



# **City Council Meeting MINUTES**

**Tuesday, April 5, 2022**

**1:30 PM**

**Hybrid Meeting – Council Chambers and Virtually –  
<https://sanjoseca.zoom.us/j/99346843938>**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, DISTRICT 10



**\* COVID-19 NOTICE \***

*Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, and 80400, the Council meeting was a hybrid meeting, held in City Hall Councilmembers and teleconferenced from remote locations.*

**22-435          Closed Session: See Page 13 for Closed Session Minutes**

The Council of the City of San José reconvened to Open Session at 1:34 p.m.

Present: Councilmembers          -          Carrasco (via Zoom), Esparza, Davis, Mahan (via Zoom),  
Jimenez, Jones, Cohen, Esparza, Peralez (via Zoom), Foley,  
Arenas (via Zoom); Liccardo.

Absent: Councilmembers          -          All Present

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 4)**

Morrill Middle School Music Department provided the Invocation through a recorded choir and band performance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

None provided.

# **1. CEREMONIAL ITEMS**

- 1.1 Mayor Sam Liccardo presented a commendation to the Environmental Services Department Integrated Waste Management Staff and the Solid Waste Haulers, including Garden City Sanitation, Green Team, Green Waste Recovery, and California Waste Solutions and welcomed Deputy Director, ESD Integrated Waste Management, Valerie Osmond to speak on the accomplishments of staff throughout the COVID-19 pandemic and beyond, including the city’s new composting program. (Mayor)
- 1.2 Councilmember Sergio Jimenez presented a commendation to Russ Danielson in recognition of his outstanding dedication and commitment to keeping District 2 clean, safe, and litter free, noting his support with the BRIDGE Housing Community, as well as removing 12 tons of litter along Monterey Road with a group of other volunteers who call themselves Concerned Citizens. (Jimenez)
- 1.3 Councilmember Pam Foley presented a commendation to Mike & Susan Hennessy for their tireless philanthropic support of organizations to enhance and benefit the residents of the City of San Jose including the charitable Hot San Jose Nights and invited Mark Ibanez who offered words of praise to both Mike and Susan. (Foley) 3

# **2. CONSENT CALENDAR**

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

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

None provided.

## **2.2 22-463 Final Adoption of Ordinances.**

(a) Ordinance No. 30741 - An Ordinance of the City of San José Amending Section 20.85.020 of Part 2 of Chapter 20.85.020 of Title 20 of the San José Municipal Code (Zoning Ordinance) Amending Specific Height Restrictions Related to the North 1st Street Local Transit Village. [Passed for Publication on 3/22/2022 - Item 10.2(c) (22-384)]

(b) Ordinance No. 30742 - An Ordinance of the City of San José Rezoning 24 Certain Real Properties from the CO Commercial Office and CN Commercial Neighborhood Zoning Districts to the CP Commercial Pedestrian Zoning District; One Certain Real Property from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District; 32 Certain Real Properties from the CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family Residence, and R-M Multiple Residence Zoning Districts to the TR Transit Residential Zoning District; 12 Certain Real Properties from the CO Commercial Office, CP Commercial Pedestrian, and R-2 Two-Family Residence Zoning Districts to the UR Urban Residential Zoning District; and Nine Certain Real Properties from the CO Commercial Office, CG Commercial General, and CN Commercial Neighborhood Zoning Districts to the UVE Urban Village Commercial Zoning

*(Item continued on next page)*

## **2.2 (Cont'd)**

District, Located within the North 1st Street Local Transit Village in the City of San José. [Passed for Publication on 3/22/2022 - Item 10.2(d) (22-384)]  
(c) Ordinance No. 30743 - An Ordinance of the City of San José Rezoning 44 Certain Real Properties from CO Commercial Office, CN Commercial Neighborhood, R-2 Two-Family Residence, R-M Multiple Residence, and A(PD) Planned Development Zoning Districts to the CP Commercial Pedestrian Zoning District; Two Certain Real Properties from the R-1-8 Single-Family Residence Zoning District to the MUC Mixed-Use Commercial Zoning District; Three Certain Real Properties from the R-1-8 Single-Family Residence and CO Commercial Office Zoning Districts to the OS Open Space Zoning District; Four Certain Real Properties from the CO Commercial Office, R-1-8 Single-Family Residence, and LI Light Industrial Zoning Districts to the PQP Public/Quasi-Public Zoning District, 43 Certain Real Properties from the R-2 Two-Family Residence, R-M Multiple Residence, CO Commercial Office, CP Commercial Pedestrian, and A(PD) Planned Development Zoning Districts to the R-1-8 Single-Family Residence Zoning District; Six Certain Real Properties from the CO Commercial Office, LI Light Industrial, and R-1-8 Single-Family Residence Zoning Districts to the TR Transit Residential Zoning District; and 11 Certain Real Properties from the CO Commercial Office and LI Light Industrial Zoning Districts to the UR Urban Residential Zoning District, Located in Proximity to the North 1st Street Local Transit Village in the City of San José. [Passed for Publication on 3/22/2022 - Item 10.2(e) (22-384)]

Action: (a) **Ordinance No. 30741**; (b) **Ordinance No. 30742**; (c) and **Ordinance No. 30743** were adopted. (11-0.)

## **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      22-437      **Amendment to Agreement with Keyes & Fox, LLP for Legal Services Related to the San José Clean Energy Program.**  
Adopt a resolution authorizing the City Attorney to negotiate and execute a seventh amendment to the agreement with Keyes & Fox, LLP for legal services related to the San José Clean Energy program, extending the term through December 31, 2023 with no increase in the maximum amount of compensation. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: **Resolution No. 80444** was adopted. (11-0.)

- 2.8      22-010      **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through May 5, 2022 during the Governor’s Proclaimed COVID State of Emergency.**  
Adopt a resolution of the Council of the City of San José finding the continued existence of the need to extend AB 361 implementation and amending the City’s Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor’s proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; to repeal and replace Resolution No. 79485; and to incorporate all future Governor’s Executive Orders regarding the Brown Act into the City’s open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: **Resolution No. 80445** was adopted. (11-0.)

- 2.9      22-444      **Appointment to the Police Employee Seat on the Board of Administration for the Police and Fire Retirement Plan.**  
Appoint Dave Wilson as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2025. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: The appointment was approved (11-0.)

- 2.10 22-438 Actions Related to Open Purchase Orders for As-Required Professional and Technical Training Courses.**  
Adopt a resolution authorizing the City Manager to: (a) Execute open Citywide Purchase Orders with Oready, LLC (Campbell, CA) and Sarder, Inc. (New York, NY) for up to four one-year option terms through April 26, 2026 for as-required professional and technical training courses with a maximum aggregate compensation not-to-exceed \$320,000 for the option term beginning April 27, 2022 and ending April 26, 2023, subject to the appropriation of funds; and (b) Amend purchase orders as required for any unanticipated changes, such as increases in demand or to move funds between purchase orders, 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. 80446** was adopted. (11-0.)

- 2.11 22-439 Actions Related to the Agreement with YWCA Golden Gate Silicon Valley for the Improving Criminal Justice Program Grant Agreement.**  
Approve the Second Amendment to the grant agreement with the YWCA Golden Gate Silicon Valley to extend the term of the agreement from March 30, 2022 to September 30, 2022 for Criminal Justice Program Grant for crisis intervention services and follow up services to victims of domestic violence, sexual assault and sex trafficking and funding victim safety and offender accountability by encouraging community response. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police)

Action: The Second Amendment to the grant agreement was approved. (11-0.)

- 2.12 22-440 2021 Collaborative Approaches Towards Preventing and Addressing Hate Demonstration Projects.**  
(a) Adopt a resolution accepting the 2021 Bureau of Justice Assistance Collaborative Approaches towards Preventing and Addressing Hate Grant in the amount of \$833,333 and authorizing the City Manager to execute the Grant Agreement and to execute additional amendments and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action. (b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund: (1) Establish the 2021 Collaborative Approaches Towards Preventing and Addressing Hate Grant in City-Wide Expenses appropriation to the Policy Department in the amount of \$292,458; and (2) Increase the estimate for Revenue from Federal Government by \$292,458. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

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## 2.12 (Cont'd)

Councilmember Maya Esparza pulled this item to express gratitude to the San Jose Police Department and City Staff for prioritizing work related to hate crimes, and emphasized the work done in increasing public safety and education to identify and report hate crimes, as well as support investigation and prosecution of these cases. Councilmember Maya Esparza highlighted the work of the Crime Prevention Team and Office of Racial Equality, and Santa Clara County Hate Crime Prevention and Inclusion Task Force's future recommendations on improving public education.

Action: (a) **Resolution No. 80447**; and (b) **Appropriation Ordinance No. 30746** and **Funding Sources Resolution No. 80448** were adopted. (11-0.)

### 2.13      22-491      **Request for Travel and Excused Absence for the Annual Silicon Valley Organization Study Mission (Unofficial Delegation Travel).**

Approve travel and related travel expenses to San Diego, California and request excused absences for Councilmember Sergio Jimenez for the following meetings due to Authorized City Business: Annual Silicon Valley Organization Study Mission on May 17-20, 2022. (a) May 17, 2022 San Jose City Council Meeting; (b) May 19, 2022 Neighborhood Services and Education Committee Special Meeting; and (c) May 19, 2022 Public Safety, Finance, and Strategic Support Committee. CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 3/30/2022 - Item A.1.a]

Action: The request for Travel Authorization for Councilmember Sergio Jimenez was approved. (11-0.)

### 2.14      22-498      **Request for Travel for Mayor's Staff.**

As recommended by the Rules and Open Government Committee on March 30, 2022, authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Clay Garner, as the City representative to attend the Digital Communities Large City/County Summit in New Orleans, LA, from April 13, 2022 to April 14, 2022. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 3/30/2022 - Item B.3]

Action: The request for Travel Authorization for Mayor Liccardo was approved. (11-0.)

**2.15      22-494      Approval of Shredding Event Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on March 30, 2022: (a) Approve the Shredding Event scheduled on April 23, 2022 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve and accept donations from various individuals, businesses or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley) [Rules Committee referral 3/30/2022 - Item B.2]

Action: The City Council Sponsored Special Event was approved. (11-0.)

### **3. STRATEGIC SUPPORT**

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

City Manager Jennifer Maguire recognized March as the two-year mark since the pandemic disrupted the community and the world and spoke to the way in which city employees, partners and residents were able to come together to support those most affected. She shared a video created by PRNS and the City Manager’s Emergency Public Information office, that highlighted the work provided by city employees and partners offered throughout the pandemic and are continued today. She thanked and invited Mayor Liccardo to speak. Mayor Liccardo thanked the entire city team and partners, and spoke on the various achievements of city work that positively impacted and supported community individuals and business during this time. City Manager Jennifer Maguire also thanked Public Information Manager, PRNS, Daniel Lazo; Videographer and Recreation Manager, PRNS, John Amayun, Public Information Representative, PRNS, Elizabeth Castro; and Emergency Public Information Manager, Demetria Machado.

#### **3.2 Labor Negotiations Update.**

None provided.

#### **3.3      22-441      Urgency Ordinance Repealing Chapter 9.61 of Title 9 of the San José Municipal Code regarding Face Coverings.**

Adopt an urgency ordinance repealing Chapter 9.61 of Title 9 of the San José Municipal Code requiring the wearing of face coverings for the duration of the current COVID-19 Health Emergency. PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d). CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Director, Office of Civic Innovation & Digital Strategy, Dolan Beckel, provided a report and responded to questions.



Action: Upon motion by Councilmember Pam Foley, and seconded by Vice Mayor Chappie Jones and carried unanimously, **Urgency Ordinance No. 30747** repealing Chapter 9.61 of Title 9 of the San José Municipal Code was adopted. (11-0.)

- 3.4      22-442      **Annual Summary of Labor Negotiations.**  
Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations. 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)

Action: Upon motion by Councilmember Sergio Jimenez, and seconded by Councilmember Pam Foley and carried unanimously, the staff report on the Annual Summary of Upcoming Labor Negotiations was accepted. (11-0.)

- 3.5      22-495      **Actions Related to Approvals Needed for the Sale of the Parking Lot of the Town Park Towers Affordable Housing Development. - RENUMBERED FROM ITEM 8.1.**  
Adopt a resolution authorizing the City Manager, Director of Housing, Director of Finance, the Assistant Director of Finance, the Deputy Director of Finance, Debt and Treasury Management, the Deputy Director of Housing or their designees, to negotiate and execute an amendment to the Regulatory Agreement and Declaration of Restrictive Covenants for the affordable housing development located at 60 North 3rd Street, Town Park Towers, together with any ancillary documents required by bond counsel for the reissuance of the tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Town Park Towers) Series 2015C”. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Housing/Finance) [RENUMBERED FROM ITEM 8.1 (22-443)]

Action: Upon motion by Councilmember Sergio Jimenez, and seconded by Councilmember Raul Peralez and carried unanimously, **Resolution No. 80449** was adopted. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

- 4.1      22-445      **Accept the California Governor's Office of Emergency Services Pass-Through Grant for Mobile Operations Satellite Emergency System.**  
Adopt a resolution authorizing the City Manager or designee to accept grant funds from the California Governor’s Office of Emergency Services (Cal OES) in the amount of \$2,185,000 to purchase a Mobile Operations Satellite Emergency System, and to negotiate and execute any documents necessary to accept these grant funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Fire/City Manager)

Director, Office of Emergency Management, Raymond Riordan answered questions.

Action: Upon motion by Councilmember Pam Foley, and seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 80450** was adopted. (11-0.)

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

- 5.1      22-446      **Emerging Mobility Action Plan.**  
(a) Accept the Emerging Mobility Action Plan report. (b) Adopt a resolution approving San José’s Emerging Mobility Action Plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action and File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Transportation)

Director, Department of Transportation, John Ristow; Deputy Director, Department of Transportation, Jessica Zenk; Division Manager, Department of Transportation, Ramses Madou; and Project Manager, Department of Transportation Laura Stuchinsky offered a presentation and answered questions.

Public Comments: Blair Beekman and Jill Borders provided public comments.

Action: Upon motion by Councilmember Maya Esparza, and seconded by Councilmember Pam Foley and carried unanimously, the emerging Mobility Action Plan report was accepted and **Resolution No. 80451** was adopted. (11-0.)

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

## **7. NEIGHBORHOOD SERVICES**

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

- 8.1      22-443      **Actions Related to Approvals Needed for the Sale of the Parking Lot of the Town Park Towers Affordable Housing Development. - RENUMBERED TO ITEM 3.5.**

[RENUMBERED TO ITEM 3.5 (22-495)]

- 8.2      22-447      **Actions Related to Real Property Located at Park Avenue Between South Almaden Boulevard and Market Street.**  
[Adopt a resolution: (a) Accepting the Final Orders of Condemnation for the acquisition of a fee interest through eminent domain proceedings of the four parcels consisting of approximately 6,224 square feet of real property located at Park Avenue, between South Almaden Boulevard and Market Street; (b) Declaring approximately 14,351 square feet of real property located at Park Avenue, between

South Almaden Boulevard and Market Street, as “exempt surplus land” under Cal. Gov. Code §54221(f)(1)(E) as the land is a former street, right of way, or easement, is conveyed to an owner of an adjacent property, and is surplus to the needs of the City; (c) Authorizing the sale of the approximately 14,351 square foot portion of City-owned surplus property located on a portion of Park Avenue, between South Almaden Boulevard and Market Street, to SJ CityView LLC for \$5,925,724; and (d) Authorizing the City Manager, or her designee, to negotiate and execute a quitclaim deed and all other documents necessary to effectuate the sale of the property; and (e) Authorizing the use of up to \$3.0 million from the sale proceeds for the City’s contribution toward the Park Avenue Reconfiguration Project, subject to the appropriation of funds. CEQA: Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 79586) for CityView, File No. H19-016; Addendum to the Downtown Strategy 2040 Final Environmental Impact Report for 200 Park Avenue Office Project, File No. H18-045; Determination of Consistency to the Downtown Strategy 2040 Final Environmental Impact Report for the Park Avenue Reconfiguration Project, File No. PP19-071. Council District 3. (Economic Development and Cultural Affairs)

Director, Economic Development and Cultural Affairs, Nanci Klein; Senior Manager, Real Estate Services, Kevin Ice; and Deputy City Attorney, Cameron Day, provided a presentation and answered questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously **Resolution No. 80452** was adopted. (11-0.)

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

### **10. LAND USE**

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

- (a)            22-448            **PP22-001 - Amendment to Title 23 of the San José Municipal Code (The Sign Code) to Increase the Maximum Number of Signs Allowed to be Attached to an Outdoor Stadium. - TO BE HEARD IMMEDIATELY AFTER CONSENT.**
- Approve an ordinance amending Sign Code Chapter 23.04 - Sign Regulations, Part 1 (CO, CP, CN, CG, PQP, CIC, TEC, IP, LI, and HI Commercial and Industrial zoning districts, neighborhood business districts, Capitol Expressway Auto Mall signage area, Stevens Creek Boulevard signage area, Oakridge/Blossom Hill Urban Village signage area, and North San José signage area) to modify Section 23.04.032 - Large outdoor stadium spaces to increase the maximum number of signs allowed to be attached to an outdoor stadium from a total of four signs to six signs. CEQA: Determination of Consistency to the Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement) **TO BE HEARD IMMEDIATELY AFTER CONSENT**

Action: Upon motion by Councilmember Pam Foley, and seconded by Vice Mayor Chappie Jones, and carried unanimously, **Ordinance No. 30748** was passed for publication. (11-0.)

## • Open Forum

1. Blair Beekman spoke to how city concepts of community may aid in the future peace and development of Ukraine following war as well as the future of technology and open public policy.
2. Jill Borders expressed concern on a recently approved site development that would result in the loss of 227 trees as the city holds discussions on declining tree canopy and spoke to future considerations on the process of site development permits.
3. The following members of the public provided comments on the March 27, 2022 shooting of K'aun Green by San Jose Police, condemning the actions of the police and expressing hopes for reformed police conduct: Angel Guzman; Rupini Kamat; Lana Gomez; Kiana Simmons; Ramon Rodriguez; Call-in User\_1; Cynthia Ouandji; Relonda M.; Alondra; Nancy Robles; Olamide Aboise; Lani Ballard; and "V."

The following members of the public provided comments on behalf of an organization on the March 27, 2022 shooting of K'aun Green by San Jose Police, condemning the actions of the police and expressing hopes for reformed police conduct:

*Sacred Heart*: Christopher Logan (Community Organizer)

*Showing Up for Racial Justice at Sacred Heart*: Deborah St. Julien (Faith Outreach Volunteer); Julia Mangione; Sandra Asher; Emma; Andrew Siegler; Mary Helen Doherty

*Sacred Heart's Race Equity and Community Safety Committee*: Derrick (Staff Organizer) and Elizabeth Agramont-Justiniano.

*LUNA*: Hector Hernandez

*PACT*: Rev. Sammie Evans

*Human Agenda*: Sharat Lin

*San Jose Unified Equity Coalition*: Crystal Calhoun (Elder Leader)

*HERO Tent*: "L"; Jesilyn Faust, Sanika Mahajan (RECS); Shashwat Kandadai,

*Party for Socialism and Liberation*: Jesús and Kamila

## • Adjournment

The Council of the City of San José adjourned at 4:25 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner

Deputy City Clerk

get/04-05-22 MIN

SAN JOSÉ CITY COUNCIL CLOSED SESSION

**APRIL 5, 2022**

The Council of the City of San José convened into Closed Session at 9:30 a.m.  
This meeting was teleconferenced from remote locations.

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

Absent: Councilmembers - Esparza.

Closed Session Item(s) discussed:

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

1. Case Name: In re Anthony Sedillo  
Name(s) of Partie(s)  
Involved:  
Court: Workers Compensation Appeals Court  
Case No.: ADJ7480589, ADJ12064093, ADJ2090597, ADJ10573857  
Amount of Money or Benefits  
Other Relief Sought:

2. Case Name: In re Fernando Mendoza  
Name(s) of Parties(s)  
Involved:  
Court: Workers Compensation Appeals Court  
Case No.: ADJ1012671; ADJ6724257  
Amount of Money or Benefits  
Other Relief Sought:

3. Case Name: In re Matthew Paiss  
Name(s) of Parties(s)  
Involved:  
Court: Workers Compensation Appeals Court  
Case No.: ADJ12884049  
Amount of Money or Benefits  
Other Relief Sought:

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

1. Case Name: Sanderlin, Derrick et al., v City, et al.  
Name(s) of Parties(s) DERRICK SANDERLIN, CAYLA SANDERLIN,  
Involved: BREANNA CONTRERAS, PIETRO DI DONATO,  
SHANTE THOMAS, ADIRA SHARKEY, JOSEPH  
STUKES, CITY OF SAN JOSE, EDGARDO GARCIA,

JASON DWYER, CHRISTOPHER SCIBA, JONATHAN BYERS, JARED YUEN

Court: U.S. District Court, Northern District of California

Case No.: 20-cv-04824-BLF

Amount of Money or Damages according to proof  
Other Relief Sought:

2. Case Name: NAACP of San Jose Silicon Valley et al., v. City, et al.,

Name(s) of Parties(s) NAACP OF SAN JOSÉ/ SILICON VALLEY; SAN JOSÉ  
Involved: PEACE AND JUSTICE CENTER; M. MICHAEL ACOSTA, AS AN INDIVIDUAL; AND JOSEPH CAÑAS; LESLIE VASQUEZ; PETER ALLEN; SHAUNN CARTWRIGHT; YESSICA RILES; JOSÉ GUSTAVO FLORES RODRIGUEZ; ALEX LEE; JOSÉPH MALDONADO; CINDY CUELLAR; MAHMOUDREZA NAEMEH; AND MEGAN SWIFT, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, CITY OF SAN JOSÉ; SAM LICCARDO; EDGARDO GARCIA; DAVID SYKES; JASON DWYER; RONNIE LOPEZ, LEE TASSIO, JARED YUEN; SEAN MICHAEL CURRY, OFFICER FNU DELGADO, and DOES 1-100

Court: U.S. District Court; District of Northern California

Case No.: 4:21-cv-01705-PJH

Amount of Money or Damages according to proof  
Other Relief Sought:

3. Case Name: Bohren, Keith v. City, et al.

Name(s) of Parties(s) KEITH BOHREN, AKA ROXANNE; CITY OF SAN JOSE;  
Involved: SAN JOSE POLICE DEPARTMENT; OFFICER AVILA, COUNTY OF SANTA CLARA

Court: U.S. District Court; District of Northern California

Case No.: 5:20-cv-04529-BLF

Amount of Money or Damages according to proof  
Other Relief Sought:

4. Case Name: Johnson, Andrew v. City of San Jose, et al.,

Name(s) of Parties(s) ANDREW LEE JOHNSON, COUNTY OF SANTA CLARA;  
Involved: DEPUTY RUBAN; MATTHEW REEVES; DEPUTY  
DOMINGUEZ; JEREH LUBIN; JONATHAN BENSON; CITY  
OF SAN JOSE, MARCO MONZON; JAMIE LEE NICHOLAS  
HALL; TRENT TESSLER; and DOES 1-25, inclusive

Court: U.S. District Court; District of Northern California

Case No.: 5:18-cv-06264 EJD

Amount of Money or Damages according to proof  
Other Relief Sought:

5. Case Name: Johnson, Kyle v. City of San Jose, et al.,

Name(s) of Parties(s) Kyle Johnson, an individual, City of San Jose, a  
Involved: California charter city; Does 1 through 50

Court: U.S. District Court; District of Northern California

Case No.: 5:21-cv-01849-BLF

Amount of Money or Damages according to proof  
Other Relief Sought:

6. Case Name: Diamond SJ Enterprises v. City of San Jose

Name(s) of Parties(s) DIAMOND S.J. ENTERPRISE, INC., DBA S.J. LIVE; CITY  
Involved: OF JOSE

Court: Ninth Circuit; San Francisco Division

Case No.: 20-15085

Amount of Money or Damages according to proof  
Other Relief Sought:

7. Case Name: Jane Doe v. University of Santa Clara, et al.,

Name(s) of Parties(s) JANE DOE, SANTA CLARA UNIVERSITY, a private  
Involved: corporation; CITY OF SAN JOSE POLICE DEPARTMENT,



Court: a public entity; HUNG BUI, an individual; and DOES 1-100, inclusive;  
Superior Court of California; County of Santa Clara

Case No.: 20CV369814

Amount of Money or Other Relief Sought: Damages according to proof

8. Case Name: Dominguez, Jessica, et al., v. City of San Jose, et al.,

Name(s) of Parties(s) Involved: JESSICA DOMINGUEZ, INDIVIDUALLY AND AS GUARDIAN AD LITEM FOR JACOB DOMINGUEZ, JORDAN DOMINGUEZ AND JALIYAH DOMINGUEZ, CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT, MICHAEL PINA, and DOE POLICE OFFICERS 2 through 5,

Court: U.S. District Court, Northern District of California

Case No.: 5:18-cv-04826-BLF

Amount of Money or Other Relief Sought: Damages according to proof

9. Case Name: Vasquez, et al., v. City, et al.

Name(s) of Parties(s) Involved: MARIA ELENA VASQUEZ, individually and as co-successor-in-interest to Decedent JENNIFER VASQUEZ; JOSE DE JESUS RAMOS, individually and as co-successor-in-interest to Decedent JENNIFER VASQUEZ, CITY OF SAN JOSE, a municipal corporation; MARCO MERCADO, in his individual as a law enforcement officer for the San Jose Police Department; MITCHELL STIMSON, in his individual as a law enforcement officer for the San Jose Police Department; ELISCO ANAYA, in his individual as a law enforcement officer for the San Jose Police Department; MARK KOSKA, in his individual as a law enforcement officer for the San Jose Police Department; and DOES 1-50, inclusive.

Court: US District Court Northern District of California

Case No.: 5:19-cv-8441-EJD

Amount of Money or Other Relief Sought: Damages according to proof

10. Case Name: Calonge, Rosalina v. City of San Jose
- Name(s) of Parties(s) Involved: ROSALINA CALONGE, an individual and successor in interest to FRANCIS CALONGE, deceased, CITY OF SAN JOSE, a municipal public entity, EDWARD CARBONI, individually, and DOES 1-50, inclusive, and FRANCISCO CALONGE, an individual, Nominal Defendant.
- Court: US District Court Northern District of California
- Case No.: 5:20-cv-07429-NC
- Amount of Money or Other Relief Sought: Damages according to proof
11. Case Name: Rosenbaum, Zachary v. City of San Jose, et al.,
- Name(s) of Parties(s) Involved: ZACHARY ROSENBAUM, CITY OF SAN JOSE; OFFICERS RYAN FERGUSON #3921; SGT. HATEZNBUEHLER #3899; DUNN #4309; SGT. GUTIERREZ #3359; ANDERSON #3884; TAPIA #4743; VALLEJO #3929; OCHOA #3683 and DOES 1-25
- Court: US District Court Northern District of California
- Case No.: 5:20-cv-04777-NC
- Amount of Money or Other Relief Sought: Damages according to proof
12. Case Name: Sanchez, Edgar v. City of San Jose, et al.,
- Name(s) of Parties(s) Involved: EDGAR SANCHEZ, CITY OF SAN JOSE, CHRISTOPHER WEBER, in his individual and official capacity, EDGARDO GARCIA in his supervisory capacity, and DOES 1-10, inclusive
- Court: US District Court Northern District of California
- Case No.: 3:20-cv-05919-JD
- Amount of Money or Other Relief Sought: Damages according to proof

13. Case Name: Lee v. Home Depot
- Name(s) of Parties(s) Involved: JIMMY K. LEE, HOME DEPOT U.S.A., INC., a Delaware corporation, CITY OF SAN JOSE, a Municipal entity, and DOES 1-20, inclusive
- Court: Superior Court of California; County of Santa Clara
- Case No.: 20CV371303
- Amount of Money or Other Relief Sought: Damages according to proof
14. Case Name: Ochoa, Yuridia v. City of San Jose, et al.,
- Name(s) of Parties(s) Involved: YURIDIA OCHOA, CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT, EDGARDO GARCIA, ERIC MOSUNIC, and DOES 1 to 10
- Court: US District Court Northern District of California
- Case No.: 5:21-cv-02456-BLF
- Amount of Money or Other Relief Sought: Damages according to proof
15. Case Name: Huipio, Giovanni v. City of San Jose, et al.,
- Name(s) of Parties(s) Involved: GIOVANNI HUIPIO, CITY OF SAN JOSE; MICHAEL JEFFREY; JEFF PROFIO; BRET HATZENBUHLER; MELISSA VILLASENOR; BRANDON ORLANDO; DUSTIN BURNETT; STEVEN GAONA, and DOES 1-50, inclusive
- Court: US District Court Northern District of California
- Case No.: 5:21-cv-07838-SVK
- Amount of Money or Other Relief Sought: Damages according to proof
16. Case Name: Tovar, David v. City of San Jose, et al.,
- Name(s) of Parties(s) Involved: DAVID TOVAR, SR, individually, D.T.M., a minor, individually and as a co-successor-in-interest to decedent DAVID TOVAR, JR., by and through Guardian Ad Litem ELLIOT TOVAR; J.M., a minor, individually and as co-successor-in-interest to decedent DAVID TOVAR, JR., by

and through Guardian Ad Litem ELLIOT TOVAR, CITY OF SAN JOSE; a municipal corporation, and DOES 1-50, inclusive

Court: US District Court Northern District of California

Case No.: 5:21-cv-02497-EJD

Amount of Money or Other Relief Sought: Damages according to proof

17. Case Name: Whiting, Deborah v. City of San Jose, et al.,

Name(s) of Parties(s) Involved: DEBORAH WHITING, CITY OF SAN JOSE, JENNI BYRD , and DOES 1-50, inclusive

Court: US District Court Northern District of California

Case No.: 5:21-cv-05248-VKD

Amount of Money or Other Relief Sought: Damages according to proof

18. Case Name: Berry, Bryann v. City of San Jose, et al.,

Name(s) of Parties(s) Involved: BRYANNA BERRY, CITY OF SAN JOSE, OFFICER LINDSAY PARODI (4426), and DOES 1-25, inclusive

Court: US District Court Northern District of California

Case No.: 5:21-cv-08436-VKD

Amount of Money or Other Relief Sought: Damages according to proof

19. Case Name: Cho, Anthony v. City of San Jose, et al.,

Name(s) of Parties(s) Involved: ANTHONY SUNG CHO CITY OF SAN JOSE, MATTHEW RODRIGUEZ, TYLER MORAN, STEVEN GAONA, ZACHARY DAVID PREUSS, AND DOES 1-10, inclusive

Court: US District Court Northern District of California

Case No.: 5:21-cv-05503 VKD

Amount of Money or Other Relief Sought: Damages according to proof

20. Case Name: Marin, Guadalupe v. City of San Jose, et al.,

Name(s) of Parties(s) Involved: GUADALUPE MARIN, CITY OF SAN JOSE, MATTHEW RODRIGUEZ, TYLER MORAN, and DOES 1-25, inclusive

Court: US District Court Northern District of California

Case No.: 5:21-cv-06372-VKD

Amount of Money or Other Relief Sought: Damages according to proof

21. Case Name: Ramirez, Nicholas v. City of San Jose, et al.,

Name(s) of Parties(s) Involved: NICHOLAS RAMIREZ, CITY OF SAN JOSE, STEVEN MENDEZ, DEJON PACKER; GERARDO SILVA; and ALI MIRI

Court: US District Court Northern District of California

Case No.: 5:21-cv-08127-VKD

Amount of Money or Other Relief Sought: Damages according to proof

22. Case Name: Morgan v. City of San Jose

Name(s) of Parties(s) Involved: KELVIN MORGAN, CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT

Court: US District Court Northern District of California

Case No.: 5:22-cv-00082-NC

Amount of Money or Other Relief Sought: Damages according to proof

23. Case Name: Paredes v. City of San Jose

Name(s) of Parties(s) Involved: ANTHONY PAREDES, CITY OF SAN JOSE; SAN JOSE POLICE DEPARTMENT; MICHAEL JEFFREY an individual, ALBERTSONS COMPANIES, INC., an Idaho corporation SAFEWAY CORPORATION, a California corporation and DOES 1-70, inclusive

Court: US District Court Northern District of California

Case No.: 5:22-cv-00758-BLF

Amount of Money or Other Relief Sought: Damages according to proof

24. Case Name: Haidar v. City, et al.,

Name(s) of Parties(s) Involved: NABIL HAIDAR, CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT, EDGARDO GARCIA, JOHNSON FONG, ROBERT LABARBERA, ANTHONY MATA, STEWART DAVIES, THOMAS BARNARD, and DOES 1-50, inclusive

Court: Superior Court of California; County of Santa Clara

Case No.: 18CV335617

Amount of Money or Other Relief Sought: Damages according to proof

25. Case Name: Rubalcava, Lionel v. City of San Jose, et al.,

Name(s) of Parties(s) Involved: Lionel Rubalcava, an individual, City of San Jose, County of Santa Clara, Joseph Perez, Rafael Nieves, Ramon Avalos, Ron Baldal, Steven Spillman, Topui Fonua, Lieutenant Tibbet, Edgardo Garcia, Michael Brown, Rich Torres, Sergeant Hafley, Douglas Kaleas, and Brian Geer

Court: US District Court Northern District of California

Case No.: 5:20-cv-04191-BLF

Amount of Money or Other Relief Sought: Damages according to proof

26. Case Name: Sutter's Place, Inc., dba Bay 101 v. City of San Jose

Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CITY OF SAN JOSE, a California municipal corporation, the DIVISION OF GAMING CONTROL, and DOES 1-100, inclusive,

Court: Superior Court of California; County of Santa Clara

Case No.:	1-13-CV-258057
Amount of Money or Other Relief Sought:	Damages according to proof
27. Case Name:	<u>Sutter's Place, Inc., dba Bay 101 v. City of San Jose</u>
Name(s) of Parties(s) Involved:	SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CITY OF SAN JOSE, a California municipal corporation, and DOES 1-100, inclusive,
Court:	Superior Court of California; County of Santa Clara
Case No.:	1-14-CV-267311
Amount of Money or Other Relief Sought:	Damages according to proof
28. Case Name:	<u>Sutter's Place, Inc., dba Bay 101 v. City of San Jose</u>
Name(s) of Parties(s) Involved:	SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CITY OF SAN JOSE, a California municipal corporation, and DOES 1 through 10, inclusive,
Court:	Superior Court of California; County of Santa Clara
Case No.:	16CV298883
Amount of Money or Other Relief Sought:	Damages according to proof
29. Case Name:	<u>Sutter's Place, Inc., dba Bay 101 v. City of San Jose</u>
Name(s) of Parties(s) Involved:	SUTTER'S PLACE, INC., dba BAY 101, a California Corporation, CITY OF SAN JOSE, a California municipal corporation, the DIVISION OF GAMING CONTROL and DOES 1-100,, and DOES 1-100, inclusive,
Court:	United States Court of Appeals, Sixth Appellate District
Case No.:	H046146
Amount of Money or Other Relief Sought:	Damages according to proof
30 Case Name:	<u>Sutter's Place, Inc., dba Bay 101 v. City of San Jose</u>
Name(s) of Parties(s) Involved:	SUTTER'S PLACE, INC. dba BAY 101, a California Corporation, CITY OF SAN JOSE, a Charter City under the laws of the State of California; CITY COUNCIL OF SAN JOSE, the governing body of the City of San Jose and DOES 1-5, inclusive,

Court:	Superior Court of California; County of Santa Clara
Case No.:	21CV377181
Amount of Money or Other Relief Sought:	Damages according to proof
31. Case Name:	<u>Sutter's Place, Inc. dba Bay 101 v. California Gambling Control Commission</u>
Name(s) of Parties(s) Involved:	SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CALIFORNIA GAMBLING CONTROL COMMISSION, CITY OF SAN JOSE, a California charter city; GARDEN CITY, INC. dba CASINO M8TRIX, a California corporation,
Court:	Superior Court of California, County of San Francisco
Case No.:	CPF-21-517433
Amount of Money or Other Relief Sought:	Damages according to proof
32. Case Name:	<u>Sutter's Place, Inc. dba Bay 101 v. California Gambling Control Commission</u>
Name(s) of Parties(s) Involved:	SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CALIFORNIA GAMBLING CONTROL COMMISSION, CITY OF SAN JOSE, a California charter city; GARDEN CITY, INC. dba CASINO M8TRIX, a California corporation,
Court:	United States Court of Appeals, First Appellate District
Case No.:	A163287
Amount of Money or Other Relief Sought:	Damages according to proof
33. Case Name:	<u>Blackstone Gaming LLC v. City of San Jose</u>
Name(s) of Parties(s) Involved:	BLACKSTONE GAMING LLC, a California Limited Liability Company, CITY OF SAN JOSE, a Charter City under the laws of the State of California; CITY COUNCIL OF SAN JOSE, the governing body of the City of San Jose and DOES 1-5, inclusive,
Court:	Superior Court of California; County of Santa Clara
Case No.:	21CV377672
Amount of Money or Other Relief Sought:	Damages according to proof



34. Case Name: Garden City, Inc. v. City of San Jose
- Name(s) of Parties(s) Involved: GARDEN CITY, INC. dba CASINO M8TRIX, a California Corporation, CITY OF SAN JOSE, a Charter City under the laws of the State of California; CITY COUNCIL OF SAN JOSE, the governing body of the City of San Jose; and DOES 1-5, inclusive
- Court: Superior Court of California; County of Santa Clara
- Case No.: 21CV376617
- Amount of Money or Other Relief Sought: Damages according to proof
35. Case Name: RYOGA VEE v. CITY OF SAN JOSE, et al.
- Name(s) of Parties(s) Involved: RYOGA VEE, CITY OF SAN JOSE, and DOES 1-40
- Court: Superior Court of California; County of Santa Clara
- Case No.: 21CV385105
- Amount of Money or Other Relief Sought: Damages according to proof

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 1:30 p.m. in the Council Chamber.