



# **City Council Meeting MINUTES**

**Tuesday, May 10, 2022**

**1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -  
<https://sanjoseca.zoom.us/j/99346843938>**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, DISTRICT 10



## MINUTES OF THE CITY COUNCIL

MAY 10, 2022

### **\* COVID-19 NOTICE \***

Consistent with AB 361 and City of San José Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445 and 80481, Councilmembers may be teleconferencing from remote locations.

### • Call to Order and Roll Call

9:30 a.m.- Closed Session

**22-642** Closed Session: **See Page 15 for Closed Session Minutes.**

Absent: Arenas, Esparza.

1:30 p.m. Present: Councilmembers - Carrasco, Esparza, Davis, Mahan, Jimenez, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Arenas.

6:00 p.m.- Evening Session Carrasco, Esparza, Davis, Mahan, Jimenez, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Arenas.

### • Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

### • Invocation (District 5)

Saxophone Player – Jared Carbajal performed “Best Part” By Daniel Caesar in honor of Mother’s Day.

### • Orders of the Day

The Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Arenas.)

### • Closed Session Report

City Attorney, Nora Frimann reported out a tentative settlement in a case reviewed, noting it will be returning to a future Closed Session.

# **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Magdalena Carrasco and Mayor Sam Liccardo presented a proclamation declaring May 8, 2022 as Mother's Day and shared appreciation for the mothers that comprise the community and health workers of the SOMOS Mayfair - East San José area. (Carrasco)
- 1.2 Councilmember Maya Esparza and Mayor Sam Liccardo presented a commendation to Police Captain Brian Shab and Deputy City Attorney Vance Chang for their extraordinary efforts to uplift and support the Santee Community. (Esparza)
- 1.3 Councilmember Raul Peralez and Mayor Sam Liccardo presented a proclamation to Teresa Marquez of Eastside Union High School District, recognizing Mental Health Awareness Month. (Arenas)

# **2. CONSENT CALENDAR**

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously the balance of the Consent Calendar was approved, with Item 2.13 pulled and heard separately, and with the below listed actions were taken as indicated.

Public Comments: Blair Beekman provided comments.

(10-0-1. Absent: Arenas.)

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

None provided.

## **2.2 22-667 Final Adoption of Ordinances.**

(a) Ordinance No. 30762 - An Ordinance of the City of San José Amending Section 27.06.050 of the San José Municipal Code to Increase the Credit (or “Discount”) Provided for a Local Business Enterprise or a Small Business Enterprise from 2.5 Percent to 5.0 Percent and to Authorize the City Manager or City Manager’s Designee to Update Procurement Preferences for Minor Public Works Contracts Accordingly.  
[Passed for Publication on 4/26/2022 - Item 3.5 (22-565)]

Action: (a) Ordinance No. 30762 was adopted. (10-0-1. Absent: Arenas.)

**2.3 22-708**

**Approval of Council Committee Minutes.**

- (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 13, 2022.
  - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 20, 2022.
  - (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 27, 2022.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (10-0-1. Absent: Arenas.)

**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 22-663**

**Amendment to Agreement with Richards, Watson & Gershon for Legal Services Related to Complex Real Estate Development and Planning.**

Adopt a resolution authorizing the City Attorney to negotiate and execute a Seventh Amendment to the Agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term of the Agreement from June 30, 2022 to June 30, 2023, with no increase in the maximum amount of compensation.

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

Action: **Resolution No. 80486** regarding the amendment to an Agreement with Richards, Watson & Gershon was adopted. (10-0-1. Absent: Arenas.)

**2.8 22-643 2019 State Homeland Security Grant Program Funding to the Fire Department for Unmanned Aircraft Systems.**

Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(a) Increase the estimate for Revenue from Federal Government by \$132,700; and

(b) Establish a State Homeland Security Grant - Fire 2019 City-Wide Expenses appropriation to the Fire Department in the amount of \$132,700.

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

Action: Appropriation **Ordinance No. 30767** and Funding Sources **Resolution No 80447** were adopted. (10-0-1. Absent: Arenas.)

**2.9 22-644 Actions Related to the St. James Park Phase I Design Master Agreement with CMG Landscape Architecture for Design Services.**

Adopt a resolution authorizing the City Manager to negotiate and execute a Fourth Amendment to the Master Agreement with CMG Landscape Architecture for St. James Park Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$129,122 from \$2,620,878 to \$2,750,000 and extend the agreement to December 31, 2023.

CEQA: Environmental Impact Report for the St. James Park Capital Vision and Performing Arts Pavilion, File No. PP16-037. Council District 3. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 80448** regarding an Agreement with CMG Landscape Architecture was adopted. (10-0-1. Absent: Arenas.)

**2.10 22-645 Actions Related to a Grant Application for Santa Clara Valley Open Space Authority for Park Development Located at Midfield Avenue and Havana Way.**

(a) Adopt a resolution authorizing the City Manager to submit a grant application and, if awarded, negotiate and execute a grant agreement with Santa Clara Valley Open Space Authority for an amount up to \$250,000 for park development at the southeast corner of Midfield Avenue and Havana Way.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with Caltrans under the Clean California Program for an amount up to \$500,000 for park development at the southeast corner of Midfield Avenue and Havana Way.

CEQA: Midfield-Havana Pocket Park: Categorically Exempt, CEQA

*(Item Continued on the Next Page)*

**2.10 (Cont'd.)**

Guidelines Section 15332, Infill Development Projects, File No. ER20-200. Council District 7. (Parks, Recreation and Neighborhood Services)

Councilmember Maya Esparza pulled this item to encourage approval.

Motion: Councilmember Maya Esparza moved approval of actions related to the grant approval. The motion was seconded by Councilmember Dev Davis.

Public Comments: Jill Borders, Victoria, Brian Darby, Catherine and Alex Shoor (Catalyze SV) offered supportive comments.

Action: On a call for the question, the motion carried unanimously, and (a) **Resolution No. 80489** regarding submission of a grant agreement; and (b) **Resolution No. 80490** regarding a cooperative agreement with Caltrans were adopted. (10-0-1. Absent: Arenas.)

**2.11 22-648 Agreement for Consultant Services with Sherwood Design Engineers, Ltd for the JFG Koi Pond Pump House Project.**

Approve the Second Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. to retroactively extend the term of the Agreement from October 31, 2021 to October 31, 2024, with no change in maximum compensation, for design and construction support on the JFG Koi Pond Pump House Project.  
CEQA: Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms. (Public Works)

Action: The Second Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. Was approved. (10-0-1. Absent: Arenas.)

**2.12 22-649 Consultant Agreement with DKS Associates for the Bascom Avenue Highway-Rail Traffic Signal Project.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Consultant Agreement between the City of San José and DKS Associates, for an amount not to exceed \$339,446 for design engineering consultant services for the Bascom Avenue Highway-Rail Traffic Signal Project.  
CEQA: Not a Project, File PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. Council District 6. (Transportation)

Action: **Resolution No. 80491** regarding a Consultant Agreement between the City of San José and DKS Associates was adopted. (10-0-1. Absent: Arenas.)

2.13 22-666

**Amend Chapter 12.06 of the San José Municipal Code to Extend the Campaign Contribution Fundraising Period for Debt Retirement Recommendation. - RENUMBERED FROM ITEM 3.4**

Approve an ordinance amending Chapter 12.06 of the San José Municipal Code to:

(a) Extend the campaign contribution period for the primary and run-off elections for Mayor and Councilmember to 60 days after the date of each election, and

(b) Specify that funds raised during this 60-day contribution period may only be used to retire campaign-related debts and liabilities and that any solicitation for such contributions by a candidate or candidate-controlled committee must indicate that all contributions received during this period will be used for this purpose.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(City Attorney) **[RENUMBERED FROM ITEM 3.4 (22-665)]**

Mayor Sam Liccardo pulled this item to indicate his concerns, voicing that it exacerbates a pattern of encouraging donors to get on the ‘winning side’. Councilmember Matt Mahan additionally expressed his lack of support.

Public Comments: Blair Beekman and Brian Darby provided comments.

Motion: Councilmember Maya Esparza moved approval of the ordinance. Councilmember David Cohen asked for an amendment to the motion to extend the front end of the contribution period to one month earlier. Councilmember Maya Esparza accepted the amendment, and the motion was seconded by Councilmember Cohen.

Action: On a call for the question, the motion carried, and **Ordinance No. 30768** amending Chapter 12.06 of the San José Municipal Code was passed for publication, with an amendment provided by Councilmember David Cohen to extend the front end of the contribution period to one month earlier. (8-2-1. Noes: Mahan, Liccardo.)

2.14 22-712

**Approval of D6 Faith Leaders Breakfast 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 May 4, 2022:

(a) Approve the D6 Better Together Faith Leaders Breakfast scheduled on May 26, 2022 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. (Davis)

[Rules Committee referral 5/4/2022 - Item B.2]

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Arenas.)

**2.15 22-719 Retroactive Approval of the East San José Leadership Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on May 4, 2022:

(a) Retroactively approve the East San José Leadership event scheduled on May 6, 2022 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. (Carrasco)

[Rules Committee referral 5/4/2022 - Item B.3]

Action: The City Sponsored Special Event was retroactively approved. (10-0-1. Absent: Arenas.)

**2.16 22-723 Approval of the Eritrean Flag Raising 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 May 4, 2022:

(a) Approve the Eritrean Flag Raising Event scheduled on May 24, 2022 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. (Jones)

[Rules Committee referral 5/4/2022 - Item B.4]

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Arenas.)

**2.17 22-727 Approval of the San José State University Designing Forward Event Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on May 4, 2022:

(a) Approve the San José State University Designing Forward event scheduled on May 19, 2022 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. (Peralez)

[Rules Committee referral 5/4/2022 - Item B.6]

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Arenas.)

- 2.18 22-735 Proclamation and Flags at Half-Staff Honoring Norman Mineta**  
Approve a Proclamation and Retroactively Authorize Flags at City Facilities be Flown at Half-Staff from May 3 - 10, 2022 in Honor of Former U.S. Secretary of Transportation and San José Mayor Norman Mineta.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)  
[Rules Committee referral 5/4/2022 - Item A.1.a]

Action: The Proclamation was approved. (10-0-1. Absent: Arenas.)

### **3. STRATEGIC SUPPORT**

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

City Manager Jennifer Maguire announced the accreditation of Happy Hollow Park & Zoo by the Association of Zoos and Aquariums (AZA) with accreditation standards representing the “gold standard” in animal care, and congratulated Director of Parks, Recreation and Neighborhood Services, Jon Cicirelli and the PRNS Staff.

#### **3.2 Labor Negotiations Update.**

None provided.

#### **3.3 22-650 San José Spotlight Public Records Act Request Appeal.**

Consider the appeal of San José Spotlight regarding the City’s response to its Public Records Act request.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Attorney)

Appellant Ramona Giwargis of San José Spotlight asked that attorney/client privilege be waived and the Public Records Act request be accepted.

Public Comments: Comments were offered by Catherine and Blair Beekman.

Mayor Sam Liccardo offered comments on privilege held by Council, and City Attorney, Nora Frimann provided clarification. The Mayor asked that we waive attorney/client privilege from the three withheld documents and recommended acceptance of his memo dated April 28, 2022.

Motion: Councilmember Pam Foley moved approval of the appeal from the San José Spotlight, waiving attorney-client privilege as outlined in Mayor Sam Liccardo’s memorandum, with the inclusion that staff be directed to return with a change in procedures so all appeals involving attorney-client privilege go directly to Council. Vice Mayor Chappie Jones seconded the motion.

*(Item Continued on the Next Page)*

### 3.3 (Cont'd.)

Appellant Ramona Giwargis responded to questions from Councilmembers, and City Attorney, Nora Frimann offered additional clarification.

Action: The memorandum from Mayor Sam Liccardo dated April 28, 2022 was accepted, approving the appeal from Spotlight, waiving attorney-client privilege from the three withheld documents. Staff was directed to return with a change in procedures so all appeals involving attorney-client privilege go directly to Council. (10-0-1. Absent: Arenas.)

### 3.4 22-665 **Amend Chapter 12.06 of the San José Municipal Code to Extend the Campaign Contribution Fundraising Period for Debt Retirement Recommendation. - RENUMBERED TO ITEM 2.13 (22-666)**

### 3.5 22-652 **Fleet: Take Home Vehicles Audit Report.**

As recommended by the Public Safety, Finance and Strategic Support Committee on April 21, 2022, accept the report on the Fleet: Take Home Vehicles Audit.

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

[Public Safety, Finance and Strategic Support Committee referral 4/21/2022 - Item (d)4]

Joe Rois, City Auditor, provided a report, and Deputy Director, Walter Lin offered administration's response.

Public Comments: Blair Beekman provided comments.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza and carried unanimously, the staff report was accepted. (10-0-1. Absent: Arenas.)

### 3.6 22-655 **Citywide Grant Monitoring Audit Report.**

As recommended by the Public Safety, Finance and Strategic Support Committee on April 21, 2022, accept the report on the Citywide Grant Monitoring Audit.

CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [PSFSS referral. 4/21/2022 - Item (d)5]

Joe Rois, City Auditor offered the report, and Director of Finance Julia H. Cooper provided a response.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, the staff report was accepted. (10-0-1. Absent: Arenas.)

- 3.7 22-659 City Roadmap - Procurement Improvement Status Report.**  
As recommended by the Smart Cities and Service Improvements Committee on April 7, 2022:
- (a) Accept the status report on the City Roadmap Procurement Improvement initiative.
  - (b) Direct staff to return to City Council with recommendations to update Chapter 4.04 Contract Authority and Chapter 4.12 Procurements of Goods and Services of Title 4 of the San José Municipal Code.
  - (c) Refer procurement improvement staffing and technology recommendations for consideration, along with other City priorities, to the FY 2022-2023 budget process.
  - (d) Accept the City of San José Procurement Current State Assessment Report and City of San José Procurement Future State Vision Report. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Smart Cities and Service Improvements Committee referral 4/7/2022 - Item (d1)]

Director of Finance Julia H. Cooper and staff offered a presentation.

Public Comments: Blair Beekman made comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Matt Mahan and carried unanimously, the staff report was accepted. (10-0-1. Absent: Arenas.)

## **4. PUBLIC SAFETY SERVICES**

- 4.1 22-660 Privately Made Firearm Ordinance.**  
Approve an ordinance amending Chapter 10.32 of Title 10 of the San José Municipal Code to add Part 7 to reduce gun harm by prohibiting the possession, manufacturing, sale, assembly, transfer, receiving, and distribution of un-serialized firearms, frames, and receivers within San José, subject to certain exceptions.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(City Attorney/City Manager)

Director, Office of Administration, Policy & Intergovernmental Relations, Sarah Zárte gave a presentation.

Public Comments: Blair Beekman, Ted Scarlett, Jonathon Fleming (SV Public Accountability Agency), Don Veith, Sharon Genkin (“Moms Demand Action”), Kirk Vartan and “Caller 3030” expressed concerns.

*(Item Continued on the Next Page)*

#### 4.1 (Cont'd.)

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Chappie Jones and carried unanimously, **Ordinance No. 30769** amending Chapter 10.32 of Title 10 of the San José Municipal Code was passed for publication. (10-0-1. Absent: Arenas.)

*Council adjourned for a recess at 4:45 p.m. and reconvened at 6 p.m.*

*All Councilmembers returned via Zoom for evening session, with the exception of Councilmembers Cohen, Peralez and Vice Mayor Chappie Jones who remained in person. Councilmember Sylvia Arenas was absent.*

#### 4.2 22-646 **Report of the Reimagining Public Safety Community Advisory Committee and Charter Review Commission Public Safety Recommendations**

(a) Refer the recommendations contained in the Report of the Reimagining Public Safety Community Advisory Committee to the City Manager and City Attorney for analysis of operational and implementation considerations, budget and workload impact, legal considerations, and other relevant considerations, to return to the Public Safety, Finance and Strategic Support Committee in fall 2022 along with a comprehensive review of all outstanding recommendations for reform and operational improvement being tracked by the Police Department.

(b) Refer the recommendation of the Charter Review Commission with respect to creation of a Police Commission, an Independent Investigation Department, and an Office of the Inspector General to the Citywide Roadmap prioritization process.

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

(City Manager)

*Heard at 6:00 p.m.*

Deputy City Manager, Angel Rios, Jr. introduced the topic, and a presentation was provided by: Poncho Guevara, Darcie Green, Don Taylor (Executive Director, Pacific Clinics), Frederick Ferrer, Sandra Asher (Parents Helping Parents), Jaria Jaug and Gabriel Young.

Public Comments: Offering comments were: Jen Myhre, Tamara Hall, Elizabeth Agramont (Sacred heart) and ten members of the public offering comments remotely.

Deputy City Manager, Angel Rios, Jr. offered comments and recommendations.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, the Report of the Reimagining Public Safety Community Advisory Committee and Charter Review Commission Public Safety Recommendations were accepted. (10-0-1. Absent: Arenas.)

**5. TRANSPORTATION & AVIATION SERVICES**

**6. ENVIRONMENTAL & UTILITY SERVICES**

**7. NEIGHBORHOOD SERVICES**

**8. COMMUNITY & ECONOMIC DEVELOPMENT**

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

**10. LAND USE**

**10.1 Land Use on Consent Calendar - TO BE HEARD IMMEDIATELY AFTER CONSENT**

- (a) 22-661 CP21-012 - **Conditional Use Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 450 North Capitol Avenue.**  
Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 ABC License - Full Range of Alcoholic Beverages) at an existing 124,320-square foot retail store (Target) on an approximately 11.5-gross acre site located at 450 North Capitol Avenue. CEQA: Exemption pursuant to Section 15301(a) for Existing Facilities. Council District 5. (Planning, Building and Code Enforcement) [Deferred from 4/26/2022 - Item 10.2 (22-569)]  
***Heard Immediately After Consent***

Councilmember Magdalena Carrasco pulled Item 10.1 to express support.

Public Comments: Lalo Mendez (Catalyze SV) and Blair Beekman offered comments.

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 80492** approving a Conditional Use Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 450 North Capitol Avenue was adopted. (10-0-1. Absent: Arenas.)

- (b) 22-662 PDC20-020, PT20-036 & PD20-011 - **Planned Development Rezoning, Planned Tentative Map and Planned Development Permit for Certain Real Property Located at 226-254 McEvoy Street and 205-214 Dupont Street.**  
(1) Adopt a resolution adopting the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (City Council Resolution No. 78942) and a related Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act (CEQA).

*(Item Continued on the Next Page)*

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

(2) Approve an ordinance rezoning an approximately 5.4-gross acre site, located on the southeast corner of McEvoy and Dupont Street, from the R-M Zoning District to an RM(PD) Planned Development Zoning District.

(3) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge the existing six lots into two lots and reconfigure an existing public street (Dupont Street), on an approximately 5.4-gross acre site.

(4) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of nine buildings on site, totaling approximately 64,800 square feet, the removal of 56 trees (26 ordinance-size, 30 non-ordinance-size) and the construction of two five-story multifamily apartment buildings consisting of 689 units and approximately 4,005 square feet of commercial space with a State Density Bonus concession for an approximately 38% parking reduction on an approximately 5.4-gross acre site.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (City Council Resolution No. 78942). Planning Commission recommends approval (9-0-2; Montañez and Caballero absent). Council District 6. (Planning, Building and Code Enforcement)

*Heard Immediately After Consent*

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember Maya Esparza and carried unanimously, (1) **Resolution No. 80493** adopting the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report was adopted; (2) **Ordinance No. 30770** rezoning a site located on the southeast corner of McEvoy and Dupont Street was passed for publication; (3) **Resolution No. 80494** approving a vesting tentative map; and (4) **Resolution No. 80495** approving a Planned Development Permit were adopted. (10-0-1. Absent: Arenas.)

## END OF CONSENT CALENDAR

### 10 Land Use - Regular Agenda – none.

### OPEN FORUM

1. A representative with California Sea Kings Basketball Team, invited everyone to attend this youth sports team games, particularly this week's game at Silicon Valley Sports.
2. Blair Beekman spoke to open public policy, civil protections and working towards equity. He addressed salvaging peaceful policies with Russia and Ukraine.
3. Sean Strum fire offered strong opposition to fire personnel losing their ability to use the rail and service roads, explaining that privatization of the rail corridor cuts off firefighters use, leading to catastrophic fire incidents.

**ADJOURNMENT**

The Council of the City of San José adjourned at 9:21 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

*Ruth Krantz*

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council  \_\_\_\_\_

**Attest:**

**Toni J. Taber, CMC**  
**City Clerk**

rmk/05-10-2022 MIN



## SAN JOSÉ CITY COUNCIL CLOSED SESSION

**MAY 10, 2022**

The Council of the City of San José convened into Closed Session at 9:30 a.m.  
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Carrasco (9:45), Davis, Mahan, Jimenez (9:45),  
Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Arenas, Esparza.

Closed Session Item(s) discussed:

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

1. Case Name: Santa Clara Unified School District v. City of San Jose, et al.  
Name(s) of Parties(s) Santa Clara Unified School District; City of San Jose and Does 1-100, inclusive,  
Court: Santa Clara County Superior Court  
Case No: 20CV374923  
Amount of Money or Other Relief Sought: Damages according to proof

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

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

Claimants(s): In re Claim of CSAA aso Ngoctram Tinh Tran

1.

City Department: Police

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

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

Number of matter(s) to be discussed: 1

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

- |           |  |  |
|-----------|--|--|
| <b>1.</b> | Organization or Name and Title of Unrepresented Employees: | <b>Association of Engineers &amp; Architects (AEA)</b>   |
|           | Nature of negotiations:                                    | wages/salaries, hours, working conditions, etc.  |
|           | Name of Existing Contract or MOA:                          | Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)   |
|           | How to Obtain a copy of Existing Contract or MOA:          | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
| <b>2.</b> | Organization or Name and Title of Unrepresented Employees: | <b>Association of Maintenance Supervisory Personnel (AMSP)</b>   |
|           | Nature of negotiations:                                    | wages/salaries, hours, working conditions, etc.  |
|           | Name of Existing Contract or MOA:                          | City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary  |
|           | How to Obtain a copy of Existing Contract or MOA:          | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
| <b>3.</b> | Organization or Name and Title of Unrepresented Employees: | <b>City Association of Management Personnel Agreement (CAMP)</b>   |
|           | Nature of negotiations:                                    | wages/salaries, hours, working conditions, etc.  |
|           | Name of Existing Contract or MOA:                          | Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement   |

How to Obtain a copy of Existing Contract or MOA:

Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

4. Organization or Name and Title of Unrepresented Employees:

**International Brotherhood of Electrical Workers, Local 332 (IBEW)**

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 Brotherhood of Electrical Workers, Local 332 (IBEW)

How to Obtain a copy of Existing Contract or MOA:

Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

5. Organization or Name and Title of Unrepresented Employees:

**Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**

Nature of negotiations:

wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA:

Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO

How to Obtain a copy of Existing Contract or MOA:

Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

6. 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

Web: <http://www.sanjoseca.gov/index.aspx?NID=508>

Contract or MOA: Telephone – Employee Relations: (408) 535-8150

7. Organization or  
Name and Title of  
Unrepresented  
Employees:

**San José Police Officers' Association**  
(SJPOA)

Nature of  
negotiations:

wages/salaries, hours, working conditions, etc.

Name of Existing  
Contract or MOA:

Memorandum of Agreement — City of San José and San  
José Polices' Association

How to Obtain a  
copy of Existing  
Contract or MOA:

Web: <http://www.sanjoseca.gov/index.aspx?NID=508>

Telephone – Employee Relations: (408) 535-8150