



CITY COUNCIL MEETING

Draft Minutes

Tuesday, October 22, 2024

1:30 PM

LOCATION:

Council Chambers- 200 E. Santa Clara Street

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. *See Pages 21-22 for Closed Session Minutes.*

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

Absent Councilmembers: Torres, Davis, Cohen.

1:39 p.m. - Regular Session.

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

Absent Councilmembers: Torres.

6:09 p.m. - Evening Session.

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

Absent Councilmembers: Torres.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 9)**

The San Jose – Okayama Sister City Students offered singing performance for this invocation.

- **Orders of the Day**

Public Comment: None provided.

Mayor Matt Mahan requested that Council vote to add Item 2.17 to the Consent Calendar, which requires a determination by a two-thirds (2/3) vote of the members of the Council present at the meeting.

Action to add Item 2.17: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, Item 2.17 was added to the Consent Calendar. (9-0-2; Absent: Davis, Torres)

• Closed Session Report

City Manager, Jennifer Maguire, offered the Closed Session Report on the unanimous City Council confirmation of Paul Joseph as the new permanent Chief of Police, effective October 28, 2024. With over 30 years of law enforcement experience, he has held various leadership roles in the San Jose Police Department, including Assistant Chief and acting Chief.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Arjun Batra presented a proclamation recognizing October 2024 as Hindu American Heritage Month for the contributions of the Hindu American community to the cultural, social and economic fabric of the City of San José.
- 1.2 Councilmember Bien Doan presented a commendation to Luis Valdez Leadership Academy for their significant investment in their students, which has earned them the prestigious designation of a California Distinguished School.
- 1.3 Councilmember Peter Ortiz presented a proclamation declaring October 24, 2024 as Lights on Afterschool Day to celebrate after school programs and their important role in the lives of children, working families, and communities in the City of San José.

2. CONSENT CALENDAR

Councilmember Bien Doan pulled Item 2.4 to bifurcate the item.

Councilmember Pam Foley pulled Item 2.14 for comment.

Mayor Matt Mahan pulled Item 2.17 for discussion.

Mayor Matt Mahan requested that his memorandum for Item 2.17 be included as part of the motion.

Public Comment: Melissa Reyes offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the Consent Calendar was approved, including the approval to bifurcate Item 2.4, *Item 2.4(a) was voted on separately*, the below actions were taken as indicated.

Including acceptance of the memorandum authored by Mayor Matt Mahan, dated October 18, 2024, recommending the following:

1. Approve the Mayor's Appointments for each of the Council standing committees as described in Exhibit "A" of this Memorandum.
 2. Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, appoint Councilmembers to each of the Boards, Commissions or Committees and assignments as described in Exhibit "B" of the Mayor's Memorandum
- (9-0-2; Absent: Davis, Torres.)

2.1 Approval of City Council Minutes.

None provided.

2.2**Final Adoption of Ordinances.**

- (a) **Ordinance No. 31127** - An Ordinance of the City of San José Amending Chapter 4.76 of Title 4 of the San José Municipal Code to Add a New Section 4.76.749 to Temporarily Exempt from the City's Business Tax New Tenants Executing Leases for Office Space or New Property Owners Engaged in Business in Owner-Occupied Office Space in the Downtown Business Improvement District when Certain Requirements are Satisfied. [Passed for Publication on 10/1/2024 - Item 8.2(a) (24-197293)]
- (b) **Ordinance No. 31128** - An Ordinance of the City of San José Amending Sections 2.08.090 and 2.08.095 of Chapter 2.08 of Title 2 of the San José Municipal Code to Revise the Quorum and Voting Requirements Relating to the Voluntary Employees Beneficiary Association Advisory Committee. [Passed for Publication on 10/8/2024 - Item 2.7 (24-197297)]
- (c) **Ordinance No. 31129** - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 39.2 Gross Acres Situated on the Easterly Side of Cottle Road, South of Highway 85/Ramp (250 Hospital Parkway) (APNS 706-05-011, 017, 020, 025, 032, 035 & 037) from the A(PD) Planned Development Zoning District to a New A(PD) Planned Development Zoning District. [Passed for Publication on 10/8/2024 - Item 10.3(b) (24-197308)]

Action: **Ordinance No. 31127, Ordinance No. 31128, and Ordinance No. 31129** were adopted. (9-0-2; Absent: Davis, Torres)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for excused absences for:

- (a) Councilmember Torres from the regular meeting of City Council on October 8, 2024 due to illness.
- (b) Vice Mayor Kamei from the regular meeting of Rules and Open Government Committee and Committee of the Whole on October 9, 2024 due to being out of town for the death of a family member.
- (c) Councilmember Cohen from the regular meeting of Rules and Open Government Committee and Committee of the Whole on October 16, 2024 due to the attendance at the League of California Cities Annual Conference in Long Beach, California for authorized City business.
- (d) Councilmember Jimenez from the regular meeting of Public Safety, Finance and Strategic Support Committee (PSFSS) on October 17, 2024 due to the attendance at the League of California Cities Annual Conference in Long Beach, California for authorized City business.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Torres, Kamei, Cohen & Jimenez)
- (e) Councilmember Ortiz from the regular meeting of Neighborhood Services and

Education Committee on October 10, 2024 due to illness.

- (f) Vice Mayor Kamei from the regular meeting of Public Safety, Finance and Strategic Support Committee on October 17, 2024 due to being out of town for the death of a family member.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Torres, Kamei, Cohen, Jimenez & Ortiz)

[Rules Committee referral 10/16/2024 - Item A.1.a, (e) & (f)]

Councilmember Bien Doan requested to bifurcate the item, and vote on 2.4(a) separately.

Motion: Councilmember Bien Doan motioned to move his memorandum for 2.4(a), dated October 21st, 2024. The motion failed due to lack of a second.

Motion: Councilmember Sergio Jimenez motioned to approve 2.4(a). The motion was seconded by Councilmember David Cohen.

Action for Item 2.4(a): Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember David Cohen, and carried unanimously, Councilmember Omar Torres' Excused Absence request from the regular meeting of City Council on October 8, 2024 was approved. (8-1-2; Noes: Doan; Absent: Davis, Torres)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Bien Doan, the below excused absence requests were approved during Consent Calendar:

- (b) Vice Mayor Kamei from the regular meeting of Rules and Open Government Committee and Committee of the Whole on October 9, 2024 due to being out of town for the death of a family member.
- (c) Councilmember Cohen from the regular meeting of Rules and Open Government Committee and Committee of the Whole on October 16, 2024 due to the attendance at the League of California Cities Annual Conference in Long Beach, California for authorized City business.
- (d) Councilmember Jimenez from the regular meeting of Public Safety, Finance and Strategic Support Committee (PSFSS) on October 17, 2024 due to the attendance at the League of California Cities Annual Conference in Long Beach, California for authorized City business.
- (e) Councilmember Ortiz from the regular meeting of Neighborhood Services and Education Committee on October 10, 2024 due to illness.
- (f) Vice Mayor Kamei from the regular meeting of Public Safety, Finance and Strategic Support Committee on October 17, 2024 due to being out of town for the death of a family member.
(9-0-2; Absent: Davis, Torres)

2.5 City Council Travel Reports

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Approval of the Terms of Side Letter Agreement with the San Jose Police Officers Association (SJPOA) Relating to the City-Paid Parental Leave Program.

Adopt a resolution approving the terms of a Side Letter Agreement between the City and the San José Police Officers' Association (SJPOA) to amend the City-Paid Parental Leave Program and authorizing the City Manager or her designee to execute an agreement with those terms.

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. RES2024-360** was adopted approving the terms of Side Letter Agreement with the San Jose Police Officers Association (SJPOA) Relating to the City-Paid Parental Leave Program. (9-0-2; Absent: Davis, Torres)

2.8 Approval of the Terms of Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) Relating to a Hiring Incentive Pilot Program.

Adopt a resolution approving the terms of a Side Letter Agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP) for a Hiring Incentive Pilot Program for the Animal Shelter Veterinarian (FT) classification effective October 27, 2024 through June 30, 2025, and authorizing the City Manager or her designee to execute an agreement with those terms. 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. RES2024-361** adopted approving the terms of Side Letter Agreement with the city Association of Management personnel, IFPTE, Local 21 (CAMP) for a Hiring Incentive Pilot Program. (9-0-2; Absent: Davis, Torres)

2.9 Terms of a Side Letter Agreements Between the City of San Jose and the Municipal Employees' Federation, Terms of a Slide Letter Agreement Between the City of San Jose and the Association of Maintenance Supervisory Personnel, Terms of a Side Letter Agreement Between the City of San Jose and the City Association of Management Personnel, and Amending the City of San Jose Pay Plan.

DROPPED

2.10 Electric Vehicle Charger Assistance Pilot Program for Multifamily Housing.

Adopt a resolution approving the establishment of the Energy Department's Multifamily Electric Vehicle Charger Assistance Pilot from October 2024 through December 2025 with a total expected cost of approximately \$300,000.

CEQA: Categorically Exempt, File No. ER24-249, CEQA Guidelines Section 15301, Existing Facilities. (Energy)

Action: **Resolution No. RES2024-362** was adopted approving the Electric Vehicle Charger Assistance Pilot Program for Multifamily Housing. (9-0-2; Absent: Davis, Torres)

2.11 Actions Related to the Purchase Order with Pape' Machinery, Inc. for Off-Road Equipment Repairs and Services.

Adopt a resolution authorizing the City Manager or her designee to:

(a) Amend purchase order OP 65152 with Pape' Machinery, Inc. (Eugene, OR), for off-

road equipment repairs and services to increase the total compensation by \$100,000, for a maximum compensation not-to-exceed \$450,000 for the period ending June 2, 2025; and

- (b) Exercise up to six one-year options to extend the term of the purchase order with the last option ending on or about June 2, 2031, 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. RES2024-363** was adopted authorizing actions related to the purchase order with Pape' Machinery, Inc. for Off-Road Equipment Repairs and Services. (9-0-2; Absent: Davis, Torres)

2.12 Annual Evaluation Report for Fiscal Year 2024 (Year 3) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information Related to Messaging on Flood Risks.

Accept the Fiscal Year 2024 Annual Evaluation Report on the Santa Clara County Multi-Jurisdictional Program for Public Information.

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

Action: The Annual Evaluation Report for Fiscal Year 2024 (Year 3) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information Related to the Messaging on Flood Risks was approved. (9-0-2; Absent: Davis, Torres)

2.13 Third Amendment to the Agreement with County of Santa Clara for Imagery and LiDAR Data Acquisition.

Adopt a resolution authorizing the City Manager or her designee to execute the Third Amendment to the City Contract 666794 with the County of Santa Clara extending cost sharing arrangement in the amount of \$71,035 for imagery and LiDAR data acquisition to cover the 2024 capture.

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. RES2024-364** was adopted authorizing the execution of the Third Amendment to the Agreement with County of Santa Clara for Imagery and LiDAR Data Acquisition. (9-0-2; Absent: Davis, Torres)

2.14 Bus Accelerated Infrastructure Delivery Program Grant Funding Agreements 2024-2025

Approve the following actions to accept and receive 2024-2025 Bus Accelerated Infrastructure Delivery (BusAID) grant funds:

- (a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements for reimbursement of work, including all documents necessary to effectuate the grant agreements, with the Metropolitan Transportation Commission in an amount not to exceed \$5,000,000 for the following projects:
- (1) For the Cloud-Based Central Transit Signal Priority along Santa Clara Valley Transportation Authority's Frequent Network Project, in an amount not to exceed \$972,113 in non-federal State Transit Assistance funding, with a local match of \$125,947; and
 - (2) For the Bus Bulb-Out Installations along Senter Road Project, in an amount not to exceed \$4,027,887 in federal One Bay Area Grant Cycle 3 funding, with a

local match of \$521,855.

- (b) Adopt a Resolution of Local Support that provides the necessary assurances that the City will comply with the Metropolitan Transportation Commission's implementation policies, includes the project scope of work, schedule, and budget as attachments, and acknowledges the requirement to prepare and implement a Project Evaluation Plan.
- (c) Adopt the following 2024-2025 Funding Sources Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
 - (1) Increase the estimate for Revenue from Local Agencies by \$1,243,028;
 - (2) Establish the BusAID 2024-2025 Cloud-Based Central TSP appropriation to the Department of Transportation in the amount of \$486,056;
 - (3) Establish the BusAID 2024-2025 Senter Road Bulb-Outs appropriation to the Department of Transportation in the amount of \$1,000,000; and
 - (4) Decrease the Ending Fund Balance appropriation by \$243,028.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation/City Manager)

Action: Actions related to the Bus Accelerated Infrastructure Delivery Program Grand Funding Agreements 2024-2025 were adopted:

- (a) **Resolution No. RES2024-365**, authorizing the City Manager or her designee to negotiate and execute grant agreements for reimbursement of work, including all documents necessary to effectuate the grant agreements, with the Metropolitan Transportation Commission
 - (b) **Resolution No. RES2024-366**, a Resolution of Local Support was adopted that provides the necessary assurances that the City will comply with the Metropolitan Transportation Commission's implementation policies, includes the project scope of work, schedule, and budget as attachments, and acknowledges the requirement to prepare and implement a Project Evaluation Plan.
 - (c) **Resolution No. RES2024-367**, a Funding Sources Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund.
 - (c) **Ordinance No. 31132**, regarding the amendments in the Building and Structure Construction Tax Fund.
- (9-0-2; Absent: Davis, Torres)

2.15 **Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 7 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 October 16, 2024:

- (a) Retroactively approve the Free Flu Clinics at Story Road Night Market, Seven Trees Community Center, and Tully Branch Community Library scheduled on September 6, 7, 15, and 29, 2024, as City Council sponsored Special Events and approve the expenditure of funds.
- (b) Retroactively approve the Story Road Night Markets at Grand Century Mall scheduled on July 26-27, September 6-7, and October 11-12, 2024, as City Council sponsored Special Events and approve the expenditure of funds.
- (c) Retroactively approve the Dumpster Day at the Ashworth-Remillard House scheduled on September 25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Dumpster Day in the West Evergreen Neighborhood scheduled on October 12, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Dumpster Day in the Tropicana-Lanai Neighborhood scheduled on October 19, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.

- (f) Approve the Dumpster Day in the McLaughlin-Corridor Neighborhood scheduled on November 2, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Approve the Tet flag raising at City Hall scheduled on January 29, 2025, as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Approve the Black April Recognition Event at City Hall scheduled on April 30, 2025, as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Approve the Tower and Rotunda Lighting for Light the Night scheduled on May 3-4, 2025, as a City Council sponsored Special Event and approve the expenditure of funds.
- (j) Approve the Tower and Rotunda Lighting for Cinco de Mayo scheduled on May 5, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
- (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. (Doan) [Rules Committee referral 10/16/2024 - Item B.3]

Action: Multiple Special Events sponsored by Council District 7 were approved and retroactively approved. (9-0-2; Absent: Davis, Torres)

2.16 Retroactive Approval and Approval of Multiple Special 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 October 16, 2024:

- (a) Retroactively approve the Mt. Pleasant Employee and Family Picnic and BBQ at Lake Cunningham Event scheduled on August 10, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Dobern Neighborhood Association Litter Pick Up scheduled on August 31, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Pleasant Ridge Neighborhood Association Block Party scheduled on September 6, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Filipino American History Month Flag Raising and Lighting Ceremony scheduled on October 11, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Diabetes Prevention Health Fair Event scheduled on October 12, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Approve the Foxdale Fall Festival Resource Fair scheduled on October 25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Approve the Mt. Pleasant Neighborhood Association Banner Unveiling scheduled on October 25, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Approve the 5th Annual Truck N' Treats Event scheduled on October 26, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Approve the Family Fall Festival scheduled on October 26, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (j) Approve the Fourth Annual Toy Drive Event scheduled on November 30, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
- (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 10/16/2024 - Item B.4]

Action: Multiple Special Events were sponsored by Council District 5 were approved and retroactively approved. (9-0-2; Absent: Davis, Torres)

2.17 **City Council Appointments of Committees, Boards, and Commissions.**

- (a) Approve the Mayor's Appointments for each of the Council standing committees as described in Exhibit "A" of this Memorandum.
- (b) Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, appoint Councilmembers to each of the Boards, Commissions or Committees and assignments as described in Exhibit "B" of the Mayor's Memorandum.

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

Mayor Mahan pulled the item to address his memorandum.

Action: The City Council Appointments of Committees, Boards, and Commissions were approved, including the memorandum authored by Mayor Matt Mahan dated October 18, 2024, recommending the following:

- 1. Approve the Mayor's Appointments for each of the Council standing committees as described in Exhibit "A" of this Memorandum.
- 2. Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, appoint Councilmembers to each of the Boards, Commissions or Committees and assignments as described in Exhibit "B" of the Mayor's Memorandum.
(9-0-2; Absent: Davis, Torres)

3. **STRATEGIC SUPPORT**

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

City Manager, Jennifer Maguire, offered a report on the second annual Neighborhoods Conference, "Empowering Residents to Build Safer, Stronger Communities," happening on Saturday, October 26th, from 8 a.m. to 2 p.m. at City Hall. The conference aims to foster collaboration between residents, neighborhood leaders, and city representatives to improve safety, cleanliness, and community connections in San Jose. Organized by the Parks, Recreation, and Neighborhood Services Department, the event supports initiatives like community cleanups and graffiti removal.

3.2 **Labor Negotiations Update.**

None provided.

3.3 **2023-2024 City Manager's Annual Report.**

- (a) Accept the 2023-2024 City Manager's Annual Report in compliance with City Charter Section 701 (F).

- (b) Adopt the Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2023-2024 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).
- (c) Approve the following position changes in the Information Technology Department:
 - (1) Delete 1.0 Enterprise Supervising Technology Analyst; and
 - (2) Delete 1.0 Enterprise Technology Manager.
- (d) Approve the following position changes in the Library Department:
 - (1) Add 1.0 Program Manager; and
 - (2) Add 1.0 Senior Analyst.
- (e) Approve the following position changes in the Public Works Department:
 - (1) Add 4.0 Animal Health Technician.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment. (City Manager)

Jim Shannon, Budget Director; Bonny Duong, Assistant Budget Director; Claudi Chang, Deputy Budget Director; Selena Ubando Assistant to the City Manager; Bryce Ball, Assistant to the City Manager; William Yu, Assistant to the City Manager; Lori Mitchell, Director of Community Energy Department; and Jennifer Tell, Assistant to the City Manager offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Arjun Batra, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, actions related to the 2023-2024 City Manager's Annual Report was approved, including the adoption of (b) **Resolution No. RES2024-368**, and (b) **Ordinance No. 31133**. (9-0-2; Absent: Davis, Torres)

3.4 Encumbrances Audit Report.

As recommended by the Public Safety, Finance and Strategic Support Committee on September 19, 2024, accept the report on an audit of compliance with the City's Encumbrance Policy.

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

[Public Safety, Finance and Strategic Support Committee referral 9/19/24 - Item (d)1]

Angel Rios, Deputy City Manager; City Auditor and Alison Pauly, Supervising Auditor offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Arjun Batra, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Encumbrances Audit Report was accepted. (9-0-2; Absent: Davis, Torres)

3.5 New City Council Policy for Seamless Transition of City Elected Official Offices. – DEFERRED

Adopt a resolution approving a new Council Policy No. 0-47, Transition of Elected Officials for an effective transition between incoming and outgoing Mayor and Councilmembers, including the standard use and ownership of digital marketing and communications assets, software access and administration, use of City-based accounts, asset inventories, physical equipment, and other transition activities.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)

DEFERRED TO JANUARY 28, 2025 PER ADMINISTRATION

3.6 Actions Related to the 8813 – West San Carlos Street Urban Village Streetscape Improvements Project.

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 8813 -West San Carlos Street Urban Village Streetscape Improvements Project to the lowest responsive, responsible bidder in an amount not to exceed \$7,800,000;
- (b) Decide any timely bid protest(s) and make the City’s final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- (c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Public Works/Transportation)

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, **Resolution No. RES2024-369** was adopted, and actions related to the 8813 – West San Carlos Street Urban Village Streetscape Improvements Project were approved. (9-0-2; Absent: Davis, Torres)

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 Blue Zones Assessment, Readiness, and Feasibility Report. – NOT HEARD BEFORE 6:00 P.M.

Accept the Blue Zones® Assessment, Readiness, and Feasibility Report to share the current state of health and wellbeing among San José residents.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)
[Neighborhood Services and Education Committee referral - 9/16/2024 - Item 1]

Angel Rios, Deputy City Manager and Margaret Brown, Vice President for Business Development at Blue Zones offered the presentation and responded to questions.

Public Comment: Alie Victorine offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Peter Ortiz, and carried unanimously, the Blue Zones Assessment, Readiness, and Feasibility Report was accepted, including the joint memorandum co-authored by Councilmember Dev Davis, Councilmember Peter Ortiz, Councilmember Pam Foley and Councilmember Bien Doan dated October 18th, 2024, with *additions* to 2(a)(i) and 2(a)(ii) recommending the following:

1. Accept the staff report on the Blue Zones Readiness Assessment.
2. Direct the City Manager, in coordination with PRNS, to:
 - a. Coordinate with County Staff to inventory existing resources and identify service gaps in the three pilot Zip code study areas (95116, 95122, and 95111) of the Children and Youth Services Master Plan (CYSMP). This work should include:
 - i. Identification of service duplication and gaps in the areas of social services; parks, recreation, and neighborhood services; library and other out-of-school learning services; public safety services, *and childcare services*.
 - ii. An assessment of the infrastructure assets and gaps, such as quick-build traffic calming projects, availability of multi-modal transportation options like bike lanes and sidewalks, parks and trails, *and childcare facilities*.
 - iii. An assessment of areas in which the City and County already coordinate in the Zip code study areas, such as through San Jose YEA.
 - b. Report the findings from (a) to the NSE with a referral to City Council on next steps as part of the 2025-26 budget process.

(10-0-1; Absent: Torres)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Citywide Planning Activities Semi-Annual Status Report.

As recommended by the Community and Economic Development Committee on September 23, 2024, accept the semi-annual status report on Citywide planning activities, including Urban Village planning and aligning zoning with the General Plan.

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

[Community and Economic Development Committee referral 9/23/2024 - Item (d)2]

Martina Davis, Division Manager, Department of Planning, Building & Code Enforcement (PBCE); Ruth Cueto, Principal Planner, PBCE; and Jerad Ferguson, Principal Planner, PBCE offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Arjun Batra, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Citywide Planning Activities Semi-Annual Status Report was accepted. (10-0-1; Absent: Torres)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE on Consent Calendar

10.1 None provided.

10. LAND USE – Regular Agenda

10.2 **GPT24-001 - City-Initiated General Plan Text Amendment to Update Text and Maps in the Envision San José 2040 General Plan and the Diridon Station Area Plan to Align with the Recently Adopted San José Mineta International Airport Land Use Compatibility Plan. - HEARD AFTER ITEM 8.1 DURING THE 1:30 P.M. REGULAR SESSION**

- (a) Adopt a resolution by two-third majority making certain findings required by California Public Utilities Code Section 21676 that the General Plan Text Amendment is consistent with the purposes set forth in California Public Utilities Code Section 21670 and partially overrule the Santa Clara County Airport Land Use Commission's adopted Airport Land Use Compatibility Plan for the San José Mineta International Airport.
- (b) Adopt a resolution approving the General Plan Text Amendment to update text and maps in the Envision San José 2040 General Plan and the Diridon Station Area Plan to align with the recently adopted San José Mineta International Airport Land Use Compatibility Plan and incorporating the City-approved modified Airport Influence Area overlay for San José Mineta International Airport adopted by Council overrule of the Airport Land Use Commission adopted Airport Influence Area for San José Mineta International Airport.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommends approval (7-0-2, Cantrell and Young absent) (Item 8.a. on the 9/25/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

Ruth Cueto, Principal Planner, Department of Planning, Building and Code Enforcement offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the following resolutions were adopted regarding the City-Initiated General Plan Text Amendment:

- (a) **Resolution No. RES2024-370** was adopted regarding two-third majority making certain findings required by California Public Utilities Code Section 21676 that the

General Plan Text Amendment is consistent with the purposes set forth in California Public Utilities Code Section 21670 and partially overrule the Santa Clara County Airport Land Use Commission's adopted Airport Land Use Compatibility Plan for the San José Mineta International Airport; and

- (b) **Resolution No. RES2024-371** was adopted approving the General Plan Text Amendment to update text and maps in the Envision San José 2040 General Plan and the Diridon Station Area Plan to align with the recently adopted San José Mineta International Airport Land Use Compatibility Plan and incorporating the City-approved modified Airport Influence Area overlay for San José Mineta International Airport adopted by Council overrule of the Airport Land Use Commission adopted Airport Influence Area for San José Mineta International Airport.
- (10-0-1; Absent: Torres)

Council recessed from 3:53 p.m.-6:09 p.m.

10.3 PDC22-008, T22-034, PD22-021 & ER22-237 - Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for the Property Located at 3464 Ambum Avenue. - NOT HEARD BEFORE 6:00 P.M.

- (a) Adopt a resolution adopting the 3464 Ambum Avenue Residential Subdivision Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.
- (b) Approve an ordinance rezoning certain real property of an approximately 2.59-gross acre site located on the south side of Ambum Avenue, approximately 250 feet westerly from Mitton Drive (3464 Ambum Avenue), from the R-1-5 Single Family Residence Zoning District to the R-1-5(PD) Planned Development Zoning District.
- (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge two existing parcels into one parcel and subdivide that parcel into four single-family residential parcels on an approximately 2.59-gross-acre site.
- (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of one single-family residence, one accessory dwelling unit, and five accessory buildings, the removal of 23 ordinance-size and 16 non-ordinance-size trees, and the construction of four detached-single-family residences on an approximately 2.59-gross-acre site.

CEQA: Mitigated Negative Declaration for 3464 Ambum Avenue Residential Project, File No. ER22-237. Planning Commission recommends approval (9-0) (Item 5.a on the 9/11/2024 Planning Commission agenda.) Council District 8. (Planning, Building and Code Enforcement)

[Deferred from 10/8/2024 - Item 10.2 (24-197307)]

Chris Burton, Department of Planning, Building and Code Enforcement Director and John Tu, Division Manager offered the presentation and responded to questions.

The Applicant Ryan Do with Viam Capital LLC, responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the below actions were taken as indicated:

- (a) **Resolution No. RES2024-372** was adopted, adopting the 3464 Ambum Avenue Residential Subdivision Project Mitigated Negative Declaration, for which an initial

study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

- (b) **Ordinance No. 31134** was *passed for publication* rezoning certain real property of an approximately 2.59-gross acre site located on the south side of Ambum Avenue, approximately 250 feet westerly from Mitton Drive (3464 Ambum Avenue), from the R-1-5 Single Family Residence Zoning District to the R-1-5(PD) Planned Development Zoning District.
- (c) **Resolution No. RES2024-373** was adopted, subject to conditions, a Vesting Tentative Map to merge two existing parcels into one parcel and subdivide that parcel into four single-family residential parcels on an approximately 2.59-gross-acre site.
- (d) **Resolution No. RES2024-374** was adopted, approving, subject to conditions, a Planned Development Permit to allow the demolition of one single-family residence, one accessory dwelling unit, and five accessory buildings, the removal of 23 ordinance-size and 16 non-ordinance-size trees, and the construction of four detached-single-family residences on an approximately 2.59-gross-acre site.
(9-0-2; Absent: Davis, Torres)

10.4 CP21-022 & ER21-280: Conditional Use Permit to Allow Construction of a New Approximately 165,148 – Square Foot Commercial Retail Building at 5287 Prospect Road. – NOT HEARD BEFORE 6:00 P.M.

- (a) Adopt a resolution certifying the Westgate West Costco Warehouse Project Environmental Impact Report, make certain findings concerning mitigation measures and alternatives, and adopt a Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA), as amended.
- (b) Adopt a resolution approving, subject to conditions, Conditional Use Permit to allow the demolition of three single-story buildings within an existing shopping center totaling approximately 188,265 square feet, the removal of 115 trees (73 ordinance-size, 42 non-ordinance-size, 198 replacement) for the construction of an approximately 165,148-square foot commercial retail building (Costco), off-sale alcohol (Type 21 ABC License) with a Determination of Public Convenience or Necessity, and extended construction hours (Saturdays 7:00 a.m. to 7:00 p.m.) with up to five 24-hour concrete pours on an approximately 19.80-gross acre site.

CEQA: Environmental Impact Report for the Westgate West Costco Warehouse Project (File No. CP21-022; ER21-280). Planning Commission recommends approval (7-0-2, Cantrell and Young absent) (Item 5.a on the 9/25/2024 Planning Commission agenda). Council District 1. (Planning, Building and Code Enforcement)

Councilmember Pam Foley and Councilmember Arjun Batra recused themselves from the item due to financial conflicts.

Chris Burton, Director of Planning, Building and Code Enforcement offered the presentation and responded to questions.

Applicant Michael Okuma, AVP Real-estate Developer for Costco Wholesaler, spoke to the item and responded questions.

Public Comment: Joe Glinn, Leah Toeniskoeher, Robyn Morrow, Marc Barberis, Josh Jiang, Maben, Amy, Paul Wilcox, Dongling Ding, Kyle, Crystal, Emily Ding, Curt Mah, Ilene, Gary, Tammy Cook, Hannah K., Ben, Lydia, Austen, Ben, Sarah Ludwig, Becky, Gary Smith, Kim, Fred, Jennifer, Frank, Susan Kauffman, Amy, Connie Tietze, Ron Tietze, Julie Reynolds-Grabbe, Marc P., Yuqi, Dinah Sloan, Dale Livezey, Doris Livezey,

Michele Vennard, Tonni LeBaron, Rupa N., Merle Knouf, Shirley Pak, Ramesh Gunna, Kevin Cooney, and Steve Sun offered public testimony regarding the item.

Motion: Vice Mayor Rosemary Kamei moved approval of the Item, including acceptance of the joint memorandum co-authored by Vice Mayor Rosemary Kamei, Mayor Matt Mahan, Councilmember David Cohen, and Councilmember Domingo Candelas, dated October 17, 2024. Councilmember Sergio Jimenez seconded the item.

Friendly Amendment: Mayor Matt Mahan requested that Item 1(h) change the specification from ~~six residential streets~~ to *nine residential streets*. The amendment was accepted by the maker and seconder of the motion.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember David Cohen, and carried unanimously, the below actions were taken as indicated:

- (a) **Resolution No. RES2024-375** was adopted certifying the Westgate West Costco Warehouse Project Environmental Impact Report, make certain findings concerning mitigation measures and alternatives, and adopt a Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA), as amended.
- (b) **Resolution No. RES2024-376** was adopted approving, subject to conditions, Conditional Use Permit to allow the demolition of buildings within an existing shopping center and removal of 115 trees.

Including acceptance of the *amended* joint memorandum co-authored by Vice Mayor Rosemary Kamei, Mayor Matt Mahan, Councilmember David Cohen, and Councilmember Domingo Candelas, dated October 17, 2024, with the additional condition to reduce the size, language, or relocate the sign on the east side of Graves Avenue. Recommending the following:

Accept the staff recommendations with the following conditions of approval agreed to by the Applicant in consultation with Vice Mayor Kamei and neighbors:

1. With respect to Graves Avenue access, traffic, and parking:
 - a. Close the existing driveway at the end of the Graves Avenue cul-de-sac (across from the Saratoga Dog Park).
 - b. Eliminate the existing pedestrian access point from Graves Avenue near Fields Drive.
 - c. Costco trucks shall not utilize the driveway along Graves Avenue for ingress or egress.
 - d. Install a physical gate, or equivalent barrier, at the Graves driveway that will close nightly from 9pm to 6am to prevent any traffic exiting or entering from Graves during these hours.
 - e. Post signage within the shopping center and conduct tenant education to discourage any non-Costco trucks from using the Graves Avenue driveway.
 - f. Construct a new curb ramp, bulb-outs, and crosswalk striping across Graves Avenue at the intersection with Crespi Drive.
 - g. Costco employees shall be restricted to parking within Costco-designated spaces and signage shall be provided to instruct Costco customers to park within Costco-designated spaces and not adjacent parking lots.
 - h. Within twelve (12) months after building occupancy, provide, at Applicant's sole expense, a single preconstruction and post-construction daily traffic volume comparison study to identify potentially adverse effects from the project to the adjacent residential neighborhood directly north of the project site in accordance with the latest Council Policy 5-6 (Traffic Calming Policy

- for Residential Neighborhoods). Streets to be considered for the study are Cordelia Avenue, Happy Valley Avenue, Brenton Avenue, Lassen Avenue, Fields Drive, Teresita Drive, Graves Avenue, Country Lane, and Englewood Drive. If adverse effects to any of the ~~six residential streets~~ *nine residential streets* are found to meet the Policy's threshold criteria and are found to be attributable to the Project, the Applicant shall fully pay for the City to design and construct traffic calming improvements in mitigation of such impacts to the satisfaction of the Director of Public Works. In addition, the postoccupancy traffic study will evaluate the queuing adequacy of the left turn lane from southbound Lawrence Expressway into the project driveway on Lawrence Expressway per the City's Transportation Analysis Handbook. If adverse effects to Lawrence Expressway are found to meet the threshold criteria and are found to be attributable to the Project, the Applicant shall design and construct traffic improvements to the satisfaction of the Director of Public Works and County of Santa Clara within two years of the issuance of the aforesaid post-occupancy traffic study. Applicant shall obtain all necessary encroachment permits from the County of Santa Clara.
- i. Construction-related traffic on Graves Avenue shall be prohibited with the exception of traffic which may reasonably be necessary for the construction of improvements appurtenant to or required for the project as determined by the Director of Public Works. All construction workers and contractors shall utilize offstreet parking.
2. With respect to noise impacts:
 - a. Replace the 4-foot wall along Graves Avenue with a 6-foot wall set back to align with the Costco building and to increase the landscaped area and screen parking.
 - b. Locate loading docks away from the neighboring residences, and add a roof and wall around the loading docks to contain noise and eliminate 10 loading access points along the rear of the existing buildings, immediately adjacent to Graves Avenue.
 - c. Restrict all construction activities occurring on Saturdays to the building interior after the first six months of construction activities on site.
 3. With respect to aesthetics, privacy, light and glare:
 - a. Preserve the 55 mature magnolia and olive trees along the Graves Avenue frontage and add additional landscaping to screen the building and wall.
 - b. Increase the rooftop parking parapet wall from 5 feet to 6 feet to prevent noise and light spill-over.
 - c. Modify the rooftop lighting to reduce visibility from neighbors and meet conservative dark sky compliance standards consistent, at a minimum, with the standards of neighboring Cupertino as described at Cupertino Municipal Code section 19.102.040.
 - d. Construct the project in accordance with Title 24 energy standards in place at the time of building permit issuance.
 4. With respect to pedestrian safety:
 - a. Improve the multi-use path on Lawrence Expressway between Graves Avenue and the Lawrence Expressway driveway to match the sidewalk south of the driveway.
 - b. Direct staff to work with the County of Santa Clara to ensure that the Public Improvement Plans are approved in a timely fashion for the improvements at both the northeast corner of Lawrence Expressway/Prospect Road intersection and the project frontage.
 - c. Improve the pedestrian crossing and modify the signal at the Lawrence

Expressway driveway in accordance with the conceptual exhibit “Prospect Road and Lawrence Expressway Proposed Intersection Improvements” prepared by the City of San José Department of Transportation and dated March 2024.

- d. Contribute to the pedestrian safety improvements at Lawrence and Prospect, as follows:
- i. Design and construct certain frontage and roadway improvements presented in the conceptual exhibit “Prospect Rd and Lawrence Expy Proposed Intersection Improvements” prepared by the City of San José Department of Transportation and dated March 2024, specifically those along the east side of Lawrence Expressway between the Westgate West Shopping Center driveway intersection up to the red dashed line indicated as “Conditioned Frontage Improvement” in the exhibit.
 - ii. In addition, provide a grand total \$2.5 million voluntary contribution to the City for design and construction of other multimodal improvements presented in the conceptual exhibit or for similar multimodal improvements in the vicinity of the Lawrence Expressway/Prospect Road intersection not shown in the exhibit.
 - iii. As a subset of the overall \$2.5 million voluntary contribution, the Applicant will design and construct the improvements presented in the exhibit directly south of the red dashed line and continuing along the Shopping Center frontage around the northeast corner of the Lawrence Expressway/Prospect Road intersection. These improvements include:
 1. Closing the Prospect Road westbound right-turn slip lane;
 2. Constructing sidewalk, curb ramps, curb, and landscaping;
 3. Installing a pedestrian push-button with a pole and signal system connection;
 4. Installing crosswalk striping on the north and east legs of the intersection;
 5. Installing roadway striping for northbound Lawrence Expressway on the north leg of the intersection and for westbound Prospect Road on the east leg of the intersection;
 - iv. The total costs to the Applicant to design, obtain permits for, and construct the northeast corner improvements described above will be deducted from \$2.5 million overall voluntary contribution, and the Applicant shall contribute to the City the remainder amount for the City to design and construct the additional improvements presented in the conceptual exhibit or similar multimodal improvements in the vicinity of the Lawrence Expressway/Prospect Road intersection and/or for related crossing guard services no later than the completion of the aforesaid completion of the improvements to the northeast corner of the intersection.

(8-0-1-2; Absent: Torres; Recused: Foley, Batra)

- **Open Forum**

1. James Campbell discussed homelessness, surveying a brunch sponsored by District 10, and expressed disappointment with data collection efforts.
2. LaVessa Walker discussed homelessness, allocation of funds, a lack of vouchers, lack of translators, and a general lack of resources for those displaced.
3. Mark Dobson discussed ADA violations, hate crimes, and issues that affect disabled people.

- **Adjournment**

The Council of the City of San José adjourned the meeting at 9:01 pm by Mayor Matt Mahan.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Vanessa Velez, Deputy City Clerk
City of San José

Approved at Council on:

of Actions: 10

Attest By:

Toni Taber, MMC,
City Clerk, City of San José

- **Notice of City Engineer's Pending Decision on Final Maps**

FOR RECEIPT: Tract: 10642 Location: South side of Kirk Avenue approximately 160 feet east of Madeline Drive District: N/A (Site is to be annexed to the City as part of McKee No. 139 Annexation) Lots/Units: 18/18 Type: SFD Developer: Alphain Bay



Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

October 22, 2024

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

Absent Councilmembers: Torres, Davis, Cohen.

Place: City Hall Conference Room W-133

Time: 9:30 a.m.

CLOSED SESSION ITEM(S) DISCUSSED:

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

Initiation of litigation pursuant to Sections 54956.9(d)(4) 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: In re: Claim of Brahimaj
Name(s) of Party(ies)

Court: Worker’s Compensation Appeals Court

Case No: ADJ14659624

Amount of Money or Other Relief Sought: Benefits

C. 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

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

Department or Agency: Police Department

Title: Police Chief

Department or Agency: City Attorney

Title: City Attorney