



# City Council Meeting Minutes

**Tuesday, February 27, 2024  
1:30 PM**

**LOCATION:  
Council Chambers-200 E Santa Clara Street**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, 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**

9:32 a.m.- Closed Session: *See Pages 12-14 for the Closed Session Minutes.*

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

Absent Councilmembers: Jimenez, Davis.

1:35 p.m.- Regular Session.

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

Absent Councilmembers: Davis.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 2)**

John Huân Vũ, former Global Interfaith Prayer Chair at PayPal offered the invocation.

- **Orders of the Day**

Assistant City Manager, Leland Wilcox requested the deferral of Item 3.4, due to the lack of staff available to present or answer questions at the Council Meeting.

Public Comment: None provided.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan, and carried unanimously, the Orders of the Day were approved, including the deferral of Item 3.4 (*date not specified on the record*). (10-0-1; Absent: Davis)

- **Closed Session Report**

City Attorney, Nora Frimann announced that the City Council unanimously approved during today's Closed Session, the joining of the Amicus Brief that is also being filed by the Giffords Law Center and the Brady Center to prevent gun violence, regarding the City of Chicago v. Westfourth Sports Inc, Case No. 1-23-1908. It will be coming to Open Session next week on March 5, 2024, regarding the appeal of the decision against the City of Chicago that brought an action against a licensed gun business that was not following federal protocols to determine whether or not gun purchases were being made as straw purchases. The City of Chicago was able to link gun sales of this store in Indiana to gun

violence in Chicago. The City of San José has its own Ordinance and efforts to control straw purchases and has a similar interest to the City of Chicago. Therefore, the City of San José is recommending that City Council join the Amicus Brief.

## **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Domingo Candelas presented the commendation to Mary Escobar in recognition of her support and services to those in need in San José by facilitating an annual coat drive throughout the Evergreen Elementary School District.
- 1.2 Mayor Matt Mahan and Councilmember David Cohen presented the commendation to the San José Clean Energy Team in celebration of their five years of serving the people and businesses of the City and for the tremendous impact they have had in creating a cleaner, more sustainable and equitable future for all. The commendation was accepted by Director, Community Energy Department, Lori Mitchell.

## **2. CONSENT CALENDAR**

Councilmember Arjun Batra requested to pull Item 2.10 for comment only.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Omar Torres, and carried unanimously the Consent Calendar was approved as a whole, the below actions were taken as indicated. (10-0-1; Absent: Davis)

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

None provided.

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

(a) Ordinance No. 31038 - An Ordinance of the City of San José Adding Part 6 to Chapter 10.20 of Title 10 of the San José Municipal Code to Prohibit the Unlawful Possession of Catalytic Converters in San José. [Passed for Publication on 2/6/2024 - Item 4.1(a) (24-68308)]

(b) Ordinance No. 31039 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add a New Part 84 to Establish the San José Opioid Response Fund. [Passed for Publication on 2/13/2024 - Item 3.3 (b) (24-68327)]

Action: (a) **Ordinance No. 31038**, an Ordinance of the City of San José Adding Part 6 to Chapter 10.20 of Title 10 of the San José Municipal Code; and (b) **Ordinance No. 31039**, an Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code were adopted. (10-0-1; Absent: Davis)

### **2.3 Approval of Council Committee Minutes.**

None provided.

### **2.4 Mayor and Council Excused Absence Requests.**

Request for an excused absence for Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on February 8, 2024, due to authorized City Business for the attendance of a meeting of the Local Agency Formation Commission of Santa Clara

County on February 8, 2024, from 1:15 p.m. to 3:15 p.m., at the County of Santa Clara Board of Supervisors' Chambers, 70 West Hedding Street, San José. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.

Action: The Request for an excused absence for Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on February 8, 2024 was approved. (10-0-1; Absent: Davis)

## **2.5 City Council Travel Reports.**

None provided.

## **2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

## **2.7 Amendment to the City Pay Plan for Various Classifications in the Finance Department.**

Adopt a resolution:

(a) Amending the City of San José Pay Plan to increase the annual pensionable salary ranges for the following classifications, effective March 3, 2024:

(1) Debt Administrator (1288) increased to \$129,708.13 – \$183,274.20;

(2) Investment Officer (7504) increased to \$129,708.13 – \$183,274.20; and

(3) Risk Manager (1265) increased to \$129,708.13 – \$183,274.20.

(b) Approving changes to Executive Management and Professional Employees in Unit 99 to provide the incumbent, if any, in the Risk Manager (1265) classification with an approximate 5.15% pensionable pay increase, effective March 3, 2024. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. RES2024-36** was adopted, regarding the amendment to the City Pay Plan for Various Classifications in the Finance Department. (10-0-1; Absent: Davis)

## **2.8 Actions Related to the Purchase Order with Valley Precision Grading, Inc. for Sports Turf and Installation Services.**

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

(a) Execute a purchase order with Valley Precision Grading, Inc. (Rancho Cordova, CA) for sports turf and installation services for an initial one-year term, beginning on or about March 1, 2024, and ending on or about February 28, 2025, for a not-to-exceed amount of \$1,400,000; and

(b) Exercise up to six one-year options to extend the term of the purchase order with the last option year ending on or about February 28, 2031, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2024-37** was adopted, regarding the actions related to the purchase order with Valley Precision Grading, Inc. for sports turf and installation services. (10-0-1; Absent: Davis)

## **2.9 Amendment to the Master Agreement with Group 4 Architecture Research + Planning, Inc. for Architectural Services for Various City Facility Projects.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a First Amendment to the Master Agreement with Group 4 Architecture Research + Planning, Inc. (CPMS No. 9031-C) for architectural services to increase the total compensation by \$350,000, for a total agreement

amount not to exceed \$3,350,000, for the exclusive purpose of allowing the consultant to complete work on various projects. CEQA: Not a Project, File No. PP17-003, Agreement/Contracts (New or Amended) resulting in no physical changes to environment. (Public Works)

Action: **Resolution No. RES2024-38** was adopted, regarding the amendment to the Master Agreement with Group 4 Architecture Research + Planning, Inc. for Architectural Services for Various City Facility Projects. (10-0-1; Absent: Davis)

**2.10 Actions Related to the 10248 – PARK: All-Inclusive Playground - Almaden Lake Park Project.**

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the construction of the 10248 – PARK: All-Inclusive Playground – Almaden Lake Park Project to the lowest responsive, responsible bidder in an amount not to exceed \$1,800,000;

(b) Decide any timely bid protest(s) and make the City’s final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and (c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. PP19-001. CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Public Works/Parks, Recreation and Neighborhood Services)

Councilmember Arjun Batra highlighted the projects inclusivity, and thanked all the teams involved for making it a park truly for all.

Action: **Resolution No. RES2024-39** was adopted, regarding the actions Related to the 10248 –PARK: All-Inclusive Playground - Almaden Lake Park Project. (10-0-1; Absent: Davis)

**2.11 Retroactive Approval of San José State University Investiture Flag Raising Ceremony and Tower and Rotunda Lighting Sponsored by the Mayor’s Office and District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on February 14, 2024: (a) Retroactively approve the San José State University (SJSU) Investiture Flag Raising Ceremony and Celebration event scheduled on February 21, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the SJSU Investiture Tower and Rotunda Lighting (February 20 to February 25, 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 event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor and Torres) [Rules Committee referral 2/14/2024 - Item B.2]

Action: The District 3 City Council Sponsored Special Event was retroactively approved. (10-0-1; Absent: Davis)

**2.12 Approval of NVIDIA GTC Conference Tower and Rotunda Lighting from March 16, 2024 Sponsored by the Mayor’s Office 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 February 14, 2024: (a) Approve the NVIDIA GTC Conference Lighting from March 16 to March 22, 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. (Mayor)

[Rules Committee referral 2/14/2024 - Item B.3]

Action: The Mayor's Office City Council Sponsored Special Event was approved. (10-0-1; Absent: Davis)

**2.13 Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 10 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 February 21, 2024: (a) Retroactively approve the eWaste event scheduled on December 2, 2023, as a City Council sponsored Special Event and retroactively approve the expenditure of funds. (b) Retroactively approve the Senior Fraud Prevention Workshop event scheduled on December 7, 2023, as a City Council sponsored Special Event and retroactively approve the expenditure of funds. (c) Retroactively approve the LifeSTEPS Holiday Gala event scheduled on December 17, 2023, as a City Council sponsored Special Event and retroactively approve the expenditure of funds. (d) Retroactively approve the CERT Leadership Success Training event scheduled on January 20, 2024, as a City Council sponsored Special Event and retroactively approve the expenditure of funds. (e) Retroactively approve the Budget Town Hall event scheduled on January 29, 2024, as a City Council sponsored Special Event and retroactively approve the expenditure of funds. (f) Retroactively approve the Talk with Batra Pancake Breakfast scheduled on February 17, 2024, as a City Council sponsored Special Event and retroactively approve the expenditure of funds. (g) Retroactively approve the Senior Winter Walk event scheduled on February 23, 2024, as a City Council sponsored Special Event and approve the expenditure of funds. (h) Retroactively approve the Shredding and E-Waste Day event scheduled on February 24, 2024, as a City Council sponsored Special Event and approve the expenditure of funds. (i) Approve the Comanche Blossom Valley Dumpster Day scheduled on March 16, 2024, as a City Council sponsored Special Event and approve the expenditure of funds. (j) 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. (Batra) [Rules Committee referral 2/21/2024 - Item B.3]

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

### **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 Annual Report on Measure T Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond Program Proceeds and Allocations for Fiscal Year 2022-2023.**

Accept the Measure T Community Oversight Committee Annual Report on the Measure T– The Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond Program proceeds and allocations for fiscal year 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. (Public Works)

Chair, Shruti Chandrasekhar offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Omar Torres, and carried unanimously, the annual Report on Measure T Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond Program Proceeds and Allocations for Fiscal Year 2022-2023 was accepted. (10-0-1; Absent: Davis)

### **3.4 Amendment to Title 12 (City Gift Ordinance) of the San José Municipal Code.**

Approve an ordinance amending Section 12.08.110 of Part 2 of Chapter 12.08 of Title 12 of the San José Municipal Code to align the annual gift limit City officers and designated employees can accept from restricted sources with the Political Reform Act's gift limit. Approval of this item requires 8 or more affirmative votes (2/3) (City Charter Section 607). CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

## **DEFERRED DURING ORDERS OF THE DAY.**

### **3.5 Request for Revolving Door Waiver.**

As recommended by the Rules and Open Government Committee on February 21, 2024, consider the request by Magdalena Carrasco, former Council Chief of Staff for District 3 Councilmember Omar Torres, for a Waiver of the Revolving Door Restrictions based on Ms. Carrasco's February 8, 2024 Waiver Request Letter: (a) Grant the request for a waiver upon making findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10; or (b) Deny the request for a waiver if unable to make findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment, Title 12 (Ethics Provisions) (City Clerk) [Rules Committee referral 2/21/2024 - Item C.1]

Former Council Chief of Staff, District 3 Councilmember, Magdalena Carrasco addressed her request to Council, regarding the waiver for the Revolving Door Restrictions based on her February 8, 2024 Waiver Request Letter.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Pam Foley, and carried unanimously, the request for the Revolving Door Waiver was accepted. (10-0-1; Absent: Davis)

## **4. PUBLIC SAFETY SERVICES**

### **4.1 911 Event Data Analysis Report.**

Accept the 911 Event Data Analysis Report. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

Assistant to the City Manager, Peter Hamilton and Deputy Chief of Police, Brian Shab offered the presentation and responded to questions.

Public Comment: Mike McGee, Emily Tran, Lani Ballard, Micaela Swift, Jordan Moldow, Cindy Bautista (Sacred Heart), Andrew Siegler (SURJ @ Sacred Heart), Lori Katcher (SURJ), Mary Idso (SURJ), Kim Guptill, Susan Price (SURJ @ Sacred Heart Community Services), Shiloh Ballard, Deb St Julian, and Sandra Asher provided public testimony regarding the item.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Arjun Batra, and carried unanimously, the 911 Event Data Analysis Report was accepted.

Including acceptance of the joint memorandum co-authored by Councilmember Peter Ortiz, Councilmember Omar Torres, and Councilmember Sergio Jimenez, dated February 27, 2024, recommending the following:

Accept the staff report with the additional direction:

- Direct staff to create a work plan to implement recommendations from the report regarding enhanced coordination with the county to expand opportunities to increase capacity for co-response and alternative response programs.
- Direct staff to include exploration of potential models for alternative response and co-response for incidents involving individuals with a disability on the work plan.
- Direct staff to include exploration of alternative response models for welfare check, disturbance, suspicious circumstances, and trespassing calls involving mental health issues or unhoused individuals.
- Direct staff to include an exploration of potential models that include partner organizations as a co-response with police to domestic violence calls.

Also including acceptance of the memorandum authored by Councilmember Arjun Batra, dated February 27, 2024, recommending the following: Accept the recommendations contained in the memo from Councilmembers Ortiz, Torres, and Jimenez, with following additional direction, • Return to the Public Safety, Finance, and Strategic Support Committee in the Fall of 2024 with an update on collaboration and coordination efforts with the County, as well as information on staffing and budget needs for expanding this work in the future. (10-0-1; Absent: Davis)

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

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

## **7. NEIGHBORHOOD SERVICES**

### **7.1 Education and Digital Literacy Annual Report.**

As recommended by the Neighborhood Services and Education Committee on January 11, 2024, accept the annual report on Education and Digital Literacy for Fiscal Year 2022-2023, including program outcomes and progress toward implementation of quality standards.

CEQA: Not a Project: File No. PP17- 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Library/Parks, Recreation and Educational Services) [Neighborhood Services and Education Committee referral 1/11/24 – Item (d)1]

City Librarian, Jill Bourne; Community Programs Admin, Library Services, Samantha Cramer; Community Programs Admin, Library Management Department, Amanda Otte; and Community Programs Admin, Library Management Department, Yadirha Orozco offered the presentation and responded to questions.



Public Comment: Dawn Coppin (SJPL Foundation) provided public testimony regarding the item.

Action: Upon motion by Councilmember Omar Torres, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the annual report on Education and Digital Literacy for Fiscal Year 2022-2023, including program outcomes and progress toward implementation of quality standards were accepted. (9-0-2; Absent: Davis, Cohen)

## 7.2 Raging Waters Lease Assignment, Amendment, and Long-Term Request for Proposal Development.

(a) Adopt a resolution authorizing the City Manager or her designee to: (1) Negotiate and execute an assignment, and all other necessary and/or ancillary documents, of the ground lease dated March 5, 1985, between the City of San José and Thomas J. Lochtefeld (present assignee Palace Entertainment, Inc.), to California Dreamin' Entertainment, Inc., as new assignee, for the Raging Waters water park located at Lake Cunningham; and (2) Negotiate and execute an amendment to the ground lease between the City of San José and California Dreamin' Entertainment, Inc. extending the lease for six months with an option to extend for an additional six months at the City's sole discretion, increasing lessee's payments to the City to six percent of all gross receipts, and reimbursing lessee for up to \$3,450,000 for capital and facility repairs and initial operating costs for the Raging Waters water park, subject to City Council appropriation. (b) Provide feedback to staff on proposed Guiding Principles for a Request for Proposal for a long-term operator of Lake Cunningham Regional Park attractions, including the operation of the Raging Waters water theme park. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 8. (Parks, Recreation and Neighborhood Services)

Director of Parks, Recreation and Neighborhood Services, Jon Cicirelli; Deputy Director, Avi Yotam; Division Manager, Shannon Heimer; and Parks Manager, Dominique Pacolba offered the presentation and responded to questions.

Public Comment: Steven Dooner (New Waterpark Operator), Thomas Lochtefeld (Original Raging Waters Developer), Jordan Moldow, and Surinder provided public testimony regarding the item.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Peter Ortiz, and carried unanimously, (a) **Resolution No. RES2024-40** was adopted, regarding the Raging Waters lease assignment, amendment, and long-term request for proposal development; and (b) feedback to staff on proposed Guiding Principles for a Request for Proposal for a long-term operator of Lake Cunningham Regional Park attractions, including the operation of the Raging Waters water theme park were provided.

Including acceptance of the joint memorandum co-authored by Councilmember Domingo Candelas and Councilmember Peter Ortiz, dated February 23, 2024, recommending the following: Accept staff recommendations with the following amendments: (1) Should Assignee terminate the Lease Agreement prior to expiration of this Lease, Assignee forfeits any reimbursement costs in its entirety. (2) As part of the guiding principles for the request for proposal, staff should include the following: (a) The future operator should prioritize local preference for entry level positions when hiring including individuals residing within zip codes: 95122, 95121, 95148, 95127, 95116, (b) The future operator should create pathways to expand community access similar to Happy Hollow Park & Zoo's "Access for All" program. (9-0-2; Absent: Davis, Cohen)

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

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

## **10. LAND USE**

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the Land Use Consent Calendar was approved as a whole, the below actions were taken as indicated. (10-0-1; Absent: Davis)

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

#### **10.1(a) McKee No. 139 – Annexation to the City of San José of a Portion of Santa Clara County Territory Consisting of One Lot Located on the South Side of Kirk Avenue East of Madeline Drive.**

Adopt a resolution ordering the annexation of territory designated as McKee No. 139, which involves the annexation to the City of San José of approximately 1.49 gross acres of land located on the south side of Kirk Avenue approximately 160 feet east of Madeline Drive (APN 601-07-066) and the detachment of the same from the appropriate special districts.

CEQA: Initial Study/Mitigated Negative Declaration for 125 Kirk Avenue Project, adopted by City Council on January 23, 2024 (Resolution No. 2024-10), File No. ER21-301. Council District 5. (Planning, Building and Code Enforcement)

Action: **Resolution No. RES2024-41** was adopted, regarding the McKee No. 139 annexation which involves the City of San José of a Portion of Santa Clara County Territory Consisting of One Lot Located on the South Side of Kirk Avenue East of Madeline Drive. (10-0-1; Absent: Davis)

#### **10.1(b) C22-075\_H22-027 – Conforming Rezoning and a Site Development Permit for Property Located on the Northeast Corner of Blossom River Drive and Blossom Hill Road.**

(1) Approve an ordinance rezoning that certain real property of approximately 0.79 gross acre site located on the northeast corner of Blossom River Drive and Blossom Hill Road from the A(PD) Planned Development Zoning District to the CG Commercial General Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 8,015-square foot commercial building and the removal of six non-ordinance size trees for the construction of a new approximately 7,488-square foot commercial building and minor site improvements on an approximately 0.79-gross-acre site. CEQA: Categorically Exempt, File No. ER22-167, CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. Council District 9. (Planning, Building and Code Enforcement)

Action: (1) **Ordinance No. 31041** was *passed for publication*, regarding the rezoning of certain real property of approximately 0.79 gross acre site located on the northeast corner of Blossom River Drive and Blossom Hill Road, and (2) **Resolution No. RES2024-42** was adopted, regarding the approval, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 8,015-square foot commercial building and the removal of six non-ordinance size trees for the construction of a new approximately 7,488-square foot commercial building and minor site improvements on an approximately 0.79-gross-acre site. (10-0-1; Absent: Davis)

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**Open Forum**

None provided.

**Adjournment**

The Council of the City of San José adjourned at 4:48 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

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Yasmin Johnson  
Deputy City Clerk, City of San José

Approved at Council on:

# of Actions: 8

Attest By:

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

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

**FOR APPROVAL:**

Tract: 10601

Location: North of Cambrianna Drive, 150 feet westerly of Taper Avenue

District: 9

Lots/Units: 23/21

Type: SFD

Proposed Decision: Approved

Developer: Robson Homes, LLC

**CLOSED SESSION MINUTES**

**SAN JOSE, CALIFORNIA**

**TUESDAY, FEBRUARY 27, 2024**

The Council of the City of San José convened into Closed Session at 9:32 a.m. The meeting was held in Council Chambers Conference Room, W133.

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

Absent: Councilmembers - Jimenez, Davis.

**CLOSED SESSION ITEM(S) DISCUSSED:**

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

- |    |   |  |
|----|---|--|
| 1. | Case Name:<br>Name(s) of Party(ies)                           | <u>In re: Claim of Kouns</u>   |
|    | Court:<br>Case No:<br>Amount of Money or Other Relief Sought: | Worker’s Compensation Appeals C<br>ADJ14300437, ADJ4632665, and A<br>Benefits                                    |
| 2. | Case Name:<br>Name(s) of Party(ies)                           | <u>Andrew Johnson v. City of San Jose</u><br>ANDREW LEE JOHNSON; CITY<br>JOSE, OFFICER MARCO MONZO<br>JAMIE HALL |
|    | Court:<br>Case No:<br>Amount of Money or Other Relief Sought: | U.S. District Court, Northern Distri<br>18-CV-06264-EJD<br>Damages according to proof                            |
| 3. | Case Name:<br>Name(s) of Party(ies)                           | <u>January Villareal v. City of San Jose</u><br>JANUARY VILLAREAL, CITY O<br>FORMER OFFICER MATTHEW I            |
|    | Court:<br>Case No:<br>Amount of Money or Other Relief Sought: | U.S. District Court, Northern Distri<br>22-CV-9152-VKD<br>Damages according to proof                             |

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|----|--|--|
| 4. | Case Name:<br>Name(s) of Party(ies)        | <u>Bryanna Berry v. City of San Jose, et al.</u><br>BRYANNA BERRY, CITY OF SAN JOSE<br>POLICE DEPARTMENT, OFFICER LINDSAY<br>PARODI, AND DOES 1-25, INCLUSIVE, |
|    | Court:                                     | United States District Court Northern District of<br>California San Jose Division  |
|    | Case No:                                   | 5:21-cv-08436-VKD  |
|    | Amount of Money or Other Relief<br>Sought: | Damages according to proof. Punitive Damages.<br>Attorneys' Fees.  |
| 5. | Case Name:<br>Name(s) of Party(ies)        | <u>City of San Jose v. Joseph Bell</u><br>JOSEPH ROBLIS BELL, CITY OF SAN JOSE   |
|    | Court:                                     | Superior Court of CA County of Santa Clara   |
|    | Case No:                                   | 24GV000035   |
|    | Amount of Money or Other Relief<br>Sought: | Damages according to proof   |
| 6. | Case Name:<br>Name(s) of Party(ies)        | <u>City of Chicago v. Westforth Sports Inc.</u><br>City of Chicago, Westforth Sports Inc.  |
|    | Court:                                     | Appellate Court of Illinois, First Judicial District   |
|    | Case No:                                   | 1-23-1908  |
|    | Amount of Money or Other Relief<br>Sought: | Damages according to proof   |

**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<br>Unrepresented Employees:<br>Nature of negotiations:<br>Name of Existing Contract or MOA: | Association of Engineers & Architects (AEA)<br><br>wages/salaries, hours, working conditions, etc.<br>Memorandum of Agreement — City of San Jose<br>and Association of Engineers & Architects<br>(AEA)   |
|    | How to Obtain a copy of Existing<br>Contract or MOA:  | Web: <a href="https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea">https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea</a><br>Telephone – Employee Relations: (408) 535-8150 |
| 2. | Organization or Name and Title of<br>Unrepresented Employees:<br>Nature of negotiations:                                      | International Association of Firefighters (IAFF),<br>Local 230 (IAFF#230)<br>wages/salaries, hours, working conditions, etc.   |

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>

Telephone – Employee Relations: (408) 535-8150

3. Organization or Name and Title of Unrepresented Employees: International Brotherhood of Electrical Workers Local 332 (IBEW)

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ibew>

Telephone – Employee Relations: (408) 535-8150



