



# **City Council Meeting Draft Minutes**

**Tuesday, November 7, 2023**

**1:30 PM**

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

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10

- **Call to Order and Roll Call**

**9:32 a.m.- Closed Session 23-1486:** *See Pages 16-17 for the Closed Session Minutes.*

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

Absent Councilmembers: Torres.

**1:35 p.m.- Regular Session:**

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

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 10)**

Councilmember Arjun Batra introduced Pastor Craig Selness who offered the invocation in prayer.

- **Orders of the Day**

Councilmember Sergio Jimenez requested to add Item 3.9 to the Consent Calendar.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the Orders of the Day were approved, *including the addition of Item 3.9 to the Consent Calendar.* (11-0.)

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Domingo Candelas and Councilmember Arjun Batra presented the proclamation declaring November 12, 2023 as a celebration of Diwali, the Festival of Lights, and recognizing its message of tolerance, compassion and the victory of good over evil in the City of San José.
- 1.2 Councilmember Peter Ortiz presented the proclamation declaring November 2023 as Native American Heritage Month to honor the Native American community and commemorate their histories, cultures, and contributions to the City of San José. The proclamation was presented to Chief Executive Director, Indian Health Center of Santa Clara Valley, Sonya M. Tetnowski; Director of Development and Communications, Indian Health Center of Santa Clara Valley, Gerardo Loera; and staff members of the Indian Health Center of Santa Clara Valley.

- 1.3 Vice Mayor Rosemary Kamei presented the commendation recognizing the San José Police Department's Homicide and Crime Scene Unit for their 100% solve rate for homicides that occurred in 2022.

## **2. CONSENT CALENDAR**

During the *Orders of the Day* portion of the meeting, Councilmember Sergio Jimenez added Item 3.9 to the Consent Calendar as part of the motion.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the Consent Calendar was approved as a whole, *including the addition of Item 3.9 to the Consent Calendar.* (11-0.)

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

None provided.

### **2.2 23-1534 Final Adoption of Ordinances.**

(a) Ordinance No. 30969 - An Ordinance of the City of San José Amending Title 5 of the San José Municipal Code to Add Chapter 5.12 Adopting Reasonable Local Standards for the Design, Site Development and Operation of Homeless Shelters and Their Structures and Facilities In Lieu of Existing State and Local Standards and Standards for Emergency Housing.

[Passed for Publication on 10/24/2023 - Item 8.2 (23-1433)]

(b) Ordinance No. 30970 - An Ordinance of the City Council of the City of San José Amending Various Sections of Chapter 14.33 of Title 14 of the San José Municipal Code to Limit the Application of the Evergreen-East Hills Traffic Impact Fee to Projects that Received an Approved Entitlement (General Plan Amendment and/or Zoning Amendment) and/or a Land Use Permit from the Effective Date of Chapter 14.33 to the Effective Date of this Ordinance, Making the Traffic Impact Fee Inapplicable to Evergreen-East Hills Development Projects after the Effective Date of this Ordinance, and Accepting the September 2023 Revised Traffic Impact Study.

[Passed for Publication on 10/24/2023 - Item 10.1(a)(4) (23-1434)]

(c) Ordinance No. 30971 - An Ordinance of the City of San José Rezoning 132 Properties from R-M Zoning District to MUN Mixed Use Neighborhood Zoning District, 94 from R-1-1 Single-Family Residential Zoning District to OS Open Space Zoning District, 48 from A Agriculture Zoning District to OS Open Space Zoning District, 40 from R-1-5 Single-Family Residential Zoning District to OS Open Space Zoning District, 37 from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, 36 from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, 33 from R-1-8 Single-Family Residential Zoning District to PQP Public/Quasipublic Zoning District, 27 from R-2 to MUN Mixed Use Neighborhood Zoning District, 21 from A Agriculture Zoning District to  
*(Item Continued on the Next Page)*

## 2.2 (Cont'd.)

PQP Public/Quasipublic Zoning District, 11 from A Agriculture Zoning District to R-1-2, Nine from R-1-5 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, Eight from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, Eight from R-1-1 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, Five from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, Five from R1-5 Single-Family Residential Zoning District to R-1- 2, Four from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, Four from R-1-RR to R-1-2, Four from R-1-5 Single-Family Residential Zoning District to R-1-RR, Four from A Agriculture Zoning District to R-1-RR, Two from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, Three from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, Two from R-1-2 to CIC Combined Industrial/Commercial Zoning District, Two from IP Industrial Park Zoning District to OS Open Space Zoning District, Two from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District, Two from R-1-2 To R-1-RR, One from R-1-5 Single-Family Residential Zoning District to A Agriculture Zoning District, One from IP Industrial Park Zoning District to CP Commercial Pedestrian Zoning District, One from R-1-1 Single-Family Residential Zoning District to Li Light Industrial Zoning District, One from R-1-1 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, One from CO Commercial Office Zoning District to OS Open Space Zoning District, One from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, One from R-1-2 to OS Open Space Zoning District, One from R-M Zoning District to OS Open Space Zoning District, One from CN Commercial Neighborhood Zoning District to PQP Public/Quasi-Public Zoning District, and One from Water to PQP Public/Quasi-Public Zoning District, All Located on those Certain Real Properties Situated within the City of San José.

[Passed for Publication on 10/24/2023 - Item 10.1(b)(23-1469)]

Action: (a) **Ordinance No. 30969**, (b) **Ordinance No. 30970**, and (c) **Ordinance No. 30971** 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 23-1503**

**Settlement of Andrea Ortega, et al v. City of San José, et al.**

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 TO 11/14/2023 PER ADMINISTRATION**

**2.8 23-1504**

**Board of Administration for Federated City Employees' Retirement System Appointment.**

Reappoint Julie Jennings to the Employee Representative Seat on the Board of Administration for the Federated City Employees' Retirement System for a full-term beginning December 1, 2023 and ending November 30, 2027.

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

Action: Julie Jennings was reappointed to the Employee Representative Seat on the Board of Administration for the Federated City Employees' Retirement System. (11-0.)

**2.9 23-1505**

**Board of Administration for Police and Fire Department Retirement Plan Appointment.**

Reappoint Andrew Gardanier as the Fire Department Employee Representative to the Board of Administration for Police and Fire Department Retirement Plan to a full-term beginning December 1, 2023 and ending November 30, 2027.

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

Action: Andrew Gardanier was reappointed as the Fire Department Employee Representative to the Board of Administration for Police and Fire Department Retirement Plan. (11-0.)

**2.10 23-1487 Extension of the Hiring Incentive Referral Program for City Employees.**

Adopt a resolution extending the expiration date for the temporary increase to the payment provided by the Hiring Incentive Referral Program from \$500 to \$1,500 for City employees, from December 31, 2023 to December 31, 2024.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. RES2023-365** was adopted. (11-0.)

**2.11 23-1488 Amendment to the Master Consultant Agreement with Integrated Design 360, LLC for Professional Consulting Services.**

Approve the Second Amendment to the Master Consultant Agreement with Integrated Design 360, LLC for professional consulting services, increasing the amount of compensation by \$150,000 for a total maximum compensation not to exceed \$495,000.

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

Action: The Second Amendment to the Master Consultant Agreement with Integrated Design 360, LLC for professional consulting services was approved. (11-0.)

**2.12 23-1489 Actions Related to the Purchase Order with Motorola Solutions, Inc. for Emergency Operations Center Technology Equipment and Related Services.**

Adopt a resolution authorizing the City Manager or designee to:

(a) Execute a purchase order with Motorola Solutions, Inc. (Chicago, IL) for the purchase of technology equipment and related professional services such as project management, engineering, design, implementation, acceptance testing, and warranty for the City's new Emergency Operations Center for an amount not to exceed \$379,751, including applicable sales tax; and

(b) Amend the purchase order as required for unanticipated changes in requirements or sales tax for a contingency amount not to exceed \$30,000, 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. RES2023-366** was adopted. (11-0.)

**2.13 23-1490 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:

*(Item Continued on the Next Page)*

## 2.13 (Cont'd.)

(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 TO 11/14/2023 PER ADMINISTRATION**

## 2.14 23-1491

### **Approval of an Exception to the City Multifamily Housing Revenue Bond Policy Allowing Stevens Creek Promenade Affordable Housing Development to Use an Alternate Bond Issuer.**

Adopt a resolution authorizing an exception to the City Council's Multifamily Housing Revenue Bond Policy 1-16, for the issuance of Multifamily Housing Revenue Bonds for the Stevens Creek Promenade development at 4300-4360 Stevens Creek Boulevard, due to special circumstances, thereby allowing the California Housing Finance Authority to issue the bonds.

CEQA: Addendum to the 4300 Stevens Creek Boulevard Mixed-Use Project Environmental Impact Report (Resolution No. 80668), File Nos. PDC20-021 and PD20-012. Council District 1. (Housing/Finance)

Action: **Resolution No. RES2023-387** was adopted. (11-0.)

## 2.15 23-1492

### **Grant Agreements for Reconnecting Communities Pilot Program for the Monterey Road Highway to Grand Boulevard Design Study.**

(a) Accept and receive Reconnecting Communities Pilot Program grant funding from the United States Department of Transportation which will be passed through the California Department of Transportation to the City of San José for the Monterey Road Highway to Grand Boulevard Design Study.

(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with United States Department of Transportation and the California Department of Transportation in an amount not to exceed \$2,000,000 for the Monterey Road Highway to Grand Boulevard Design Study.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262 - Feasibility and Planning Studies. Council Districts 2, 3, 7, 10. (Transportation)

Action: (a) the Grant Agreements for Reconnecting Communities Pilot Program for the Monterey Road Highway to Grand Boulevard Design Study was received and accepted and (b) **Resolution No. RES2023-388** was adopted. (11-0.)

**2.16 23-1493 Citywide Capital Improvement Program Annual Report 2022-2023.**  
Accept the annual report on the Citywide Capital Improvement Program for Fiscal Year 2022-2023.

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

Action: The annual report on the Citywide Capital Improvement Program for Fiscal Year 2022-2023 was accepted. (11-0.)

**2.17 23-1510 Retroactive Approval of 15th Annual Disability Awareness Day Sponsored by Council District 1 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 October 25, 2023:

(a) Retroactively approve the 15th Annual Disability Awareness Day scheduled on October 12, 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. (Kamei)

[Rules Committee referral 10/25/2023 - Item B.5]

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

**2.18 23-1560 Retroactive Approval of Multiple Special Events Sponsored by Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services or the Events.**

As recommended by the Rules and Open Government Committee on November 1, 2023:

(a) Retroactively approve the Taco Talk event scheduled on August 24, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Retroactively approve the Pizza and Policy event scheduled on September 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(c) Retroactively approve the San José State Homecoming Tower Lighting scheduled from October 17, 2023 to October 24, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(d) Retroactively approve the Pellier Park Grand Opening scheduled on October 18, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(e) Retroactively approve the First Station 8 Groundbreaking scheduled on October 19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

*(Item Continued on the Next Page)*

## 2.18 (Cont'd.)

(f) 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. (Torres)

[Rules Committee referral 11/1/2023 - Item B.3]

Action: The City Council Sponsored Special Event was 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 23-1506 Appeals Hearing Board Interview.**

(a) Interview applicants and consider appointment to fill three Member-at-Large seats with terms beginning on January 1, 2024 and ending December 31, 2028 on the Appeals Hearing Board.

(b) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

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

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, the following three candidates were appointed to the Appeals Hearing Board with terms beginning on January 1, 2024 and ending December 31, 2028: David Hook, Timothy Kenny, and Jon Budas.

### **3.4 23-1507 Civil Service Commission Interview.**

(a) Interview applicants and consider appointment to fill two Member-at-Large seats with terms beginning on December 1, 2023 and ending November 30, 2027 on the Civil Service Commission.

(b) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

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

*(Item Continued on the Next Page)*

### 3.4 (Cont'd.)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the following two candidates were appointed to the Civil Service Commission with terms beginning on December 1, 2023 and ending November 30, 2027: Joan P. Smith and Samuel Swift.

### 3.5 23-1494

#### **Amendment to the Vendor Agreement with Delta Dental of California for Third Party Administrator Services and Group Dental Insurance for City Employees, Retirees, and Dependents.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the vendor agreement with Delta Dental of California for Preferred Provider Organization and Health Maintenance Organization dental insurance group plans and administrative services for City employees, retirees, and their dependents, extending the term of the agreement from December 31, 2023, to December 31, 2027, and increasing the not to exceed agreement amount from \$97,958,000 to a revised total plan amount not to exceed \$153,416,265, 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. (Human Resources)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember, Pam Foley, and carried unanimously, **Resolution No. RES2023- 389** was adopted. (11-0.)

### 3.6 23-1495

#### **Amendment to the Vendor Agreements with Anthem Blue Cross and Kaiser Foundation Health Plan, Inc. for Medical Insurance for City of San José Employees, Retirees, and their Dependents for the Period of January 1, 2024, through December 31, 2028.**

(a) Adopt a resolution authorizing the City Manager or designee to:

- (1) Negotiate and execute an Amendment to the vendor agreement with Anthem Blue Cross to provide medical insurance plans and support services to the City for employees, retirees, and dependents, increasing the not to exceed Agreement amount from \$188,598,000 to a revised not-to-exceed amount of \$438,929,299, subject to the annual appropriation of funds by the City Council, and extending the term of the Agreement from December 31, 2023 to December 31, 2028;
- (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contract and any ancillary documents, such as Evidence of Coverage documents, with Anthem Blue Cross that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2024 through December 31, 2028; and
- (3) In the event that Anthem Blue Cross's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager or designee to terminate the agreement(s) or group plan contract(s).

*(Item Continued on the Next Page)*

### 3.6 (Cont'd.)

(b) Adopt a resolution authorizing the City Manager or designee to:

(1) Negotiate and execute an Amendment to the Vendor Agreement with Kaiser Foundation Health Plan, Inc. to provide medical insurance plans and support services to the City for employees, retirees, and dependents, increasing the not-to-exceed Agreement amount from \$375,102,000 to a revised not-to-exceed amount of \$1,012,797,393, subject to the annual appropriation of funds by the City Council, and extending the term of the Agreement from December 31, 2023 to December 31, 2028;

(2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contract and any ancillary documents, such as Evidence of Coverage documents, with Kaiser Foundation Health Plan, Inc. that are necessary to facilitate the medical insurance services Agreement for the period of January 1, 2024 through December 31, 2028; and

(3) In the event that Kaiser Foundation Health Plan, Inc.'s proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager or designee to terminate the agreement(s) or group plan contract(s).

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

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember, Domingo Candelas, and carried unanimously (a) **Resolution No. RES2023-390** and (b) **Resolution No. RES2023-391** were adopted. (11-0.)

### 3.7 23-1496

#### **Report on Bids and Award of Contract for the 8675 - TRAIL: Coyote Creek (Phelan Avenue to Tully Road) Project.**

(a) Report on bids and award of a contract for the construction of 8675 - TRAIL: Coyote Creek (Phelan Avenue to Tully Road) Project to the lowest responsive, responsible bidder, Joseph J. Albanese, Inc., for the base bid in the amount of \$4,487,000; and

(b) Approve a 10% contingency in the amount of \$448,700.

CEQA: Addendum to the Coyote Creek Trail Master Plan Mitigated Negative Declaration (Resolution No. 74583), File No. PP19-045.  
Council District 7. (Public Works/Parks, Recreation and Neighborhood Services)

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Omar Torres, and carried unanimously the (a) Report on bids and award of a contract for the construction of 8675- TRAIL: Coyote Creek (Phelan Avenue to Tully Road) Project was accepted and (b) the 10% contingency in the amount of \$448,700 was approved. (11-0.)

**3.8 23-1497 Report on Bids and Award of Contract for the 9151 - Police Department -Air Support Unit Hangar Relocation (2018 Measure T) Project.**

(a) Report on bids and award of a contract for the construction of 9151 - Police Department-Air Support Unit Hangar Relocation Project to the lowest responsive, responsible bidder D.L. Falk Construction, Inc., for the Base Bid and Bid Alternate Nos. 1, 2 and 3 in the amount of \$12,660,000.

(b) Approve a 10% contingency in the amount of \$1,266,000.

(c) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:

(1) Increase the Measure T - Police Air Support Hangar appropriation in the Public Works Department by \$1,179,000; and

(2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$1,179,000.

CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497), File No. PP18-103. (Public Works/City Manager)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously (a) the report on bids and award of a contract for the construction of 9151- Police Department-Air Support Unit Hangar Relocation Project was accepted, (b) the 10% contingency in the amount of \$1,266,000 was approved, and (c) Appropriation **Ordinance No. 30972** was adopted. (11-0.)

**3.9 23-1561 Cities Association of Santa Clara County’s Proposed Joint Powers Agreement to Establish the Cities Association of Santa Clara County Joint Powers Agency.- ADDED TO THE CONSENT CALENDAR DURING ORDERS OF THE DAY**

As recommended by the Rules and Open Government Committee on October 25, 2023, discuss and take action on the proposed Joint Powers Agency Agreement for Cities Association of Santa Clara County.

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

[Rules Committee referral 10/25/2023 - Item C.1 and 11/1/2023 - Item A.1.a]

[Deferred from 10/31/2023 - Item 3.5 (23-1530)]

During the *Orders of the Day* portion of the meeting, Councilmember Sergio Jimenez added Item 3.9 to the Consent Calendar as part of the motion.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the Consent Calendar was approved as a whole, *including the addition of Item 3.9 to the Consent Calendar.* (11-0.)

## **4. PUBLIC SAFETY SERVICES**

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

### **5.1 23-1498 Multiple Master Consultant Agreements for Transportation Related Services.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute master consultant agreements with 15 firms to provide consultant services in six technical service areas: 1) Traffic Data Collection, 2) Transportation Planning, 3) Traffic Engineering, 4) Traffic Operations, 5) Parking Engineering and Operations, and 6) Civil Design and Construction Support, for a five-year term ending December 31, 2028, with a maximum aggregate compensation not to exceed \$14,600,000, subject to the appropriation of funds.

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

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Rosemary Kamei, and carried unanimously **Resolution No. RES2023-392** was adopted. (11-0.)

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

### **6.1 23-1499 Long Term Renewable Energy Agreement with Sun Pond.**

Adopt a resolution authorizing the Director of the Department of Energy or 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)]

**DEFERRED TO 11/14/2023 PER ADMINISTRATION**

## **7. NEIGHBORHOOD SERVICES**

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

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

### **10. LAND USE**

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

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

**10.1(a) 23-1500 PDC22-087 & ER22-189 - Planned Development Rezoning on Certain Real Property Located at 1655 Lincoln Avenue. –HEARD IMMEDIATELY AFTER CONSENT**

(1) Adopt a resolution adopting the 1655 Lincoln Avenue Residential Subdivision Mitigated Negative Declaration, for which an initial study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(2) Approve an ordinance rezoning certain real property of approximately 1.00 gross acre from the R-1-8 Single Family Residence District and R-2 Two-Family Residence District to the R-1-8(PD) Planned Development Zoning District located at 1655 Lincoln Avenue. CEQA: Initial Study/Mitigated Negative Declaration for 1655 Lincoln Avenue Residential Subdivision Project. Planning Commission recommends approval (10-0-1, Rosario absent) (Item 4.c. on the 10/11/2023 Planning Commission agenda). Council District 6. (Planning, Building and Code Enforcement)

Action: (a)(1) **Resolution No. RES2023-393** was adopted and (a)(2) **Ordinance No. 30973** was *passed for publication*. (11-0.)

#### **END OF CONSENT CALENDAR**

#### **10 Land Use - Regular Agenda**

### **Open Forum**

(Zoom)

1. Josh (Bill Wilson Center) spoke in honor of National Runaway Youth Prevention Month (NRPM), stated that Santa Clara County has the third highest population of homeless individuals in the nation, and invited people to attend the “Green Light Walk”, an event to end Youth and Adult homelessness in the City.

### **Adjournment**

The Council of the City of San José adjourned at 2:34 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

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Yasmin Johnson  
Deputy City Clerk, City of San José

Approved at Council on:

# of Actions: 11

Attest By:

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

## CLOSED SESSION MINUTES

**SAN JOSE, CALIFORNIA**

**TUESDAY, NOVEMBER 7, 2023**

The Council of the City of San José convened into Closed Session at 9:32 a.m. The meeting was held in Council Chambers Conference Room, W133.

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

Absent: Councilmembers - Torres.

### **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 – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

1. Case Name: U.S. et al., ex rel. John Hendrix v. J-M Manufacturing Co., Inc. d.b.a. JM Eagle et al.  
Name(s) of Party(ies) CITY OF SAN JOSE  
Court: U.S. District Court, Central District of California  
Case No: ED CV06-0055-GW  
Amount of Money or Damages according to proof  
Other Relief Sought:
2. Case Name: Dolce International/San Jose, LLC v. City of San Jose  
Name(s) of Party(ies) DOLCE INTERNATIONAL/SAN JOSE, LLC, CITY OF SAN JOSE,  
CALIFORNIA, JOHN DOE ENTITIES 1-10,  
Court: United States District Court of Northern District of California  
Case No: 5:20-CV-03774-EJD  
Amount of Money or Damages according to proof  
Other Relief Sought:
3. Case Name: Unite Here Retirement Fund, et al., v. City of San Jose, et. al.  
Name(s) of Party(ies) UNITE HERE RETIREMENT FUND, AND TRUSTEES OF THE UNITE  
HERE RETIREMENT FUND, PLAINTIFFS; THE CITY OF SAN JOSE,  
AND DOLCE INTERNATIONAL SAN JOSE, DEFENDANTS  
Court: U.S. District Court, Northern District of California  
Case No: 5:20-cv-06069-EJD  
Amount of Money or Damages according to proof  
Other Relief Sought:

4. Case Name: K'aun Green v. City of San Jose, et al.,  
Name(s) of Party(ies) K'AUN GREEN; an individual, CITY OF SAN JOSE, a municipal corporation;  
and DOES 1-50, inclusive  
Court: United States District Court Northern District of California  
Case No: 5:22-cv-02174  
Amount of Money or Damages according to proof  
Other Relief Sought: