



City Council Meeting MINUTES

DRAFT

Tuesday, June 13, 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**

9:03 a.m. - Closed Session

23-792 Closed Session: [See Page 33 for Closed Session Minutes](#)

Absent: Jimenez.

11:09 a.m. - Morning Session

Present: Councilmembers - Jimenez (11:20 a.m.), Torres, Cohen , Ortiz, Davis, Doan, Candelas, Foley, Batra (via Zoom) , Kamei (11:10 a.m.); Mahan.

Absent: Councilmembers - All Present.

1:37 p.m. - Afternoon Session

Present: Councilmembers - Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley (1:41 p.m), Batra (via Zoom), Kamei; Mahan.

Absent: Councilmembers - All Present.

6:28 p.m. - Evening Session

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

Absent: Councilmembers - All Present.

Pursuant to AB2449, Councilmember Arjun Batra provided notice to the City Council that he would be participating virtually using the Just Cause exemption of illness. This is his first of two allowed exemptions.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 6) —** heard during Afternoon Session.

Pastor Robert Mize of the Cathedral of Faith provided the invocation by leading in prayer.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

• Closed Session Report

City Manager Jennifer Maguire announced Matt Loesch as the new Director for the Public Works Department. Matt Loesch will assume the position on June 18th after being Acting Director since January 2023. The Director of Public Works is responsible for maintenance and construction of the municipal system, animal care, facilities management, fleet and equipment, planning and designing infrastructure and facilitating private development. The role comes after 21 years of Matt Loesch working in the Public Works department, beginning as an Engineer. Matt Loesch expressed thanks and gratitude for his supervisors and family and expressed a commitment to fostering a culture of excellence.

1. CEREMONIAL ITEMS — heard during Afternoon Session.

- 1.1 Councilmember Domingo Candelas presented a commendation, recognizing Sameena Usman for her nearly two decades of work in our community advocating on social justice issues and amplifying the voices of underrepresented communities on behalf of Council on American-Islamic Relations – San Francisco Bay Area (CAIR-SFBA). (Candelas)
- 1.2 Councilmember Peter Ortiz presented a proclamation declaring June 2023 as National Immigrant Heritage Month to recognize the contributions, culture and traditions of immigrant communities to the City of San José. (Ortiz)
- 1.3 Mayor Matt Mahan and Councilmember Omar Torres presented a proclamation declaring June 19, 2023 as Juneteenth in the City of San José to recognize and celebrate the emancipation of enslaved African Americans. (Mayor and Torres)

2. CONSENT CALENDAR

Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, all the below listed actions were taken as indicated with the exclusion of Item 2.17(h).1 due to the applicant withdrawing their application. (11-0.)

Public Comment: None provided.

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| 2.1 | 23-943 | <p>Approval of City Council Minutes.</p> <p>(a) Regular City Council Meeting Minutes of December 14, 2021.</p> <p>(b) Regular City Council Meeting Minutes of January 25, 2022.</p> <p>(c) Regular City Council Meeting Minutes of February 8, 2022.</p> <p>(d) City Council Study Session Meeting Minutes of March 8, 2022.</p> <p>(e) Regular City Council Meeting Minutes of March 22, 2022.</p> <p>(f) Regular City Council Meeting Minutes of April 12, 2022.</p> <p>(g) Regular City Council Meeting Minutes of April 26, 2022.</p> <p>(h) City Council Study Session Meeting Minutes of January 14, 2022.</p> <p>CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.</p> |
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Action: The City Council Minutes were approved. (11-0.)

Final Adoption of Ordinances.

(a) Ordinance No. 30922 - 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 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

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2.2 (Cont'd.)

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 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

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2.2 (Cont'd.)

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 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, 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 Rd, County Fairgrounds, Monterey Hwy/Senter Rd Employment areas, the Alameda East, S. Bascom Ave North, S. Bascom Ave South, Camden Ave/Hillsdale Ave, Hamilton Ave/Meridian Ave, Almaden Ex/Hillsdale Ave, Camden Ave/Branham Ln, Kooser Rd/Meridian Ave, Camden Ave/Kooser Rd, Curtner Light Rail/Caltrain, W. Capitol Ex/Monterey Rd, Capitol Ex/Hwy 87 Light Rail, Oakridge Mall and Vicinity/Cambrian, Oakridge Mall and Vicinity/Edenvale, Blossom Hill Rd/Cahalan Ave; and Blossom Hill Rd/Snell Ave Urban Villages. [Passed for Publication on 6/6/2023 - Item 10.1(a) (23-845)]

(b) Ordinance No. 30923 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.02 Gross Acres, Situated on the South Side of Poppy Lane, Approximately 580 Feet South of the Intersection of Dorel Drive and Penitencia Creek Road (APN 599-24-008) from the A(PD) Planned Development Zoning District to the R-1-Rr Rural Residential Residence Zoning District. [Passed for Publication on 6/6/2023 - Item 10.1(b) (23-846)]

Action: (a) **Ordinance No. 30922** and (b) **Ordinance No. 30923** were adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7 23-863 Macro Cell Fee Schedule and Lease Agreement for City-Owned Properties.**
(a) Approve a template for Non-Exclusive Installation and Property Use Agreement for Telecommunication Facilities on City-Owned Property (Telecommunication Agreement) for a ten-year term with a one-time five-year option to extend the term; (b) Approve a standard market rate fee schedule based on a site's equipment space requirements, number of antennas, and location within the City of San José with an annual escalation of four percent; (c) Adopt a resolution directing staff to transfer ten percent of the revenue collected from the new Telecommunication Agreements to the Digital Inclusion Fund; and (d) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute Telecommunication Agreements and all other documents necessary to complete a transaction. CEQA: Not a Project, File No. PP17-003, Agreement/Contracts (new or amended) resulting in no physical changes to the environment. (Economic Development and Cultural Affairs)

Action: (c) **Resolution No. RES2023-208**, directing staff to transfer ten percent of the revenue collected from the new Telecommunication Agreements to the Digital Inclusion Fund, and (d) **Resolution No. RES2023-209**, authorizing the City Manager, or designee, to negotiate and execute Telecommunication Agreements and all other documents necessary to complete a transaction were adopted. (11-0.)

- 2.8 23-864 Nonprofit Charitable Reuse Agreements.**
Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, each with a term from July 1, 2023 through June 30, 2024. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Action: Charitable reuse agreements with Goodwill of Silicon Valley, The Salvation Army, and HOPE Services were approved. (11-0.)

- 2.9 23-865 **Actions Related to the Purchase Orders with Coast Counties Truck & Equipment Company and FJM Truck and Trailer Center, LLC for Heavy Equipment and Maintenance Service.**
Adopt a resolution authorizing the City Manager to: (a) Amend purchase orders with Coast Counties Truck & Equipment Company (San José, CA) and FJM Truck and Trailer Center, LLC (San José, CA) for heavy equipment and maintenance services to increase the total compensation by \$500,000, for a maximum compensation not-to-exceed \$850,000 for the periods ending February 22, 2024, and April 3, 2024, respectively; and (b) Exercise up to four one-year options to extend the terms of the purchase orders with the last options ending on or about February 22, 2028, and April 3, 2028, respectively, subject to the appropriation of funds. CEQA: Not a project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2023-210** was adopted, authorizing the City Manager to: (a) Amend purchase orders with Coast Counties Truck & Equipment Company and FJM Truck and Trailer Center, LLC and (b) Exercise up to four one-year options to extend the terms of the purchase orders with the last options ending on or about February 22, 2028, and April 3, 2028, respectively. (11-0.)

- 2.10 23-867 **Report on Bids and Award of Contract for the 10221 - Park: Bundle – 9140 Mercado Park and 9254 Bruzzone Park Project.**
(a) Report on bids and award of a contract for the construction of 10221 - PARK: BUNDLE - 9140 Mercado Park and 9254 Bruzzone Park Project to the lowest responsive, responsible bidder, Suarez & Munoz Construction, Inc., in the amount of \$3,071,000. (b) Approve a 10 % contingency in the amount of \$307,100. (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund: (1) Increase the Bruzzone Way Park Development appropriation to the Parks, Recreation, and Neighborhood Services Department by \$232,000; (2) Increase the Mercado Park Development appropriation to the Parks, Recreation, and Neighborhood Services Department by \$162,000; and (3) Decrease the Future PDO / PIO Projects Reserve by \$394,000. CEQA: File No. ER23-094, Determination of Consistency with San José Flea Market General Plan Amendment and Planned Development Rezoning Project Final Environmental Impact Report (Resolution No. 73956). Council District 4. (Public Works/Parks, Recreation, and Neighborhood Services/City Manager)

Councilmember Cohen expressed excitement for the project and on the development of more Parks in North San Jose.

Action: (c) Appropriation **Ordinance No. 30924** was adopted, amending the Subdivision Park Trust Fund. (11-0.)

2.11 23-868 Report on Bids and Award of Contract for the 7700 - Autumn Parkway Outfall 67F and 509 Rehabilitation Project Re-Bid.

(a) Report on bids and award of a contract for the construction of 7700 - Autumn Parkway Outfall 67F and 509 Project - Re-Bid to the lowest responsive, responsible bidder, Brannon Corporation, in the amount of \$1,973,965, and; (b) Approve a 15% contingency in the amount of \$296,095. CEQA: Categorically Exempt File No. ER20-266, CEQA Guidelines Sections 15301 Existing Facilities and 15302 Replacement or Reconstruction. Council District 6. (Public Works)

Action: (a) Report on bids and award of a contract for the construction of 7700 - Autumn Parkway Outfall 67F and 509 Project - Re-Bid to the lowest responsive, responsible bidder, Brannon Corporation, in the amount of \$1,973,965 and (b) a 15% contingency in the amount of \$296,095 were approved. (11-0.)

2.12 23-869 Report on Bids and Award of Contract for the 10086 - Almaden, Berryessa and Evergreen Community Centers Improvement Project.

(a) Report on bids and award of a construction contract for the 10086 - Almaden, Berryessa, and Evergreen Community Centers Improvement Project to the lowest responsive, responsible bidder, City Building, Inc., in the amount of \$1,198,780; and (b) Approve a 15% construction contingency in the amount of \$179,817. CEQA: Categorically Exempt, File No. ER23-032, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 4, 8, 10. (Public Works)

Action: (a) Report on bids and award of a construction contract for the 10086 - Almaden, Berryessa, and Evergreen Community Centers Improvement Project to the lowest responsive, responsible bidder, City Building, Inc., in the amount of \$1,198,780 and (b) 15% construction contingency in the amount of \$179,817 were approved. (11-0.)

2.13 23-870 2023 Transformative Climate Communities Planning Grant Application.

Adopt a resolution authorizing the Department of Transportation, working with the Environmental Services Department, Housing Department, and Office of Economic Development and Cultural Affairs, to apply for and, if awarded, accept a Transformative Climate Communities Planning Grant for \$300,000, and delegating the authority to the City Manager, or designee, to negotiate and execute all related documents. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Transportation)

Action: **Resolution No. RES2023-211** was adopted, authorizing the Department of Transportation, working with the Environmental Services Department, Housing Department, and Office of Economic Development and Cultural Affairs, to apply for and, if awarded, accept a Transformative Climate Communities Planning Grant. (11-0.)

- 2.14 23-871 2023 Local Streets Sealing Project.**
(a) Report on bids and approve award of contract for the 2023 Local Streets Sealing Project, to the low bidder, Graham Contractors, Inc., in the amount of \$4,866,200; and (b) Approve a 10% contingency in the amount of \$486,000. CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities.
(Transportation)

Action: (a) Report on bids and award of contract for the 2023 Local Streets Sealing Project, to the low bidder, Graham Contractors, Inc., in the amount of \$4,866,200 and (b) a 10% contingency in the amount of \$486,000 were approved. (11-0.)

- 2.15 23-884 Approval of Proclamation of Juneteenth on June 19, 2023, and Juneteenth Flag Raising on June 13-19, 2023 Sponsored by the Mayor's Office as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Events.**
As recommended by the Rules and Open Government Committee on May 31, 2023: (a) Approve the Proclamation of Juneteenth scheduled on June 19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve the Juneteenth Flag Raising scheduled on June 13-19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and (c) Approve and accept donations from various individuals, businesses or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 5/31/2023 - Item B.4]

Action: The City Council Sponsored Special Events were approved. (11-0.)

- 2.16 23-948 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2023-2024. - RENUMBERED FROM ITEM 8.1.**
Adopt an annual resolution authorizing the City Manager or designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act Program and projects: (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the Workforce Innovation and Opportunity Act Program and workforce programs funded by other sources, including, but not limited to, novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2023 to June 30, 2024 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2022 to June 30, 2026 in accordance with Section 121 of the Workforce Innovation and Opportunity Act, including, but not

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2.16 (Cont'd.)

limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement. (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (d) All grant applications, grant agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2023, to June 30, 2024, subject to annual appropriation of funds by the Workforce Development Board. (f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2024), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2024). CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a project which may result in a potentially significant impact on the environment. (Economic Development and Cultural Affairs) RENUMBERED FROM ITEM 8.1 (23-878)

Action: **Resolution No. RES2023-212** was adopted, authorizing the City Manager or designee to negotiate and execute agreements relating to the Workforce Innovation and Opportunity Act Program and projects. (11-0.)

2.17 23-949 **Boards and Commissions Appointment.**

Approve the following Boards and Commissions appointments: (a) Airport Commission: (1) District 2 Seat: Appoint John Leipelt for a term of July 1, 2023 to June 30, 2027. (2) District 10 Seat: Appoint Mike Campbell for a term of July 1, 2023 to June 30, 2027. (b) Arts Commission: (1) District 3 Seat: Appoint Steven Martinez for a term of June 13, 2023 to June 30, 2024. (2) District 8 Seat: Appoint Alexander Nguyen for a term of June 13, 2023 to June 30, 2026. (3) District 9 Seat:

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2.17 (Cont'd.)

Appoint Karen Adamski for a term of June 13, 2023 to June 30, 2024. (c)Housing and Community Development Commission: (1) District 4 Seat: Reappoint Linh Vong for a term of July 1, 2023 to June 30, 2027. (2) District 8 Seat: Reappoint Huy Tran for a term of July 1, 2023 to June 30, 2027. (3) District 10/ARO Owner Seat: Reappoint Roberta Moore for a term of July 1, 2023 to June 30, 2027. (d)Library and Education Commission: (1) District 2 Seat: Appoint Coco Nicole Banks for a term of July 1, 2023 to June 30, 2027. (2) District 4 Seat: Reappoint Deniz Westphal for a term of July 1, 2023 to June 30, 2027. (3) District 8 Seat: Reappoint Maria Patricia Mendoza for a term of July 1, 2023 to June 30, 2027. (4) District 10 Seat: Appoint Melanie Sellar for a term of July 1, 2023 to June 30, 2027. (e)Measure T Community Oversight Committee: (1) District 3 Seat: Appoint Michelle Brenot for a term beginning on June 13, 2023. (2) District 5 Seat: Appoint Enrique Arguello for a term beginning on June 13, 2023. (f)Parks and Recreation Commission: (1) District 2 Seat: Reappoint Andre Morrow for a term of July 1, 2023 to June 30, 2027. (2) District 8 Seat: Appoint Kent Campbell for a term of July 1, 2023 to June 30, 2027. (g)Planning Commission: (1) District 4 Seat: Appoint Melissa Bickford for a term of June 13, 2023 to June 30, 2026. (h)Senior Citizens Commission: (1) District 2 Seat: Appoint Christopher Lee for a term of July 1, 2023 to June 30, 2027. (2) District 3 Seat: Appoint Gina Gates-Lopez for a term of July 1, 2023 to June 30, 2025. (3) District 4 Seat: Appoint Lilia Hancock for a term of July 1, 2023 to June 30, 2027. (4) District 5 Seat: Appoint Obdulia Corona for a term of June 13, 2023 to June 30, 2025. (5) District 8 Seat: Appoint Ruthie Medina for a term of July 1, 2023 to June 30, 2027. (i)Youth Commission: (1) District 4 Seat: Appoint Thy Luong for a term of June 13, 2023 to May 31, 2024. 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 6/7/2023 - Item A.1.a]

The City Clerk announced the withdraw of the District 2 applicant for the Senior Citizens Commission, Christopher Lee.

Action: The appointments to (a) Airport Commission, (b) Arts Commision, (c) Housing and Community Development Commission, (d) Library and Education Commission, (e) Measure T Community Oversight Committee, (f) Parks and Recreation Commission, (g) Planning Commission, (h) Senior Citizens Commission, excluding the withdraw of the District 2 applicant Christopher Lee, and (i) Youth Commission were approved. (11-0.)

2.18 23-952 **Retroactive Approval of Various Events Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

As recommended by the Rules and Open Government Committee on June 7, 2023: (a) Retroactively approve the Senior Cafecito Event scheduled on April 4, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Retroactively approve the Black April Community Event series scheduled on April 21, April 29, and April 30, 2023 as a City Council sponsored Special Event and

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2.18 (Cont'd.)

approve the expenditure of funds. (c) Retroactively approve the Senior Mother's Day Event at Mayfair Community Center scheduled on May 10, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (d) Retroactively approve the Foxdale Mother's Day Event scheduled on May 12, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (e) Retroactively approve the Kollmar Pizza Party Event scheduled on May 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (f) Retroactively approve the 5 Wounds Townhall Event scheduled on May 15, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (g) Retroactively approve the El Rancho Verde Townhall Event scheduled on May 24, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (h) Retroactively approve the Community Business Improvement District Townhall Event scheduled on May 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (i) Retroactively approve the District 5 Budget Townhall Event scheduled on May 31, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. (j) Retroactively approve the monthly reservation of a portable restroom for the monthly Vietnamese Heritage Garden Flag Raising Event scheduled on April 1, 2023, as a City Council sponsored Special Event and approve the expenditure of funds; and (k) Approve and accept donations from various individuals, businesses or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Ortiz) [Rules Committee referral 6/7/2023 - Item B.5]

Action: The City Council Sponsored Special Events were retroactively approved. (11-0.)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

- 3.3 23-872 Disability Inclusion Equity Pledge.**
Adopt a resolution accepting the proposed Disability Inclusion Equity Pledge to formalize the City's commitment and prioritization of disability inclusion and a barrier-free environment. CEQA: Not a Project, File No. PP17-017, City Organizational and Administrative Activities, resulting in no changes to the physical environment. (City Manager)

Office of Administration, Policy, and Intergovernmental Relations Director Sarah Zárate and Disability Affairs Officer Raania Mohsen provided the presentation.

Michele Maschburn, Equity Pledge Advocate, presented language from the Disability Inclusion Equity pledge which included asking the City to commit to a process of equity-based measures beyond the minimum legal requirement.

Public Comments: Francisco Valeuzuela (San Andreas Regional Center) and Mollie McLeod offered public comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2023-213** was adopted, accepting the proposed Disability Inclusion Equity Pledge to formalize the City's commitment and prioritization of disability inclusion and a barrier-free environment and the June 8, 2023 memorandum authored by Councilmember Pam Foley was approved to direct the City Manager to: Return to CED annually with a status report on the policies and initiatives that the City has implemented, and plan on implementing going forward to improve accessibility for both staff and residents of San José. (11-0.)

- 3.4 23-873 Mayor's June Budget Message for Fiscal Year 2023-2024. - NOT TO BE HEARD BEFORE 1:30 P.M. AND TO BE HEARD CONCURRENTLY WITH ITEM 3.5.**
(a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2023-2024. (b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, subject to applicable procurement and provided that any required environmental review has been completed. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) NOT TO BE HEARD BEFORE 1:30 P.M. TO BE HEARD CONCURRENTLY WITH ITEM 3.5

ITEMS 3.4 AND 3.5 WERE HEARD CONCURRENTLY AND VOTED ON SEPARATELY.

The mayor announced that due to the number of previously available opportunities to comment on the Budget Message, the Council would limit public comment for these Items to an hour total and the comment time limited to one minute.

Public Comments: 59 members of the public offered public comments.

(Item continued on next page.)

3.4 (Cont'd.)

City Budget Director Jim Shannon provided a brief overview presentation and responded to questions with Housing Department Assistant Director Rachel Vanderveen, Housing Department Director Jacky Morales Ferrand, and Office of Economic Development Business Development Deputy Director Blage Zelalich

DELIBERATION ON ITEM 3.4 WAS HEARD AFTER 3.5.

Action: Councilmember Dev Davis moved the Mayor's June Budget message with the addition of Items #1, #2, and #3, of the June 9, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, Ortiz, Batra and Doan; the June 13, 2023 memorandum authored by Councilmember Omar Torres; and Item #2 of the June 13, 2023 memorandum authored by Councilmember Domingo Candelas submitted for the Council Agenda Item 3.6. This motion was seconded by Councilmember Omar Torres.

Mayor Matt Mahan asked staff to provide an analysis on which of the following projects would be eligible for Community Development Block Grant Funding (CDBG): (a) Assisting the Vietnamese Heritage Community Garden, the Alum Rock Arts District, and the African American Community Center (MBA #18) and (b) Hoffman Via Monte Safety Lighting (BD #50)

Before staff response, Councilmember Davis described their previous discussions with staff, and that due to uncertainty on the eligibility for funding, included Item #2 of their joint memorandum **to consider** other funding through the General Fund Ending Fund Balance and for staff to return with that amount.

City Budget Director Jim Shannon responded that (b) Hoffman Via Monte Safety Lighting (BD #50) may be eligible but not (a) Assisting the Vietnamese Heritage Community Garden, the Alum Rock Arts District, and the African American Community Center (MBA #18). He then responded that a report back to Council on considerations to fund the projects through the General Funding Ending Fund balance would happen in October 2023.

Mayor Mahan confirmed Councilmember Davis would still like to see the portions, as written in the Mayor's June Budget Message for the (a) Assisting the Vietnamese Heritage Community Garden, the Alum Rock Arts District, and the (b) African American Community Center, funded now. Councilmember Davis affirmed this.

Friendly Amendment: Vice Mayor Rosemary Kamei asked the maker of the motion to remove Items #1, #2, and #3, of the June 9, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, Ortiz, Batra and Doan.

Vice Mayor Kamei spoke on the "cost" of funding these projects versus those in the existing budget and as put forward by the Mayor's budget. The Vice Mayor emphasized that funding certain projects will take away from funding others and asked Staff for clarification.

(Item continued on next page.)

3.4 (Cont'd.)

Budget Director Jim Shannon described the Annual Report process, including the ending fund balance and potential staff recommendations for spending uncommitted and excess funds. Additionally, he explained that emergency interim housing has priority budgeting. Anything beyond the funding required for interim housing could then be budgeted towards different projects as one-time allocations.

Councilmember Dev Davis declined the friendly amendment.

Friendly Amendment 1: Councilmember Foley requested a friendly amendment to Item #2 of the June 9, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, Ortiz, Batra and Doan to add: Bring back to Council.

Friendly Amendment 2: Councilmember Foley requested an additional friendly amendment, willing to go forward with Item 1.a. and 1.b but only if they can get CDBG funds. CDBG funds and if not come back to council on it.

Councilmember Pam Foley emphasized the trade-off associated with funding additional items and expressed their inability to support the motion without the guarantee of CDBG funding as it otherwise puts the Ending Fund Balance in jeopardy.

The maker of the motion, Councilmember Davis approved the first amendment, and returning to council only if these items cannot come through CDBG.

City Manager Jennifer Maguire clarified that with the existing direction, if there is any additional ending fund balance, during the annual report with Council in October 2023, the City Manager's Office would bring back recommendations for appropriation.

Foley then requested to add on to the first friendly amendment, staff is directed to bring back to council, and include the other potential funding opportunities for these projects.

Councilmember Davis and Councilmember Torres accepted the friendly amendment and change, to bring back to council, and include the other potential funding opportunities for these projects.

Friendly Amendment: Mayor suggested that recommendation #2 of the June 13, 2023 memorandum authored by Councilmember Domingo Candelas be amended to add \$20,000 to reflect the funding up to \$50,000.

Mayor Matt Mahan clarified that on Item #2 of the June 13, 2023 memorandum authored by Councilmember Domingo Candelas, there is already an allocation of \$30,000 from the Neighborhood Business Districts Office of Economic Development Plan to support the Tully Road Eastridge Business Association.

Office of Economic Development Business Development Deputy Director Blage Zelalich recommended instead using an "up-to" number with a minimum funding of \$30,000, up-to \$50,000.

(Item continued on next page.)

3.4 (Cont'd.)

Councilmember Domingo Candelas expressed willingness to amend their recommendation as allocating one-time funding of \$30,000, up-to \$50,000.

Councilmember Davis and Councilmember Torres accepted this amendment.

Final Action: On a call to the question, Councilmember Dev Davis moved to approve the Mayor's June Budget message, with the addition of: Items #1, #2, and #3, of the June 9, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, Ortiz, Batra and Doan, amended to bring Item #2 back to Council with other additional funding opportunities; the June 13, 2023 memorandum authored by Councilmember Omar Torres; and Item #2 of the June 13, 2023 memorandum authored by Councilmember Domingo Candelas with amended language to allocate one time funding of "\$30,000 up to \$50,000." This was seconded by Councilmember Omar Torres.

Approval of the Mayor's June Budget Message with the following modifications:

Items #1, #2, and #3, of the June 9, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, Ortiz, Batra and Doan

1. Direct staff to fund the following items through Community Development Block Grant funding:
 - a. Assisting the Vietnamese Heritage Community Garden, the Alum Rock Arts District, and the African American Community Center (MBA #18)
 - b. Hoffman Via Monte Safety Lighting (BD #50)
2. If one or more of the items listed above, including any portion of 1.a and/or 1.b, cannot be funded as directed, staff is directed to consider funding through the General Fund Ending Fund Balance and return to Council with any other potential funding opportunities.
3. Regarding Budget Document #50 a. Direct staff to utilize any cost savings in funds allocated to address Priority Problem 1 (Carlsbad Drive), to address Priority Problem 2 (Mesa Drive).

June 13, 2023 memorandum authored by Councilmember Omar Torres

1. Direct City Manager to develop an agenda and facilitate a Study Session with the objectives and goals to explore different funding mechanisms that can be used to add more funds to the arts community, as outlined in Manager's Budget Addendum #58.
2. Direct City Clerk to set a City Council Study Session in Fall/Winter 2023
3. Direct the City Manager to include the feasibility of new arts funding when surveying voters for possible future revenue measures.

June 13, 2023 memorandum authored Councilmember Domingo Candelas

- 2) Allocate one-time funding of \$30,000, up-to \$50,000, from the Neighborhood Business Districts to support the Tully Road Eastridge Business Association to support local business growth and development as described in Budget Document #28.

(b) **Resolution No. RES2023-214** was adopted to authorize the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, subject to applicable procurement and provided that any required environmental review has been completed. (10-1. Noes: Kamei.)

**Proposed Changes to the Spending Priorities and Percentage Allocations
Measure E Real Property Transfer Taxes. - NOT TO BE HEARD BEFORE
1:30 P.M. AND TO BE HEARD CONCURRENTLY WITH ITEM 3.4.**

(a) Adopt a resolution related to estimated 2023-2024 Measure E revenues: (1) Approving by two-thirds (2/3rds) affirmative vote the following percentage allocations as included in Manager's Budget Addendum #2 of the 2023-2024 Proposed Operating Budget for the spending of Measure E revenues totaling \$50.0 million anticipated to be received in Fiscal Year 2023-2024: (i) 5% for administration with the remaining revenue allocated as follows: (ii) 0% for the creation of new affordable housing for extremely low-income households; (iii) 0% for the creation of new affordable housing for low-income households; (iv) 0% for the creation of new affordable housing for moderate-income households; (v) 20% for homeless prevention, gender-based violence programs, legal services and rental assistance; and (vi) 80% for homeless support programs including shelter construction and operations. (2) In the alternative to (a)(1), approve by majority vote to maintain the current allocation under Council Policy 1-18, Section 22, of Measure E spending priorities for the 2023-2024 Proposed Budget for the spending of Measure E revenue totaling \$50.0 million anticipated to be received in Fiscal Year 2023-2024; and (3) In the alternative to (a)(1) or (a)(2), approve by two-thirds (2/3rds) affirmative vote an alternative allocation for Measure E spending priorities for the 2023-2024 Proposed Budget for the spending of Measure E revenue totaling \$50.0 million anticipated to be received in Fiscal Year 2023-2024.

(b) Adopt a resolution related to prior year Measure E revenues: (1) Approving by two-thirds (2/3rds) affirmative vote the following percentage allocations as included in Manager's Budget Addendum #2 of the 2023-2024 Proposed Operating Budget for the combined spending of uncommitted Measure E revenues totaling \$87.0 million, comprised of \$17.1 million from Fiscal Year 2020-2021, \$20.4 million from Fiscal Year 2021-2022, and \$49.5 million from Fiscal Year 2022-2023: (i) 22% for administration, which is inclusive of a revenue stabilization reserve to protect funding commitments from an anticipated revenue shortfall, with the remaining revenue allocated as follows: (ii) 21% for the creation of new affordable housing for extremely low-income households; (iii) 57% for the creation of new affordable housing for low-income households; (iv) 0% for the creation of new affordable housing for moderate income households; (v) 4% for homeless prevention, gender-based violence programs, legal services and rental assistance; and (vi) 18% for homeless support programs including shelter construction and operations. (2) In the alternative to (b)(1), approve by two-thirds (2/3rds) affirmative vote the following percentage allocations as included in the Mayor's June Budget Message for Fiscal Year 2023-2024 for the combined spending of uncommitted Measure E revenues totaling \$87.0 million, comprised of \$17.1 million from Fiscal Year 2020-2021, \$20.4 million from Fiscal Year 2021-2022, and \$49.5 million from Fiscal Year 2022-2023: (i) 17% for administration, which is inclusive of a revenue stabilization reserve to protect funding commitments from an anticipated revenue shortfall, with the remaining revenue allocated as follows: (ii) 20% for the creation of new affordable housing for extremely low-income households; (iii) 31% for the creation of new affordable housing for low-income households; (iv) 0% for the creation of new

(Item continued on next page.)

3.5 (Cont'd.)

affordable housing for moderate income households; (v) 4% for homeless prevention, gender-based violence programs, legal services and rental assistance; (vi) 45% for homeless support programs including shelter construction and operations. (3) In the alternative to (b)(1) or (b)(2), approve by a majority vote to maintain the current allocation under Council Policy 1-18, Section 22, of Measure E spending priorities for the combined spending of uncommitted Measure E revenue totaling \$87.0 million, comprised of \$17.1 million from Fiscal Year 2020-2021, \$20.4 million from Fiscal Year 2021-2022, and \$49.5 million from Fiscal Year 2022-2023. (4) In the alternative to (b)(1) or (b)(2), approve by two-thirds (2/3rds) affirmative vote an alternative allocation to the 2023-2024 Proposed Budget for the combined spending of uncommitted Measure E revenue totaling \$87.0 million, comprised of \$17.1 million from Fiscal Year 2020-2021, \$20.4 million from Fiscal Year 2021-2022, and \$49.5 million from Fiscal Year 2022-2023. PLEASE NOTE: APPROVAL OF (A) and (B) CHANGING THE PERCENTAGE ALLOCATIONS REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. (Council Policy 1 18, Section 22(c)(2)). CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing/City Manager) NOT TO BE HEARD BEFORE 1:30 P.M. TO BE HEARD CONCURRENTLY WITH ITEM 3.4

ITEMS 3.4 AND 3.5 WERE HEARD CONCURRENTLY AND VOTED ON SEPARATELY.

PUBLIC COMMENT AND PRESENTATION INFO WRITTEN UNDER ITEM 3.4.

DELIBERATION ON ITEM 3.5 WAS HEARD FIRST.

Motion: Councilmember Dev Davis made a motion to move the June 8, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, and Ortiz, excluding the first line of the memo which reads “Approve the Mayor’s June Budget Message with the following Modifications:” Councilmember Peter Ortiz seconded this motion.

Councilmember Davis expressed openness to the message of the June 9, 2023 Cohen and Jimenez and requested to hear more for consideration. The Councilmember asked staff for more information on using funding from the inflation reserve and their priority in meeting housing goals related to moderate income funding.

Substitute Motion: Mayor Matt Mahan moved the Mayor’s June Budget Message. Vice Mayor Rosemary Kamei seconded this motion.

Mayor Mahan offered the substitute motion as an intention to move funding to 50 million for affordable housing and 50 million for immediate housing while keeping funding for previously approved projects.

(Item continued on next page.)

3.5 (Cont'd.)

Friendly Amendment: Councilmember Bien Doan requested a friendly amendment to the Substitute Motion to move the June 9, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, Ortiz, Batra, and Doan.

The Mayor clarified the current motions are specific to Measure E allocations.

The Friendly Amendment request was withdrawn.

Friendly Amendment: Councilmember Arjun Batra requested to include Items 2(a) and 2(b) from his June 13, 2023 memorandum as a friendly amendment: (a) Provide an update by fall 2023 on the development of a streamlined process to expedite the affordable and market rate housing pipeline as recommended in MBA #30 (no implications to budget 2023-2024); and (b) Schedule study session on the cost of construction and financing models for affordable housing tentatively planned for the fall 2023 as recommended in MBA #30

Councilmember Batra emphasized that these changes made no implications on the budget, and that while the City Manager has agreed these will be done in the Fall, Councilmember Batra requested they be formally planned. The Councilmember expressed an importance in showing the Council is not just taking money away from affordable homes.

City Manager Jennifer Maguire said there is existing direction to do the study session in fall.

Mayor Mahan expressed appreciation for the point and did not accept the friendly amendment.

Action: Councilmember Pam Foley moved the call to the question Mayor Matt Mahan seconded the motion. The motion passed. (11-0.)

Action: The Council voted on the approval of the Substitute Motion made by Mayor Matt Mahan and seconded by Vice Mayor Rosemary Kamei to move the Measure E Allocations as outlined in Mayor's June Budget Message. The motion failed. (5-6. Noes: Jimenez, Torres, Cohen, Ortiz, Davis, Candelas.)

The Council then deliberated on the underlying Motion made by Councilmember Dev Davis and seconded by Councilmember Peter Ortiz.

Friendly Amendment: Councilmember David Cohen requested a friendly Amendment to the underlying Davis/Torres/Ortiz Motion to use funding (\$12,708,416) from the "Creation of New Affordable Housing for Moderate-Income Households" to bring the \$2,500,000 allocated to "Program Administration" in the Councilmember Davis/Torres/Ortiz Memo to \$6,824,941, an increase of \$4,324,941, and move the remaining \$8,383,475 to "Homeless Support Programs, Shelter Construction and Operations" for a total of \$29,513,284.

Councilmember Cohen suggested the potential of using a combination of funding from the "Creation of New Affordable Housing for Moderate-Income Households" and the "Inflation Reserve"

(Item continued on next page.)

3.5 (Cont'd.)

Councilmember Davis suggested allocating \$4,324,941 from the Inflation Reserve to “Program Administration” to bring the new total to \$6,824,941 and then re-allocating an even amount of \$8,000,000 from the “Creation of New Affordable Housing for Moderate-Income Households” funding into “Homeless Support Programs, Shelter Construction and Operations” for a total of \$29,129,809.

Councilmember Davis asked staff whether the remaining \$4,708,416 would be sufficient for meeting at least the one goal of acquisition rehab projects, or all three goals.

Housing Department Assistant Director Rachel Vanderveen responded that the remaining \$4.7 Million would give staff options to move forward with the priorities for that category.

Councilmember Cohen accepted the allocations and re-allocations as suggested by Councilmember Davis.

The seconder of the underlying motion, Councilmember Ortiz, expressed concern on the new amendment’s impact on preservation dollars and concern that the cost for those priorities would cost more than the \$4,708,416 remaining in “Creation of New Affordable Housing for Moderate-Income Households.” Staff responded that the funding doesn’t have to come only from that category as it only has to cover the units inhabited by moderate-income individuals.

Councilmember Ortiz approved the friendly amendment made by Councilmember Cohen

City Budget Director Jim Shannon clarified that this funding will be coming out of prior-year allocations.

Action: Councilmember Pam Foley called the motion to question. Councilmember Dev Davis seconded the motion. The motion passed. (11-0.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Peter Ortiz , and carried unanimously, the June 8, 2023 joint memorandum co-authored by Councilmembers Davis, Torres, and Ortiz was approved, with the Friendly Amendment made by Councilmember David Cohen as listed below.

1. Maintain the existing, Council-approved Measure E allocation formula for both: 1) unspent prior year revenues and 2) FY 23-24 revenues:
 - a. Change the Measure E allocations in the Proposed Budget to conform with the chart outlined in the May 16th presentation to the City Council (Item 3.3, Slide 4):
 - b. Adopt the Revised Measure E Spending Plan detailed at the end of this memo.
 - c. If FY 22-23 or FY 23-24 Measure E revenues fall short of the budgeted projections, staff is directed to adjust the allocations proportionally across the spending categories above.
2. Supplement the Measure E Spending Plan described above, and allocate additional funding to the City’s affordable housing and homelessness initiatives from the following other City funding sources:

(Item continued on next page.)

3.5 (Cont'd.)

- a. To support new Affordable Housing development: Utilize the \$26.6 million identified in MBA #45 for a new affordable housing NOFA. This includes \$10.2 million in expected FY 22-23 carryover that is not needed to cover the four remaining affordable housing projects and \$16.4 million in expected FY 23-24 revenue.
 - b. To support Interim Shelter & other Homeless Support programs: Allocate up to \$15 million from the General Fund Ending Fund Balance over two years. As part of the Review and Approval of the FY 22-23 Annual Report, or earlier if possible, COUNCIL AGENDA: 6/13/2023 ITEM: 3.4 Staff is directed to return to Council with a spending plan for these funds that includes allocations for Homeless Response Staff, Homeless Coordination team, interim shelter operations and maintenance, and SJ Bridge.
 3. Direct City staff to issue a new Affordable Housing NOFA as soon as is practical in FY 23-24 utilizing the resources identified above for new affordable and moderate-income housing production and acquisition/rehabilitation activities to preserve existing housing units for low- and moderate-income families. Consistent with the City's existing Affordable Housing Investment Plan (AHIP) priorities, this NOFA should prioritize developments with Extremely Low Income & Supportive Housing units.
 4. Direct City staff to develop a proposed plan for funding the significant ongoing operating and services costs associated with the City's current and planned Interim Shelter sites. In developing this plan, staff should:
 - a. Consider options for creating a dedicated funding stream to limit impacts to the General Fund.
 - b. Prioritize the preservation of the Council-approved Measure E allocation formulas.
 - c. Explore cost-sharing arrangements with the County, Housing Authority and other key partners.
 - d. Present their recommendations as part of the FY 24-25 budget process.
 5. Direct City staff to work with the County of Santa Clara and other key Continuum of Care partners to conduct a needs assessment that clearly identifies the actions and resources that will be required to meet the following goals laid out in the 2020-2025 Community Plan to End Homelessness.
 - a. House 20,000 people through the supportive housing system.
 - b. Double temporary housing and shelter capacity.
 - c. Expand the Homelessness Prevention System and other early interventions to serve 2,500 people per year.
- This assessment should also:
- d. Include recommendations for how the County, City and other Continuum of Care partners can collaboratively contribute the resources required to meet these goals.
 - e. Clarify the roles and responsibilities of each entity for the plan's implementation and for the upcoming refresh to the Community Plan to End Homelessness.

(Item continued on next page.)

3.5 (Cont'd.)

The motion included the Friendly Amendments made by Councilmember David Cohen to amend the allocations detailed above in the June 8, 2023 joint memorandum co-authored by Councilmembers Davis, Torres and Ortiz to instead allocate \$4,324,941 from the inflation fund to “Program Administration” bringing the new total to \$6,824,941, and then re-allocating an even amount of \$8,000,000 from the “Creation of New Affordable Housing for Moderate-Income Households” funding into “Homeless Support Programs, Shelter Construction and Operations” for a total of \$29,129,809, leaving a total of \$4,708,416 in the “Creation of New Affordable Housing for Moderate-Income Households” funding.

(a) **Resolution No. RES2023-215**, and (b) **Resolution No. RES2023-216** were adopted. (10-1. Noes: Doan.)

The City Council Meeting recessed at 5:55 p.m. and reconvened at 6:28 p.m.

3.6 23-875 Approval of the 2023-2024 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges. - NOT TO BE HEARD BEFORE 1:30 P.M.

(a) Adopt resolutions approving the Operating Budget for 2023-2024 for the City of San José, the Capital Budget for 2023-2024 for the City of San José, and the Five-Year Capital Improvement Program for 2024-2028 for the City of San José as revised by the Mayor’s Budget Message and directing the City Manager to prepare final documents for adoption. (b) Adopt a resolution establishing the Schedule of Fees and Charges for 2023-2024. (c) Approve an uncodified ordinance establishing the Schedule of Fees and Charges for 2023-2024 specified in the resolution. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical Environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager) NOT TO BE HEARD BEFORE 1:30 P.M.

Fire Chief Robert Sapien Jr., City Budget Director Jim Shannon, and Acting Public Works Director Matt Loesch responded to questions.

Public Comments: Anil Babbar (The California Apartment Association), Paul Soto, and TM offered public comments.

Vice Mayor Rosemary Kamei requested a reevaluation of the tenant protection ordinance fees in light of a new Housing Director for the City. City Manager Jennifer Maguire offered staff to prepare a breakdown of costs, staff commitments, and per unit fee information through an information memo or MBA to provide more transparency and offered a commitment to the work

(Item continued on next page.)

3.6 (Cont'd.)

Motion: Councilmember Omar Torres moved to approve staff recommendations; the June 9, 2023 joint memorandum co-authored by Councilmembers Torres, Davis, Ortiz, Doan, and Batra; and the June 9, 2023 joint memorandum co-authored by Councilmembers Ortiz, Torres, Doan and Batra with recommendation language by the Mayor to: study, analyze and return to Council with recommendations on Item #1 and Item #3; and to instead include Item #2 with the study session on all fees and charges. Councilmember Bien Doan seconded this motion.

Councilmember Pam Foley expressed their concern on the amount of money not being saved in addition to the amount of money being spent per the direction of the June 9, 2023 joint memorandum co-authored by Councilmembers Torres, Davis, Ortiz, Doan and Batra. Councilmember Foley said due to this issue they would be voting no to the motion.

Mayor Mahan suggested deferring the substitutions made in the joint Capital Budgets memorandum for a year for a broader study.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment to withdraw the June 9, 2023 joint memorandum co-authored by Councilmembers Torres, Davis, Ortiz, Doan and Batra.

Councilmember Torres and Doan accepted this amendment.

Friendly Amendment: Councilmember Domingo Candelas requested a friendly amendment to make a one time allocation of funding of Med 30 using items described in the joint memorandum memo, and instead of 6 months, allow for a 1 year transition period.

The City Manager Jennifer Maguire recommended holding the staffing positions related to Items 2(a)-2(c) vacant for 6 months and cut funding for 2(d) and 2(e) in half to fund Med 30 for 6 months and hire the Fire Chief. This would generate savings, and at the end of 6 months, staff can reevaluate and report back during the mid-year budget.

Councilmembers Torres and Doan accepted this amendment.

Action: On a call to the question, staff recommendations were approved; Items #1 and #2 of the June 9, 2023 joint memorandum co-authored by Councilmembers Torres, Davis, Ortiz, Doan, and Batra were approved with modifications to hold the staffing positions related to Items 2(a)-2(c) vacant for 6 months and cut funding for 2(d) and 2(e) in half to (1) fund Med 30 for 6 months and hire the Fire Chief; and the June 9, 2023 joint memorandum co-authored by Councilmembers Ortiz, Torres, Doan and Batra was approved with recommendation language by the Mayor to: study, analyze and return to Council with recommendations on Item #1 and Item #3; and to instead include Item #2 with the study session on all fees and charges.

(Item continued on next page.)

3.6 (Cont'd.)

The full motion is written below:

June 9, 2023 joint memorandum co-authored by Councilmembers Torres, Davis, Ortiz, Doan, and Batra as modified below

1. Do not accept the reduction of Med 30 proposed in the operating budget for FY23-24 *and fund the position for 6 months by holding vacant the positions and reducing funding of the Items listed below.*
2. Accept the following items listed in MBA 21:
 - Hold the following Staff position vacant:*
 - a. Account Receivable Staffing
 - b. Bureau of Emergency Medical Services and Training Staff Realignment
 - c. Information Technology Staffing
 - Reduce the funding in half:*
 - d. Radio Replacements
 - e. General Vehicle Replacement
3. ~~Direct Staff to reduce the future deficit reserve by \$500,000 on an ongoing basis.~~

June 9, 2023 joint memorandum co-authored by Councilmembers Ortiz, Torres, Doan and Batra

Direct the administration to:

- 1) *Study, analyze, and return to Council in Fall 2023 with recommendations on an ordinance to add an exemption for License Fees under SJMC Section 7.20.550 to waive the Animal Care Services' Dog and Cat License Fee for those meeting certain income eligibility criteria.*
- 2) *Include a comprehensive review of other City Programs with income eligibility criteria to help assess the financial situation of those who are unable to afford the renewal of these fees, in the scheduled Fees and Charges study session.*
 - a) An example of eligibility but not limited to; a person with income levels 60% AMI or less.
- 3) *Study, analyze, and return to Council with recommendations on an update on the Schedule of Fees and Charges to reflect this exemption in the 2023-2024 Midyear Budget Review in February 2024.*

Per staff recommendation: (a) **Resolution No. RES2023-217, Resolution No. RES2023-218, and Resolution No. RES2023-219** were adopted, approving the Operating Budget for 2023-2024 for the City of San José, the Capital Budget for 2023-2024 for the City of San José, and the Five-Year Capital Improvement Program for 2024-2028 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption. (b) **Resolution No. RES2023-220** was adopted, establishing the Schedule of Fees and Charges for 2023-2024, and (c) **Uncodified Ordinance No. 30925**, establishing the Schedule of Fees and Charges for 2023-2024 specified in the resolution, was passed for publication. (11-0.)

- 3.7 23-876 Public Hearing on Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs to be Placed on the Fiscal Year 2023-2024 Santa Clara County Secured Property Tax Bill. -NOT TO BE HEARD BEFORE 1:30 P.M.**
- (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs. (b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report. (c) Direct the recording of liens and the

(Item continued on next page.)

3.7 (Cont'd.)

placement of charges as set forth therein on the 2023-2024 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance) NOT TO BE HEARD BEFORE 1:30 P.M.

Director of Finance Rick Bruneau, Director of Transportation John Ristow, and Deputy Director of Revenue Management in the Finance Department John Kachmanian provided the presentation and responded to questions with Department of Transportation Division Manager Eric Hon available for questions.

Public Comments: Mayor Matt Mahan opened the public hearing. Paul Soto and Tamara Sanchez offered public comments. Mayor Matt Mahan closed the public hearing.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, (b) **Resolution No. RES2023-221** was adopted, confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report and (c) Council directed the recording of liens and the placement of charges as set forth therein on the 2023-2024 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs. (11-0.)

- 3.8 23-881 Proposed Ordinance to Revise Sections 12.06.030 and 12.06.220 of Chapter 12.06 of Title 12 of the San José Municipal Code.**
Approve an ordinance amending Section 12.06.030 of Chapter 12.06 of Title 12 of the San Jose Municipal Code entitled Municipal Campaign and Officeholder Account to amend the definition of a candidate to conform with State Law, and Section 12.06.220 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend the definition of agent to include an elected officer's staff. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)

THIS ITEM WAS HEARED AFTER ITEM 3.3 DURING THE MORNING OPEN SESSION.

No presentation provided.

Public Comments: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember David Cohen, and carried unanimously, **Ordinance No. 30926** was passed for publication, amending Section 12.06.030 of Chapter 12.06 of Title 12 of the San Jose Municipal Code entitled Municipal Campaign and Officeholder Account to amend the definition of a candidate to conform with State Law, and Section 12.06.220 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend the definition of agent to include an elected officer's staff. (10-0-1. Absent: Foley.)

The City Council Meeting recessed at 11:41 a.m. and reconvened at 1:37 p.m.

4. PUBLIC SAFETY SERVICES

- 4.1 23-877 Amendment to Title 6 (Business Licenses and Regulations) of the San José Municipal Code for the Cannabis Regulatory Program. - TO BE HEARD CONCURRENTLY WITH ITEM 10.3.**
- (a) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulations) of the San José Municipal Code to: (1) Modify the annual external audit requirement; (2) Add definitions to clarify cannabis business activities; (3) Make other changes to better align with State regulations; and (4) Make other technical, non-substantive, or formatting changes. (b) Adopt a resolution amending the Administrative Citation Schedule of Fines to add and update fines for violations of Chapter 6.88 of Title 6 of the San José Municipal Code related to the City's Cannabis Regulatory Program and make other administrative corrections and repealing Resolution No. RES2023-143. (c) Accept staff's update on the Cannabis Equity Pilot Program. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police) TO BE HEARD CONCURRENTLY WITH ITEM 10.3

THIS ITEM WAS HEARD CONCURRENTLY WITH ITEM 10.3 AND VOTED ON SEPERATELY.

Police Department Division Manager Wendy Sollazzi; Planning, Building and Code Enforcement Division Manager Martina Davis; and Office of Economic Development and Cultural Affairs Assistant to the City Manager Victor Farlie provided the presentation and responded to questions with Assistant Police Chief Paul Joseph.

Public Comments: Fernando E. Alvarez (VaporTent Lounges), Tamara Sanchez, Sean Kali-rai, and Walter Wilson (Minority Business Consortium) offered public comments.

Motion: Councilmember Pam Foley moved to approve the staff recommendation and the June 9, 2023 joint memorandum co-authored by Councilmembers Foley, Jimenez, Torres, Cohen and Ortiz, with Item #1 removed per the staff recommendation.

Friendly Amendment: Councilmember Bien Doan requested a friendly amendment to increase fines for illegal business and individuals that sell cannabis without licenses in the City of San José.

The Councilmember declined the friendly amendment due to the existing given direction included in the joint memorandum to return with all fines.

(Item continued on next page.)

4.1 (Cont'd.)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres, the June 9, 2023 joint memorandum co-authored by Councilmembers Foley, Jimenez, Torres, Cohen and Ortiz was approved with a modification to complete the following:

Approve staff recommendation with the following adjustments:

- ~~1. Implement the proposed modifications to the Annual External Audit Requirement in staff recommendation (a)(1) immediately. Removed per staff recommendation.~~
2. Direct staff to conduct a comprehensive review of the Administrative Citation Schedule of Fines related to fines for violations of Chapter 6.88 of Title 6 of the San José Municipal Code.
 - a. Return to Council with an analysis of how San José's Schedule of Fines compares to similar California cities
 - b. Bring recommendations to Council to bring San José Schedule of Fines more in line with comparable California cities.

with the modification to return first to the Public Safety, Finance, & Strategic Support Committee, prior to going to Council.

Per staff recommendation, **Ordinance No. 30927** was passed for publication, amending Chapter 6.88 of Title 6 (Business Licenses and Regulations) of the San José Municipal Code. (b) **Resolution No. RES2023-222** was adopted, amending the Administrative Citation Schedule of Fines to add and update fines for violations of Chapter 6.88 of Title 6 of the San José Municipal Code related to the City's Cannabis Regulatory Program, and (c) staff's update on the Cannabis Equity Pilot Program was accepted. (10-1. Noes: Candelas.)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 23-866 Report on Bids and Award of Contract for the 9128 - River Oaks Regional Stormwater Capture Project.

- (a) Report on bids and award of a contract for the construction of 9128 - River Oaks Regional Stormwater Capture Project to the lowest responsive, responsible bidder, Andrew M. Jordan Inc. dba A&B Construction, in the amount of \$10,999,618; and
- (b) Approve a 10% contingency in the amount of \$1,099,962. CEQA: Mitigated Declaration for the River Oaks Stormwater Capture Project, File No. ER20-186. Council District 4. (Public Works)

No presentation provided.

Public Comments: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, (a) the report on bids and award of a contract for the construction of 9128 - River Oaks Regional Stormwater Capture Project to the lowest responsive, responsible bidder, Andrew M. Jordan Inc. dba A&B Construction, in the amount of \$10,999,618 was accepted and (b) a 10% contingency in the amount of \$1,099,962 was approved. (10-0-1. Absent: Foley.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 23-878 **Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2023-2024. - RENUMBERED TO ITEM 2.16.**

RENUMBERED TO ITEM 2.16 (23-948)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

None provided.

10 Land Use – Regular Agenda

- 10.2 23-879 **PDC18-036, PD21-009, PT21-030 and ER21-113 - Planned Development Rezoning, Planned Development Permit, and a Vesting Tentative Map for Certain Real Property Located at 1655 Berryessa Road. - NOT TO BE HEARD BEFORE 1:30 P.M.**
- (a) Adopt a resolution certifying the Final Environmental Impact Report prepared for the Berryessa Road Mixed-Use Development Project, and making certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act (CEQA), as amended. (b) Approve an ordinance rezoning certain real property of approximately 13.05 gross acres situated on the north side of Berryessa Road, approximately 1,100 feet westerly of Lundy Avenue (1655 Berryessa Road) from the LI Light Industrial and A Agricultural Zoning Districts to the R-M(PD) and CP(PD) Planned Development zoning districts. (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge three parcels into one parcel and subdividing the one parcel into thirty-two parcels and up to 590 condominium units on the approximately 13.05-gross-acre Project Site. (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to establish a Master Plan for a general site layout, public and private street layout, grading and drainage patterns, and utility layout to allow the future construction of up to 455,000 square feet of commercial space, an approximately 0.9-gross-acre park, and up to 850 residential units, including on-site affordable units, and construction of the first phase (Blocks A, B, and C, including 24 detached single-family homes and 24 attached townhome units), including the demolition of an existing light industrial facility (9,740 square feet) and surface parking lot, and the removal of 47 ordinance-

(Item continued on next page.)

10.2 (Cont'd.)

size trees and 56 non-ordinance trees (124 replacement trees) on the Project Site. CEQA: Environmental Impact Report for the Berryessa Road Mixed-Use Development (Planning File No. PDC18-036). Planning Commission recommends approval (9-0-1; Garcia absent) (Item 6., 5/10/2023 Planning Commission agenda). Council District 4. (Planning, Building and Code Enforcement) NOT TO BE HEARD BEFORE 1:30 P.M.

Director of Planning, Building and Code Enforcement Chris Burton provided the presentation and with Deputy Director of Planning, Building and Code Enforcement Robert Manford; Planning, Building and Code Enforcement Principal Planner David Keyon; Assistant Director of Housing Rachel VanderVeen; Chief Deputy City Attorney Johnny Phan, and Erik Schoennauer, representing the applicant, responded to questions.

Erik Schoennauer, representing the Facchino family, provided a brief presentation and spoke to merits of the project.

Public Comments: Paul Soto, Aidan Marshall (Silicon Valley Residents for Responsible Development), Tamara Sanchez, Kathryn Hedges (SURJ), Blair Beekman, and Misrayn Mendoza offered public comments.

Motion: Councilmember David Cohen moved approval of his June 8, 2023 memorandum co-authored with Mayor Matt Mahan. This was seconded by Councilmember Bien Doan.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan, and carried unanimously, the staff recommendation was approved with the June 8, 2023 memorandum co-authored with Mayor Matt Mahan to do the following:

1. Accept Staff recommendation (a) through (d) in their Memo dated May 23, 2023 to approve the project.
2. Direct staff to return to Council with a proposal on how the Mayor and Council offices can pre-review projects in their design phase to ensure that appropriateness of density can be evaluated earlier in the process.
3. Direct staff to return to Council with a plan to prioritize housing density in our urban villages, especially those that are well served by transit including fixed rail and frequent bus lines.

Per staff recommendation, (a) **Resolution No. RES2023-223** was adopted, certifying the Final Environmental Impact Report prepared for the Berryessa Road Mixed-Use Development Project; (b) **Ordinance No. 30928** was passed for publication, rezoning certain real property of approximately 13.05 gross acres situated on the north side of Berryessa Road; (c) **Resolution No. RES2023-224** was adopted, approving, subject to conditions, a Vesting Tentative Map; and (d) **Resolution No. RES2023-225** was adopted, approving, subject to conditions, a Planned Development Permit. (11-0.)

- 10.3 23-880 **PP23-001 - Amendment to Title 20 (The Zoning Ordinance) of the San José Municipal Code for Cannabis Retail Businesses. - NOT TO BE HEARD BEFORE 1:30 P.M. AND TO BE HEARD CONCURRENTLY WITH ITEM 4.1.**
- (a) Adopt a resolution adopting the Cannabis Business Ordinance Update Addendum to an approved Initial Study and Negative Declaration, as addended, in accordance with the California Environmental Quality Act (CEQA). (b) Approve an ordinance of the City of San José amending the following Sections 20.80.763, 20.80.770, 20.80.775, and 20.80.780 from Part 9.75 of Chapter 20.80 in Title 20 of San José Municipal Code to modify distance requirements from Cannabis retail businesses to schools, daycare centers, youth centers, community and recreation centers, and parks; eliminate the distance requirement between storefronts and add a standard to address the concentration of cannabis retail businesses; remove the police beat restriction; and make other technical, non-substantive, or formatting changes within those sections. CEQA: File No. PP23-001, Addendum to the Cannabis Business Ordinance Update Negative Declaration, as addended (Resolution No. 80389). Planning Commission recommends approval (7-3-0; Ornelas-Wise, Garcia, Barocio opposed, Item 4.c on 5/24/2023 Planning Commission agenda) (Planning, Building and Code Enforcement) **NOT TO BE HEARD BEFORE 1:30 P.M. TO BE HEARD CONCURRENTLY WITH ITEM 4.1**

PRESENTATION INFORMATION AND PUBLIC COMMENTS WRITTEN UNDER ITEM 4.1

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, (a) **Resolution No. RES2023-226** was adopted, adopting the Cannabis Business Ordinance Update Addendum to an approved Initial Study and Negative Declaration and (b) **Ordinance No. 30929** was passed for publication, amending the following Sections 20.80.763, 20.80.770, 20.80.775, and 20.80.780 from Part 9.75 of Chapter 20.80 in Title 20 of San José Municipal Code. (10-1. Noes: Candelas.)

• **Open Forum**

1. Paul Soto spoke on Council protecting the interests of constituents and the manner in which staff responds to questioning by Council.
2. Gabriel Moran. (Tarana Wireless) spoke on the work of Stars and Strides supporting frontline healthcare workers.
3. Kathryn Hedges (SURJ) expressed her concerns with the City allowing a group of realtors to read a statement into the record, and stated her belief that if a group opposing the realtors did the same, the City would not have allowed it.
4. Misrayn Mendoza expressed the need to keep fighting for community and finding solutions that work. They also emphasized using the language “unhoused” and not “homeless”.
5. Cheryl offered thanks to the Mayor and Councilmembers on their work and spoke on the need to work together.
6. Tamara Sanchez expressed thanks to the Council, and agreement with the previously stated concerns regarding the realtors’ statement.
7. Joshua DeVincenzi Melander expressed thanks for the successful budget and support for Little Italy.

- **Adjournment**

The Council of the City of San José adjourned at 9:50 p.m. in memory of the remarkable and dedicated life of Dr. Daniel Coleman who passed away on May 20th, 2023. Dr. Coleman was an incredible and passionate counselor at the Washington United Youth Center for many years and worked tirelessly with underserved youth in the Washington-Guadalupe neighborhood. It is without a doubt that Dr. Coleman's impact and legacy will be felt for generations to come as his civic service has been an inspiration to countless San José youth who will continue to advocate for their families and communities.

Minutes Recorded, Prepared, and Respectfully Submitted by,

A handwritten signature in black ink that reads "Grace Turner". The script is fluid and cursive, with the first letters of "Grace" and "Turner" being capitalized and prominent.

Grace Turner
Deputy City Clerk

SAN JOSÉ CITY COUNCIL CLOSED SESSION

JUNE 13, 2023

The Council of the City of San José convened into Closed Session at 9:00 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: Cleber Ribeiro v. City of San Jose
Name(s) of Partie(s) CLEBER GIASSI RIBEIRO, CITY OF SAN JOSE,
Involved: ZACHARY COLE BUNCE, AND DOES 1 THROUGH 50
Court: Superior Court of California, County of Santa Clara
Case No: 21CV384438
Amount of Money or Damages according to proof
Other Relief Sought:
2. Case Name: Cuevas v. City of San Jose et al.
Name(s) of Partie(s) STEVEN CUEVAS, CITY OF SAN JOSE
Involved:
Court: Superior Court of California, County of Santa Clara
Case No: 22cv393003
Amount of Money or Damages according to proof
Other Relief Sought:

B. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Department or Agency: Public Works
Title: Public Works Director

C. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: Jennifer Schembri, Director of Employee Relations
Employee Organizations:

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

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 11:09 a.m. in the Council Chamber.