



City Council Meeting MINUTES

DRAFT

Tuesday, May 9, 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**

9:32 a.m. - Closed Session

23-650 Closed Session: [See Page 14 for Closed Session Minutes](#)

Absent: All Present.

1:32 p.m. - Afternoon Session

Present: Councilmembers - Jimenez (1:40 p.m.), Torres, Cohen , Ortiz, Davis, Doan, Candelas, Foley, Batra, Kamei (1:34 p.m.); Mahan.

Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 5)**

Member of LEAD Filipino Brent Cantillas provided the invocation through performance of the song “Split” by NIKI.

- **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 May 10, 2023 as World Lupus Day to spread awareness about lupus and its impact on millions of people from around the world and in the City of San José living with this chronic and debilitating disease. (Torres)

1.2 Councilmember Pam Foley presented a proclamation declaring May 2023 as Bike Month in the City of San José to encourage bicycling in our community, participation at local bicycling events, and urge all road users to share the road safely with bicyclists. (Foley)

- 1.3 Councilmember Dev Davis presented a commendation to 2023 Conservation Corps member of the Year Award Recipient and District 6 resident, Rosalina Lopez, for her outstanding community service, leadership, and tenacity to make our community a better place through her hard work with San José Conservation Corps. (Davis)
- 1.4 Councilmembers Domingo Candelas and Peter Ortiz presented a commendation recognizing the Overfelt High School Boys Soccer team, who won the Division 2 Central Coast Championship, marking Overfelt High School's 3rd CCS championship in the last 25 years. (Candelas & Ortiz)
HEARD AT 5:00 P.M.

2. CONSENT CALENDAR

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

Public Comment: Blair Beekman offered public comment.

- 2.1 23-699 Approval of City Council Minutes.**
 (a) City Council Meeting Minutes of May 11, 2021.
 (b) City Council Meeting Minutes of May 25, 2021.
 (c) City Council Meeting Minutes of June 15, 2021.
 (d) City Council Meeting Minutes of June 29, 2021.
 (e) City Council Meeting Minutes of August 3, 2021.
 (f) City Council Meeting Minutes of June 14, 2022.
 CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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

2.2 Final Adoption of Ordinances.

None provided.

- 2.3 23-683 Approval of Council Committee Minutes.**
 (a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 29, 2023.
 (b) Regular Public Safety, Finance and Strategic Support Committee Minutes of April 20, 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 23-651 **Amendment to the Restated Agreement with Penske Truck Leasing Co., L.P. for Lease and Maintenance of Compressed Natural Gas Shuttle Buses at the Airport.**

Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute the Fourth Amendment to the Restated Agreement for Lease and Maintenance of Compressed Natural Gas Shuttle Buses at the San José Mineta International Airport with Penske Truck Leasing Co., L.P. (Wilmington, DE) to extend services for one additional option term from June 1, 2023 to May 31, 2024 for a maximum compensation of \$700,000, subject to the appropriation of funds; and (b) Negotiate and execute additional amendments to the agreement as required, and associated options, to add up to two additional 12-month options for a total of seven options through May 31, 2026, 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. Council District 6. (Finance)

Action: **Resolution No. RES2023-135** was adopted, authorizing the City Manager to (a) negotiate and execute the Fourth Amendment to the Restated Agreement for Lease and Maintenance of Compressed Natural Gas Shuttle Buses at the San José Mineta International Airport with Penske Truck Leasing Co., L.P. (Wilmington, DE) and (b) negotiate and execute additional amendments to the agreement as required, and associated options, to add up to two additional 12-month options for a total of seven options through May 31, 2026. (11-0.)

2.8 23-652 **Amendment to Agreement with Kone, Inc. for Elevator Maintenance Services.**

Adopt a resolution authorizing the City Manager to negotiate and execute the Sixth Amendment to the Agreement for Elevator Maintenance Services with Kone, Inc. (Moline, Illinois) to extend services for up to two additional one-year option terms, for a total of 17 options through May 20, 2025 under the same material terms and conditions as the original agreement, for a maximum compensation of \$360,000 for the option term beginning May 21, 2023 and ending May 20, 2024, 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/Public Works)

Action: **Resolution No. RES2023-136** was adopted, authorizing the City Manager to negotiate and execute the Sixth Amendment to the Agreement for Elevator Maintenance Services with Kone, Inc. (Moline, Illinois). (11-0.)

- 2.9** **23-654** **Amendment to the Master Agreement with CH2M Hill Engineers, Inc., for Engineering Consulting Services for Various City Trail Projects.**
Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement for consultant services with CH2M Hill Engineers, Inc. (CPMS Contract No. 8772), extending the term from June 30, 2023 to June 30, 2026, for the sole purpose of allowing the consultant to continue providing engineering consulting services through completion of the Three Creeks Trail Extension (CPMS 9843) and Yerba Buena Creek Pedestrian Bridge Geotechnical Assessment (CPMS 10154) projects. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: **Resolution No. RES2023-137** was adopted, authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement for consultant services with CH2M Hill Engineers, Inc. (11-0.)

- 2.10** **23-655** **Agreement with the City of Milpitas for Animal Care and Services Contract.**
Adopt a resolution authorizing the City Manager to execute an agreement between the City of Milpitas and the City of San José for animal care and services for an initial term beginning July 1, 2023 through June 30, 2026, for an initial total compensation to the City of \$1,655,697, with a mutual option to extend the agreement for two additional three-year terms, potentially through June 30, 2032, for a total compensation of \$5,613,115. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: **Resolution No. RES2023-138** was adopted, authorizing the City Manager to execute an agreement between the City of Milpitas and the City of San José for animal care and services for an initial term beginning July 1, 2023 through June 30, 2026, for an initial total compensation to the City of \$1,655,697. (11-0.)

- 2.11** **23-656** **Report on Bids and Award of Contract for the 10066 - Monterey Road Guardrail Replacement-Rebid, Federal Project No. HSIPL-5005 (165).**
(a) Report on bids and award of contract for the 10066 - Monterey Road Guardrail Replacement Project, to the lowest responsible bidder, Midstate Barrier, Inc., in the amount of \$1,684,744; and
(b) Approve a 10% contingency in the amount of \$168,474.
CEQA: Categorically Exempt, File No. ER23-009, Exempt pursuant to CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2 and 10. (Public Works/Transportation)

Action: Award of contract for the 10066 – Monterey Road Guardrail Replacement Project, to the lowest responsible bidder, Midstate Barrier, Inc., in the amount of \$1,684,744; and (b) 10% contingency in the amount of \$168,474 approved. (11-0.)

- 2.12 23-657 **Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for the US 101/Blossom Hill Road Interchange Improvement Project.**
Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Second Amendment to the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority as part of the US 101/Blossom Hill Road Interchange Improvement Project to increase the total contribution by \$225,000 from \$55,000 to \$280,000 to expand the scope of services, which include extending the visual screen panels on the bike path and upgrading the traffic signals at the Blossom Hill Road and Monterey Road Intersection. CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. Council District 2. (Transportation)

Department of Transportation Director John Ristow responded to questions on this item.

Action: **Resolution No. RES2023-139** was adopted, authorizing the City Manager or designee to negotiate and execute a Second Amendment to the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority. (11-0.)

- 2.13 23-725 **Settlement of Timothy Harper v. City of San José, et al.**
Approve the settlement of a lawsuit brought by Plaintiff Timothy Harper in the total amount of \$75,000 and authorize the City Attorney to execute a settlement agreement. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney) [Rules Committee referral 5/3/2023- Item A.1.a]

Action: The settlement of a lawsuit brought by Plaintiff Timothy Harper in the total amount of \$75,000 was approved and the City Attorney was authorized to execute a settlement agreement. (11-0.)

- 2.14 23-724 **Approval of District 4 Berryessa Art Festival Sponsored by Council District 4 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 May 3, 2023: (a) Approve the District 4 Berryessa Art Festival scheduled on May 13, 2023 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. 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. (Cohen) [Rules Committee referral 5/3/2023- Item B.3]

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.

4. PUBLIC SAFETY SERVICES

4.1 23-666 Military Equipment Annual Report.

As recommended by the Public Safety, Finance and Strategic Support Committee on April 20, 2023, accept the Annual Report on Military Equipment. 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) [Public Safety, Finance and Strategic Support Committee referral 4/20/2023 - Item (d)3]

Lieutenant Justin Moro provided the presentation and responded to questions.

Public Comments: Blair Beekman, Paul Soto, Victor Sin (Santa Clara Valley Chapter, ACLU), and Richard Konda (Asian Law Alliance) offered public comments.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Pam Foley, and carried unanimously, Annual Report on Military Equipment was accepted. (10-0-1. Absent: Davis.)

5. TRANSPORTATION & AVIATION SERVICES

5.1 23-667 Report on Bids and Award of Contract for the 10271 - 2023 Local Streets Resurfacing South Project.

(a) Report on bids and award of contract for the 10271 - 2023 Local Streets Resurfacing South Project, to the lowest responsive, responsible bidder, MCK Services, Inc., in the amount of \$13,489,289; and (b) Approve a 10% contingency in the amount of \$1,348,000. CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 6, 7 and 10. (Transportation/Public Works)

Public Comments: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Bien Doan, and carried unanimously, the report on bids and award a construction contract for the 10271 - 2023 Local Streets Resurfacing South Project, to the lowest responsive, responsible bidder, MCK Services, Inc., in the amount of \$13,489,289 and 10% contingency in the amount of \$1,348,000 were approved. (11-0.)

- 5.2 23-669 **Report on Bids and Award of Contract for the 10256 - 2023 10256 - 2023 Major Streets Resurfacing Project #2.**
(a) Report on bids and award of contract for the 10256 - 2023 Major Streets Resurfacing Project #2, to the lowest responsive, responsible bidder, DeSilva Gates Construction, LLC., in the amount of \$12,719,719; and (b) Approve a 10% contingency in the amount of \$1,271,972. 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 Bien Doan, seconded by Councilmember Dev Davis, and carried unanimously, the report on bids and award a construction contract for the 10256 - 2023 Major Streets Resurfacing Project #2, to the lowest responsive, responsible bidder, DeSilva Gates Construction, LLC., in the amount of \$12,719,719 and a 10% contingency in the amount of \$1,271,972 were approved. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 23-670 **Proposed Amendments to the San José Municipal Code and Adoption of City of San José Council Policy 6-28 and Amendments to City Council Policies 6-29 and 8-14 all related to Stormwater and Compliance with the Municipal Regional Stormwater Permit.**
(a) Approve an ordinance amending section 5.09.500 of Chapter 5.09 of Title 5; sections 15.14.515 and 15.14.770 of Chapter 15.14 of Title 15; section 20.80.460 of Chapter 20.80, sections 20.95.020 and 20.95.110 of Chapter 20.95, and sections 20.100.465, 20.100.480, 20.100.910, 20.100.1030, and 20.100.1090 of Chapter 20.100, Title 20 of the San José Municipal Code to make amendments related to compliance with the Municipal Regional Stormwater Permit. (b) Adopt a resolution approving a new Council Policy 6-28, Management of Pollutants During Demolition of Applicable Projects. (c) Adopt a resolution amending Council Policy 6-29, Post-Construction Urban Runoff Management. (d) Adopt a resolution amending Council Policy 8-14, Post-Construction Hydromodification Management. (e) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of San José Municipal Code Chapter 20.95, Sections 20.95.110, and Chapter 20.100 Sections 20.100.465 to create new fines for violations pertaining to stormwater control measures, including site control, management of pollutants, and proper documentation, and repealing Resolution No. 80714. CEQA: Categorically Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

Deputy Director of Environmental Services Department Rajani Naier, P.E. provided the presentation and responded to questions.

Public Comments: Blair Beekman offered public comment.

(Item continued on next page.)

Item 6.1 (Cont'd.)

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) **Ordinance No. 30906** was passed for publication, amending sections of the San José Municipal Code to make amendments related to compliance with the Municipal Regional Stormwater Permit. (b) **Resolution No. RES2023-140**, approving a new Council Policy 6-28, Management of Pollutants During Demolition of Applicable Projects; (c) **Resolution No. RES2023-141**, amending Council Policy 6-29, Post-Construction Urban Runoff Management; (d) **Resolution No. RES2023-142**, amending Council Policy 8-14, Post-Construction Hydromodification Management and; (e) **Resolution No. RES2023-143**, amending the Administrative Citation Schedule of Fines for violations of San José Municipal Code Chapter 20.95, were adopted. (11-0.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 23-677 **City Initiatives Roadmap: Ending Homelessness Annual Report.**
As recommended by the Community and Economic Development Committee on April 24, 2023, accept the homelessness annual report for Fiscal Year 2021-2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing) [Community and Economic Development Committee referral 4/24/2023 - Item (d)5]

Director of Housing Jacky Morales-Ferrand, Deputy Director Ragan Henninger, and Housing Division Manager Kelly Hemphill provided the presentation and responded to questions

Public Comments: Paul Soto, Blair Beekman, and caller by the name “Native American Advocate” offered public comment.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Bien Doan, and carried unanimously, the homelessness annual report for Fiscal Year 2021-2022 was accepted, with additional direction to include (1) information on the total cost borne by taxpayers for affordable homes in the future report and (2) any potential policy changes and program modifications in the staff recommendation. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

10.1(a) 23-678

C23-082, -083, -084, -085, -086, -087 & -088 - City-initiated Rezoning of Certain Real Properties to General Plan Land Use Designation in Response to Senate Bill 1333.

Approve an ordinance of the City of San José rezoning 15 properties from the CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, 12 properties from CP Commercial Pedestrian Zoning District to UV Urban Village Zoning District, eight properties from IP Industrial Park Zoning District to TEC Transit Employment Center Zoning District, six properties from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, six properties from HI Heavy Industrial Zoning District to UV Urban Village Zoning District, five properties from R-M Multifamily Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, four properties from CG Commercial General Zoning District to UV Urban Village Zoning District, four properties from HI Heavy Industrial Zoning District to UR Urban Residential Zoning District, four properties from LI Light Industrial Zoning District to MUN Mixed Use Neighborhood Zoning District, three properties from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, three properties from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, two properties from CN Commercial Neighborhood Zoning District to UV Urban Village Zoning District, two properties from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, two properties from R-1-8 Single-Family Residential Zoning District to UR Urban Residential Zoning District, two properties from R-2 Two-Family Residential Zoning District to UV Urban Village Zoning District, two properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, two properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, one property from A Agriculture Zoning District to TR Transit Residential Zoning District, one property from A Agriculture Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, one property from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from R-2 Two-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, one property from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District, one property from R-1-8 Single-Family Residential Zoning District to CN Commercial Neighborhood Zoning District, and one property from R-M Multifamily Residential Zoning District to UV Urban Village Zoning District, located in various locations on those certain real properties within the City of San José. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building, and Code Enforcement)

Public Comments: None provided.

(Item continued on next page.)

Item 10.1(a) (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, **Ordinance No. 30907** was passed for publication, rezoning Certain Real Properties to General Plan Land Use Designation in Response to Senate Bill 1333. (11-0.)

END OF CONSENT CALENDAR.

10 Land Use – Regular Agenda

10.2 23-679 PDC22-001, PT22-002, PD22-001, & ER22-002 - Planned Development Rezoning, a Vesting Tentative Map, and a Planned Development Permit on Certain Real Property Located at 2400 Ringwood Avenue and 1849 Fortune Drive.

(a) Adopt a resolution making certain findings as the responsible agency for purposes of and pursuant to the provisions of the California Environmental Quality Act, in connection with the approval of discretionary actions by the City necessary for the construction and operation of the STACK Trade Zone Park Project and adopting the related mitigation monitoring and reporting program. (b) Approve an ordinance rezoning certain real property of an approximately 9.78-gross acre site from the IP Industrial Park Zoning District to a TEC(PD) Planned Development Zoning District, situated at the southeast corner of Trade Zone Boulevard and Ringwood Avenue (2400 Ringwood Avenue/1849 Fortune Drive). (c) Adopt a resolution, approving, subject to conditions, a Vesting Tentative Map to merge two parcels into one parcel and allow up to 15 commercial condominiums on an approximately 9.78-gross acre site. (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of two buildings totaling approximately 135,000 square feet and the removal of 156 trees (101 ordinance-size, 55 non-ordinance-size, and 47 replacement trees) for the construction of two data centers totaling approximately 522,194 square feet, one approximately 136,573-square foot manufacturing building, an approximately 150,000-square foot, 300-stall parking structure, an electrical substation, and 39 backup generators on an approximately 9.78-gross acre site. CEQA: STACK Trade Zone Park Environmental Impact Report, prepared by the California Energy Commission (CEC-700-2023-001-D; SCH No. 2022060141). Planning Commission recommends approval (10-0-0). (Item 4.c., Planning Commission Agenda 4/26/2023) Council District 7. (Planning, Building, and Code Enforcement)

Planning, Building, and Code Enforcement Director Christopher Burton provided the presentation and responded to questions

The applicant, Stack Infrastructure’s Director of Development Miles Kersten, spoke to the merits of the project.

Public Comments: Paul Soto offered public comment.

(Item continued on next page.)

Item 10.2 (Cont'd.)

Motion: Councilmember David Cohen moved to approve the May 5, 2023 joint memorandum co-authored by Councilmember Cohen and Mayor Mahan. This motion was seconded by Councilmember Pam Foley.

Friendly Amendment: Councilmember Arjun Batra requested to include exploration into alternative energy sources for the development's proposed gas and diesel generators.

The maker of the motion, Councilmember David Cohen declined to include this change due to the necessity of reliable back-up energy for data centers. Councilmember Cohen also spoke on the challenge of powering data centers through on-site solar panels alone, the commitment made by Stack Infrastructure to source energy from 100% renewable sources for anything used on site, and the transformation of the top floor parking into a space for solar panels upon the end of construction.

Action: On a call to the question, the May 5, 2023 joint memorandum co-authored by Councilmember Cohen and Mayor Mahan was approved to:

Approve staff recommendation with the following additional direction:

1. Direct the Departments of Transportation and Public Works to explore a green stormwater infrastructure (bioretention) pilot as part of the bike lane upgrade along Trade Zone Blvd. Work shall be coordinated with Stack Infrastructure on any implementation of the pilot.
2. Stack Infrastructure will pay the required tree in-lieu mitigation fees (\$326K) at the time of issuance of the first building permit.
3. Stack Infrastructure will make an additional voluntary tree mitigation payment of \$40,000, to be deposited in the District 4 One Thousand Tree Project fund at the time of the issuance of the first building permit.
4. Stack Infrastructure will evaluate the site's parking needs after completion of construction to determine the feasibility of converting the top floor of the parking garage to a combination of solar installation and green roofing.

As per Staff Recommendation, (b) **Ordinance No. 30908** was passed for publication and (a) **Resolution No. RES2023-144**, (c) **Resolution No. RES2023-145**, and (d) **Resolution No. RES2023-146** were adopted. (11-0.)

• Open Forum

1. Alex Eulenberg spoke on the termination of the Local Emergency for COVID Response to be heard during the May 16, 2023 City Council meeting and requested the removal of the COVID-19 Vaccine requirement for City employment.
2. Spencer Hammer expressed interest in San José developing more Sister Cities relationships and spoke on the potential on developing a sister city relationship with a city in Africa.
3. Blair Beekman spoke on safety during Council Committee meetings and an increased hostility by the Police Department during Cinco de Mayo.
4. Paul Soto described the actions of the Police Department on Cinco de Mayo as a racist act of aggression and expressed the need for communication on the issue.

The Council of the City of San José recessed at 4:12 p.m.

The Council of the City of San José reconvened at 5:00 p.m. and heard Ceremonial Item 1.4.

- **Adjournment**

The Council of the City of San José adjourned at 5:12 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

A handwritten signature in black ink that reads "Grace Turner". The signature is written in a cursive, flowing style.

Grace Turner
Deputy City Clerk

SAN JOSÉ CITY COUNCIL CLOSED SESSION

MAY 9, 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 Magdaleno
Name(s) of Partie(s)
Involved:
Court: Workers Compensation Appeals Court
Case No: ADJ9924815, ADJ9924813, ADJ9924808, ADJ9924810,
ADJ9882095, ADJ12656540, ADJ12160733, and
ADJ11569931.
Amount of Money or Benefits
Other Relief Sought:

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

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the
Government code:

Number of matter(s) to be discussed: 1

**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 **Association of Building, Mechanical and Electrical
Inspectors (ABMEI)**
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: **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/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: **Association of Maintenance Supervisory Personnel (AMSP)**
- 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: **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/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.sanjoseca.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: 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/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.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
 Telephone – Employee Relations: (408) 535-8150

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