referral 4/13/2023 - Item (d)2]

City Auditor Joe Rois, Senior Program Performance Auditor Brittney Harvey, Program Performance Auditor I Ricky Tran, and Executive Director of San José Conservation Corps Dorsey Moore provided the presentation and responded to questions.

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

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the report on the audit of the San José Conservation Corps service delivery and expenditures under City contracts was accepted. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

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

- 5.1            23-579            Regional Active Transportation Program Grant from the Metropolitan Transportation Commission for the Story-Keyes Complete Streets Project.**  
Adopt a "Resolution of Local Support" to receive Regional Active Transportation Program grant funding from the Metropolitan Transportation Commission for the Story-Keyes Complete Streets project that indicates the City will: (a) Follow all grant program requirements, delivery timelines, and provide the required local match; (b) Complete the project as identified in the grant application(s); and (c) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with MTC and the California Department of Transportation in an amount not to exceed \$3,656,000 for the Story-Keyes Complete Streets project. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report, Supplemental Program Environmental Impact Report and addenda thereto (Resolution No. 76041), File No. ER23-065. Council Districts 3, 5, and 7. (Transportation)

Department of Transportation Deputy Director Jessica Zenk responded to questions.

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

Motion: Councilmember Omar Torres moved to approve the April 25, 2023 joint memorandum co-authored by Councilmembers Torres, Jimenez, Ortiz, and Doan. This motion was seconded by Councilmember Peter Ortiz.

*(Item continued on next page.)*



## 5.1 (Cont'd.)

Action: On a call to the question the April 25, 2023 joint memorandum co-authored by Councilmembers Torres, Jimenez, Ortiz, and Doan was approved to:

1. Accept Staff Recommendations.
2. Direct Staff to report back to the council on community engagement efforts relates to the Story Keyes-Complete Streets Project.
  - a. Require direct outreach with neighborhood associations, small business advocacy organizations, and community-based organizations based along the boundaries of the project area.

Per staff recommendation, **Resolution No. RES2023-123** of “Local Support” was adopted, to receive Regional Active Transportation Program grant funding from the Metropolitan Transportation Commission for the Story-Keyes Complete Streets project. (11-0.)

### 5.2      23-580      **Report on Bids and Award a Construction Contract for the 10255 - 2023 Major Streets Resurfacing Project #1.**

Report on bids and award a construction contract for the 10255 - 2023 Major Streets Resurfacing Project #1, to the lowest responsive, responsible bidder, O’Grady Paving, Inc., in the amount of \$11,561,847 and approve a 10 percent contingency in the amount of \$1,156,185. CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation/Public Works)

Public Comments: Blair Beekman offered public comment.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Pam Foley, and carried unanimously, the report on bids and award a construction contract for the 10255 - 2023 Major Streets Resurfacing Project #1, to the lowest responsive, responsible bidder, O’Grady Paving, Inc., in the amount of \$11,561,847 was approved. (11-0.)

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

### 6.1      23-581      **Report on Bids and Award of Construction Contract for 9850 - Yard Piping Improvements Phase 2 Project at the San José-Santa Clara Regional Wastewater Facility.**

(a) Accept the report on bids and award of construction contract to the lowest responsive, responsible bidder, Michels Trenchless, Inc., in the amount of \$16,855,430, for the 9850 - Yard Piping Improvements Phase 2 Project and approve a 15% construction contingency in the amount of \$2,528,315. (b) Adopt the following 2022-2023 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund: (1) Decrease the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$2,300,000; and (2) Increase the Yard Piping and Road Improvements appropriation to the Environmental Services Department by \$2,300,000. CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan, Yard Piping and Road Improvements Project, File No. PP19-063. (Environmental Services/Public Works/City Manager)

*(Item continued on next page.)*

## 6.1 (Cont'd.)

Acting Director of Public Works Matt Loesch and Deputy Director of the Environmental Services Department responded to questions.

Public Comments: Stephen Pessagno (Michels Trenchless, Inc.), John Busby (Mountain Cascade), and Paul Soto offered public comments.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, the report on bids and award of construction contract to the lowest responsive, responsible bidder, Michels Trenchless, Inc. was accepted and (b) **Appropriation Ordinance No. 30901** was adopted, (1) decreasing the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$2,300,000 and (2) increasing the Yard Piping and Road Improvements appropriation to the Environmental Services Department by \$2,300,000. (11-0.)

- 6.2            23-582            Amendment to the Master Consultant Agreement with Brown and Caldwell for the Digested Sludge Dewatering Facility.**  
Approve the First Amendment to the Master Consultant Agreement with Brown and Caldwell to provide engineering services as the owner's advisor for the Digested Sludge Dewatering Facility Project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$1,940,000, for a total agreement amount not to exceed \$9,640,000; and extending the term of agreement from December 31, 2023, to March 31, 2027. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Public Comments: Paul Soto offered public comment.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei and carried unanimously, the First Amendment to the Master Consultant Agreement with Brown and Caldwell was approved. (11-0.)

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1            23-583            Acquisition of Property Located at 258 McEvoy Street.**  
(a) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a purchase and sale agreement, and all other documents including deed acceptance related to the property transfer to the City, by First Community Housing or its affiliate for the purchase by the City of approximately 1.137 acres of land located at 258 McEvoy Street and 699 W. San Carlos Street, and related reports for a total price not to exceed \$13,451,344. (b) Adopt the following Fiscal Year 2022-2023

*(Item continued on next page.)*

## 8.1 (Cont'd.)

Appropriation Ordinance amendments in the Inclusionary Fee Fund: (1) Decrease the Housing Project Reserve appropriation by \$13,451,344; and (2) Establish a Housing Loans and Grants appropriation to the Housing Department in the amount of \$13,451,344. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 6. (Housing/City Manager)

Director of Housing Jacky Morales-Ferrand responded to questions

Public Comments: Paul Soto, Alex Shoor (Catalyze SV), and Blair Beekman offered public comment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Omar Torres, and carried unanimously, (a) **Resolution No. RES2023-124**, authorizing the City Manager, or designee, to negotiate and execute a purchase and sale agreement, and all other documents including deed acceptance related to the property transfer to the City, by First Community Housing and (b) **Appropriation Ordinance No. 30902**, Fiscal Year 2022-2023 amendments in the Inclusionary Fee Fund, were adopted. (11-0.)

## 8.2      23-584      **Final Public Hearing and Approval of the Fiscal Year 2023-2024 Annual Action Plan for the U.S. Department of Housing and Urban Development.**

Adopt a resolution to: (a) Approve the Fiscal Year 2023-2024 Annual Action Plan; (b) Authorize the Director of Housing to submit the Fiscal Year 2023-2024 Annual Action Plan to Housing and Urban Development; and (c) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2023-2024 Annual Action Plan and all related contract amendments, extensions, and changes. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Housing Department's Deputy Director Ragan Henninger and Senior Development Officer Stephanie Gutowski provided the presentation and responded to questions.

Public Comments: Bao Trieu (VIVO), Shaunn, Blair Beekman, and John Sweeney (Santa Clara County Office of Education) offered public comment.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Omar Torres, and carried unanimously, **Resolution No. RES2023-125** was adopted, (a) approving the Fiscal Year 2023-2024 Annual Action Plan; (b) authorizing the Director of Housing to submit the Fiscal Year 2023-2024 Annual Action Plan to Housing and Urban Development; and (c) authorizing the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2023-2024 Annual Action Plan and all related contract amendments, extensions, and changes. (11-0.)

**8.3            23-591            City Initiatives Roadmap - Housing Stabilization: Community Opportunity to Purchase Act Program Proposal.**

As recommended by the Community and Economic Development Committee on March 27, 2023, do not accept the status report on the draft Community Opportunity to Purchase (COPA) Program proposal that would provide Qualified Nonprofits a right to make a first and final purchase offer on properties up for sale, and would require notification to residents, Qualified Nonprofits, and the City of residential property sales covered by the program. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing) [Community and Economic Development Committee referral 3/27/2023 - Item (d)3]

Housing Department's Director Jacky Morales-Ferrand, Interim Deputy Director Kristen Clements, and Interim Division Manager Joshua Ishimatsu provided the presentation and responded to questions with Deputy City Manager Rosalynn Hughey, and Partnerships for the Future Staff Fellow Heather Bromfield.

Public Comments: 175 members of the public offered public comment.

Motion: Vice Mayor Rosemary Kamei moved to approve her April 25, 2023 memorandum. This motion was seconded by Councilmember Pam Foley.

Friendly Amendment: Councilmember David Cohen made a friendly amendment to include Item# 3 and Item# 4 from the April 25, 2023 joint memorandum co-authored by Councilmembers Cohen, Ortiz and Cohen. This amendment was accepted by the maker of the motion, Vice Mayor Rosemary Kamei.

The seconder, Councilmember Foley, did not accept the friendly amendment and requested the removal of the sub-item's (a) and (b) from Item #3 of the joint memorandum in order for the friendly amendment to be included and accepted. Additionally, Councilmember Foley requested a change in Item #3 to return to the Community and Economic Development Committee first, before being brought to the full Council.

Councilmember David Cohen accepted these changes.

Action: On a call to the question, the April 25, 2023 memorandum authored by Vice Mayor Rosemary Kamei was approved to:

1. Direct City Manager to remove the Community Opportunity to Purchase Act (COPA) program from the Housing Department's Work Plan per the Community and Economic Development Committee's recommendation,
2. Do not accept the alternative recommendations in the Staff Memo,
3. Direct staff to explore vehicles for acquiring, rehabilitating, and/or building rental property for the purpose of preventing displacement in impacted communities, such as Community Development Corporations (CDCs), and Economic Development Corporations (EDCs), and other similar entities that can act as a vehicle for investing in preserving naturally occurring affordable housing in impacted communities or otherwise preventing displacement of said impacted communities.

*(Item continued on next page.)*

### 8.3 (Cont'd.)

- a. Return to the Community and Economic Development Committee with a status update by the end of calendar 2023.

Item 3 and Item 4 of the April 25, 2023 joint memorandum co-authored by Councilmembers Cohen, Ortiz and Cohen were approved with the removal of sub-Items (a) and (b) from Item #3 with an addition to Item #3 to return to CED before being brought to Council as recorded below:

3. Direct Housing staff to study and develop a work plan centered around housing preservation and return to the *Community and Economic Development Committee before full council* regarding opportunities to further preservation efforts.
4. After the housing preservation work plan is created, Housing staff must annually return to City Council to discuss the progress and efficacy of all housing preservation strategies.

(9-2. Noes: Jimenez, Torres.)

### 8.4      23-585      **City-Led Engagement Process for Pleasant Hills Golf Course.**

Accept the staff report on the scope, outreach approach, schedule, and budget for a proposed City-led outreach process for the possible redevelopment of the Pleasant Hills Golf Course property. CEQA: Not a Project. File No. PP17-007, Preliminary direction to staff and eventual action require approval from the decision-making body. Council District 8. (Planning, Building and Code Enforcement)

Planning, Building, and Code Enforcement Deputy Director Michael Brilliot provided the presentation and responded to questions.

Public Comments: Alex Shoor (Catalyze SV), Mark Lazzarini (Terrascape Ventures for Lakeside Community), Juan Estrade, Trami Cron, Shawna Feci (Pala Rancho Cabana Club), and Paul Soto offered public comments.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Bien Doan, and carried unanimously, the April 21, 2023 joint memorandum co-authored by Mayor Mahan and Councilmembers Candeals, Ortiz, and Foley was approved to do the following:

1. Approve staff recommendations with these additions:
  - a) Direct staff to ensure community engagements include but are not limited to hybrid meetings, surveys, and workshops.
  - b) Direct staff to work with the consultant team to complete the summary of the public engagement process and Guiding Principles document for Council consideration no later than summer 2024.
  - c) Direct staff to publish an informational memorandum by January 2024 with a progress update on the community engagement process, as well as the CEQA and General Plan and Zoning application review processes.

(10-0-1. Absent: Jimenez.)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

#### **10.1 Land Use on Consent Calendar**

#### **10 Land Use – Regular Agenda**

#### **• Open Forum**

1. Alex Eulenberg spoke on the City of San José's COVID-19 vaccination requirement and expressed concern on the legality of the vaccination policy.
2. Blair Beekman spoke on City policies that contribute to democracy, public oversight, and civil protection and expressed good luck on continued work towards these ideas.
3. Paul Soto offered praise to Vice Mayor Rosemary Kamei and Councilmember Arjun Batra.
4. Ari spoke on the City COVID-19 Vaccination requirement and expressed a need to update the policy to align with the County.

#### **• Adjournment**

The Council of the City of San José adjourned at 9:45 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner  
Deputy City Clerk

Approved at Council on: **May 23, 2023**

Attest by:



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Toni J. Taber, CMC  
City Clerk, City of San José

## SAN JOSÉ CITY COUNCIL CLOSED SESSION

**APRIL 25, 2023**

The Council of the City of San José convened into Closed Session at 9:35 a.m.  
This meeting was held in City Hall Conference room W-133

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

Absent: Councilmembers - All Present.

Closed Session Item(s) discussed:

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

1. Case Name: In re: Claim of Guerra  
Name(s) of Partie(s)  
Involved:  
Court: Workers Compensation Appeals Court  
Case No: ADJ14715914  
Amount of Money or Benefits  
Other Relief Sought:
2. Case Name: In re: Claim of Amaro  
Name(s) of Partie(s)  
Involved:  
Court: Workers Compensation Appeals Court  
Case No: ADJ14180483; ADJ16748818  
Amount of Money or Benefits.  
Other Relief Sought:
3. Case Name: Harper, Timothy v. City of San José, et al.  
Name(s) of Partie(s) TIMOTHY HARPER; CITY OF SAN JOSÉ, EDGARDO  
Involved: "EDDIE" GARCIA, JASON DWYER, CHRISTOPHER  
SCIBA, JARED YUE  
Court: U.S. District Couty, Northern District of California  
Case No: 5:21-cv-00519-BLF  
Amount of Money or Damages according to proof.  
Other Relief Sought:

### **B. 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:  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees:  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees:  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary  
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
4. Organization or Name and Title of Unrepresented Employees:  
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 (CAMP)



- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjooseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjooseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
6. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers’ Association (SJPDA)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA:
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjooseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **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.sanjooseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 1:35 p.m. in the Council Chamber.