



City Council Meeting Minutes

Tuesday, October 4, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

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



*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 80628, 80659 and 80685, Councilmembers may be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:40 a.m. - Closed Session 22-1443: [See pages 16-19 for Closed Session Minutes.](#)
Councilmembers Absent: Perez.

1:34 p.m.- Regular Session.
Councilmembers Absent: Perez.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 9)**

Rabbi Mendel from the Chabad House offered the invocation.

- **Orders of the Day**

There were no changes to the Orders of the Day. No vote was required.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Sylvia Arenas presented the proclamation declaring October 2022 as Bullying Prevention Month to prevent childhood bullying and promote kindness, acceptance, and inclusion. The proclamation was presented to LeyVa Middle School Principal, Rachel Trowbridge; Evergreen School District Superintendent, Dr. Hawkins; and other LeyVa Middle School Staff.

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Ceremonial Items (Cont'd.)

- 1.2 Councilmember Magdalena Carrasco presented the proclamation declaring October 2022 as Domestic Violence Awareness Month to continue to bring awareness and resources to the community. The proclamation was presented to Next Door Solutions to Domestic Violence, Executive Director, Colsaria Henderson.
- 1.3 Councilmember Pam Foley presented the commendation recognizing Rex Wonnell for his contributions and continued dedication to our local youth at Branham Hills Little League.

2. CONSENT CALENDAR

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Peralez, Foley.)

2.1 Approval of City Council Minutes.

None provided.

2.2 22-1452 Final Adoption of Ordinances.

(a) Ordinance No. 30818 - An Ordinance of the City of San José Rezoning 86 Properties from CP Commercial Pedestrian Zoning District to MUC Mixed-Use Commercial Zoning District, 44 Properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residence Zoning District, 41 Properties from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residence Zoning District, 40 Properties from CG Commercial General Zoning District to R-1-8 Single-Family Residence Zoning District, 40 Properties from CN Commercial Neighborhood Zoning District to Muc Mixed-Use Commercial Zoning District, 32 Properties from LI Light Industrial Zoning District to R-1-8 Single-Family Residence Zoning District, 27 Properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, 24 Properties from LI Light Industrial Zoning District to CIC Combined Industrial / Commercial Zoning District, 18 Properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residence Zoning District, 18 Properties from R-M Multifamily Residential Zoning District to MUN Mixed-Use Neighborhood Zoning District, 13 Properties from R-M Multifamily Residential Zoning District to PQP Public / Quasi-Public Zoning District, 15 Properties from IP Industrial Park Zoning District to LI Light Industrial Zoning District, 11 Properties from LI Light Industrial Zoning District to MUC Mixed-Use Commercial Zoning District, 10 Properties from R-2 Two-Family Residence Zoning District to PQP

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2.2 (Cont'd.)

Public / Quasi-Public Zoning District, Nine Properties from R-M Multifamily Residential Zoning District to LI Light Industrial Zoning District, Eight Properties from R-M Multifamily Residential Zoning District to MUC Mixed-Use Commercial Zoning District, Seven Properties from R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District, Six Properties from CO Commercial Office Zoning District to MUC Mixed-Use Commercial Zoning District, Six Properties from CP Commercial Pedestrian Zoning District to LI Light Industrial Zoning District, Five Properties from CN Commercial Neighborhood Zoning District to CIC Combined Industrial/Commercial Zoning District, Five Properties from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, Four Properties from LI Light Industrial Zoning District to PQP Public / Quasi-Public Zoning District, Five Properties from R-1-8 Single-Family Residence Zoning District to OS Open Space Zoning District, Five Properties from R-1-8 Single-Family Residence Zoning District to PQP Public / Quasi-Public Zoning District, Four Properties from R-1-8 Single-Family Residence Zoning District to MUN Mixed-Use Neighborhood Zoning District, Four Properties from R-2 Two-Family Residence Zoning District to MUC Mixed-Use Commercial Zoning District, Three Properties from LI Light Industrial Zoning District to OS Open Space Zoning District, Three Properties from R-2 Two-Family Residence Zoning District to UR Urban Residential Zoning District, Three Properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, Three Properties from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District, Two Properties from R-1-8 Single-Family Residence Zoning District to LI Light Industrial Zoning District, Two Properties from CP Commercial Pedestrian Zoning District to MUN Mixed-Use Neighborhood Zoning District, Two Properties from A Agricultural Zoning District to R-1-8 Single-Family Residence Zoning District, Two Properties from An Agricultural Zoning District to OS Open Space Zoning District, Two Properties R-M Multifamily Residential Zoning District to OS Open Space Zoning District, One Property from CG Commercial General Zoning District to CIC Combined Industrial / Commercial Zoning District, One Property from CG Commercial General Zoning District to MUC Mixed-Use Commercial Zoning District, One Property from CG Commercial General Zoning District to OS Open Space Zoning District, One Property from CO Commercial Office Zoning District to OS Open Space Zoning District, One Property from CO Commercial Office Zoning District to PQP Public / Quasi-Public Zoning District, and One Property from R-2 Two-Family Residence Zoning District to OS Open Space Zoning District, Located in Various Locations on those Certain Real Properties within the City of San José. [Passed for Publication on 9/20/2022 - 10.1(a) (22-1372)]

DEFERRED TO 10/18/2022 PER ADMINISTRATION.

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 22-1444 Airport Terminal Program Grants from the Federal Aviation Administration for the Terminal A Exit Lane Project.

Adopt a resolution authorizing the City Manager to apply for, execute, and accept, upon receipt, Airport Terminal Program grants from the Federal Aviation Administration under the Infrastructure Investment and Jobs Act of 2021, referred to as the Bipartisan Infrastructure Law in a total amount not to exceed \$2,000,000 for the Terminal A Exit Lane project at the Norman Y. Mineta San José International Airport. CEQA: File No. PP18-103 Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497). (Airport)

Action: **Resolution No. 80696** was adopted. (9-0-2. Absent: Peralez, Foley.)

2.8 22-1445 Lease Agreement with Northern Trust Bank CA for San José Municipal Water Offices Located at 3870 Charter Park Drive.

Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute an AIR CRE Gross Lease between Northern Trust Bank CA, trustee and the City of San José, a municipal corporation, for use of the property located at 3870 Charter Park Drive for a period of four years, with a one-year City option to extend, for a total cost over five years of \$1,672,377.79. CEQA: Categorical Exemption, File No. ER22-224, Exempt pursuant to CEQA Guidelines Section 15301 (a) for Existing Facilities. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80697** was adopted. (9-0-2. Absent: Peralez, Foley.)

2.9 22-1446

Citywide Open Purchase Order with Transtecnet, Inc., dba Sherlock Surveillance for Security Camera Equipment.

Adopt a resolution authorizing the City Manager to:(a) Increase the Citywide open purchase order with Transtecnet, Inc., dba Sherlock Surveillance, (San José, CA) for as-required repair, replacement, maintenance, and support of existing security camera equipment by \$530,000 for a revised maximum compensation of \$850,000 for the one-year initial term ending May 14, 2023, subject to the appropriation of funds; (b) Negotiate and execute change orders and amendments with Transtecnet, Inc. as required for unanticipated changes in demand and requirements, subject to the appropriation of funds; and (c) Exercise up to nine additional one-year options to extend the term of the open purchase order with the last option ending May 14, 2032, subject to the appropriation of funds. CEQA: Categorically Exempt, File No. ER22-232, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 80698** was adopted. (9-0-2. Absent: Peralez, Foley.)

2.10 22-1480

Boards and Commissions Appointment.

Approve the following Boards and Commissions appointment:

(a) Measure T Community Oversight Committee:

(1) Public Safety Seat: Appoint Matt Tuttle.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 9/28/2022 - Item A.1.a]

Action: The Boards and Commission Appointment was approved. (9-0-2. Absent: Peralez, Foley.)

2.11 22-1491

Request for Travel Authorization for Mayor's Staff.

As recommended by the Rules and Open Government Committee on September 28, 2022, authorize travel and accept travel payments to the City of San José and designate Mayor's staff, Sheyla Tupua, as the City representative to attend the Mayor's Education Policy Advisors (EPAN) Annual Meeting and Postsecondary Success Summit in Washington, D.C. from October 10, 2022 to October 14, 2022. (Source of Fund: National League of Cities [NLC]).

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo) [Rules Committee referral 9/28/2022 - Item B.3]

Action: The request for travel authorization for the Mayor's staff was approved. (9-0-2. Absent: Peralez, Foley.)

2.12 22-1487

Retroactive Travel Authorization for Vice Mayor Jones.

As recommended by the Rules and Open Government Committee on September 28, 2022, retroactively authorize travel for Vice Mayor Jones to Washington, D.C. from September 28, 2022 to September 30, 2022 to attend the 51st Annual Legislative Conference hosted by the Congressional Black Caucus Foundation. (Source of Funds: Personal Funds) CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones) [Rules Committee referral 9/28/2022 - Item B.2]

Action: The travel authorization for Vice Mayor Jones was retroactively approved. (9-0-2. Absent: Peralez, Foley.)

2.13 22-1496

Approval of District 5 SAP Grant for University Preparatory Academy.

As recommended by the Rules and Open Government Committee on September 28, 2022, approve a \$1,000 SAP grant from Council District 5 to support University Preparatory Academy's Latino/a Club. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 9/28/2022 - Item B.4]

Action: The \$1,000 SAP grant from Council District 5 to support University Preparatory Academy's Latino/a Club was approved. (9-0-2. Absent: Peralez, Foley.)

2.14 22-1503

Approval of the Domestic Violence Awareness Walk & Light Up City Hall and Philippines Flag Raising 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 September 28, 2022:

- (a) Approve the Domestic Violence Awareness Walk & Light Up City Hall event scheduled on October 7, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the Philippines Flag Raising event scheduled on October 14, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (c) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 9/28/2022 - Item B.5]

Action: The City Council Sponsored Special Event was approved. (9-0-2. Absent: Peralez, Foley.)

2.15 22-1507 Approval of Hacienda Dumpster Day Event Sponsored by Council District 9 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 September 28, 2022: (a) Approve the Hacienda Dumpster Day Event scheduled on October 29, 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. (Foley) [Rules Committee referral 9/28/2022 - Item B.6]

Action: The City Council Sponsored Special Event was approved.
(9-0-2. Absent: Peralez, Foley.)

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 22-1447 City Initiatives Roadmap - Vision Zero Traffic Safety: Award of Contract for the 8511-McKee Road Vision Zero Safety Improvements Project Between North 33rd Street and Toyon Avenue, Federal Project No. STPL-5005(154).

(a) Report on bids and award of contract for the 8511 - McKee Road Vision Zero Safety Improvements Project to the lowest responsive bidder, Joseph J. Albanese, Inc., in the total amount of \$6,935,166.
(b) Approve a 10% contingency in the amount of \$693,517.
CEQA: Categorically Exemption, File No. PP18-029, Exempt pursuant to CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3 and 5. (Public Works/Transportation)

Director of Public Works, Matt Cano and Director, Department of Transportation, John Ristow responded to questions.

Public Comment: Blair Beekman offered public testimony regarding the item.

Director of Public Works, Matt Cano stated the rebid would take a 3-4 month delay.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, (a) the report on bids and award of contract for the 8511- McKee Road Vision Zero Safety Improvements Project was accepted and (b) the 10% contingency in the amount of \$693,517 was approved, *with Vice Mayor Chappie Jones' expressed reservation regarding the gap of the DBE goal of 31.6% that was established for the project and the contractors commitment to 11.21% DBE participation.*
(10-0-1. Absent: Peralez.)

3.4 22-1454

City Initiatives Roadmap: Bill of Rights for Children and Youth Audit Report.

As recommended by the Neighborhood Services and Education Committee on September 8, 2022, accept a report on the Bill of Rights for Children and Youth Audit as part of the approved City Initiatives Roadmap for 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. (City Auditor) [Neighborhood Services and Education Committee referral 9/8/2022- Item (d)1] [Deferred from 9/27/2022 - Item 3.4 (22-1417)]

City Auditor, Joe Rois; City Librarian, Jill Bourne; and Deputy City Manager, Angel Rios offered the presentation and responded to questions.

Public Comment: Matthew Tinsley and Blair Beekman offered public testimony regarding the item.

Councilmember Pam Foley disclosed an inadvertent Brown Act Violation before a motion was made.

Motion: Councilmember Sylvia Arenas moved the joint memorandum she coauthored with Councilmember Raul Peralez, Councilmember Magdalena Carrasco, and Councilmember Pam Foley, dated September 30, 2022, recommending: (1) Accept the Auditor's Report and Administration Response. (2) Direct the City Manager to include in the existing Family Friendly Initiative Report to the Neighborhood Services and Education (NSE) Committee with a comprehensive work plan update, to be heard annually, in addition to the planned quarterly status reports. a. This reported work plan should include progress on the response to the audit recommendations, as well as existing child and education focused Roadmap priority items, existing Family Friendly Initiative policy items, and other relevant existing work plan items. (3) Direct the City Manager to author a Manager's Budget Addenda early in the upcoming Budget cycle that would formalize a City Manager's Office of Family Friendly Policy and to extend existing one-time funding to formalize a Family Friendly Policy Director position in the City Manager's Office. This Office of Family Friendly Policy would be responsible for implementing the audit recommendations, ensuring the city upholds the Bill of Rights for Children and Youth, and fully and robustly implements the Family Friendly Initiative Work Plan. (4) Direct the City Manager to explore and report to NSE in February on options to pilot a "Children, Youth and Families Budget" that would provide clear tracking of existing funding that relates to the Bill of Rights for Children and Youth, and Family Friendly Initiative Work Plan. The report should include options to include this in the upcoming 2023-2024 Fiscal Year Annual Budget, and it should be closely modeled on Santa Clara County's "Children's Budget". Councilmember Pam Foley seconded the motion.

Deputy City Manager, Angel Rios suggested greater flexibility from a structural standpoint regarding staffing on recommendation #3. City Manager, Jennifer Maguire stated the costs could be considered and drafted in the MBA to be voted on in June of 2023 by the full City Council.

Amended Motion: Councilmember Sylvia Arenas amended her motion to align with staff's suggestion. Councilmember Pam Foley agreed to the amended motion.

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3.4 (Cont'd.)

Friendly Amendment: Councilmember David Cohen moved his memorandum, dated October 4, 2022, recommending: (1) Ask the Youth Commission to evaluate ways to elevate youth voices in San Jose policy by examining the following: (a) Determine whether the Youth Commission should be expanded to include voices of those ages 21 – 25. (b) Identify which additional City of San Jose Commissions would benefit from including a dedicated position for youth (age range 14-20 or 14-25). (c) Create a procedure for selecting youth members for the chosen commissions. (2) Direct staff to report the Youth Commission's findings to the Neighborhood Services and Education Committee (NSE) by the spring of 2023. The friendly amendment was approved by the maker of the motion and seconder.

Action: On a call for the question, the motion passed unanimously to align with staff's suggestion, to move the joint memorandum by Councilmember Sylvia Arenas, Councilmember Raul Peralez, Councilmember Magdalena Carrasco, and Councilmember Pam Foley, dated September 30, 2022, recommending: (1) Accept the Auditor's Report and Administration Response. (2) Direct the City Manager to include in the existing Family Friendly Initiative Report to the Neighborhood Services and Education (NSE) Committee with a comprehensive work plan update, to be heard annually, in addition to the planned quarterly status reports. a. This reported work plan should include progress on the response to the audit recommendations, as well as existing child and education focused Roadmap priority items, existing Family Friendly Initiative policy items, and other relevant existing work plan items. (3) Direct the City Manager to author a Manager's Budget Addenda early in the upcoming Budget cycle that would formalize a City Manager's Office of Family Friendly Policy and to extend existing one-time funding to formalize a Family Friendly Policy Director position in the City Manager's Office. This Office of Family Friendly Policy would be responsible for implementing the audit recommendations, ensuring the city upholds the Bill of Rights for Children and Youth, and fully and robustly implements the Family Friendly Initiative Work Plan. (4) Direct the City Manager to explore and report to NSE in February on options to pilot a "Children, Youth and Families Budget" that would provide clear tracking of existing funding that relates to the Bill of Rights for Children and Youth, and Family Friendly Initiative Work Plan. The report should include options to include this in the upcoming 2023-2024 Fiscal Year Annual Budget, and it should be closely modeled on Santa Clara County's "Children's Budget".

Also including Councilmember David Cohen's memorandum, dated October 4, 2022, recommending: (1) Ask the Youth Commission to evaluate ways to elevate youth voices in San Jose policy by examining the following: (a) Determine whether the Youth Commission should be expanded to include voices of those ages 21 – 25. (b) Identify which additional City of San Jose Commissions would benefit from including a dedicated position for youth (age range 14-20 or 14-25). (c) Create a procedure for selecting youth members for the chosen commissions. (2) Direct staff to report the Youth Commission's findings to the Neighborhood Services and Education Committee (NSE) by the spring of 2023. The friendly amendment was approved by the maker of the motion and seconder. (9-0-2. Absent: Peralez, Esparza.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 22-1448

Power Procurement Authority for 2022 through 2027.

Adopt a resolution increasing the authority granted to the Director of Community Energy or designee to negotiate and execute agreements five years and under, subject to the Energy Risk Management Policy and the appropriation of funds, for the procurement of:

- (a) Power supply products, other than Resource Adequacy products, including but not limited to renewable projects and shaped or dispatchable power products, by \$277,700,000 from \$1,187,000,000 to an amount not to exceed \$1,464,700,000 in aggregate in Calendar Years 2022 through 2027, to be paid solely from the San José Clean Energy Operating Fund and with the following annual limits: \$310,900,000 in 2022; \$276,400,000 in 2023, \$254,300,000 in 2024, \$238,600,000 in 2025, \$197,700,000 in 2026, and \$186,800,000 in 2027; and
- (b) Resource Adequacy, including but not limited to storage projects combined with dispatchable power, by \$127,900,000 from \$280,600,000 to an amount not to exceed \$408,500,000 in aggregate in Calendar Years 2023 through 2027, to be paid solely from the San José Clean Energy Operating Fund and with the following annual limits: \$76,500,000 in 2023, \$83,000,000 in 2024, \$83,000,000 in 2025, \$83,000,000 in 2026, and \$83,000,000 in 2027.

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

DEFERRED TO 10/18/2022 PER ADMINISTRATION.

6.2 22-1449

City Initiatives Roadmap - Clean Energy Resilience: Agreements with Middle River Power and Sentinel Energy Center for Resource Adequacy and Dispatchable Energy.

Adopt a resolution authorizing the Director of Community Energy to negotiate and execute an agreement with: (a) Middle River Power, or its affiliate MRP Pacifica Marketing LLC, using the Edison Electric Institute Agreement with modifications, as appropriate, to buy Resource Adequacy and Dispatchable Energy products from a natural gas plant and associated battery, in an amount not to exceed \$15,800,000 annually and \$190,000,000 in aggregate during Calendar Years 2024 through 2036, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; and (b) Sentinel Energy Center, LLC, using the Edison Electric Institute Agreement with modifications, as appropriate, to buy Resource Adequacy and Dispatchable Energy products from a natural gas plant that will be retrofitted to have the capability to burn a natural gas and green hydrogen blended fuel to generate the products under the agreement, in an amount not to exceed \$18,600,000 annually and \$186,000,000 in aggregate during Calendar Years 2023 through 2033, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds.

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6.2 (Cont'd.)

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

Director of Community Energy, Lori Mitchell; Deputy Director of Power Resources, Jeanne Solé; Principal Power Resources Specialist, Harry Briggs; and Division Manager of Risk Management, Contracts & Administration, Prachi Avasthy offered the presentation and responded to questions.

Public Comment: Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember David Cohen and carried unanimously, **Resolution No. 80699** was adopted. (9-0-2. Absent: Peralez, Esparza.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1450

Actions Related to the Land Acquisition for the Lot E Public Parking Facility Located at 517 West Saint John Street and 150 North Montgomery Street.

- (a) Adopt a resolution adopting the Lot E Parking Structure Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942 and SCH #2003042127) and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute all documents and contracts necessary for the relocation of tenants currently occupying 517 West Saint John, including approval of the Final Relocation Plan and disbursement of necessary payments as required by relocation statute, not to exceed \$350,000.
- (c) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 517 West Saint John Street, identified as Assessor's Parcel Number 259-29-091 in Attachment A (consisting of ±19,166 square feet and owned by Arlethea K. Thorson, The Trustees of Richard Della Maggiore and Joan Della Maggiore) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with California Code of Civil Procedure Section 1245.220, et. seq., and making the following findings and determinations to declare that: (1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404; (2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately and by

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8.1 (Cont'd.)

reference made a part hereof, for the Lot E Parking Facility Project; (3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury; (4) The acquisition of Property, as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project; (5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to the owner of record; (6) All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property have been complied with by the City; (7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and (8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$4,800,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain.

(d) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 150 North Montgomery Street, identified as Assessor's Parcel Number 259-29-003 in Attachment B (consisting of approximately ±7060 square feet and owned by Rodolfo Alvarez Duenas, Raul Jimenez and Yolanda Jimenez) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with Cal. Civ. Proc. Code Section 1245.220, et. seq., and making the following findings and determinations to declare that:

(1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404;

(2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment B to the staff memorandum, proposed resolution of necessity, to be posted separately and by reference made a

(Item Continued on the Next Page)

8.1 (Cont'd.)

part hereof, for the Lot E Parking Facility Project;

(3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;

(4) The acquisition of Property, as described in Attachment B to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project;

(5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to the owner of record;

(6) All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property have been complied with by the City;

(7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and

(8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$1,770,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain. CEQA: Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No 78942) for the Lot E Parking Structure Project. Council District 3. (Economic Development and Cultural Affairs/Transportation)

DEFERRED TO 10/18/2022 PER ADMINISTRATION.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1(a) 22-1451

Land Use on Consent Calendar

PP22-006 - Amendment to the San José Downtown Design Standards and Guidelines and the San José Citywide Design Standards and Guidelines by Adding an Additional Set of Findings to the Exceptions to the Standards Sections and to Make Other Technical or Non-Substantive Text Changes.
(Item Continued on the Next Page)

10.1(a) (Cont'd.)

HEARD IMMEDIATELY AFTER CONSENT.

(a) Adopt a resolution amending the “San José Downtown Design Standards and Guidelines” to update the Exceptions to the Design Standards section to add an additional set of findings to the Exceptions to the Standards Sections and to make other technical or non-substantive text changes.

(b) Adopt a resolution amending the “San José Citywide Design Standards and Guidelines” to update the Exceptions to the Design Standards section to add an additional set of findings to the Exceptions to the Standards Sections and to make other technical or non-substantive text changes. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) adopted on November 1, 2011 (Resolution No. 76041), Supplemental EIR adopted on December 15, 2015 (Resolution No. 77617), and addenda thereto. Planning Commission recommends approval (8-1, Garcia opposing) (Planning, Building and Code Enforcement)

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, (a)(a) **Resolution No. 80700** and (a)(b) **Resolution No. 80701** were adopted. (9-0-2. Absent: Peralez, Foley.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

• Open Forum

1. Blair Beekman spoke to ideas on sustainability and workers' rights issues.
2. Justyn Time suggested possible name changes for the City of San José.

• Adjournment

The Council of the City of San José adjourned at 4:12 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on: 4/25/23

Attest By:



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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, OCTOBER 4, 2022

The Council of the City of San José convened into Closed Session at 9:40 a.m.

The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Cohen, Carrasco,
Davis, Esparza, Arenas, Foley, Mahan.

Absent: Councilmembers - All present.

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: 4

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

- | | |
|---|--|
| 1. Organization or Name and Title of Unrepresented Employees: | Association of Building, Mechanical and Electrical Inspectors (ABMEI) |
| 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 Building, Mechanical and Electrical Inspectors (ABMEI) |
| 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 |

2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing 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: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing 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: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
4. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing 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
5. Organization or Name and Title of Unrepresented Employees: **Confidential Employees' Organization, AFSCME Local 101 (CEO)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — Confidential Employees' Organization, AFSCME Local 101 and City of San José
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

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|----|---|---|
| 6. | Organization or Name and Title of Unrepresented Employees:
Nature of negotiations:
Name of Existing Contract or MOA:
How to Obtain a copy of Existing Contract or MOA: | International Association of Firefighters (IAFF), Local 230 (IAFF#230)

wages/salaries, hours, working conditions, etc.
Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230
Web: http://www.sanjoseca.gov/index.aspx?NID=508
Telephone – Employee Relations: (408) 535-8150 |
| 7. | Organization or Name and Title of Unrepresented Employees:
Nature of negotiations:
Name of Existing Contract or MOA:

How to Obtain a copy of Existing Contract or MOA: | International Brotherhood of Electrical Workers, Local 332 (IBEW)

wages/salaries, hours, working conditions, etc.
Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)
Web: http://www.sanjoseca.gov/index.aspx?NID=508
Telephone – Employee Relations: (408) 535-8150 |
| 8. | Organization or Name and Title of Unrepresented Employees:
Nature of negotiations:
Name of Existing Contract or MOA:

How to Obtain a copy of Existing Contract or MOA: | Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)

wages/salaries, hours, working conditions, etc.
Memorandum of Agreement — City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO
Web: http://www.sanjoseca.gov/index.aspx?NID=508
Telephone – Employee Relations: (408) 535-8150 |
| 9. | Organization or Name and Title of Unrepresented Employees:
Nature of negotiations:
Name of Existing Contract or MOA:

How to Obtain a copy of | International Union of Operating Engineers, Local No. 3 (OE#3)

wages/salaries, hours, working conditions, etc.
Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
Web: http://www.sanjoseca.gov/index.aspx?NID=508 |

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

- 10.** Organization or Name and **San José Police Officers’ Association**
 Title of Unrepresented (SJPOA)
 Employees:
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract Memorandum of Agreement — City of San José and San
 or MOA: José Polices’ Association
 How to Obtain a copy of Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 Existing Contract or MOA: Telephone – Employee Relations: (408) 535-8150
- 11.** Organization or Name and **Association of Legal Professionals of San José (ALP)**
 Title of Unrepresented
 Employees:
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract Memorandum of Agreement – City of San José and
 or MOA: Association of Legal Professionals of San José
 How to Obtain a copy of Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 Existing Contract or MOA:
 Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session at 11:32 a.m.; to reconvene in Regular Open Session at 1:34 p.m. in Council Chambers.