



City Council Meeting MINUTES

DRAFT

Tuesday, November 14, 2023

1:30 PM

**Hybrid Meeting – Council Chambers and Virtually –
<https://sanjoseca.zoom.us/j/88471470054>**

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**

9:30 a.m. - Closed Session

23-1535 Closed Session: [See Page 14 for Closed Session Minutes](#)
Absent: Davis.

1:32 p.m. - Afternoon Session

Present: Councilmembers - Jimenez, Torres, Cohen, Ortiz, Doan (1:47 p.m.), Candelas, Foley, Batra, Kamei; Mahan.

Absent: Councilmembers - Davis.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 10)**

San José Anmol Satsang provided the invocation.

- **Orders of the Day**

Upon motion by Councilmember Sergio Jimenez and seconded by Councilmember Pam Foley, and carried unanimously, item 4.3. was deferred. (10-0-1. Absent: Davis.)

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Bien Doan presented a commendation to Selina Nguyen recognizing her exceptional leadership by founding the “Gold Star Volleyball” program for girls aged 11-14 at Seven Trees Community Center in the City of San José. (Doan)

1.2 Councilmembers Pam Foley and Bien Doan Peter Ortiz presented a proclamation declaring November 20, 2023, as World Day of Remembrance in the City of San José to commemorate road traffic the victims of traffic violence and their families. (Foley and Doan)

1.3 Councilmembers Peter Ortiz and Domingo Candelas presented a proclamation declaring November 2023 as American Diabetes Month to bring awareness and promote information and resources to help San José residents manage diabetes. (Ortiz and Candelas)

2. CONSENT CALENDAR

Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Bien Doan, and carried unanimously, all the below listed actions were taken as. (10-0-1. Absent: Davis.)

Public Comment: Shaunn, Serge Lilavois (PATH), Marie Jackson (LifeMoves), Brian Darby and the following representatives of HomeFirst offered public comments: Frances Hern, Maggie Crowder, Mary Ancheta, Elizabeth Macapanpan, J. Stuart, Marcus Pereira, Andrea Urton, Kelly Vazquez, Eddy Villarreal, Michele Diaz, Rene Ramirez, Jessica Menchaca, Jayson Ramos, Gary, Kamron Phinney, Bea Ramos, Kelley Cape, and Ewell Sterner.

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

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 23-1537 Settlement of Andrea Ortega, et al v. City of San José, et al. - DEFERRED.**
Approve the settlement of a lawsuit brought by Plaintiff Andrea Ortega, et al in the total amount of \$337,500 and authorize the City Attorney to execute a settlement agreement. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney) [Deferred from 11/7/2023 - Item 2.7 (23-1503)] DEFERRED TO 11/28/2023 PER ADMINISTRATION

This item was deferred to the November 28, 2023 City Council meeting per administration.

- 2.8 23-1562 **Actions Related to Activate Two Overnight Warming Locations During the Cold Weather Season.**
Adopt a resolution: (a) Designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals experiencing homelessness during the cold weather season: (1) Roosevelt Community Center, 901 E Santa Clara Street, San José, CA 95116; and (2) Tully Community Branch Library, 880 Tully Road, San José, CA 95111. (b) Authorizing the Acting Director of Housing or designee to negotiate and execute an agreement with HomeFirst Services of Santa Clara County, in an amount not to exceed \$1,127,190 to implement the Overnight Warming Locations, retroactive to October 1, 2023 through June 30, 2024. CEQA: Categorically Exempt, File No. ER22-243, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 3 and 7. (Housing) [Deferred from 11/7/2023 - Item 2.13 (23-1490)]

Councilmember Doan pulled this item for additional comments and discussion. Chief Executive Office of HomeFirst Andrea Urton, Deputy City Manager and Acting Housing Director Rosalynn Hughey, and Deputy Director of Housing Ragan Henninger responded to questions.

Action: Staff recommendations were approved and **Resolution No. RES2023-394** was adopted. (10-0-1. Absent: Davis.)

- 2.9 23-1538 **Amendment to the 2021 State Homeland Security Grant Equipment Funding to the San José Police Department.**
(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the Agreement between the County of Santa Clara and the City of San José for State Homeland Security Grant Program to increase the maximum amount payable from \$387,898 to \$422,898 and to increase the San José Police Department's equipment allocation in the amount of \$35,000; and authorize the City Manager or her designee to negotiate and execute any further amendments, and all related documents, including online certifications and reimbursement requests, without further City Council actions. (b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund: (1) Increase the State Homeland Security 2021 City-Wide expenses appropriation for the Police Department by \$35,000; and (2) Increase the estimate for revenue from federal government by \$35,000. 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. (Police/City Manager)

Action: Staff recommendations were approved and (a) **Resolution No. RES2023-395**, (b) Appropriation **Ordinance No. 30974**, and Funding Sources **Resolution No. RES2023-396** were adopted. (10-0-1. Absent: Davis.)

- 2.10 23-1539 Actions Related to the Proposed 2023-2025 Spending Plan for the Supplemental Law Enforcement Services Grant and Revised 2022-2024 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.**
(a) Approve the proposed 2023-2025 Spending Plan for the Supplemental Law Enforcement Services Grant in the amount of \$1,491,462 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum and in the event State SLES Grant payments are less or more than expected. (b) Approve the revised 2022-2024 Spending Plan for the SLES Grant in the amount of \$2,807,583. (c) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund: (1) Increase the estimate for Revenue from State of California by \$2,499,419; (2) Establish the SLES Grant 2023-2025 City-Wide Expenses appropriation to the Police Department in the amount of \$1,200,000; and (3) Increase the SLES Grant 2022-2024 City-Wide Expenses appropriation to the Police Department by \$1,299,419. 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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

Councilmember Peter Ortiz pulled this item for additional comments and discussion and Assistant Chief of Police Paul Joseph responded to questions.

Action: Staff recommendations were approved and (c) Funding Sources **Resolution No. RES2023-397** and Appropriation **Ordinance No. 30975** was adopted, amending the Supplemental Law Enforcement Services Fund. (10-0-1. Absent: Davis.)

- 2.11 23-1540 Actions Related to the Office of Juvenile Justice and Delinquency Prevention Program Fiscal Year 2023 Internet Crimes Against Children Task Force Invited Award and Funding Sources Resolution and Appropriation Amendments.**
(a) Adopt a resolution accepting the 2023 Internet Crimes Against Children Task Force Invited Award in the amount of \$664,004; and authorizing the City Manager or her designee to execute any Grant Agreements, amendments, and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action. (b) Adopt the following 2023-2024 Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund: (1) Establish the Internet Crimes Against Children Task Force Invited Awards - Police 2023 City-Wide Expenses appropriation to the Police Department in the amount of \$664,004; and (2) Increase the estimate for Revenue from the Federal Government by \$664,004. 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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

Action: Staff recommendations were approved and (a) **Resolution No. RES2023-398**, (b) Funding Sources **Resolution No. RES2023-399** and Appropriation **Ordinance No. 30976** were adopted. (10-0-1. Absent: Davis.)

2.12 23-1541 Amendment to Master Agreement with SANDIS Civil Engineers Surveyors Planners, Inc. for Central Service Yard Water Main Replacement Project.
Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Master Agreement for consultant services with SANDIS Civil Engineers Surveyors Planners, Inc. (CPMS Contract No. 9433-A), extending the term from December 31, 2023 to December 31, 2025, to complete the Central Service Yard Water Main Replacement Project, with no increase to the maximum compensation. 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. RES2023-400** was adopted, authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Master Agreement for consultant services with SANDIS Civil Engineers Surveyors Planners, Inc. (CPMS Contract No. 9433-A). (10-0-1. Absent: Davis.)

2.13 23-1591 Request for Travel Authorization for Councilmember Cohen.
As recommended by the Rules and Open Government Committee on November 8, 2023, authorize travel for Councilmember Cohen to Carlsbad, CA from November 29 - December 1, 2023, to attend the League of California Cities Board of Directors Meeting. Source of Fund: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 11/8/2023 - Item B.5]

Action: Travel for Councilmember Cohen to Carlsbad, CA from November 29 - December 1, 2023, to attend the League of California Cities Board of Directors Meeting was approved. (10-0-1. Absent: Davis.)

2.14 23-1594 Retroactive Approval of Multiple Special Events Sponsored by Council District 10 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 November 8, 2023: (a) Retroactively approve the Santa Teresa Shredding Day scheduled on October 7, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Los Paseos Neighborhood Association Dumpster Day in partnership with the LPNA scheduled on October 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; (c) Retroactively approve the Celebration of Vietnamese Community event scheduled on November 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and (d) 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. (Batra) [Rules Committee referral 11/8/2023 - Item B.6]

Action: Multiple Special Events sponsored by Council District 10 were retroactively approved. (10-0-1. Absent: Davis.)

2.15 23-1601 Retroactive Approval of Friends on the Farm Sponsored by Council District 6 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 November 8, 2023: (a) Retroactively approve the Friends on the Farm scheduled on November 4, 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. (Davis) [Rules Committee referral 11/8/2023 - Item B.7]

Action: Special Event sponsored by Council District 6 was retroactively approved. (10-0-1. Absent: Davis.)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire reported on the success of the City's arts and cultural sector and its impact in attracting investments, jobs, and housing to the city and recovery of San José downtown. The City Manager thanked staff and City department's for their work on an array of City arts and music festivals held throughout the year.

3.2 Labor Negotiations Update.

None provided.

3.3 23-1542 Authorizing the Departments of Finance and Energy to Evaluate the Feasibility of Energy Prepayment Transactions.

(a) Authorize the Departments of Finance and Energy to evaluate the feasibility of reducing San José Clean Energy power purchase costs by financing energy prepayment transactions through the California Community Choice Financing Authority, a Joint Power Authority and conduit issuer of tax-exempt bonds. (b) Adopt a resolution authorizing the Director of Finance, the Director of Energy, the Assistant Director of Finance, and the Assistant Director of Energy or their designees to join the California Community Choice Financing Authority if necessary, including execution of any required documents and the payment of membership fees under City Manager authority, subject to the appropriation of funds. 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/Energy)

Director of Finance Rick Bruneau, Assistant Director of Finance Luz Cofresi-Howe, Director of Energy Lori Mitchell, and Assistant Director of Energy Zach Struyk provided the presentation and responded to questions.

(Item continued on next page)

3.3 (Cont'.d)

Public Comments: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember David Cohen, and carried unanimously, (a) the Departments of Finance and Energy was authorized to evaluate the feasibility of reducing San José Clean Energy power purchase costs by financing energy prepayment transactions through the California Community Choice Financing Authority and (b) **Resolution No. RES2023-401** was adopted, authorizing the Director of Finance, the Director of Energy, the Assistant Director of Finance, and the Assistant Director of Energy or their designees to join the California Community Choice Financing Authority if necessary. (10-0-1. Absent: Davis.)

3.4 23-1543 **Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2022.**

Accept the following reports: (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2022. (b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. (Retirement Services)

Retirement Services Chief Investment Officer Prabhu Palani, CFA and Police and Fire Department Retirement Plan Board Trustee Andrew Gardanier provided the presentation and responded to questions.

Public Comments: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Arjun Batra, and carried unanimously, the (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2022. (b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2022 were accepted. (10-0-1. Absent: Davis.)

4. PUBLIC SAFETY SERVICES

4.1 23-1544 **San José Police Department Cannabis Regulations.**

(a) As recommended by the Public Safety, Finance and Strategic Support Committee on October 19, 2023: (1) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, making other administrative corrections, and repealing Resolution No. RES2023-222. (2) Accept the update to the hours of operation in the City Manager Regulations for Medical and Non-medical Cannabis to align with the State of California's allowed operating hours. (b) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to: (1) Update the identification badge requirements; and (2) Make other technical, non-substantive, or formatting changes.

(Item continued on next page)

4.1 (Cont'.d)

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. (Police) [Public Safety, Finance, and Strategic Support Committee on 10/19/2023 - Item (d)3]

Police Department Division Manager Wendy Sollazzi; and Sergeant David Woolsey provided the presentation and responded to questions.

Public Comments: Dan Georgatos (Purple Lotus) and Sean Kali-Rai (Silicon Valley Cannabis Alliance) offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Omar Torres, the recommendations from the Public Safety, Finance and Strategic Support Committee on October 19, 2023 were approved including (a)(1) adopting **Resolution No. RES2023-402**, amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program and (b) **Ordinance No. 30977**, amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program, was passed for publication. (10-0-1. Absent: Davis.)

4.2 23-1549 **Response to the Investigations of Police Misconduct in San José Report by Moeel, Lah, Fakhoury, LLP.**

As referred by the Public Safety, Finance and Strategic Support Committee on October 19, 2023: (a) Accept the report responding to the Investigations of Police Misconduct in San Jose report by Moeel, Lah, Fakhoury LLP (MLF Report); and (b) Direct the City Manager and the Independent Police Auditor to reject the “hybrid model” of police oversight proposed in the MLF Report, and pursue alternative policy options as outlined in the accompanying staff memorandum. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. (City Manager/Independent Police Auditor) [Public Safety, Finance, and Strategic Support Committee on 10/19/2023 - Item (d)4]

Assistant City Manager Lee Wilcox and Acting Independent Police Auditor Karyn Sinunu-Towery provided the presentation and responded to questions.

Public Comments: Cat Alvarez (SJPOA) and Steve Slack (SJPOA) offered public comments.

Action: Upon motion by Councilmember Arjun Batra, seconded by Vice Mayor Rosemary Kamei, recommendations as referred by the Public Safety, Finance and Strategic Support Committee (PSFSS) on October 19, 2023 were approved to (a) accept the report responding to the Investigations of Police Misconduct in San Jose report by Moeel, Lah, Fakhoury LLP (MLF Report); and (b) direct the City Manager and the Independent Police Auditor to reject the “hybrid

(Item continued on next page)

4.2 (Cont'.d)

model” of police oversight proposed in the MLF Report, and pursue alternative policy options as outlined in the accompanying staff memorandum.

In addition to the PSFSS Recommendations, items 2 and 3 of the November 9, 2023 joint memorandum co-authored by Councilmembers Jimenez, Torres, Cohen, and Foley were also approved to

2. Direct the City Manager to return with an MBA on evaluating adding two or more positions to the Independent Police Auditor office.
3. Direct the Independent Police Auditor to create a policy and procedures manual before hiring a new IPA.

(8-2-1. Noes: Jimenez, Torres. Absent: Davis.)

4.3 23-1588 **San José Police Department Division of Cannabis Regulation. - TO BE HEARD AFTER ITEM 4.1.**

Review and discuss the possibility of expanding the San José Police Department Division of Cannabis Regulation’s responsibilities to include regulating licensed tobacco retailers. 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. (Jimenez) [Public Safety, Finance, and Strategic Support Committee on 10/19/2023 - Item (d)3] [Rules Committee referral 11/8/2023 - Item A.1.a] TO BE HEARD AFTER ITEM 4.1

This item was deferred per a vote under Order of the Day.

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 23-1551 **Long Term Renewable Energy Agreement with Sun Pond.**

Adopt a resolution authorizing the Director of the Department of Energy or Director's designee to negotiate and execute a long-term agreement with Sun Pond, LLC, a subsidiary of Longroad Development Company, LLC, to buy renewable energy, renewable energy credits, resource adequacy, battery tolling rights, and attributes associated with a solar photovoltaic and battery storage facility for a term of 20 years beginning 2026 through 2046, in an estimated annual amount of \$11,566,000 and a not-to-exceed amount of \$231,320,000 in aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; the terms of this resolution superseding Section (c) of Resolution No. RES2023-9. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Energy) [Deferred from 10/24/2023 - Item 6.1 (23-1426) and 11/7/2023 - Item 6.1 (23-1499)]

(Item continued on next page)

6.1 (Cont'.d)

Public Comments: None provided.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2023-402** was adopted, authorizing the Director of the Department of Energy or Director's designee to negotiate and execute a long-term agreement with Sun Pond, LLC, a subsidiary of Longroad Development Company, LLC . (10-0-1. Absent: Davis.)

7. NEIGHBORHOOD SERVICES

- 7.1 23-1556 **BeautifySJ Neighborhood Blight Reduction Status Report.**
As recommended by the Neighborhood Services and Education Committee on October 12, 2023, accept a status report on BeautifySJ - Neighborhood Blight Reduction evaluation plan and results for graffiti, litter removal, illegal dumping, and Dumpster Days. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services) [Neighborhood Services and Education Committee on 10/12/2023 - Item (d)1]

Parks, Recreation, & Neighborhood Services' Deputy Director Andrea Flores Shelton, BeautifySJ Division Manager Olympia Williams and Supervising Environmental Services Specialist Ed Ramirez provided the presentation and responded to questions.

Public Comments: Shaunn, Jordan Moldow, and Gail Anne Osmer offered public comments.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Bien Doan, and carried unanimously, the joint November 9, 2023 memorandum co-authored by Mayor Matt Mahan, Councilmember Peter Ortiz, and Councilmember Domingo Candelas was approved to:

1. Accept the BeautifySJ Neighborhood Blight Reduction Status Report for 2022-2023.
2. Direct staff to negotiate a memorandum of understanding (MOU) between Valley Transportation Authority (VTA) and the City to allow for City entry upon VTA property and reimbursement for blight response and abatement. Return to Neighborhood Services and Education Committee (NSE) in early Spring 2024 and to Council by June 2024 with an update on negotiations. (9-0-2. Absent: Cohen, Davis.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 23-1557 **Approval of an Exception to the City Multifamily Housing Revenue Bond Policy Allowing Modera the Alameda Affordable Housing Development to Use an Alternate Bond Issuer and Hold the Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance the Acquisition of Modera the Alameda Development. - TO BE HEARD IMMEDIATELY AFTER CONSENT.**
- (a) Adopt a resolution authorizing an exception to the City Council's Multifamily Housing Revenue Bond Policy, Council Policy 1-16, for the issuance of Multifamily Housing Revenue Bonds for Modera The Alameda due to special circumstances, thereby allowing the California Municipal Finance Authority to issue the bonds as qualified 501(c)(3) bonds. (b) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$100,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance the acquisition of a 168-unit apartment complex located at 787 The Alameda in San José by Catalyst Impact Fund, a California nonprofit public benefit corporation or an affiliate; and to pay certain expenses incurred in connection with the issuance of the bonds. (c) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$100,000,000 to finance the acquisition of an existing building located at 787 The Alameda, and to pay certain expenses incurred in connection with the issuance of the bonds. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 6. (Housing/Finance) TO BE HEARD IMMEDIATELY AFTER CONSENT

Housing Department Division Manager Kemit Mawakana, Housing Department Policy Planning Administrator Banu San and Finance Department Deputy Director Qianyu Sun provided the presentation and responded to questions with Deputy City Manager and Acting Housing Director Rosalynn Hughey.

Public Comments: Alex Shoor, Brian Darby, and Ryan Christopher offered public comments.

Action: Upon motion by Councilmember Arjun Batra, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, staff recommendations were approved. (a) **Resolution No. RES2023-404** and (c) **Resolution No. RES2023-405** were adopted, (a) authorizing an exception to the City Council's Multifamily Housing Revenue Bond Policy, Council Policy 1-16 and (c) approving the issuance of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority. (10-0-1. Absent: Davis.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

None provided.

10 Land Use – Regular Agenda

• Open Forum

1. Jodran Moldow thanked Council for the proclamation on the world day of Remembrance, and spoke on bike and pedestrian safety needs in the City.
2. Steven Cohen spoke on the lack of public outreach and inaccessibility of meetings in regards to bike lanes and street changes. Steven also described multiple attempts to reach out to City staff.
3. Shaunn spoke on the parking validation system within Council Chambers and police harassment towards individuals providing resources to and helping the unhoused.

• Adjournment

The Council of the City of San José adjourned at 5:55 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner
Deputy City Clerk

get/11-14-23 MIN

Number of actions taken: 9

SAN JOSÉ CITY COUNCIL CLOSED SESSION

November 14, 2023

The Council of the City of San José convened into Closed Session at 9:30 a.m.
This meeting was held in City Hall Conference room W-133

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

Absent: Councilmembers - Davis.

Closed Session Item(s) discussed:

A. 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

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code:

1. Claimants(s): In re Claim of Pham
City Department: Transportation

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

1. Case Name: In re: Claim of Meeks
Name(s) of Partie(s)
Involved:
Court: Worker's Compensation Appeals Court
Case No: ADJ14578757, ADJ14578761, ADJ8421271, and ADJ1841292
Amount of Money or Damages according to proof
Other Relief Sought:
2. Case Name: In re: Claim of Mayorga
Name(s) of Partie(s)
Involved:
Court: Worker's Compensation Appeals Court

- Case No: ADJ14106836, ADJ15106835, ADJ15106834,
ADJ15106833, and ADJ18154765
Amount of Money or Damages according to proof
Other Relief Sought:
3. Case Name: LeFebvre et al., v City of San José
Name(s) of Partie(s) DALE LEFEBVRE, KENNET HYUNG CHOI, JAY
Involved: SCHERER, AND OTHER ENTITIES
Court: Superior Court of California, Santa Clara County
Case No: 23CV423639
Amount of Money or Damages according to proof
Other Relief Sought:
4. Case Name: Azryan, et al. v. City of San José et al.
Name(s) of Partie(s) SONA AZRYAN, OFELYA SARGSYAN, YASHA AZRYAN,
Involved: MATTHEW DOMINGUEZ, CITY OF SAN JOSE
Court: Santa Clara County Superior Court
Case No: 22CV404478
Amount of Money or Damages according to proof
Other Relief Sought:

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 **International Association of Firefighters (IAFF), Local**
and Title of **230** (IAFF#230)
Unrepresented
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Memorandum of Agreement Between City of San José and
Contract or MOA: International Association of Firefighters (IAFF), Local 230
How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff)
Existing Contract or [government/departments/employee-relations/labor-relations-](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff)
MOA: [information/bargaining-units-labor-contract-info/iaff](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff)
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name **International Brotherhood of Electrical Workers, Local**
and Title of **332** (IBEW)
Unrepresented
Employees:
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Memorandum of Agreement Between City of San José and
Contract or MOA: International Brotherhood of Electrical Workers, Local 332
(IBEW)

- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/oe-3>
Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 1:32 p.m. in the Council Chamber.