



# **CITY COUNCIL MEETING**

## **Minutes**

**Tuesday, August 27, 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

**9:31 a.m.- Closed Session.** *See Pages 15-16 for Closed Session Minutes.*

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

Absent Councilmembers: Davis, Torres.

**1:36 p.m.- Regular Session.**

Present Councilmembers: Batra, Foley, Candelas, Doan, Davis, Ortiz, Cohen, Jimenez (1:43 pm), Kamei, Mahan.

Absent Councilmembers: Torres

## • Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

## • Invocation (District 7)

Than Phong Silicon Valley Institute, offered the invocation with a Taekwondo presentation.

## • Orders of the Day

Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen, and carried unanimously the Orders of the Day were approved, with *item 3.6* to be deferred three weeks to the September 17, 2024 Council agenda, to allow for further review. (10-0-1; Absent: Torres)

Public Comment: Cynthia Beights, Carina Arellano, Alfonso Salazar, James Campbell, and Anonymous speaker offered public comment.

## • Adjournment Recognition

Mayor Matt Mahan announced the meeting would be adjourned in memory of Carina Orozco, a Parks, Recreation, and Neighborhood Services (PRNS) employee who passed away in May of this year. Carina, whose mantra was “Don’t talk about it, be about it,” spent 18 years with PRNS, where she created lasting impacts on youth programming, community partnerships, and creating positive work and community spaces. She was very proud of a successful state grant she wrote that brought underserved youth and their families from San José to Family Camp to experience nature. Carina was a champion of safe and accessible recreation for all in our parks. San José is a better place because of Carina.

## • Closed Session Report

None provided.

## **CEREMONIAL ITEMS**

1.1 Councilmember Peter Ortiz presented a commendation to Reverend Cristobel Doña for his decades of service to migrant families in East San José through the White Road Baptist Church.

1.2 Councilmember Dev Davis presented a commendation recognizing Parks, Recreation and Neighborhood Services (PRNS) Summer of Fun, in celebration of National Parks and Recreation Month, showcasing PRNS is "Where you Belong" by building strong, vibrant, and resilient communities through the power of parks and recreation and to celebrate their vital role bringing people together, providing essential services, and fostering growth in the City of San José.

## **2. CONSENT CALENDAR**

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved *as a whole*, the below actions were taken as indicated. (10-0-1; Absent: Torres)

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

None provided.

### **2.2 Final Adoption of Ordinances.**

#### **Recommendation:**

(a) Ordinance No. 31111 - An Ordinance of the City of San José Amending Chapter 17.845 (Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings) of Title 17 of the San José Municipal Code to Implement a Moratorium Until Local Control over Natural Gas Infrastructure is Clarified or Authorized.

[Passed for Publication on 8/13/2024 - Item 2.11 (24-196958)]

(b) Ordinance No. 31112 - An Ordinance of the City of San José Amending Chapter 3.48 of Title 3 of the San José Municipal Code to Comply with the Coronavirus Aid, Relief, and Economic Security Act (Cares Act) and Setting Every Community up for Retirement Enhancement Act (Secure Act)

[Passed for Publication on 8/13/2024 - Item 2.13(a) (24-196960)]

(c) Ordinance No. 31113 - An Ordinance of the City of San José Amending Chapter 3.49 of Title 3 of the San José Municipal Code to Comply with the Coronavirus Aid, Relief, and Economic Security Act (Cares Act) and Setting Every Community up for Retirement Enhancement Act (Secure Act)

[Passed for Publication on 8/13/2024 - Item 2.13(c) (24-196960)]

(d) - An Ordinance of the City of San José Amending Chapter 3.50 of Title 3 of the San José Municipal Code to Comply with the Coronavirus Aid, Relief, and Economic Security Act (Cares Act) and Setting Every Community up for Retirement Enhancement Act (Secure Act)

[Passed for Publication on 8/13/2024 - Item 2.13(e) (24-196960)]

(e) Ordinance No. 31115 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 22.22 Gross Acres Situated at the Northeasterly Corner of Montague Expressway and Seely Avenue (APNs 097-15-033 & 034 & 097-66-004) from the IP Industrial Park Zoning District to an IP(PD) Planned Development Zoning District [Passed for Publication on 8/13/2024 - Item 10.3(b) (24-196972)]

Action: **Ordinance No. 31111, Ordinance No. 31112, Ordinance No. 31113, Ordinance No. 31114 and Ordinance No. 31115** were adopted. (10-0-1; Absent: Torres)

## 2.3 Approval of Council Committee Minutes.

- (a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 5, 2023.
  - (b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 12, 2023.
  - (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 19, 2023.
  - (d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 26, 2023.
  - (e) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 3, 2023.
  - (f) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 10, 2023.
  - (g) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 17, 2023.
  - (h) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 24, 2023.
  - (i) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 31, 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.

Action: The Council Committee minutes were approved. (10-0-1; Absent: Torres)

**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 Agreement Between City of San José and Santa Clara Valley Transportation Authority for Airport Bus Service.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the agreement for Airport Bus Service between the City of San José and the Santa Clara Valley Transportation Authority for a term retroactively from July 1, 2024 to June 30, 2031 with first-year compensation to Santa Clara Valley Transportation Authority not to exceed \$400,000.

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

Action: **Resolution No. RES2024-304** was adopted, authorizing the City Manager or her designee to negotiate and execute the agreement for Airport Bus Service between the City of San José and the Santa Clara Valley Transportation Authority. (10-0-1; Absent: Torres)

**2.8 *Sainte Claire Historic Preservation Foundation v. City of San José, et al.* – Settlement of Costs and Attorney’s Fees.**

(a) Approve the settlement of trial costs and trial and appellate attorney’s fees in the case of *Sainte Claire Historic Preservation Foundation v. City of San José, City Council of the City of San José and City of San José Department of Parks, Recreation, and Neighborhood Services (Real Parties in Interest: Mortimer & Mimi Levitt Foundation, Levitt Pavilion San José)*, Superior Court of California, County of Santa Clara Case Number 20CV374459, and Sixth District Court of Appeals case number H050106, in the total amount of \$399,950.00, and authorize the City Attorney to execute a Settlement Agreement and Release.

(b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the St. James Park Phase I Design appropriation to the Parks, Recreation and Neighborhood Services Department by \$399,950; and

(2) Decrease the St. James Park Phase I Reserve by \$399,950.

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

Action: (a) The settlement of trial costs was approved, (b) **Ordinance No. 31117** was adopted, to (1) increase the St. James Park Phase I Design appropriation to the Parks, Recreation and Neighborhood Services Department by \$399,950 and (2) Decrease the St. James Park Phase I Reserve by \$399,950. (10-0-1; Absent: Torres)

**2.9 Amendment to the Purchase Order with Patterson Veterinary Supply, Inc. for Veterinary Medicine and Supplies.**

Adopt a resolution authorizing the City Manager or her designee to amend purchase order OP 63005 with Patterson Veterinary Supply, Inc. (St. Paul, MN) for veterinary medicine and supplies to extend the term of the purchase order, retroactively from June 30, 2024, through December 31, 2024, and to increase the total compensation by \$300,000 for a revised maximum compensation not-to-exceed \$1,050,000.

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. RES2024-305** was adopted, authorizing the City Manager or her designee to amend purchase order OP 63005 with Patterson Veterinary Supply, Inc. (10-0-1; Absent: Torres)

**2.10 Second Amendment to the Agreement with Occupational Health Centers of California, DBA Concentra for Occupational Medical Services to the City.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Second Amendment to the Consultant Agreement with Occupational Health Centers of California, DBA Concentra, amending the scope of the agreement to include an additional drug testing method that screens oral fluid and increasing the total maximum amount of compensation of the not to exceed amount from \$3,569,982 to a revised not to exceed amount of \$3,724,982.

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

Action: **Resolution No. RES2024-306** was adopted, authorizing the City Manager or her designee to negotiate and execute a Second Amendment to the Consultant Agreement with Occupational Health Centers of California. (10-0-1; Absent: Torres)

**2.11 Property Transfer Agreement Between the City and Oak Grove School District; Property Transfer Agreement Between the City and Alum Rock Union School District; and Removal of Three Neighborhood Center Partnership Program Sites.**

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

(a) Negotiate and execute a Property Transfer with Oak Grove School District;  
(b) Negotiate and execute a Property Transfer Agreement with Alum Rock Union School District; and

(c) Remove Edenvale Youth Center, Joseph George Community Center, and Kirk Community Center as Neighborhood Center Partner Program sites.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council Districts 2, 5, and 9. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. RES2024-307** was adopted, authorizing the City Manager or her designee to: (a) negotiate and execute a Property Transfer with Oak Grove School District, (b) negotiate and execute a Property Transfer Agreement with Alum Rock Union School District; and (c) remove Edenvale Youth Center, Joseph George Community Center, and Kirk Community Center as Neighborhood Center Partner Program sites. (10-0-1; Absent: Torres)

**2.12 Approval of Disability Awareness Day 2024 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 August 14, 2024:

(a) Approve the Disability Awareness Day 2024 scheduled on October 10, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Kamei)

[Rules Committee referral 8/14/2024 - Item B.8]

Action: The City Council Sponsored Special Events were approved. (10-0-1; Absent: Torres)

**2.13 Retroactive Approval of National Night Out Events and San José Fire Safety Workshop Sponsored by Council District 3 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 August 21, 2024:

(a) Retroactively approve the National Night Out events at McKinley, Roosevelt, Goodyear-Mastic, and Washington neighborhoods scheduled on August 6, 2024 as City Council sponsored Special Events and approve the expenditure of funds;

(b) Retroactively approve the San José Fire Safety Workshop scheduled on June 29, 2024 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. (Torres)

[Rules Committee referral 8/21/2024 - Item B.3]

Action: The City Council Sponsored Special Events were retroactively approved. (10-0-1; Absent: Torres)

**2.14 Approval of Multiple Special Events Sponsored by Council District 4 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 August 21, 2024:

(a) Retroactively approve the District 4 National Night Out scheduled on August 6, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Retroactively approve the District 4 Mercado and Bruzzone Parks Grand Opening scheduled on August 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;

(c) Approve the District 4 Santos Family Car Show scheduled on August 31, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;

(d) Approve the District 4 Mid-Autumn Festival scheduled on September 14, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;

(e) Approve the Filipino American History Month Flag Raising scheduled on October 11, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;

(f) Approve the Day on the Bay scheduled on October 13, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; and

(g) 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. (Cohen)

[Rules Committee referral 8/21/2024 - Item B.4]

Action: The City Council Sponsored Special Events were approved. (10-0-1; Absent: Torres)



### **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 Public Member Appointment to the Board of Administration for Police and Fire Department Retirement Plan. – DROPPED**

- (a) Interview one applicant for appointment to the Public Member Seat; and
- (b) Appoint one applicant as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan to a term ending April 30, 2027.
- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

**DROPPED**

### 3.4 Summer Intergovernmental Relations Report.

- (a) Accept the Summer Intergovernmental Relations Report.
  - (b) Reaffirm all City positions summarized in the 2024 Intergovernmental Relations Priority Federal Legislation Log.
  - (c) Reaffirm all City positions summarized in the 2024 Intergovernmental Relations Priority State Legislation Log.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Zane Barnes, Acting Director, Office of Administration, Policy, and Intergovernmental Relations; Steve Stamos, Senior Executive Analyst, Office of the City Manager; Nicholas Ochoa, Senior Executive Analyst, Office of the City Manager; and Steve Cruz, Cruz Strategies (State Lobbying Partner) presented the 2024 Summer Intergovernmental Relations Report to Council and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, (a) the Summer Intergovernmental Relations Report was accepted, (b) all City positions summarized in the 2024 Intergovernmental Relations Priority Federal Legislation Log were reaffirmed, and (c) all City positions summarized in the 2024 Intergovernmental Relations Priority State Legislation Log were reaffirmed. (10-0-1; Absent: Torres)

### 3.5 November 2024 Positions on State Ballot Measures.

Adopt a resolution taking the following positions on state ballot measures that are qualified for the California general election on November 5, 2024, and authorize the City Manager's Office of Administration, Policy, and Intergovernmental Relations to issue letters of support or opposition in accordance with City Council direction.

- (a) Proposition 3: Marriage Equality – SUPPORT
  - (b) Proposition 4: Climate Bond – SUPPORT
  - (c) Proposition 5: Local Government Financing Voter Approval – SUPPORT
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Public Comment: None provided.

Motion: Councilmember Sergio Jimenez motioned to adopt a resolution taking positions of support on the following state ballot measures: (a) Proposition 3: Marriage Equality; (b) Proposition 4: Climate Bond; (c) Proposition 5: Local Government Financing Voter Approval. The motion was seconded by Vice Mayor Kamei.

Friendly Amendment: Councilmember Bien Doan proposed a friendly amendment to trifurcate the vote on each of the ballot measures. The maker of the motion and the seconder approved the Friendly Amendment.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Kamei, and carried unanimously, a position of support was adopted for (b) Proposition 4: Climate Bond, including authorization for the City Manager's Office of Administration, Policy, and Intergovernmental Relations to issue letters of support. (10-0-1; Absent: Torres)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Kamei, and carried unanimously, a position of support was adopted for (a) Proposition 3: Marriage Equality, including authorization for the City Manager's Office of Administration, Policy, and Intergovernmental Relations to issue letters of support. (10-0-1; Absent: Torres)

Action: Upon motion by Councilmember Sergio Jimenez, and seconded by Vice Mayor Kamei, a position of support was adopted for (c) Proposition 5: Local Government Financing Voter Approval, including authorization for the City Manager's Office of Administration, Policy, and Intergovernmental Relations to issue letters of support. (8-2-1; Noes: Doan and Batra; Absent: Torres)

### **3.6 Resolution on Federal Recognition for Muwekma Ohlone Tribe.**

(a) Receive information to questions from the August 7, 2024 Rules Committee Meeting; and

(b) Consider the request from the Muwekma Ohlone Tribe to the City Council to adopt a proposed resolution declaring the City's support of federal recognition of the Muwekma Ohlone Tribe.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Ortiz/Davis/Cohen/Candelas/Doan)

[Rules and Open Government Committee referral 8/7/2024 – C.2]

*Item 3.6 deferred to September 17, 2024, per Orders of the Day.*

## **4. PUBLIC SAFETY**

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

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

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1 Declaration of Exempt Surplus Land and Subsequent Sale of City-Owned Property Located at 1072 - 1082 Vermont Street and 6066 Monterey Highway to the County of Santa Clara. – DROPPED**

Adopt a resolution:

(a) Declaring the City-owned property located at 1072-1082 Vermont Street, San José 95126, two parcels of land consisting of approximately .33 total acres, with two multi-

family residences with a combined total building area of 5,217 square feet, further identified as Assessor's Parcel Numbers 230-42-077, and 230-42-078, as "exempt surplus land" pursuant to California Government Code §54221(f)(1)(D) and in accordance with San José Municipal Code §4.20.080(B)(2) as a transfer of surplus property to another local, state, or federal agency for that agency's use;

(b) Declaring the City-owned property located at 6066 Monterey Highway, San José 95138, consisting of approximately 2.37 total acres, currently operating as the Monterey & Bernal Emergency Interim Housing Shelter, further identified as Assessor's Parcel Number 678-03-036, as "exempt surplus land" pursuant to California Government Code §54221(f)(1)(D) and in accordance with San José Municipal Code §4.20.080(B)(2) as a transfer of surplus property to another local, state, or federal agency for that agency's use; and

(c) Authorizing the City Manager, or her designee, to negotiate and execute:

(1) A Purchase and Sale Agreement with the County of Santa Clara for the sale of the properties located at 1072-1082 Vermont Street, San José 95126, further identified as Assessor's Parcel Numbers 230-42-077 and 230-42-078, and 6066 Monterey Highway, San José 95138, further identified as Assessor's Parcel Number 678-03-036, for a total sales price of \$8,000,000; and

(2) All other necessary documents to complete the property transfer to the County of Santa Clara.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 2 and 6. (Economic Development and Cultural Affairs/Housing)

**DROPPED**

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

## **10. LAND USE**

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

- (a) **PDC24-036, PD23-013 & ER23-141 – Planned Development Zoning District and Planned Development Permit for Certain Real Property Located at 2919 South King Road. - HEARD IMMEDIATELY AFTER CONSENT**

(1) Approve an ordinance rezoning certain real property of an approximately 9.8-gross-acre site situated on the westerly side of South King Road, approximately 250 feet south of the intersection of South King Road and Barberry Lane (2919 South King Road) from an LI(PD) Planned Development Zoning District to a LI(PD) Planned Development Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the construction of a 55-foot-high monopole telecommunication tower with 15 wireless communication antennas and associated ground equipment on an approximately 4.93-gross-acre site located on the westerly side of South King Road, approximately 250 feet southerly of the intersection of South King Road and Barberry Lane (2919 South King Road).

CEQA: Exempt pursuant to CEQA Guidelines Section 15303 for New Construction of Small Structures. File No. ER23-141. Planning Commission recommends approval (7-1-1, Barocio opposes; Bickford absent). (Item 4.d. on the 8/14/2024 Planning Commission agenda.) Council District 7. (Planning, Building, and Code Enforcement)

**HEARD IMMEDIATELY AFTER CONSENT**

Chris Burton, Director, Planning, Building and Code Enforcement, responded to questions from Council

Public Comment: Khan Tran, Gurab Dasteer, Linh, Allen Dang, Tien Nguyen, Myzhie Nguyen, Hao Giyang, Halen Doan, and Daniel Costa provided public comment.

Eric Lentz and David Witkowski, speaking on behalf of the applicant, provided comment to the Council.

Motion: Councilmember Bien Doan made a motion, which was seconded by Councilmember Peter Ortiz, to defer the PDC24-036, PD23-013 & ER23-141 – Planned Development Zoning District and Planned Development Permit for Certain Real Property Located at 2919 South King Road item until further community engagement is conducted.

Friendly Amendment: Mayor Matt Mahan proposed a friendly amendment to specify that community engagement would include holding a community meeting for those that signed a petition and those that are interested, before coming back to Council for approval. The maker of the motion and the seconder approved the Friendly Amendment.

Friendly Amendment: Mayor Matt Mahan proposed a friendly amendment to specify that this item shall return to Council on September 24, 2024. The maker of the motion and the seconder approved the Friendly Amendment.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Peter Ortiz, and carried unanimously, the PDC24-036, PD23-013 & ER23-141 – Planned Development Zoning District and Planned Development Permit for Certain Real Property Located at 2919 South King Road item was deferred to September 24, 2024, to allow for a community meeting to be held. (6-4-1; Noes: Jimenez, Cohen, Davis, and Foley; Absent: Torres)

## END OF CONSENT CALENDAR

### 10. Land Use - Regular Agenda

#### • Open Forum

1. James Campbell spoke to the closure of a District 3 Community Center.
2. Christopher Wess provided comment on issues with HomeFirst at the Arena Hotel Transitional Housing Project.

#### • Adjournment

The Council of the City of San José adjourned at 4:01 p.m. in memory of Carina Orozco, a Parks, Recreation, and Neighborhood Services (PRNS) employee who passed away in May of this year. Carina, whose mantra was “Don’t talk about it, be about it,” spent 18 years with PRNS, where she created lasting impacts on youth programming, community partnerships, and creating positive work

and community spaces. She was very proud of a successful state grant she wrote that brought underserved youth and their families from San José to Family Camp to experience nature. Carina was a champion of safe and accessible recreation for all in our parks. San José is a better place because of Carina.

Minutes Recorded, Prepared, and Respectfully Submitted by,

*Daniel Aguilar*

---

Daniel Aguilar, Deputy City Clerk  
City of San José

Approved at Council on:

# of Actions: 7

Attest By:

---

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



NORA FRIMANN, CITY ATTORNEY

*Office of the City Attorney***SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA****August 27, 2024**

Place: City Hall Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be discussed:

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**1. Case Name: In re: Claim of Roberts

Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court

Case No: ADJ17887783, ADJ15566647

Amount of Money or Other Relief Sought: Benefits

2. Case Name: In re: Claim of Jacobson

Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court

Case No: ADJ18918346, ADJ18918345, ADJ18181922, ADJ16588817

Amount of Money or Other Relief Sought: Benefits

3. Case Name: In re: Claim of Kirmse

Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court

Case No: ADJ19654694, ADJ14777702, ADJ19654758

Amount of Money or Other Relief Sought: Benefits

4. Case Name: California Waste Solutions, Inc. v. City of San Jose  
Name(s) of Party(ies) CALIFORNIA WASTE SOLUTIONS INC., CITY OF SAN JOSE  
Court: United States District Court, Northern District of California  
Case No: 23-cv-01647-MMC  
Amount of Money or Other Relief Sought: Damages according to proof
5. Case Name: South Bay Piping Industry Labor Management Trust v. City of San Jose  
Name(s) of Party(ies) SOUTH BAY PIPING INDUSTRY LABOR MANAGEMENT TRUST, CITY OF SAN JOSE  
Court: Superior Court of California, County of Santa Clara  
Case No: 24CV434264  
Amount of Money or Other Relief Sought: Writ, Injunctive Relief, Declaratory Relief, Attorneys' Fees and Costs
6. Case Name: Nguyen v. City of San Jose, et al.  
Name(s) of Party(ies) DAI TRANG THI NGUYEN, CITY OF SAN JOSE, EDGARDO GARCIA, JOSEPH HATFIELD, RACHEL ROBERTS, WILLIAM GERRY  
Court: U.S. District Court, Northern District of California  
Case No: 5:21-cv-00092-EJD  
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 (e)(1) of the Government code:

Number of matter(s) to be discussed: 1