



CITY COUNCIL MEETING Minutes

**Tuesday, January 23, 2024
1:30 PM**

LOCATION:

**In person - Council Chambers-200 E Santa Clara Street, and
Virtually - <https://sanjoseca.zoom.us/j/94558095100>**

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

9:34 a.m. - Closed Session, *See Pages 15-16 for Closed Session Minutes.*

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

Absent Councilmembers: Jimenez, Doan

1:35 p.m. – Regular Session.

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

Absent Councilmembers: All Present.

1:30 p.m. - Study Session. DEFERRED.

Fees and Charges Program and the Preliminary General Fund Forecast.

6:18 p.m. - Evening Session.

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

Absent Councilmembers: All Present.

• Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

• Invocation (District 1)

President Latanya Hilton and students from Archbishop Mitty High School offered the invocation.

• Orders of the Day

None provided.

• Adjournment

Councilmember Doan offered that today's meeting would be adjourned in honor and memory of Carolyn Ellzey, a devoted member of the Iola Williams Senior Program for 22 years.

Her son, Stephen Gillion honored the memory of his late mother, and provided insights to the Iola Williams Senior Program, and his mother's accomplishments within the community.

• Closed Session Report

None provided.

1. **CEREMONIAL ITEMS**

- 1.1 Councilmember Cohen presented the proclamation identifying January 27, 2024 as International Holocaust Remembrance Day to honor the anniversary of the liberation of Auschwitz-Birkenau where countless Jews and other minorities lost their lives.
- 1.2 Councilmember Batra presented the commendation to the Planning, Building and Code Enforcement Department for celebrating the development of projects that allow building designers and San José residents to self-start building permits to enable faster permitting issuance in the City of San José.
- 1.3 Councilmember Doan presented the commendation to the Khmers Kampuchea-Krom Federation Chapter in San José for their dedicated efforts in preserving cultural heritage, acknowledging their enduring spirit, unwavering commitment to cultural preservation, and the positive impact they've made on the local community.

2. **CONSENT CALENDAR**

Councilmember Omar Torres pulled Item 2.7 for comment only.

Councilmember Domingo Candelas pulled Item 2.10 for comment only.

Councilmember Peter Ortiz pulled Item 2.11 for comment and further clarification.

Angel Rios, Deputy City Manager, City Manager's Office, answered questions from Council regarding Item 2.11.

Public Comment: Stephanie Jayne, José Murillo, Suri Dhaliwal, and Paul Soto provided public comment regarding the Consent Calendar.

Action: Upon motion by Councilmember Peter Ortiz, Seconded by Councilmember Domingo Candelas, and carried unanimously, the Consent Calendar was approved as a whole; the below actions were taken as indicated. (11-0-0)

2.1 **Approval of City Council Minutes.**

None provided.

2.2 **Final Adoption of Ordinances.**

(a) Ordinance No.31002- An Ordinance of the City of San José to Add Section 6.88.385 to Chapter 6.88 of Title 6 of the San José Municipal Code to Authorize Payment Plans, and Make Other Technical, Non-Substantive or Formatting Changes.

[Passed for Publication on 1/9/2024 - Item 4.1 (24-67010)]

Action: **Ordinance No. 31002** was adopted. (11-0-0)

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 Naming of Two Downtown Park Sites: Bassett and North San Pedro.

Adopt the official names for two park sites based on the following options:

(a) “City Gardens Park,” for the Bassett site, as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process; and

(b) “Elizabeth P. Boyer Park,” for the North San Pedro site, as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making results in no changes to the physical environment. Council District 3. (Parks, Recreation and Neighborhood Services)

Action: The official names for the two park sites were adopted; (a) “City Gardens Park,” for the Bassett site, and (b) “Elizabeth P. Boyer Park,” for the North San Pedro site. (11-0-0)

2.8 Willow Glen Community Benefit Improvement District Financial Report Fiscal Year 2022-2023.

Accept the Willow Glen Community Benefit and Improvement District Financial Report for Fiscal Year 2022-2023, which provides information to the public and the property owners in the district regarding the use of the assessments and the management and operations of the district.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 6. (Public Works)

Action: The Willow Glen Community Benefit and Improvement District Financial Report for Fiscal Year 2022-2023 was accepted. (11-0-0)

2.9 Retroactive Approval of a Gift Drive for Residents of Emergency Interim Housing at Evans Lane Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on January 17, 2024:

(a) Retroactively approve the Gift Drive for residents of Emergency Interim Housing at Evans Lane that was held from December 1 through December 13, 2023, 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. (Davis)

[Rules Committee referral 1/17/2024 - Item B.7]

Action: The special event sponsored by District 6 was retroactively approved. (11-0-0)

2.10 California Natural Resources Agency Grant for the Lake Cunningham Water Quality and Shoreline Improvement Project.

Adopt a resolution authorizing the City Manager or her designee to submit a grant application and, if awarded, negotiate, and execute a grant agreement with the California Natural Resources Agency for an amount not to exceed \$1,500,000 contributing to the Lake Cunningham Water Quality and Shoreline Improvement Project, and all other actions necessary to effectuate the grant.

CEQA: Categorically Exempt, File No. ER23-039. CEQA Guidelines Section 15301, Existing Facilities and Section 15302, Replacement or Reconstruction. (Parks, Recreation, and Neighborhood Services)

[Rules Committee referral 1/17/2024 - Item A.1.a]

Action: **Resolution No. RES2024-8** was adopted, authorizing the City Manager to execute a grant agreement with the California Natural Resources Agency for an amount not to exceed \$1,500,000 contributing to the Lake Cunningham Water Quality and Shoreline Improvement Project. (11-0-0)

2.11 **Rapid Response Efforts to Support Asylum Seeking Families.**

(a) Approve the one-time allocation of \$150,000 to provide funding to Amigos de Guadalupe: Center for Justice and Empowerment for temporary emergency sheltering and support of new arrival migrant families seeking asylum and who entered the United States after the end of Title 42, and matching the \$150,000 anticipated to be contributed by the County of Santa Clara.

(b) Adopt the following Fiscal Year 2023-2024 Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the City Manager Special Projects City-Wide Expenses appropriation to the City Manager's Office by \$25,000; and

(2) Increase the Non-Personal/Equipment appropriation to the City Manager's Office by \$25,000.

(c) Direct the City Manager or her designee to monitor and remain engaged in collaborating with immigrant-serving organizations, philanthropic organizations and individuals, and local and state governments to identify strategies to extend support for asylum seeking migrant families beyond January 31, 2024.

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

[Rules Committee referral 1/17/2024 - Item A.1.a]

Action: (a) The one-time allocation of \$150,000 to provide funding to Amigos de Guadalupe: Center for Justice and Empowerment for temporary emergency sheltering was approved, (b) Appropriation **Ordinance No. 31004** was adopted, and (c) the City Manager was directed to monitor and remain engaged in collaborating with immigrant-serving organizations, philanthropic organizations and individuals to identify strategies to extend support beyond January 31, 2024. (11-0-0)

3. **STRATEGIC SUPPORT**

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

City Manager, Jennifer Maguire offered the verbal report and announced that the City of San José has uploaded the first ever Year in Review videos, which highlight the dedicated and passionate City of San José employees. All of the city service areas are highlighted; including strategic support, community and economic development, neighborhood services, public safety, transportation and aviation, and environmental and utility services.

3.2 **Labor Negotiations Update.**

None provided.

3.3 Annual Report on City Services 2022-2023.

Accept the Annual Report on City Services 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)

Joe Rois, City Auditor, City Auditors Office, and Alison Pauly, Supervising Auditor, City Auditors Office, provided the presentation and responded to questions.

Public Comment: Paul Soto, speaker “Virtual Protest”, Mitzy Bephe (*did not speak on topic*), John Ernst (*did not speak on topic*), Rocio Molina (Catalyze SV), Judy Stroyer (*did not speak on topic*).

Jennifer Schembri, Director of Employee Relations, Office of the City Manager; Chris Burton, Director, Planning Building and Code Enforcement (PBCE); Jill Bourne, City Librarian, Library; Nanci Klein, Director of Economic Development, Office of Economic Development; Robert Sapien, Fire Chief, San José Fire Department; Neil Rufino, Assistant Director, Parks, Recreation and Neighborhood Services (PRNS); John Ristow, Director of Transportation, Department of Transportation (DOT); and Anthony Mata, Chief of Police, San José Police Department, answered questions from Council.

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Bien Doan, and carried unanimously, the Annual Report on City Services was accepted. (10-0-1; Absent: Batra)

3.4 **Amendment to Title 24 of the San José Municipal Code for a Proposed Responsible Construction Ordinance.**

Direct the City Manager to return to City Council with a Responsible Construction Ordinance that modifies the proposed ordinance, posted for the December 12, 2023 City Council meeting, that reflects the following modifications:

- (a) Limit the basis for violation to an unpaid wage theft judgment to employees and contractors who are working on the San José permitted project that is the subject of the certificate of occupancy.
- (b) Limit the unpaid final wage theft judgements to final judgments that can be confirmed by the contractor through the California Labor Commissioner's portal.
- (c) Exempt from the regulation projects that are subject to prevailing wage under state law, and projects that are under 10,000 sq. ft.

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

[Continued from 12/12/2023 – Item 3.7 (23-1695)]

Matthew Loesch, Director, Public Works; Nanci Klein, Director, Office of Economic Development; Chris Burton, Director, PBCE; and Chris Hickey, Division Manager, Public Works Office of Equality Assurance, provided a presentation and answered questions from Council.

Public Comment: (In Person) Eddie Truong, Bill Wallace, Rigo Gallardo, Louise Auerhahn, Doug Bloch, Rocky Hill, Leah Toeniskoetter, Erica Valentine, Danny Mangan, Dominic Torreeano, Scott Youdall, Will Smith, Todd Trekell, Megan Toeniskoetter, Dr. Forest Peterson, John Tucker, Ruth Silver Taube, Peter Camacho, Miriom Betanio, Krista De La Torre, John Paul Wolfe, Eddie, Bill Bailey, (Zoom) Connie, Dennis, Felina, Paul Soto, David, Mundo, Scott Reese, and Chris provided public comment.

Chris Burton, Director, PBCE, responded to questions from Council.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, the City Manager was directed to return to City Council with a Responsible Construction Ordinance that modifies the proposed ordinance, as discussed in the joint memorandum, with the understanding that outreach with stake holders will continue during the process of drafting the ordinance.

Including acceptance of the joint memorandum from Councilmember Dev Davis, Councilmember Sergio Jimenez, Councilmember Omar Torres, Councilmember Peter Ortiz, and Councilmember Pam Foley, dated January 18, 2024, recommending the following: Accept recommendation #2 from the January 12, 2024, staff memorandum with the following additions and modifications:

- (1) Before receiving a building permit, applicants will attest that, to the best of their knowledge, all contractors and subcontractors hired or to be hired to provide labor on their project are either not listed on the outstanding unpaid wage theft judgments list at the time of attestation or, if they are listed, will produce proof of satisfaction of the judgment(s) before work begins.

- (a) Applicant attestations will be based on checking California Department of Industrial Relations Judgment Search1 to ensure that none of their contractors or subcontractors have outstanding unpaid wage theft judgments in the construction industry. Exhibit A shows the search terms to be used. Each project will perform the search once on or around

the date of the attestation and use those search results (aka “outstanding judgments list”) as needed for the duration of the project.

(b) If a contractor or subcontractor is added to the project subsequent to building permit receipt, the project owner is responsible for checking each new company that is hired either is not on their outstanding judgments list or produces proof that the judgment has been satisfied before beginning work on the project.

(c) If a contractor or subcontractor is not on the outstanding judgments list at the outset, but later receives a wage theft judgment, does not pay, and is subsequently added to the California Department of Industrial Relations database, the project owner would not be held responsible unless the unpaid judgment is for work on the project.

(d) As provided in the original ordinance draft, a project owner who hired a contractor or subcontractor who was on the outstanding judgments list without producing proof of satisfaction of the judgment before beginning work would be required to pay the judgment or cause the contractor owning the money to pay the judgment, before receiving the final Certificate of Occupancy. (However, if a contractor or subcontractor was not on the outstanding judgments list but was subsequently added to the California Department of Industrial Relations database, the project owner would not be responsible unless the unpaid judgment is for work on the project.)

(e) As provided in the original ordinance draft, only contractors and subcontractors that meet the materiality threshold for a project are included.

(2) All projects at or above 10,000 square feet are included, regardless of project labor agreements or prevailing wage requirements.

(11-0-0)

4. PUBLIC SAFETY SERVICES

No items provided.

5. TRANSPORTATION & AVIATION SERVICES

No items provided.

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 Reach Code Ordinance Update for Electric Vehicle Infrastructure in New Multifamily Developments.

Approve an ordinance of the City of San José making certain findings related to local modifications to State Codes based upon local, geographical, topographical, and climatic conditions and amending Parts 1 and 2 of Chapter 24.10 of Title 24 (Technical Codes) of the San José Municipal Code to amend requirements related to electric vehicle charging stations in new multifamily developments, to be effective on July 1, 2024.

CEQA: Categorically Exempt under Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of the Environment, File No. ER24-006.

(Environmental Services/Planning, Building, and Code Enforcement)

DEFERRED TO 1/30/2024 PER ADMINISTRATION

7. **NEIGHBORHOOD SERVICES**

No items provided.

8. **COMMUNITY and ECONOMIC DEVELOPMENT**

8.1 **Establishment of a Pedestrian Mall on North San Pedro Street.**

– HEARD IMMEDIATELY AFTER CONSENT

(a) Conduct a public hearing to establish a pedestrian mall on North San Pedro Street between West Santa Clara Street and West St. John Street pursuant to the Pedestrian Mall Law of 1960.

(b) Adopt a resolution determining that the pedestrian mall shall be established.

(c) Approve an ordinance establishing a pedestrian mall on North San Pedro Street between West Santa Clara Street and West St. John Street pursuant to the Pedestrian Mall Law of 1960.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(c) Existing Facilities, 15304 (e) (f) Minor Alterations to Land, File No. ER23-200. Council District 3. (Economic Development and Cultural Affairs)

Public Comment: (In Person) Randy Musterer, Alex Stettinski (San José Downtown Association), Mike Messinger, John Burroughs, (Zoom) Paul Soto, Levi Cohen (was not City business), and “Virtual Protest” provided public comment.

Blage Zelalich, Deputy Director, Office of Economic Development responded to questions from Council.

Action: Upon motion by Councilmember Torres, seconded by Councilmember Foley, and carried unanimously, (a) the public hearing was conducted to establish a pedestrian mall on North San Pedro Street, (b) **Resolution No. RES2024-9** was adopted, and (c) **Ordinance No. 31005** was *passed for publication*, establishing a pedestrian mall on North San Pedro Street. (11-0-0)

9. **REDEVELOPMENT – SUCCESSOR AGENCY**

CONVENE THE JOINT CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 **Agreement with Macias, Gini & O’Connell LLP for Annual Financial and Compliance Audits.**

(a) City Council approve an agreement with Macias, Gini & O’Connell LLP to perform annual financial and compliance audit services for fiscal years ending June 30, 2024, 2025, 2026, 2027, and 2028 with three one-year extension options for fiscal years ended June 30, 2029, 2030, and 2031, with annual compensation not to exceed \$895,653 in year one and with annual adjustments of 3% in years two through eight, for a total amount not to exceed \$7,964,448 for a potential eight year term subject to annual appropriation of funds by the City Council.

(b) Board of the Successor Agency to the Redevelopment Agency approve an agreement with Macias, Gini & O’Connell LLP to perform annual financial and compliance audit services for fiscal years ending June 30, 2024, 2025, 2026, 2027, and 2028 with three one-

year extension options for fiscal years ended June 30, 2029, 2030, and 2031, with annual compensation not to exceed \$65,432 in year one and with annual adjustments of 3 percent in years two through eight, for a total amount not to exceed \$581,843 for a potential eight year term subject to annual appropriation of funds by the Board of the Successor Agency. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Auditor)

DEFERRED TO 2/6/2024 PER ADMINISTRATION

**ADJOURN THE JOINT CITY COUNCIL/SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

**• Study Session (Fees and Charges Program and the Preliminary
General Fund Forecast) Begins.- DEFERRED.**

Action: Upon motion by Councilmember Omar Torres, seconded by Councilmember Peter Ortiz, and carried unanimously, the scheduled Study Session (Fees and Charges Program and the Preliminary General Fund Forecast) was deferred to an unspecified date. (11-0-0)

Council recessed until 6:00 p.m.

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use Items on Consent Calendar

10. Land Use - Regular Agenda

**10.2 Urgency Ordinance Amending the Zoning District Map to Apply the Housing
Element Residential Overlay Zoning District.**

Adopt an Urgency Ordinance:

(a) Repealing the application of the Affordable Housing Overlay on six sites in North San José from the Envision San José 2040 General Plan Land Use/Transportation Diagram and Zoning District Map;

(b) Amending the Zoning District Map to apply the Housing Element Residential Overlay on 12 sites citywide; and

(c) Requiring the six sites in North San José to allow residential use by right and to only allow residential uses on those sites where at least 20 percent of the units are affordable to lower income households.

**PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8
OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d).**

CEQA: Determination of Consistency with the City of San José 2023-2031 Housing Element Update Supplemental Environmental Impact Report (Resolution No. RES2023-262) and Addenda thereto. (Planning, Building and Code Enforcement)

Jerad Ferguson, Principal Planner, Planning, Building and Code Enforcement Department and Michael Brilliot, Deputy Director, Planning, Building and Code Enforcement Department responded to questions.

Public Comment: Paul Soto and Matthew provided public comment.

Action: Upon motion by Councilmember Cohen, seconded by Councilmember Doan, and carried unanimously, Urgency **Ordinance No. 31006** was adopted, regarding the amendment of the Zoning District Map to apply the Housing Element Residential Overlay Zoning District. (11-0-0)

10.3 McKee 139 & PDC22-006 - Annexation and Rezoning for Certain Real Property Located at 125 Kirk Avenue.

(a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the 125 Kirk Avenue Subdivision Project (McKee 139/PDC22-006/ PD22-013/T21-045) and a related Mitigation Monitoring and Reporting Program, per the California Environmental Quality Act.

(b) Approve an ordinance rezoning an approximately 1.49-gross-acre site in County of Santa Clara unincorporated territory designated as McKee No. 139 to the R-1(PD) Planned Development Zoning District.

(c) Adopt a resolution initiating reorganization proceedings and scheduling February 27, 2024, for City Council consideration of the reorganization of territory designated as McKee No. 139, which involves the annexation into the City of San José of approximately 1.49 gross acres of land from County of Santa Clara unincorporated territory and the detachment of the same from the appropriate special districts.

CEQA: Initial Study/Mitigated Negative Declaration (IS/MND) for 125 Kirk Avenue Subdivision Project (McKee 139/PDC22-006/ PD22-013/T21-045). Planning Commission recommends approval (8-0-3, Ornelas-Wise, Barocio, and Garcia absent) (Item 5.b on the 12/13/2023 Planning Commission agenda). Council District 5. (Planning, Building and Code Enforcement)

Chris Burton, Director, PBCE, and Robert Manford, Deputy Director, PBCE, provided the presentation and responded to questions.

Melanie Griswold, representative for the applicant, presented and answered questions on behalf of the applicant.

Public Comment: Oscar and Paul Soto provided public comment.

Action: Upon motion by Councilmember Ortiz, seconded by Councilmember Cohen, and carried unanimously, (a) **RES2024-10** and (c) **RES2024-11** were adopted, and (b) **Ordinance No. 31007** was *passed for publication*. (11-0-0)

10.4 CP22-024 & ER22-187 - Administrative Hearing on the Appeal of the Planning Commission's Approval of a Conditional Use Permit for Certain Real Property Located at 1484 South White Road.

(a) Conduct an Administrative Hearing to consider the appeal of the Planning Commission's approval of a Conditional Use Permit to allow the off-sale of alcohol (Type 21 – full range of alcoholic beverages) at an existing approximately 1,537-square-foot tenant space (Fast Mart) on an approximately

0.43-gross-acre site, located on the eastern side of South White Road, approximately 500 feet southeast of South White Road and Mount Vista Drive (1484 South White Road).

(b) Adopt a resolution denying the permit appeal and approving, subject to conditions, a Conditional Use Permit to allow the off-sale of alcohol (Type 21 – full range of alcoholic beverages) at an existing approximately 1,537-square-foot tenant space (Fast Mart) on an approximately 0.43-gross-acre site, located on the eastern side of South White Road, approximately 500 feet southeast of South White Road and Mount Vista Drive (1484 South White Road).

CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities. Council District: 5. (Planning, Building and Code Enforcement) [Deferred from 1/9/2024 – Item 10.2 (24-67015)]

Robert Manford, Deputy Director, PBCE, and Chris Burton, Director, PBCE provided the presentation and responded to questions.

Vincent Rivero, Principal Land Planner, VER Consultants, and Marisela Bautista, Appellant provided comments to Council.

Public Comment: Iqbal Singh Dhillon, Gur Singh, Alberto Camacho, Sukhraj Chaltac, Bajinder Singh, Mimi Nguyen, Kumar, King Suri, Paul Soto, Melissa Lopez, Jose Rodriguez, Miguel, Jorge, Mahak, Gavin(*spoke off topic*), Gabby, Key, Jashon, Brian, Jordan, Amy, Anonymous, Lawrence, MD, Gary, Billy, Manpreet, Jassie, Ari (*spoke off topic*), Moni, Jay, Ramon, Mariam, 408ers, Jonathan, Judy (*spoke off topic*), Patty (*spoke off topic*), Anonymous, Thao, Mandy, Brian, Mary, John, and Ernesto provided public comment.

Action: Upon motion by Councilmember Ortiz, seconded by Councilmember Torres, and carried unanimously, (a) the Administrative Hearing was conducted, and the Conditional Use Permit was *denied, the resolution was not adopted.* (11-0-0)

• Open Forum

1. Judy provided comment regarding the diversity within the City, referencing “Diversity, Inclusion, Equity” as a racist practice and unconstitutional.
2. Paul Soto read a passage in reference to Cesar Chavez, regarding systemic suffering and injustices.
3. Brian thanked the individuals operating the Zoom meeting, as well as the City Council. Brian provided insight into keeping the Zoom meetings operating.
4. Eli provided comment that was not related to City business.
5. Albert provided comment that was not related to City business.
6. Ingrid provided comment that was not related to City business.
7. June provided comment that was not related to City business.
8. Robert provided comment that they are not afraid to show up in real life, they will sue if their ability to comment is denied.
9. Carl provided comment that was not related to City business.
10. Anne Flanke provided comment that was not related to City business.
11. Suri Dhaliwal provided comment regarding the corruption within the City, and the power held by the City Manager.
12. Rita Lark provided comment regarding trafficking occurring near a residential area, and inquired about how to solve the issue.

• Adjournment

This meeting was adjourned in honor and memory of Carolyn Ellzey, a devoted member of the Iola Williams Senior Program for 22 years. Carolyn's impactful roles on the Executive Advisory Board and her selfless dedication to community service, including providing donated coffee and turkeys for Thanksgiving, are testaments to her outstanding character.

The Council of the City of San José adjourned at 8:13 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 8

Attest By:



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

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

January 23, 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 Murray
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ12963722
Amount of Money or Other Benefits
Relief Sought:
2. Case Name: In re: Claim of Valle
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ12168202
Amount of Money or Other Benefits
Relief Sought:
3. Case Name: In re: Claim of Scardino
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ15508749, ADJ15708194, ADJ11040916, ADJ15523398
Amount of Money or Other Benefits
Relief Sought:
4. Case Name: K'aun Green v. City of San Jose, et al.,
Name(s) of Party(ies) K'AUN GREEN; an individual, CITY OF SAN JOSE, a municipal corporation; and DOES 1-50, inclusive
Court: United States District Court Northern District of California
Case No: 5:22-cv-02174
Amount of Money or Other Damages according to proof

Relief Sought:

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: 2

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
Initiation of litigation pursuant to Sections 54956.9(d)(4) of the Government code:

Number of matter(s) to be discussed: 1

D. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Department or Agency: Police Department
Title: Police Chief