RULES COMMITTEE: 4/03/2024

Item: B.1

**File ID: ROGC 24-550** 



# Memorandum

**TO:** Honorable Mayor &

City Council

FROM: Toni J. Taber, CMC

City Clerk

**SUBJECT:** The Public Record

March 21 - March 28, 2024

**DATE:** April 3, 2024

## **ITEMS FILED FOR THE PUBLIC RECORD**

### **Letters from Boards, Commissions, and Committees**

1. Letter from Housing and Community Development Commission, dated March 27, 2024, regarding: HCDC – Letter to City Council – Remote Communications 3-27-24.

# **Letters from the Public**

- 1. Letter from Paul Welch, dated March 23, 2024, regarding: Restore Virtual Comments at City Council meetings.
- 2. Letter from Karin Jeffery, dated March 25, 2024, regarding: Public comment for City Council March 19, item no: 3.3, Fast Food Worker Ordinance.
- 3. Letter from Donna Tran, dated March 25, 2024, regarding: Request Submit Comment for "Return to In-Person Public Comment in Public Meetings".
- 4. Letter from Emmanuel Abello, dated March 25, 2024, regarding: LAFCO Certificate of Completion Blackberry Hill Road No. 6.

Toni J. Taber, CMC

City Clerk

March 27, 2024

Dear Mayor and Councilmembers,

Integrity, respect, innovation, excellence, collaboration, and celebration. Each of these words have impactful meanings and encapsulate the core values that the City of San Jose proclaims to uphold. According to the city's website, "The Mission of the City of San José is to provide quality public services, facilities and opportunities that create, sustain, and enhance a safe, livable, and vibrant community for its diverse residents, businesses, and visitors."

The City of San Jose is failing to uphold these values, as evidenced by the sentiments expressed at our Housing and Community Development Commission "HCDC" meeting on February 8, 2024. Recent legislation has limited verbal public comments to in-person only for all meetings of City legislative bodies, which include the City Council, Boards, Commissions and Committees. This decision was made within a vacuum, without public notification or solicitation of feedback. The change in policy has created a strong consensus of disappointment and dismay, prompting the HCDC to draft this letter to convey our dissatisfaction.

The rationale provided to remove remote communications for the public is to address instances of hate speech, with the belief that eliminating remote capabilities will curb such behavior. While we all recognize that hate speech has no place in our society and should be eliminated in all arenas, we must not stifle the voices of the public that may not have the means or capability to attend city meetings. The unwarranted and disgusting comments made by a small group of individuals can be and could be cut off immediately via Zoom or YouTube by simply pressing a mute button and removing those individuals' ability to continue speaking.

The City of San Jose is in the heart of Silicon Valley, the tech capital of the world. We are supposed to lead with integrity, innovation, collaboration and honor diverse views by being inclusive. In other words, we are supposed to be a beacon to the state, our nation and the world. This regressive policy will only deprive the city of various points of view and negatively impacts certain groups of people such as the elderly, disabled, working families, the sick or those that may not have the means to travel to city hall.

We understand the city intends to provide reasonable accommodation in order to grant as much accessibility as possible. However, people must contact the ADA Coordinator to determine possible options. This is a failed attempt at being inclusive and falls short of being innovative.

Rather than restricting virtual communications, the city should leverage its technological prowess to develop innovative solutions that ensure accessibility for all. We should set a new standard and example for all legislative bodies in this state and the nation by using our creativity and technological means to maintain this much needed service.

We encourage the city to reverse this decision and reinstate the ability for the public to communicate via remote means. We should stand tall and proudly for our core values and ensure that all people have a voice within this magnificent city.

Thank you for your consideration.

Sincerely,

Ryan Jasinsky

Chair of the Housing and Community Development Commission/Mobilehome Owner/Manager Representative

Roma Dawson	Alain Mowad	Barry Del Buono	Ruben Navarro
District 1 Seat	District 2 Seat	District 3 Seat	District 5 Seat
Jen Beehler District 6 Seat	Huy Tran District 8 Seat	Don Jackson District 9 Seat	Roberta Moore District 10 Seat

Victoria Partida Daniel Finn

District 7 Seat (Vice Chair) Mobilehome Resident Representative

# Fw: Paul Welch 95118 Restore Virtual Comments at City Council meetings

# Agendadesk < Agendadesk@sanjoseca.gov >

Mon 3/25/2024 8:54 AM

To:Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: City Clerk <city.clerk@sanjoseca.gov> Sent: Monday, March 25, 2024 8:04 AM

To: Agendadesk < Agendadesk@sanjoseca.gov>

Subject: FW: Paul Welch 95118 - Restore Virtual Comments at City Council meetings

From: District 5 United

Sent: Saturday, March 23, 2024 12:56 AM

**To:** District1 < district1@sanjoseca.gov>; District2 < District2@sanjoseca.gov>; District3 < district3@sanjoseca.gov>; District4 < District4@sanjoseca.gov>; District5@sanjoseca.gov>; District6@sanjoseca.gov>; District7@sanjoseca.gov>; District7@sanjoseca.gov>; District8 < district8@sanjoseca.gov>; District9 < district9@sanjoseca.gov>; District10@sanjoseca.gov>; The Office of Mayor Matt Mahan < mayor@sanjoseca.gov>; City Clerk < city.clerk@sanjoseca.gov>;

Subject: Paul Welch 95118 - Restore Virtual Comments at City Council meetings

[External Email]

Dear Mayor Mahan and San José City Council,

I ask you to rise to the challenge rather than cave to bullies intent on stifling the input of disadvantaged communities. The City needs to immediately restore virtual public comment for all City Council, Committee, and Commission meetings.

It is clear there is an effort to silence members of disadvantaged communities. Many residents rely on being able to provide virtual public comment due to reasons of disability, health, work schedules, parenting and other demands of modern life. The strategy appears to be to engage in racist and hateful speech in order to bully the Council into eliminating virtual public comment. The bullies scored a victory when the Council decided to eliminate this option without first seeking community input and not at the bequest from community members.

By eliminating remote access on the heels of restricting access to the council chambers in December, San José has fallen from a model of good government dedicated to promoting civic participation to a city displaying troubling behavior and giving the impression that hearing from its residents is a bother. We agree that the comments of a few bad actors are vile and have no place in a community meeting. Rather than using racist and hateful speech as an excuse to cut off community participation and hamper people's First Amendment right to petition their government, however, the City should rise to

the challenge of finding solutions to preserve access for everyone while continuing to facilitate public comment by providing a virtual option.

Ending the process of remote participation, is to deny a large segment of the community the opportunity to participate in our democratic process. Some examples include:

Disabled residents who rely on technology to speak, or who otherwise have to arrange rides with Paratransit.

Immunocompromised residents who take on unnecessary risks to their health by spending hours in a packed room.

Working people without the ability to arrange their schedules around hours long council meetings. Parents with small children who can't take time off to attend City meetings.

For example, budget season is the most critical time of year for civic engagement. The ban on remote comments means the people most in need of an equitable city budget will be sidelined throughout the process.

The possibility that the ban on remote comments might only last months is no comfort to those who wish to comment on current City Council, Committee and Commission matters in order to ensure that quality of life in San Jose is maximized. I ask that you immediately restore virtual public comment to ensure that you and the City once again benefit from the voices silenced by your recent decision. Paul Welch

95118

You may not use my contact information for any purpose other than to respond to my concern regarding the topic listed above, nor may you share my address with any other organization(s) or individual(s).

This mail was sent on behalf of a San Jose resident via District 5 United

Community Working Together

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

# Fw: Public comment for City Council March 19, item no: 3.3, Fast Food Worker Ordinance

# Agendadesk < Agendadesk@sanjoseca.gov >

Mon 3/25/2024 11:20 AM

To:Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: City Clerk < city.clerk@sanjoseca.gov>
Sent: Monday, March 25, 2024 11:10 AM
To: Agendadesk < Agendadesk@sanjoseca.gov>

Subject: FW: Public comment for City Council March 19, item no: 3.3, Fast Food Worker Ordinance

From: Karin Jeffery

Sent: Monday, March 25, 2024 11:05 AM To: City Clerk < city.clerk@sanjoseca.gov>

Subject: Re: Public comment for City Council March 19, item no: 3.3, Fast Food Worker Ordinance

[External Email]

San Jose City Clerk Toni Taber,

I hope this message finds you well. As a resident deeply invested in our city's well-being and fairness, I urge you to vote in favor of adding one time funding to the City's budget to study developing a Fast Food Fair Work Ordinance during the upcoming council meeting on March 19, 2024.

In San José alone, nearly 13,000 frontline fast food workers face job instability, unsafe working conditions, and unpredictable schedules. These challenges disproportionately affect women and people of color. A staggering 85% of fast food workers in California suffer from wage theft, and 1 in 9 unhoused workers in the state are employed in fast food, leading to housing instability or even homelessness.

Despite these challenges, a recent report by the Step Forward Foundation revealed that 88% of California fast food workers lack knowledge about their rights and essential benefits. The Fast Food Fair Work Ordinance aims to address labor violations by providing training to workers and offering paid time off to sustain their families.

However, the fast food industry has lobbied against this ordinance, claiming it would harm small, locally owned businesses and the local economy. Yet, the law's applicability to companies with over 30 establishments indicates they are not the small establishments they claim to be but rather big corporate enterprises, many with a history of labor violations. Good businesses should welcome their employees' awareness of their rights, but many of these companies have profited at their workers' expense. Their fear stems from the threat posed by informed workers to their exploitative business models.

The Fast Food Industry's race-to-the-bottom model and poor working conditions have ripple effects across communities, contributing to public health impacts, wage theft, and housing instability and homelessness — and the Fast Food Fair Work Ordinance can be a critical part of our city's goals to combat these issues.

I trust you will make the right decision for our community.



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

# FW: Request Submit Comment for "Return to In Person Public Comment in Public Meetings"

Taber, Toni <toni.taber@sanjoseca.gov>

Mon 3/25/2024 3:07 PM

To:Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: Senior Citizens Commission 10

Sent: Monday, March 25, 2024 3:04 PM

To: Taber, Toni <toni.taber@sanjoseca.gov>

Subject: Request Submit Comment for "Return to In-Person Public Comment in Public Meetings"

Importance: High

Hello Toni Taber,

My name is Donna Tran, D10 Commissioner on the Senior Citizens Commission. Last month, our Commission board received news regarding the memo "RETURN TO IN-PERSON PUBLIC COMMENT

IN PUBLIC MEETINGS" on February 1, 2024. Is there a way to submit my comments regarding this memo and ensuring it goes to the right leaders who make decisions regarding this matter?

Happy to email from my non-Commission email or from this city email, please let me know what the right etiquette/rule is--

The Commission was informed that we must attend the meetings in-person to vote, or risk losing our appointed positions if we do not attend in-person (even if we are able to attend virtually). I am NOT in support of enforcing a strict in-person-only method. This decision poses an unnecessary barrier to civic engagement and the fulfillment of our Commissioner duties, failing to recognize the significant benefits offered by hybrid arrangements. Forcing Commissioners to return to meetings in-person undermines the progress made in fostering a flexible, inclusive work environment. Advocating for the needs of our community is our priority, and this decision does not align with creating an conducive environment for the public, especially senior citizens.

Thank you for your help!

Best, Donna Tran

Donna Tran, MPH

District 10 Representative

Senior Citizens Commission



3/27/24, 12 11 PM Mail City Clerk Outlook Public Record: 4

# LAFCO Certificate of Completion Blackberry Hill Road No. 6

#### Abello, Emmanuel Mon 3/25/2024 2:01 PM To:Sapien, Robert < Robert.Sapien@sanjoseca.gov>;Frankie Martinez :Nauven, Bob ;City Clerk <city.clerk@sanjoseca.gov>;Zahiri, Nayer bporter@markthomas.com Cantu, Luisa <Luisa.Cantu@sanjoseca.gov>;Little, Martin Prasad, Ananth Thompson, Matthew Lerma, Andrea Salisbury, Robert Leung, Raymond <Raymond.Leung@sanjoseca.gov>;Binder, Kenneth EXT.911 Suwanna.Kerdkaew Chew, Clif Cc:manager Clerk Jennifer Armei Ryan Safty Palacherla, Neelima Noel, Dunia Humphrey, Sonia

2 attachments (1 MB)

LAFCO Certificate of Completion - Blackberry Hill Road No 6.pdf; Assessor Report - Blackberry Hill Road No 6.pdf;

[External Email]

Attached is the LAFCO Certificate of Completion for the completed annexation by the Town of Los Gatos – **Blackberry Hill Road No. 6.** This annexation takes effect today, **March 25, 2024**.

Also provided is the Santa Clara County Assessor's Report listing the parcels included in this annexation.

This email and its PDF attachments constitute the official notification to your agency relating to this completed annexation. Your agency will be notified of all future annexations using the email address(es) you provided. To continue to receive notices on future annexations, please let us know when there are changes to your agency's emails.

Regards,

**Emmanuel Abello** 

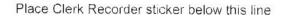
Associate Analyst, LAFCO of Santa Clara County



**COPY** 

WHEN RECORDED, PLEASE **MAIL** THIS TO:

**LAFCO** 



25613766

Regina Alcomendras Santa Clara County - Clerk-Recorder 03/25/2024 08:58 AM

CONFORMED COPY

Copy of document recorded. Has not been compared with original.

CERTIFICATE OF COMPLETION: BLACKBERRY HILL ROAD NO. 6

DOCUMENT TITLE





Commissioners Sylvia Arenas Jim Beall Rosemary Kamei Yoriko Kishimoto Otto Lee

Russ Melton

Terry Trumbull

Alternate Commissioners
Domingo Candelas
Helen Chapman
Cindy Chavez
Teresa O'Neill
Mark Turner
Executive Officer
Neelima Palacherla

#### CERTIFICATE OF COMPLETION

I, Neelima Palacherla, Executive Officer of the Santa Clara County Local Agency Formation Commission, issue this Certificate of Completion pursuant to Government Code Sections 57200 and 57201.

I hereby certify that I have examined **Resolution No. 2024-009** for a change of organization attached hereto and have found this document to be in compliance with Government Code Section 56757 authorizing cities within Santa Clara County to assume authority over certain changes in government organization.

The name of the Town is: Los Gatos.

The entire Town is located in Santa Clara County.

The change of organization completed is an **ANNEXATION** to the **Town of Los Gatos** and detachment from the following:

#### NONE

A map and description of the boundaries of the change of organization are appended hereto.

The title of this proceeding is: Blackberry Hill Road No. 6

The Town has complied with all conditions imposed by the Commission for inclusion of the territory in the Town's Urban Service Area.

The change of organization was ordered subject to the following terms and conditions: NONE.

The date of adoption of the Town Resolution ordering the reorganization is 2/20/2024.

I declare under the penalty of perjury in the State of California that the foregoing is true and correct.

Dated: 3/22/2024

Neelima Palacherla, Executive Officer LAFCO of Santa Clara County

Attachments: City Resolution, Legal Description (Exhibit A) and Map (Exhibit B)

#### **RESOLUTION 2024-009**

# RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS MAKING DETERMINATIONS AND APPROVING THE REORGANIZATION OF AN UNINHABITED TERRITORY DESIGNATED AS BLACKBERRY HILL ROAD NO. 06

APN: 532-25-011
APPROXIMATELY 2. 1 ACRES
ANNEXATION APPLICATION: AN23-001
PROPERTY LOCATION: 15405 BLACKBERRY HILL ROAD
PROPERTY OWNER/APPLICANT: MAURICE BREWSTER

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated as Blackberry Hill Road No. 06 from Maurice Brewster; and

WHEREAS, the property, is approximately 2.1 acres, located at 15405 Blackberry Hill Road, APN: 532-25-011, is contiguous to a Town boundary, and within the Town's Urban Service Area; and

WHEREAS, no special districts would be affected by the proposal; and WHEREAS, the annexation would provide for use of Town services; and

WHEREAS, the Town Council enacted Ordinance 1453 in 1980 pre-zoning the subject territory with an HR-2½ (Hillside Residential, 2½ to 10 acres for each dwelling unit) zoning designation; and

WHEREAS, the Town of Los Gatos, as Lead Agency for environmental review for the reorganization, has determined annexation of the subject property is exempt from the California Environmental Quality Act guidelines, pursuant to Section 15061(b)(3); and

WHEREAS, the County Surveyor of Santa Clara County has found the description and map (Exhibits A and B) to be in accordance with Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with LAFCO's road

annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the Town Council of the Town of Los Gatos shall be the conducting authority for a reorganization including an annexation to the Town; and

WHEREAS, the territory is uninhabited and all owners of land included in the proposal have consented to this annexation; and

WHEREAS, the Town Council held a public hearing to hear any protests on February 20, 2024.

**NOW, THEREFORE, BE IT RESOLVED,** that the that the Town Council of the Town of Los Gatos does as follows:

- 1 That it is the conducting authority pursuant to Section 56757 of the Government Code for the annexation of property designated as Blackberry Hill Road No. 06, more particularly described in Exhibits A and B;
- 2. That the following findings are made by the Town Council of the Town of Los Gatos:
  - a Said territory is uninhabited and comprises approximately 2.1 acres;
  - b. The annexation is consistent with the orderly annexation of territory within the Town's Urban Service Area and is consistent with the Town policy of annexing when required by the Town's agreement with the County of Santa Clara;
  - c. The project is exempt from the California Environmental Quality Act (CEQA) under Title 14 Code of Regulations, Chapter 3: Guidelines for the Implementation of CEQA Section 15061(b)(3): Review for Exemption;
  - d. The Town Council enacted Ordinance 1453 in 1980 pre-zoning the subject territory with an HR-2½ (Hillside Residential, 2½ to 10 acres for each dwelling unit) zoning designation;
  - e. The territory is within the Town's Urban Service Area as adopted by the Local Agency Formation Commission of Santa Clara County;

Resolution 2024-009 February 20, 2024

- f. The County Surveyor has determined the boundaries of the proposed annexation to be definite and certain, and in compliance with the Commission's road annexation policies. The County Surveyor has been reimbursed for the actual cost incurred by the County Surveyor in making this determination;
- g. The proposed annexation will not create an area in which it would be difficult to provide municipal services;
- h The proposed annexation does not split lines of assessment or ownership;
- i. The proposed annexation is consistent with the Town's General Plan;
- i. The territory to be annexed is located within 300 feet of a Town boundary; and
- k The Town has complied with all conditions imposed by the Commission for inclusion of the territory in the Town's Urban Service Area.
- 3. That all owners of land within the affected territory have provided written consent to the reorganization and no protests have been received;
- 4. That upon completion of these reorganization proceedings the territory described in Exhibit A will be annexed to the Town of Los Gatos; and
- 5. That upon completion of these reorganization proceedings the territory reorganized will be taxed on the regular County assessment roll, including taxes for existing bonded indebtedness.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los

Gatos, California, held on the 20th day of February 2024, by the following vote:

COUNCIL MEMBERS	COL	JNCI	LI	MEI	ME	3E	RS
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AYES:

Maria Ristow, Rob Rennie, Rob Moore, Matthew Hudes, Mayor Mary Badame

NAYS:

None

ABSENT:

None

ABSTAIN:

None

SIGNED:

MN

OF LOS GATOS

LOS GATOS, CALIFORNIA

DATE: ();U2.//202."f

ATTEST:

TOW

tQWN OF LOS GATOS

LOS GATOS, CALIF.ORNfk •

The forsgoirig Instrur nertt is a correct copy of the original on file in this office --

ATTEST: CLERK ADMINISTRATOR TOV

By\_ Date.



## EXHIBIT "A"

BLACKBERRY HILL ROAD NO. 6 ANNEXATION TO THE CITY OF LOS GATOS

# GEOGRAPHIC DESCRIPTION

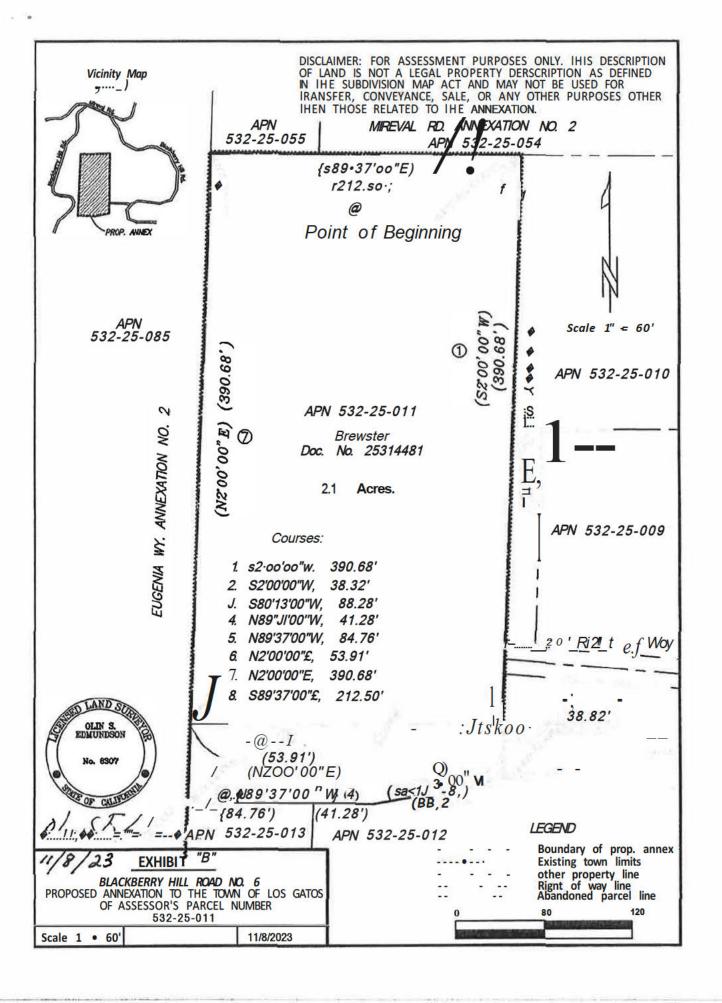
SITUATE the County of Santa Clara, State of California, within Township 8, South Range I West, Mount Diablo Base and Meridian, and being the lands described in the Trust Transfer Grant Deed to *Maurice Brewster and Rhonda Brewster, Trustees of the Brewster Family Revocable Trust, dated December 6, 2021,* recorded on June 6, 2022, as Document Number 25314481, Official Records of Santa Clara County.

BEGINNING on the Southerly line of the *MJREVAL ROAD ANNEXATION NO.* 2 at the Northwesterly corner of *BLACKBERRY HILL ANNEXATION NO.* 5 being the lands described in the Grant Deed from Ruth C.M. Young to John William Panighetti, recorded February 21, 1951, in book 2156 of Official Records, page 325, Santa Clara County records;

Thence from said POINT OF BEGINNING, the following courses:

- 1) Along the Westerly line of said *BLACKBERRY HILL ANNEXATION NO.* 5; SOUTH 02°00'00" WEST, 390.68 feet to a point;
- 2) Continuing along said Westerly line, SOUTH 02°00'00" WEST, 38.32 feet to an angle therein;
- 3) Leaving said Blackberry Hill Annexation line, SOUTH 80° 13'00" WEST, 88.28 feet;
- 4) NORTH 89 37'00" WEST, 41.28 feet;
- 5) NORTH 89°37'00" WEST, 84.76 feet to a point on the Easterly line of *EUGENIA WAY ANNEXATION NO.* 2;
- 6) Along said Easterly line, NORTH 02°00'00" EAST, 53.91 feet;
- 7) Continuing along said Easterly line, NORTH 02°00'00" EAST, 390.68 feet to the Southwesterly corner of MIREVAL ROAD ANNEXATION NO. 2
- 8) Along the said Southerly line of Mireval Road Annexation No.2, SOUTH 89°37'00" EAST, 212.50 feet to the POINT OF BEGINNING.

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DERSCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED FOR TRANSFER, CONVEYANCE, SALE, OR ANY OTHER PURPOSES OTHER THAN THOSE RELATED TO THE ANNEXATION.



# County of Santa Clara

Office of the County Assessor County Government Center

70 West Hedding Street San Jose, CA 95110-1771 Fax (408) 298-9446





#### REPORT OF THE COUNTY ASSESSOR

Date Report Prepared: November 27, 2023

Title of Proposal: Blackberry Hill Road No 6

Type of Anx/Detach to City Application:

Conducting Authority: Town of Los Gatos

# 1. Review of Proposal

- a. Location: 15405 Blackberry Hill Road, Los Gatos, CA 95030
- b. Assessor's Parcel Numbers: 532-25-011
- c. Respective Net value of assessed parcels as of July 1, 2023: \$3,053,000

# 2. Conformity to Lines of Assessment or Ownership

$\boxtimes$	Boundaries of proposal conform.
	Boundaries of proposal fail to conform to lines of assessment per attached map.
	Upon annexation, lines of assessment will no longer be split by TRA lines within this proposal.

# 3. Special Districts

Special districts within the proposed area include:

TRA 80-0	018
080-018	0084 LOS GATOS UNION ELEM. SCHOOL
080-018	0137 LOS GATOS UNION JT(43,44) HIGH SCHOOL
080-018	0203 WEST VALLEY JT(43,44) COMM. COLLEGE
080-018	0208 GUADALUPE-COYOTE RESOURCE CONSV.
080-018	0215 BAY AREA JT(1,7,21,28,38,41,43,48,49) AIR QUALITY
HOME STANKE	MGMT.
080-018	0252 MID-PENINSULA REGIONAL JT(41,43,44) OPEN SPACE
080-018	0322 SANTA CLARA VALLEY COUNTY WATER
080-018	0326 SANTA CLARA VALLEY-ZONE C-1 COUNTY WATER
080-018	0335 SANTA CLARA COUNTY IMPORTATION WATER-MISC.
080-018	0371 CENTRAL FIRE PROTECTION
080-018	0376 SANTA CLARA VALLEY-ZONE W-4 COUNTY WATER
ICA/INSCIPLO	

Prepared By:

Anita Badger, Property & Title Identification Technician

