



# **City Council Meeting Minutes**

**Tuesday, June 6, 2023**

**11:00 AM**

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

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, 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**

**9:00 a.m. - Closed Session 23-971:** *See Pages 29-32 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra. (Council Chambers Conference Room, W133.)

Absent Councilmembers: All present.

City Attorney, Nora Frimann requested that a confidential item be added to the Closed Session Agenda.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Arjun Batra and carried unanimously, Council approved adding a confidential item to the Closed Session Agenda. (9-0-2. Absent: Ortiz, Doan.)

**\*11:52 a.m. - Regular Session:**

Present Councilmembers: Mahan, Kamei, Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra. (City Hall, Council Chambers.)

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 6) - HEARD AT \*1:36 P.M.**

Councilmember Dev Davis introduced The Rainbow Women's Chorus who offered the invocation.

- **Orders of the Day**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, the Orders of the Day and the Amended Agenda were approved, *including the deferral of Items 4.1 and 4.2.* (11-0.)

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS - HEARD AT \*1:40 P.M.**

- 1.1 Councilmember David Cohen presented the commendation to the board members and 2023 student winners of the annual Synopsys Science and Technology Championship to recognize the visionary ideas and groundbreaking student projects that will contribute to the City of San José and the global community.
- 1.2 Councilmember Pam Foley, Councilmember Dev Davis, and Councilmember Omar Torres presented the proclamation declaring June 2023 as Pride Month to recognize the City of San José's vibrant and diverse LGBTQ+ community. The proclamation was presented to CEO of Silicon Valley Pride, Nicole Altamirano.
- 1.3 Councilmember Bien Doan presented the commendation to members of the SJPd Mobile Emergency Response Group and Equipment (MERGE) Unit for their valor, honor, bravery, and fortitude in the line of duty on February 3, 2023.

## **2. CONSENT CALENDAR**

Action: Upon motion by Councilmember Cohen, seconded by Councilmember Doan, and carried unanimously, the Consent Calendar was approved as a whole. (11-0.)

### **2.1 23-810**

#### **Approval of City Council Minutes.**

- (a) Regular City Council Meeting Minutes of August 17, 2021.
  - (b) Regular City Council Meeting Minutes of August 31, 2021.
  - (c) Regular City Council Meeting Minutes of September 21, 2021.
  - (d) Regular City Council Meeting Minutes of September 28, 2021.
  - (e) Regular City Council Meeting Minutes of October 26, 2021.
  - (f) Regular City Council Meeting Minutes of November 9, 2021.
  - (g) Regular City Council Meeting Minutes of November 30, 2021.
  - (h) Regular City Council Meeting Minutes of August 30, 2022.
  - (i) Regular City Council Meeting Minutes of September 20, 2022.
  - (j) City Council Study Session Meeting Minutes of October 28, 2021.
- 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 23-855**

#### **Final Adoption of Ordinances.**

- (a) Ordinance No. 30912 - An Ordinance of the City of San José Amending Section 12.21.430 of Chapter 12.21 (Complaints Regarding Requests for Public Records) of the San José Municipal Code to Clarify the Appeal Process for a Public Records Act Request.  
[Passed for Publication on 5/23/2023 - Item 3.3(b) (23-744)]

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## 2.2 (Cont'd.)

(b) Ordinance No. 30913 - An Ordinance of the City of San José Amending Section 12.06.030 of Chapter 12.06 of Title 12 of the San José Municipal Code to Amend the Definition of a Candidate to Conform with State Law. [Passed for Publication on 5/23/2023 - Item 3.5 (23-768)]

Action: (a) **Ordinance No. 30912**, an Ordinance of the City of San José Amending Section 12.21.430 of Chapter 12.21 (Complaints Regarding Requests for Public Records) of the San José Municipal Code to Clarify the Appeal Process for a Public Records Act Request, and (b) **Ordinance No. 30913**, an Ordinance of the City of San José Amending Section 12.06.030 of Chapter 12.06 of Title 12 of the San José Municipal Code were adopted. (11-0.)

## 2.3 Approval of Council Committee Minutes.

None provided.

## 2.4 23-802

### **Mayor and Council Excused Absence Requests.**

Request for excused absences for:

(a) Councilmember Jimenez from the Regular City Council Meeting on May 23, 2023 and the Regular Meeting of Rules and Open Government Committee on May 24, 2023 due to Authorized City Business at the Water Education for Latino Leaders Untapped fellowship session number eight, Sacramento, California.

(b) Vice Mayor Kamei from the Regular Joint Meeting for the Rules and Open Government Committee on May 31, 2023 due to personal travel. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 5/31/2023 - Item A.1.a for (b)]

Action: The request for excused absences for (a) Councilmember Jimenez from the Regular City Council Meeting on May 23, 2023 and the Regular Meeting of Rules and Open Government Committee on May 24, 2023 and (b) Vice Mayor Kamei from the Regular Joint Meeting for the Rules and Open Government Committee on May 31, 2023 were approved. (11-0.)

## 2.5 City Council Travel Reports.

None provided.

## 2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

**2.7      23-811      Amendment to the Master Agreement with Deloitte and Touche LLP for Technical Consulting Services.**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute a First Amendment to the Master Consultant Agreement with Deloitte and Touche, LLP for technical consulting services including load forecasting, portfolio management, energy risk management and analysis, and regulatory and compliance support, to increase the maximum compensation from \$320,000 to \$520,000 through June 30, 2026, and extend the term for up to three one-year options through June 30, 2029, subject to the appropriation of funds.

(b) Exercise the three one-year options to extend the term of the Master Consultant Agreement through June 30, 2029.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

Action: **Resolution No. RES2023-166** was adopted. (11-0.)

**2.8      23-812      Amendment to the Master Consultant Agreement with Flynn Resource Consultants, Inc. for Professional Consulting Services.**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute the Third Amendment to the Master Consultant Agreement with Flynn Resource Consultants, Inc. for professional consulting services including power procurement and portfolio management, energy risk management and analysis, financial analysis, and energy program support, to amend the compensation rate, and extend the term with up to three one-year options through June 30, 2026, subject to the appropriation of funds; and

(b) Exercise up to three one-year options to extend the term of the Master Consultant Agreement through June 30, 2026.

CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

Action: **Resolution No. RES2023-167** was adopted. (11-0.)

**2.9      23-816      Third Quarter Financial Reports for Fiscal Year 2022-2023.**

As recommended by the Public Safety, Finance, and Strategic Support Committee on May 18, 2023, accept the Third Quarter (period ending March 31, 2023) Financial Reports for the Fiscal Year 2022-2023 for (1) Debt Management; (2) Investment Management; (3) Revenue Management; and (4) Purchasing and Risk Management.

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

*(Item Continued on the Next Page)*

## 2.9 (Cont'd.)

[Public Safety, Finance, and Strategic Support Committee 5/18/2023 - Item (c)1]

Action: The Third Quarter (period ending March 31, 2023) Financial Reports for the Fiscal Year 2022-2023 for (1) Debt Management; (2) Investment Management; (3) Revenue Management; and (4) Purchasing and Risk Management were accepted. (11-0.)

## 2.10 23-817

### **Set a Public Hearing for the Fiscal Year 2023-2024 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.**

Adopt a resolution:

- (a) Setting a Public Hearing for Tuesday, August 8, 2023, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2023-2024 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2023-2024 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
  - (b) Directing the Director of Finance to file the Fiscal Year 2023-2024 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 14, 2023, instead of July 5, 2023; and
  - (c) Directing the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

Action: **Resolution No. RES2023-168** was adopted. (11-0.)

## 2.11 23-818

### **Set a Public Hearing for the Fiscal Year 2023-2024 Annual Residential Solid Waste Collection Service Charges.**

Adopt a resolution:

- (a) Setting a Public Hearing for Tuesday, August 8, 2023, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2023-2024 annual Residential Solid Waste Collection Service Charges on the Fiscal Year 2023-2024 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and
  - (b) Directing the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

Action: **Resolution No. RES2023-169** was adopted. (11-0.)

**2.12 23-819 Approval of the Library Parcel Tax Rates for Fiscal Year 2023-2024.**

Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2023-2024 by 3% over the fiscal year 2022-2023 rates, and approving the placement of the Library Parcel Tax on the fiscal year 2023-2024 Santa Clara County Property Tax Roll.

CEQA: Statutorily Exempt, File No. PP17-005 CEQA Guidelines Section 15273, adjustment to fees, rates and fares without changes to or expansion of services. (Finance/Library)

Action: **Resolution No. RES2023-170** was adopted. (11-0.)

**2.13 23-820 Report on Request for Proposal for Certified Payroll Labor Compliance and Workforce Management System.**

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with eComply Solutions LLC (Bellevue, WA) for a Certified Payroll Labor Compliance and Workforce Management System with an initial three-year term beginning on or about June 7, 2023 and ending July 31, 2026, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$250,000 for the initial term, subject to the appropriation of funds;
  - (b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$50,000 during the initial three-year term, subject to the appropriation of funds; and
  - (c) Exercise up to seven one-year options to extend the term of the agreement through July 31, 2033, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: The report on Request for Proposal for Certified Payroll Labor Compliance and Workforce Management System was accepted and **Resolution No. RES2023-171** was adopted. (11-0.)

**2.14 23-821 Amendment to the City Pay Plan.**

Adopt a resolution amending the City of San José Pay Plan effective June 6, 2023, to create the Wastewater Facility Deputy Director (U) (3626) classification with an annual pensionable salary range of \$145,715.99 - \$235,185.60. CEQA: Not a Project, File No. PP17 008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources) [Deferred from 5/23/2023 - Item 2.16 (23-742)]

Action: **Resolution No. RES2023-172** was adopted. (11-0.)

**2.15 23-822 Amendment to Master Agreement with Envirocom for Industrial Hygienist Services for Various City Facility Projects.**

Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Master Agreement for consultant services with Envirocom (CPMS Contract No. 8557), extending the term from June 30, 2023 to December 31, 2025, with no increase in total compensation, for the sole purpose of allowing the consultant to continue providing industrial hygienist hazmat consulting services through completion of the Agnews Property Demolition (CPMS 7673), Milligan Parking Lot (CPMS 8820), Camden Community Center Improvements (CPMS 9414), and San José Municipal Water New Offices (CPMS 9813) 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. RES2023-173** was adopted. (11-0.)

**2.16 23-823 Approval of the Maintenance District Budget Reports for Fiscal Year 2023-2024.**

(a) Adopt resolutions:

(1) Approving the Annual Budget Reports for Fiscal Year 2023-2024 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and confirming and levying the individual assessments for each Maintenance District, as filed or modified by the City Council; and

(2) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(b) Approve an uncodified ordinance approving the Annual Budget Reports for Fiscal Year 2023-2024 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and confirming and levying the individual assessments for each Maintenance District specified in the resolutions.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines, Existing Facilities. Council Districts 2, 3, 4, 8 and 10. (Public Works)

Action: (a) MD1 **Resolution No. RES2023-174**, (a) MD2 **RES. NO. RES2023-175**, (a) MD5 **RES. NO. RES2023-176**, (a) MD8 **RES. NO. RES2023-177**, (a) MD9 **RES. NO. RES2023-178**, (a) MD11 **RES. NO. RES2023-179**, (a) MD13 **RES. NO. RES2023-180**, (a) MD15 **RES. NO. RES2023-181**, (a) MD18 **RES. NO. RES2023-182**, (a) MD19 **RES. NO. RES2023-183**, (a) MD20 **RES. NO. RES2023-184**, (a) MD21 **RES. NO. RES2023-185**, (a) MD22 **RES. NO. RES2023-186** were adopted; and (b) uncodified **Ordinance No. 30915** was passed for publication. (11-0.)

2.17 23-824

**Amendment to Master Consultant Agreement with Wood Rodgers, Inc. for City-wide Master Planning for the Storm Sewer System.**

Approve the Second Amendment to the Master Consultant Agreement with Wood Rodgers, Inc., for master planning consultant services for the City's storm sewer system, extending the term of the agreement from June 30, 2023 to June 30, 2024. CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works)

Action: The Second Amendment to the Master Consultant Agreement with Wood Rodgers, Inc., for master planning consultant services for the City's storm sewer System was approved. (11-0.)

2.18 23-825

**Approval of the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2023-2024.**

(a) Adopt a resolution:

(1) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2023-2024 as filed or modified by City Council, and confirming and levying the individual assessments as filed or modified by the City Council; and

(2) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(b) Approve an uncodified ordinance to approve the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2023-2024, as filed or modified by the City Council, and confirming and levying the individual assessments specified in the resolution. CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines, Existing Facilities. Council District 6. (Public Works)

Action: (a) **Resolution No. RES2023-187** was adopted and (b) uncodified **Ordinance No. 30916** was passed for publication. (11-0.)

2.19 23-826

**Transportation Development Act, Article 3 State Grant for Bicycle and Pedestrian Projects.**

Adopt a resolution:

(a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2023-2024 Transportation Development Act, Article 3 State grant funding in the amount of \$787,462 for bicycle and pedestrian projects;

(b) Making the certifications and assurances required under the Transportation Development Act, Article 3 grant; and

(c) Authorizing the City Manager or designee to accept Transportation Development Act, Article 3 grant funding awarded from the Metropolitan Transportation Commission, and to negotiate and execute any grant documents to effectuate the grant.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

Action: **Resolution No. RES2023-188** was adopted. (11-0.)

**2.20 23-827**

**Re-Allocation of Funding for Tree Inventory Procurement.**

Adopt a resolution authorizing the City Manager or designee to re-allocate and spend \$375,000 in the 2022-2023 Adopted Budget designated for a local grant match appropriation for direct tree-inventory procurement purposes.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

Action: **Resolution No. RES2023-189** was adopted. (11-0.)

**2.21 23-828**

**Approval of the Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2023-2024.**

(a) Adopt a resolution:

(1) Approving the Downtown San José Property-Based Improvement District Annual Report and Budget for Fiscal Year 2023-2024, as filed or modified by City Council, and confirming and levying the individual assessments as filed or modified by the City Council; and

(2) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(b) Approve an uncodified ordinance to approve the Downtown San José Property-Based Improvement District (PBID) Annual Report for Fiscal Year 2023-2024, as filed or modified by the City Council, and confirming and levying the individual assessments specified in the resolution. CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines, Existing Facilities. Council District 3 and 6. (Transportation/Public Works)

Action: (a) **Resolution No. RES2023-190** was adopted and (b) uncodified **Ordinance No. 30917** was passed for publication. (11-0.)

**2.22 23-851**

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

As recommended by the Rules and Open Government Committee on May 24, 2023:

(a) Approve the National Night Out scheduled on August 1, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

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

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

[Rules Committee referral 5/24/2023 - Item B.4]

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

**2.23 23-854 Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 4 as a 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 May 24, 2023:

- (a) Retroactively approve the District 4 Penitencia Creek Park Litter Pick-Up Day scheduled on May 24, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the District 4 Penitencia Neighborhood Association Dumpster Day scheduled on May 27, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Approve the District 4 125th Philippine Independence Day Flag Raising Ceremony scheduled on June 12, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Approve the Ringwood Court District 4 Dumpster Day scheduled on June 17, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (e) 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 5/24/2023 - Item B.5]

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

**2.24 23-862 Federated City Employees' Retirement Board Public Member Appointment.**

Appoint Matthew Faulkner to the Public Member Seat of the Federated Retirement Board an unexpired term ending November 30, 2023; and to a full term beginning December 1, 2023 and ending November 30, 2027. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 5/31/2023 - Item A.1.a]

Action: Matthew Faulkner was appointed to the Public Member Seat of the Federated Retirement Board. (11-0.)

**2.25 23-885 Amendment to Pay Plan and Terms of Side Letter Agreement between the City of San José and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP).**

Adopt a resolution:

- (a) Approving the terms of Side Letter Agreement between the City and the Association of Management Supervisory Personnel, IFPTE, Local 21 (AMSP) to provide a pensionable base pay increase to the following classification consistent with the Side Letter Agreement that has been signed by all parties, effective June 25, 2023:
  - (1) Provide employees in the Electrical Maintenance Superintendent

*(Item Continued on the Next Page)*

## 2.25 (Cont'd.)

(3156) classification with an approximate 8.00% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(b) Amending the City of San José Pay Plan to increase the annual pensionable salary ranges for the following classification effective June 25, 2023:

(1) Electrical Maintenance Superintendent (3156) increased to \$134,617.60 - \$163,966.40.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager) [Rules Committee referral 5/31/2023 - Item A.1.a]

Action: **Resolution No. RES2023-191** was adopted. (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 23-832 Employee Travel Expenses Audit Report.**

As recommended by the Public Safety, Finance, and Strategic Support Committee on May 18, 2023, accept the report on the audit of employee travel expenses. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Public Safety, Finance, and Strategic Support Committee referral 5/18/2023 - Item (d)1]

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Peter Ortiz and carried unanimously, the report on the audit of employee travel expenses was accepted. (11-0.)

### **3.4 23-857 Approval of the Terms of an Agreement with the Peace Officer Park Ranger Association (POPRA), International Union of Operating Engineers, Local Union No. 3 (OE#3) for the Term of July 1, 2023 through June 30, 2027.**

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Peace Officer Park Ranger Association (POPRA), International Union of Operating Engineers, Local Union No. 3 (OE#3) for the term of July 1, 2023, through June 30, 2027, and authorizing the City Manager to execute an agreement with those terms.

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### 3.4 (Cont'd.)

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

Mayor Mahan requested that Items 3.4, 3.5, and 3.6 be heard concurrently.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-192** was adopted. (11-0.)

### 3.5 23-886

#### **Approval of the Terms of an Agreement with the San Jose Police Dispatchers' Association (SJPDA), for the Term of July 1, 2023 Through June 30, 2026.**

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the San Jose Police Dispatchers' Association (SJPDA) for the term of July 1, 2023, through June 30, 2026, and authorizing the City Manager to execute an agreement with those terms. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager) [Rules Committee referral 5/31/2023 - Item A.1.a]

This item was heard concurrently with Items 3.4 and 3.6

Public Comment: (In person speakers) Laura Lopez (Senior Police Dispatcher) and Mary Tomlinson (Union President) provided public testimony.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-193** was adopted. (11-0.)

### 3.6 23-887

#### **Approval of the Terms of an Agreement with the Association of Building, Mechanical and Electrical Inspectors (ABMEI), for the term of July 1, 2023 through June 30, 2026.**

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Building, Mechanical and Electrical Inspectors (ABMEI) for the term of July 1, 2023, through June 30, 2026, and authorizing the City Manager to execute an agreement with those terms. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager) [Rules Committee referral 5/31/2023 - Item A.1.a]

This item was heard concurrently with Items 3.4 and 3.5

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan and carried unanimously, **Resolution No. RES2023-194** was adopted. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

**4.1 23-833**

**Independent Police Auditor 2022 Year End Report.**

(a) Accept the 2022 Independent Police Auditor Year End Report.

(b) Accept the San José Police Department's response to the recommendations contained in the 2022 Independent Police Auditor Year End Report.

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

**DEFERRED DURING ORDERS OF THE DAY.**

**4.2 23-834**

**San José Police Department Internal Affairs Unit - 2022 Department Initiated Investigations Report.**

Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 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. (Police)

**DEFERRED DURING ORDERS OF THE DAY.**

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

**5.1 23-835**

**Actions Related to the 10266 - SJC New Taxiway V Phase 1B and Alternate Phase 1C Project at the San José Mineta International Airport.**

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute the contract for the construction of the 10266 - SJC New Taxiway V Phase 1B Project (Project) to the lowest responsive, responsible bidder, Granite Rock Company, for the base bid (Phase 1B) and Add Alternate No. 1 (Phase 1C) in the amount of \$13,702,268 contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration; and

(b) Approve a 10% contingency in the amount of \$1,370,227.

CEQA: File. No ER22-021 Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497). (Public Works)

Public Comment: (Zoom speaker) Blair Beekman provided public testimony.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-195** was adopted. (11-0.)

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

### **6.1 23-836 Sewer Service and Use Charges and Storm Sewer Service Charge Rates Effective July 1, 2023.**

(a) Adopt a resolution maintaining the Sewer Service and Use Charge rates at 2022 - 2023 levels, effective July 1, 2023, as identified in Attachment A to the staff memorandum.

(b) Adopt a resolution maintaining the Storm Sewer Service Charge rates at 2022 - 2023 levels, effective July 1, 2023, as identified in Attachment B to the staff memorandum.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

Public Comment: (Zoom speaker) Blair Beekman provided public testimony.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Peter Ortiz, and carried unanimously, (a) **Resolution No. RES2023-196** and (b) **Resolution No. RES2023-197** were adopted. (11-0.)

### **6.2 23-837 Public Hearing on Residential Garbage and Recycling Services Rates for Single-Family and Multi-Family Residential Solid Waste Services. - HEARD AT \*3:33 P.M.**

(a) Hold a Public Hearing on the proposed 2023-2024 Residential Garbage and Recycling rates and charges.

(b) Adopt a resolution effective July 1, 2023:

(1) Increasing residential solid waste service rates for single-family households up to 4%; and

(2) Increasing residential solid waste service rates for multi-family households up to 2%.

(c) Approve an uncodified ordinance effective July 1, 2023:

(1) Increasing residential solid waste service rates for single-family households up to 4% specified in the resolution; and

(2) Increasing residential solid waste service rates for multi-family households up to 2% specified in the resolution.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services).

Mayor Mahan opened the public hearing.

Public Comment: (In person speaker) Blair Beekman provided public testimony.

Mayor Mahan closed the public hearing.

*(Item Continued on the Next Page)*

## 6.2 (Cont'd.)

City Clerk, Toni Taber read the following into the record: “Subsequent to ESD’s Supplemental Memorandum dated June 2, 2023, the City Clerk’s Office has received 16 additional Residential Garbage and Recycling rate protests. Therefore, the total number of valid written protests is 285 for the proposed Residential Garbage and Recycling rates. The total of all written protests during the public protest period, together with the 1 speaker protesting the rate changes today, represents less than one percent of all customers impacted by the change in Residential Garbage and Recycling rates. Therefore, Council may consider staff’s recommendation for Residential Garbage and Recycling rate increases.”

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen, and carried unanimously, the public hearing was held on the proposed 2023-2024 Residential Garbage and Recycling rates and charges; (b) **Resolution No. RES2023-198** was adopted; and (c) uncodified **Ordinance No. 30918** was passed for publication. (10-1-0. Noes: Candelas.)

## 6.3 23-838 San José Municipal Water System Potable (Drinking) and Recycled Water Rates and Charges. – HEARD AT \*3:40 P.M.

- (a) Hold public hearings on San José Municipal Water System potable and recycled water rates and charges effective July 1, 2023.
  - (b) Adopt a resolution to increase the current San José Municipal Water System potable water rates and charges effective July 1, 2023, as identified in Attachment A to the staff memorandum.
  - (c) Adopt a resolution to increase the current San José Municipal Water System recycle water rates and charges effective July 1, 2023, as identified in Attachment A to the staff memorandum.
  - (d) Approve an uncodified ordinance increasing the San José Municipal Water System potable and recycled water rates and charges effective July 1, 2023, as specified in the resolution.
- CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. Council Districts 2, 4, 7 and 8. (Environmental Services)

Mayor Mahan opened the public hearing.

Public Comment: (In person speakers) Blair Beekman and Steve Bennette provided public testimony.

Mayor Mahan closed the public hearing.

Deputy Director, ESD, Municipal Water System, Jeff Provenzano responded to questions and provided an overview.

City Clerk, Toni Taber read the following into the record: “Subsequent to ESD’s Supplemental Memorandum dated June 2, 2023, the City Clerk’s Office has received 24 additional potable water rate protests. Therefore, the total number of valid written protests is 176 for the proposed potable water rates. No protests have been received in response to the proposed recycled water rates. The total of all written protests during the public

*(Item Continued on the Next Page)*

### 6.3 (Cont'd.)

protest period, together with the 2 speakers protesting the rate changes today, represents less than one percent of all customers impacted by the change in water retail rates. Therefore, Council may consider staff's recommendation for Municipal Water System rate increases.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Pam Foley, and carried unanimously, the public hearing was held on the San José Municipal Water System potable and recycled water rates and charges effective July 1, 2023; (b) **Resolution No. RES2023-199** and (c) **Resolution No. RES2023-200** were adopted, and (d) uncodified **Ordinance No. 30919** was passed for publication. (9-2-0. Noes: Doan, Candelas.)

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1     23-839            Public Hearing on the Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2023-2024. – HEARD AT \*4:05 P.M.**

(a) Conduct a public hearing and adopt a resolution approving the Japantown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2023-2024.

(b) Approve an uncodified ordinance to approve the Japantown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2023-2024, specified in the resolution.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)

Mayor Mahan read the following into the record: “Item Nos. 8.1 and 8.2 are the public hearings for the approval of the Downtown and Japantown Business Improvement Districts’ annual budget reports and the levy of assessments for FY 2023-2024. Before I open the public hearings, has the City Clerk received any written protests from affected businesses in either of the BIDs?”

City Clerk Toni Taber, read the following into the record: “No written protests have been received from the Japantown BIDs.”

Mayor Mahan opened the public hearing.

Public Comment: (In person speaker) Blair Beekman and (Zoom speaker) Paul Soto provided public testimony.

*(Item Continued on the Next Page)*

## 8.1 (Cont'd.)

Mayor Mahan closed the public hearing.

Mayor Mahan read the following into the record: “Since the business owners in the Japantown BIDs have supported the proposed levy of assessments. I will now ask the Council to consider adoption of the resolutions and approval of the ordinances approving the budget reports of the Japantown Business Improvement Districts for Fiscal Year 2023-2024 and levying assessments in the BIDs for Fiscal Year 2023-2024.”

Action: Upon motion by Councilmember Omar Torres, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the public hearing was held on the Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2023-2024; (a) **Resolution No. RES2023-201** was adopted, and (b) uncodified **Ordinance No. 30920** was passed for publication. (11-0.)

## 8.2 23-840 Public Hearing on the Downtown Business Improvement District Budget Report and Assessments for Fiscal Year 2023-2024. – HEARD AT \*4:11 P.M.

(a) Conduct a public hearing and adopt a resolution approving the Downtown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2023-2024.

(b) Approve an uncodified ordinance approving the Downtown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2023-2024, specified in the resolution.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)

Mayor Mahan read the following into the record: “Item Nos. 8.1 and 8.2 are the public hearings for the approval of the Downtown and Japantown Business Improvement Districts’ annual budget reports and the levy of assessments for FY 2023-2024. Before I open the public hearings, has the City Clerk received any written protests from affected businesses in either of the BIDs?”

City Clerk Toni Taber, read the following into the record: “No written protests have been received from the Downtown BIDs.”

Mayor Mahan opened the public hearing.

Public Comment: (In person speaker) Blair Beekman and (Zoom speaker) Paul Soto provided public testimony.

Mayor Mahan closed the public hearing.

*(Item Continued on the Next Page)*

## 8.2 (Cont'd.)

Mayor Mahan read the following into the record: “Since the business owners in the Downtown BIDs have supported the proposed levy of assessments. I will now ask the Council to consider adoption of the resolutions and approval of the ordinances approving the budget reports of the Downtown Business Improvement Districts for Fiscal Year 2023-2024 and levying assessments in the BIDs for Fiscal Year 2023-2024.”

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan, and carried unanimously, the public hearing was held on the Downtown Business Improvement District Budget Report and Assessments for Fiscal Year 2023-2024; (a) **Resolution No. RES2023-202** was adopted, and (b) uncodified **Ordinance No. 30921** was passed for publication. (11-0.)

### 8.3      23-841      **Transfer Affordability Restrictions for the Pacific Motor Inn Property Located at 455 South Second Street.**

Adopt a resolution authorizing the Director of Housing to:

- (a) Negotiate and execute a Standard Grant Agreement with the California Department of Housing and Community Development and all other related documents to include a provision that allows the transfer affordability restrictions placed on the property located at 455 South Second Street through the HomeKey program to a new site in San José in the circumstance that an affordable housing development is unable to secure financing;
- (b) Make minor modifications to the terms of the deal if necessary; and
- (c) Increase the previously approved agreement amount by up to \$100,000 for the expected increase in acquisition costs.

CEQA: Exempt, File No. ER21-159, Public Health and Safety Code Section 50675.1.4. Council District 3. (Housing)

Public Comment: (Zoom speaker) Blair Beekman provided public testimony.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-203** was adopted. (11-0.)

### 8.4      23-842      **City Initiatives Roadmap: Recreational Vehicles Communities Support Parking and Emergency Interim Housing. – HEARD CONCURRENTLY WITH ITEM 8.5**

Accept the staff report on site identification for Recreational Vehicles Communities Supportive Parking and Emergency Interim Housing and approve the following actions:

- (a) Pursue the 1300 Berryessa Road site for a new Recreational Vehicles Communities Supportive Parking Program;
- (b) Evaluate and pursue, if advantageous to the City, the Via Del Oro and San Ignacio Avenue site for a philanthropic donation of leased land and buildings for Emergency Interim Housing;

*(Item Continued on the Next Page)*

#### 8.4 (Cont'd.)

(c) Pursue the Valley Water Cherry Avenue site for Emergency Interim Housing, including an adjacent Water Resources Protection Zone, for the Governor's State Small Home Initiative, while continuing to pursue other potential sites throughout the City; and

(d) Evaluate and pursue as a back-up option the Bernal Road South at 101 On Ramp and/or the Bernal Road North between 101 and 85 sites for the Governor's State Small Home Initiative.

CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Housing/Public Works/City Manager)

Mayor Mahan stated that public comments for Items 8.4 and 8.5 would be heard concurrently, but voted upon separately.

Deputy City Manager, Office of the City Manager, Omar Passons; Director, Housing Department, Jacky Morales-Ferrand; Special Projects Lead, Office of the City Manager, Jim Ortbal; and Assistant to the City Manager, Office of Economic Development, Kevin Ice offered the staff presentation and responded to questions.

Following the presentation, Mayor Mahan opened the floor for public comment to those present on Zoom with their hands raised and those present in Council Chambers. After one speaker provided testimony, Mayor Mahan announced that the Council would recess for lunch. He also stated that after the lunch recess, the Invocations and the Ceremonial Items would be taken; then afterwards, public comments would resume for Items 8.4 and 8.5.

Council recessed from 1:00- 1:34 p.m.

Public Comment: (In person speakers) George Carr, Benjamin Wong (joined by his 4-month old son), (Zoom speakers) Julia, David Noel, Caller '4547', Juvenal & Lucy Valencia, Dhanya, Blair Beekman, Randy Enos, Elvera, Travis Murphy, Ann J., Sam C., Izzac Khayo, Catherina Wong, Thomas K., and Justin Bentajado provided public testimony.

Motion: Councilmember Pam Foley moved approval of the joint memorandum she co-authored with the *amendment to strike recommendation 5 and add the following items to be prioritized: Cherry Ave, Sirona, and Rue Ferrari, and return to Council in 2024 to discuss future EIH Sites*; moved approval of Councilmember Arjun Batra's memorandum *with the modification to recommendation 1b to amend the language from, "present it for Council approval to pursue."* to *"present it to Council for discussion"*, move approval of Councilmember Sergio Jimenez' Memorandum,

Friendly Amendment: Vice Mayor Rosemary Kamei made a friendly amendment to include the Fair Grounds location. The friendly amendment was accepted by the maker of the motion and seconder.

Councilmember Sergio Jimenez accepted the friendly amendment but emphasized that a non-combative approach be taken with the County regarding the Fair Grounds location, to maintain a good relationship.

*(Item Continued on the Next Page)*

## 8.4 (Cont'd.)

Action: On a call for question, the motion passed unanimously, the staff report on site identification for Recreational Vehicles Communities Supportive Parking and Emergency Interim Housing was accepted, including the *amended joint memorandum to strike recommendation 5 and add the following items to be prioritized: Cherry Ave, Sirona, and Rue Ferrari, including the friendly amendment to include the Fair Grounds location; and return to Council in 2024 to discuss future EIH Sites* from Mayor Matt Mahan, Vice Mayor Rosemary Kamei, Councilmember David Cohen, and Councilmember Pam Foley dated June 6, 2023 recommending to: accept staff's recommendations and direct the City Manager to: (1) Seek additional ways to partner with the County of Santa Clara to collaborate, coordinate and leverage procurement processes for supportive services for unhoused residents; (2) Affirm that the City's EIH and RV safe parking sites do not have a 6-month limit on stays but rather work with residents on a case-by-case basis; (3) Prioritize calls in the immediate vicinity of interim housing and safe parking sites to provide enhanced neighborhood services through BeautifySJ; (4) Discuss with VTA the potential to use the proposed interim housing site at Cerone Yard to deliver benefits for VTA operations and employees, including but not limited to helping reduce the impacts of unhoused residents on transit systems and supporting employees with housing options; and (5) ~~Do not pursue Bernal Road South sites until the options of the VTA Cerone Yard site and the Cherry Ave site are exhausted while keeping to the timeline required to accept the Governor's units.~~

Also including the *amended memorandum, with the modification to the language in recommendation 1b*, from Councilmember Arjun Batra dated June 5, 2023 recommending to: (1) Accept the staff report on site identification with the following modifications: (a) Amend item (b) as follows: Evaluate and pursue, if advantageous to the City, the Via Del Oro and San Ignacio Avenue site for a philanthropic donation of leased land and buildings for Emergency Interim Housing; (b) Conduct a cost-benefit analysis of the Via Del Oro site and ~~present it for Council approval to pursue~~ *present it to Council for discussion* (i) The analysis shall include the costs for providing enhanced cleanup services in a one-mile radius of the perimeter of the site. (ii) The analysis shall also explore innovative solutions to provide individual bathrooms in each movable cabin. (2) Accept the five recommendations from the June 6th memo made by Mayor Mahan, Vice Mayor Kamei, Councilmember Cohen, and Councilmember Foley.

Also including the memorandum from Councilmember Sergio Jimenez dated June 2, 2023 recommending to: Accept the staff report with the following modification: (1) Eliminate item (d) Evaluate and pursue as a back-up option the Bernal Road South at 101 On Ramp and/or the Bernal Road North between 101 and 85 sites for the Governor's State Small Home Initiative. (11-0.)

## 8.5 23-843

### **Berryessa Lease Agreement.**

#### **HEARD CONCURRENTLY WITH ITEM 8.4**

- (a) Adopt a resolution adopting the Addendum to the Negative Declaration prepared for the Incidental Safe Parking Use Amendments to Title 20 of the San Jose Municipal Code and Addenda thereto, analyzing the addition of the 1300 Berryessa Road site for incidental safe parking use in accordance with the California Environmental Quality Act.
- (b) Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Lease Agreement between Terreno Berryessa LLC, a Delaware limited liability company, as Landlord, and the City of

*(Item Continued on the Next Page)*

## 8.5 (Cont'd.)

San José, as Tenant, commencing June 30, 2023, for the use of approximately 6.325 acres (275,517 square feet) of land located at 1300 Berryessa Road in San José, with an initial term of 122 months at a total base rental cost of \$15,213,988.03, and an estimated total triple net expense of \$3,697,439.46. The total cost of the lease over the 122-month term is an estimated \$18,911,427.49.

CEQA: Addendum to the Negative Declaration for the Incidental Safe Parking Use Municipal Code Amendments (adopted by Council on February 26, 2019 by Resolution No. 78990) and Addenda thereto, File No. ER23-081. Council District 3. (Economic Development and Cultural Affairs)

Deputy City Manager, Office of the City Manager, Omar Passons; Director, Housing Department, Jacky Morales-Ferrand; Special Projects Lead, Office of the City Manager, Jim Ortbal; and Assistant to the City Manager, Office of Economic Development, Kevin Ice offered the staff presentation and responded to questions.

Public Comment: (In person speakers) George Carr, Benjamin Wong (joined by his 4-month old son), (Zoom speakers) Julia, David Noel, Caller '4547', Juvenal & Lucy Valencia, Dhanya, Blair Beekman, Randy Enos, Elvera, Travis Murphy, Ann J., Sam C., Izzac Khayo, Catherina Wong, Thomas K., and Justin Bentajado provided public testimony.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres, and carried unanimously, (a) **Resolution No. RES2023-204** and (b) **Resolution No. RES2023-205** were adopted. (11-0.)

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

### **CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

#### **9.1 23-844**

**Successor Agency Board to the San José Redevelopment Agency July 1, 2023 - June 30, 2024 Administrative Budget and Annual Recognized Obligation Payment Schedule 2023-2024. –**

**HEARD IMMEDIATELY AFTER CONSENT**

Successor Agency Board to the Redevelopment Agency adopt resolutions approving:

(a) The Administrative Budget for July 1, 2023 through June 30, 2024; and

(b) The Recognized Obligation Payment Schedule 2023-24 and authorizing payment for items on ROPS 23-24, which details the obligations of the Successor Agency for the period of July 1, 2023 through June 30, 2024.

CEQA: Not a Project, File No. PP17-004, Government Funding

*(Item Continued on the Next Page)*

## 9.1 (Cont'd.)

Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Dev Davis, and carried unanimously, the public hearing was held, (a) SARA **Resolution No. 7090** and (b) SARA **Resolution No. 7091** were adopted. (11-0.)

**ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSÉ.**

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar – HEARD AT \*4:19 P.M.**

Public Comment: (In person speakers) Manuel Trigos, Roxanne, (Zoom speakers) Paul Soto, and Caller ‘Sylvan Learningsj’ provided public testimony regarding the Land Use Consent Calendar *as a whole*.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, the Land Use Consent Calendar was approved *as a whole*. (11-0.)

#### **10.1 (a) 23-845 C22-101, C22-104, C22-110, C22-111, C22-115, C22-116, C22-117, C22-118, C22-119, C22-120, C22-121, C23-001, C23-002, C23-003, C23-004 and C23-005 - City-Initiated Rezoning of 870 Parcels to Align a Property’s Zoning Designation to Its General Plan Land Use Designation in Response to Senate Bill 1333.**

Approve an ordinance of the City of San José rezoning 76 properties from R-M Multiple Residence Zoning District to MUN Mixed Use Neighborhood Zoning District, 55 properties from R-M Multiple Residence Zoning District to UR Urban Residential Zoning District, 50 properties from HI Heavy Industrial Zoning District to LI Light Industrial Zoning District, 48 properties from HI Heavy Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, 41 properties from CN Commercial Neighborhood Zoning District to MUN Mixed Use Neighborhood Zoning District, 40 properties from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, 38 properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, 34 properties from LI Light Industrial Zoning District to HI Heavy Industrial Zoning District, 32 properties from LI Light Industrial Zoning District to TR Transit Residential Zoning District, 31 properties from LI Light Industrial Zoning District to R-1-8 Single-Family Residential Zoning District, 24 properties from LI Light

*(Item Continued on the Next Page)*

## 10.1(a) (Cont'd.)

Industrial Zoning District to CP Commercial Pedestrian Zoning District, 24 properties from LI Light Industrial Zoning District to UR Urban Residential Zoning District, 20 properties from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, 20 properties from R-M Multiple Residence Zoning District to CP Commercial Pedestrian Zoning District, 20 properties from LI Light Industrial Zoning District to OS Open Space Zoning District, 18 properties from LI Light Industrial Zoning District to MUN Mixed Use Neighborhood Zoning District, 17 properties from CG Commercial General Zoning District to UV Urban Village Zoning District, 17 properties from CP Commercial Pedestrian Zoning District to UV Urban Village Zoning District, 17 properties from CP Commercial Pedestrian Zoning District to UVC Urban Village Commercial Zoning District, 14 properties from CO Commercial Office Zoning District to UVC Urban Village Commercial Zoning District, 11 properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 properties from IP Industrial Park Zoning District to HI Heavy Industrial Zoning District, 10 properties from IP Industrial Park Zoning District to LI Light Industrial Zoning District, 10 properties from CG Commercial General Zoning District to UVC Urban Village Commercial Zoning District, nine properties from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, nine properties from LI Light Industrial Zoning District to MUC Mixed Use Commercial Zoning District, eight properties from CP Commercial Pedestrian Zoning District to CG Commercial General Zoning District, eight properties from CG Commercial General Zoning District to CIC Combined Industrial/Commercial Zoning District, eight properties from HI Heavy Industrial Zoning District to MUN Mixed Use Neighborhood Zoning District, eight properties from CN Commercial Neighborhood Zoning District to UV Urban Village Zoning District, seven properties from IP Industrial Park Zoning to CIC Combined Industrial/Commercial Zoning District, seven properties from A Agriculture Zoning District to MUN Mixed Use Neighborhood Zoning District, seven properties from R-1-8 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, seven properties from CO Commercial Office Zoning District to UV Urban Village Zoning District, six properties from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residential Zoning District, five properties from CN Commercial Neighborhood Zoning District to CG Commercial General Zoning District, five properties from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, five properties from CG Commercial General Zoning District to LI Light Industrial Zoning District, five properties from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning

*(Item Continued on the Next Page)*

## 10.1(a) (Cont'd.)

District, five properties from HI Heavy Industrial Zoning District to OS Open Space Zoning District, four properties from PQP Public/Quasi-Public Zoning District to CP Commercial Pedestrian Zoning District, four properties from R-2 Two-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, four properties from A Agriculture Zoning District to OS Open Space Zoning District, four properties from PQP Public/Quasi-Public Zoning District to TR Transit Residential Zoning District, four properties from CO Commercial Office Zoning District to UR Urban Residential Zoning District, three properties from HI Heavy Industrial Zoning District to CP Commercial Pedestrian Zoning District, three properties from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, three properties from LI Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District, three properties from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, three properties from HI Heavy Industrial Zoning District to TR Transit Residential Zoning District, three properties from R-M Multiple Residence Zoning District to TR Transit Residential Zoning District, three properties from CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, three properties from HI Heavy Industrial Zoning District to UR Urban Residential Zoning District, three properties from IP Industrial Park Zoning District to UR Urban Residential Zoning District, two properties from PQP Public/Quasi-Public Zoning District to HI Heavy Industrial Zoning District, two properties from A Agriculture Zoning District to IP Industrial Park Zoning District, two properties from PQP Public/Quasi-Public Zoning District to OS Open Space Zoning District, two properties from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, two properties from R-M Multiple Residence Zoning District to OS Open Space Zoning District, two properties from CP Commercial Pedestrian Zoning District to PQP Public/Quasi-Public Zoning District, two properties from R-1-5 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, two properties from CN Commercial Neighborhood Zoning District to UVC Urban Village Commercial Zoning District, one property from A Agriculture Zoning District to CG Commercial General Zoning District, one property from R-1-5 Single-Family Residential Zoning District to CG Commercial General Zoning District, one property from R-2 Two-Family Residential Zoning District to CG Commercial General Zoning District, one property from A Agriculture Zoning District to HI Heavy Industrial Zoning District, one property from CIC Combined Industrial/Commercial Zoning District to HI Heavy Industrial Zoning District, one property from R-2 Two-Family Residential Zoning District to HI Heavy Industrial Zoning District, one

*(Item Continued on the Next Page)*

## 10.1(a) (Cont'd.)

property from PQP Public/Quasi-Public Zoning District to IP Industrial Park Zoning District, one property from R-M Multiple Residence Zoning District to LI Light Industrial Zoning District, one property from A(PD) Planned Development 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 CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, one property from CG Commercial General Zoning District to PQP Public/Quasi-Public Zoning District, one property from R-2 Two-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, one property from OS Open Space Zoning District to R-1-1 Single-Family Residential Zoning District, one property from CG Commercial General Zoning District to R-1-8 Single-Family Residential Zoning District, one property from CO Commercial Office Zoning District to R-1-8 Single-Family Residential Zoning District, one property from A(PD) Planned Development Zoning District to UV Urban Village Zoning District, one property from LI Light Industrial Zoning District to UV Urban Village Zoning District, one property from PQP Public/Quasi-Public Zoning District to UV Urban Village Zoning District, and one property from R-1-8 Single-Family Residential Zoning District to UV Urban Village Zoning District, one property from R-M Multiple Residence Zoning District to UVC Urban Village Commercial Zoning District, all located on those certain real properties throughout the Communications Hill, Martha Gardens, Midtown, Tamien Station Area Specific Plan Areas, Monterey Business Corridor, Senter Road, County Fairgrounds, Monterey Highway/Senter Road Employment Areas, The Alameda East, South Bascom Avenue North, South Bascom Avenue, South, Camden Avenue/Hillsdale Avenue, Hamilton Avenue/Meridian Avenue, Almaden Expressway/Hillsdale Avenue, Camden Avenue/Branham Lane, Kooser Road/Meridian Avenue, Camden Avenue/Kooser Road, Curtner Light Rail/Caltrain, West Capitol Expressway/Monterey Road, Capitol Expressway/Hwy 87 Light Rail, Oakridge Mall and Vicinity/Cambrian, Oakridge Mall and Vicinity/Edenvale, Blossom Hill Road/Cahalan Avenue; and Blossom Hill Road/Snell Avenue Urban Villages. 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)

Action: (a) **Ordinance No. 30922** was passed for publication. (11-0.)

**10.1 (b) 23-846 C22-122 - Conforming Rezoning of an Approximately 2.02 Gross-Acre Site Located on the South Side of Poppy Lane, approximately 580 Feet South of the Intersection of Dorel Drive and Penitencia Creek Road (0 Poppy Lane, APN 599-24-008). – NOT HEARD BEFORE 1:30 P.M.**

Approve an ordinance rezoning certain real property of approximately 2.02-gross-acre site located on the south side of Poppy Lane, approximately 580 feet south of the intersection of Dorel Drive and Penitencia Creek Road (0 Poppy Lane, APN 599-24-008) from the A(PD) Planned Development Zoning District to the R-1-RR Rural Residential Residence Zoning District.

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. Council District 4. (Planning, Building and Code Enforcement)

Action: (b) **Ordinance No.30923** was passed for publication. (11-0.)

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

None provided.

• **Open Forum**

1. Debbie D. expressed her concerns regarding unpermitted vendors at Christmas In The Park and Winter Wonderland.
2. Blair Beekman spoke to police budgeting, funding allocations, and solutions.
3. Thomas K. spoke to the challenges of those who are unhoused.
4. Martha O'Connell spoke to the previous trash and water payments included in rent and expressed how it's critical for mobile home residents to maintain that structure.
5. Paul Soto expressed that a police officer pointing his weapon at a person should be considered use of force.
6. Gurn Surjinder Dhaliwal spoke about her son.

- **Adjournment**

The Council of the City of San José adjourned at 4:43 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



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Yasmin Johnson  
Deputy City Clerk, City of San José

Approved at Council on: **8/8/23**

Attest By: 

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

## CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 6, 2023

The Council of the City of San José convened into Closed Session at 9:00 a.m.

The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Batra, Candelas, Cohen, Doan, Davis, Foley, Jimenez, Ortiz, Torres, 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: Rubalcava, Lionel v. City of San Jose, et al.  
Name(s) of Party(ies) LIONEL RUBALCAVA, CITY OF SAN JOSE, JOSEPH PEREZ, RAFAEL NIEVES, RAMON AVALOS, RAN BALDAL, STEVEN SPILLMAN, TOPUI FONUA, LIEUTENANT TIBBET, EDGARDO GARCIA, MICHAEL BROWN, RICH TORRES, SERGEANT HAFLEY.  
  
Court: U.S. District Court, Northern District of California  
Case No: 5:20-CV-04191-BLF  
Amount of Money or Other Relief Sought: Damages exceeding \$25,000
2. Case Name: Johnson, Kyle v. City of San Jose, et al.  
Name(s) of Party(ies) KYLE JOHNSON, AN INDIVIDUAL, CITY OF SAN JOSE, A CALIFORNIA CHARTER CITY; DOES 1 THROUGH 50  
  
Court: U.S. District Court; District of Northern California  
Case No: 5:21-cv-01849-BLF  
Amount of Money or Other Relief Sought: Damages according to proof
3. Case Name: Blevins, Lisa v. City of San José  
Name(s) of Party(ies) LISA BLEVINS, CITY OF SAN JOSÉ  
Court: Superior Court of California, County of Santa Clara  
Case No: 1-14-CV270060  
Amount of Money or Other Relief Sought: Appeal
4. Case Name: County Sanitation District 2-3, et a. v. City, et al.  
Name(s) of Party(ies) COUNTY SANITATION DISTRICT 2-3; WEST VALLEY SANITATION DISTRICT; BURBANK

	SANITARY DISTRICT; CUPERTINO SANITARY DISTRICT; CITY OF MILPITAS, CITY OF SAN JOSE, CITY OF SANTA CLARA; and DOES 1-50, inclusive
Court:	Superior Court of California, County of Santa Clara, Unlimited Jurisdiction
Case No:	18-CV-325480
Amount of Money or Other Relief Sought:	Damages according to proof

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

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 REAL PROPERTY DESIGNATED REPRESENTATIVES PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

- |    |  |   |
|----|--|---|
| 1. | Property Street Address, Parcel Number, or Other Unique Reference of Property: | 1300 Berryessa Road, San Jose, California, 95133.   |
|    | Negotiating Parties:   | Omar Passons, Nanci Klein, and Kevin Ice on behalf of the City of San Jose; Craig Kovalski of CBRE, on behalf of the property owner Terreno Berryessa, LLP. |
|    | Under Negotiation:   | The direction will concern price and terms of payment.  |
|    | Likely Range of Value of Property:   | Negotiated price based present comparable property values, potential use of and improvements to the property, and unique terms of the lease.                |

**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: | <b>Association of Building, Mechanical and Electrical Inspectors (ABMEI)</b>   |
|    | 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: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a> |
|    |  | Telephone – Employee Relations: (408) 535-8150   |
| 2. | Organization or Name and Title of Unrepresented Employees: | <b>Association of Engineers &amp; Architects (AEA)</b>   |

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|---|--|
| <p>Nature of negotiations:<br/> Name of Existing Contract or MOA:<br/> How to Obtain a copy of Existing Contract or MOA:</p>  | <p>wages/salaries, hours, working conditions, etc.<br/> Memorandum of Agreement — City of San José and Association of Engineers &amp; Architects (AEA)<br/> Web: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a><br/> Telephone – Employee Relations: (408) 535-8150</p>   |
| <p>3. Organization or Name and Title of Unrepresented Employees:<br/> Nature of negotiations:<br/> Name of Existing Contract or MOA:<br/> How to Obtain a copy of Existing Contract or MOA:</p>       | <p><b>Association of Legal Professionals of San José (ALP)</b><br/> wages/salaries, hours, working conditions, etc.<br/> Memorandum of Agreement – City of San José and Association of Legal Professionals of San José<br/> Web: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a><br/> Telephone – Employee Relations: (408) 535-8150</p>                     |
| <p>4. Organization or Name and Title of Unrepresented Employees:<br/> Nature of negotiations:<br/> Name of Existing Contract or MOA:<br/> <br/> How to Obtain a copy of Existing Contract or MOA:</p> | <p><b>Association of Maintenance Supervisory Personnel (AMSP)</b><br/> wages/salaries, hours, working conditions, etc.<br/> City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit &amp; Compensation Summary<br/> Web: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a><br/> Telephone – Employee Relations: (408) 535-8150</p>  |
| <p>5. Organization or Name and Title of Unrepresented Employees:<br/> Nature of negotiations:<br/> Name of Existing Contract or MOA:<br/> <br/> How to Obtain a copy of Existing Contract or MOA:</p> | <p><b>City Association of Management Personnel Agreement (CAMP)</b><br/> wages/salaries, hours, working conditions, etc.<br/> Benefit &amp; Compensation Summary — City of San José and City Association of Management Personnel Agreement<br/> Web: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a><br/> Telephone – Employee Relations: (408) 535-8150</p> |
| <p>6. Organization or Name and Title of Unrepresented Employees:<br/> Nature of negotiations:</p>   | <p><b>Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)</b><br/> wages/salaries, hours, working conditions, etc.</p>  |

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: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a> Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA:	<b>San José Police Dispatchers’ Association (SJPDA)</b> wages/salaries, hours, working conditions, etc. 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: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a> Telephone – Employee Relations: (408) 535-8150
8. Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA: How to Obtain a copy of Existing Contract or MOA:	<b>Peace Officer Park Ranger Association (POPRA)</b> wages/salaries, hours, working conditions, etc. Memorandum of Agreement – City of San Jose and Peace Officer Park Ranger Association Web: <a href="https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info">https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info</a> Telephone – Employee Relations: (408) 535-8150