



City Council Meeting MINUTES

Tuesday, April 19, 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, 80400, and 80445, Councilmembers may be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

22-508 Closed Session : [See Page 15 for Closed Session Minutes](#)

Absent: Carrasco

1:40 p.m. - Afternoon Session

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

Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

District 4's Boy Scout Troop #170 led the Pledge of Allegiance.

- **Invocation (District 4)**

Quirina Luna Geary, Chairwoman of Tamien Nation, provided the Invocation.

- **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 Councilmember Magdalena Carrasco presented a proclamation for National Donate Life Month and invited Regional Director, Donor Network West, Sandy Andrada and CEO, Regional Medical Hospital, Kenneth West to speak. (Carrasco)

- 1.2 Vice Mayor Chappie Jones presented a proclamation for April 22, 2022 Earth Day on behalf of Mayor Sam Liccardo. The following organizations were recognized for protecting the City’s health, environment, and economy: Youth Climate Champion, Silicon Valley Youth Climate Action; The Mobility Champion, 8 Transportation Promotoras (LUNA); Water Conservation, Stephanie Morris; Energy Champion, International Children Assistance Network (ICAN); Equity Champion, LUNA Executive Director, Mayra Pelagio-Munoz and; Climate Champion of the Year, Bill Devincenzi. (Liccardo)

2. CONSENT CALENDAR

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

Public Comments: Blair Beekman, Call-in User_1, and Brian Darby offered public comments.

2.1 Approval of City Council Minutes.

- 2.2 22-528 **Final Adoption of Ordinances.**
(a) Ordinance No. 30748 - An Ordinance of the City of San José Amending Chapter 23.04 (Sign Code) of Title 23 of the San José Municipal Code 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. [Passed for Publication on 4/5/2022 - Item 10.1(a) (22-448)]

Action: **Ordinance No. 30748** was adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

- 2.4 22-571 **Mayor and Council Excused Absence Requests**
Request for an excused absence for Councilmember Foley from the Regular Meeting for the Smart Cities and Service Improvements Committee on April 7, 2022 due to the attendance of American Leadership Forum of Silicon Valley Orientation. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley) [Rules Committee referral 4/13/2022 - Item A.1.a]

Action: The excused absence request was approved. (11-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 22-509 Settlement of Katrina Diaz, Samantha Moreno, Levi Diaz, and Preston Diaz. City of San José.

Approve the settlement of a lawsuit brought by Plaintiffs Katrina Diaz, Samantha Moreno, Levi Diaz, and Preston Diaz in the total amount of \$147,499 and authorize the City Attorney to execute a settlement agreement. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: Settlement of lawsuit was approved. (11-0.)

2.8 22-510 Master Service Agreements for Customer Service Vision and Standards Services.

Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute master consulting agreements with the following vendors for customer service vision and standards services for initial one-year terms beginning on or about June 1, 2022 through June 1, 2023 with total maximum compensation not to exceed \$400,000 for each agreement, subject to the appropriation of funds: (1) CivicMakers (San Francisco, CA); (2) BerryDunn (Portland, ME); (3) Guidehouse Inc. (Falls Church, VA); and (4) Keen Independent Research LLC (Denver, CO). (b) Exercise up to two one-year options to extend the term of each of the agreements with the last option ending on or about June 30, 2025, 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. (City Manager)

Mayor Sam Liccardo pulled this item to express appreciation for City Manager Jennifer Maguire and expressed their support of the investment and focus on the customer service initiative.

Action: Upon motion by Mayor Sam Liccardo, and seconded by Councilmember Maya Esparza, and carried unanimously, **Resolution No. 80462** was adopted. (11-0.)

2.9 22-511 Additional Funding for Studying the Potential of San José Electric Service to Downtown West.

Adopt the following 2021-2022 Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund: (a) Increase the estimate for Other Revenue by \$300,000; and (b) Increase the Diridon Station Area Development Planning - Electric Microgrid City-Wide Expenses appropriation to the Community Energy Department by \$300,000. CEQA: Not a Project, File No. PP17-003,

Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy/City Manager)

Councilmember Maya Esparza pulled this item to ask questions on what specific steps city staff will take in working with the developer on developing the city electric utility and asked whether the pro forma and evaluation includes future impacts to the general fund. Director, San Jose Clean Energy, Lori Mitchell responded to questions.

Public Comments: Jeffrey Buchanan (Working Partnerships USA), Call-In User_1, Brian Darby, and Blair Beekman offered public comments.

Action: Upon motion by Mayor Sam Liccardo, and seconded by Councilmember Raul Peralez, **Resolution No. 80463** and **Appropriation Ordinance No. 30753** to provide additional funding for studying the potential of San José Electric Service to Downtown West were adopted. (10-0-1. Noes: Esparza.)

- 2.10 22-512 City Roadmap - Digital Equity: Actions Related to the Construction Contracts for the Mt. Pleasant and Silver Creek Community WiFi Infrastructure, James Lick Tech Refresh, and Digital Inclusion Program.**
- (a) Adopt a resolution authorizing the Director of Public Works to: (1) Decide any timely bid protests, including any issues of bidder responsiveness or responsibility; (2) Make the City’s final determination as to the lowest responsive and responsible bidder; (3) Award and execute two contracts for the construction of the Mt. Pleasant and Silver Creek Projects, to the lowest responsive, responsible bidder on each Project, in an amount not to exceed \$1,750,000 for each Project, in a total amount for both Projects not to exceed \$3,500,000; and (4) Establish a construction contingency of 10% of the amount of the construction contracts for each Project. (b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund to: (1) Establish the ESUHSD Community WiFi - Mt Pleasant City-Wide Expenses appropriation to the Public Works Department in the amount of \$1,671,203; (2) Establish the ESUHSD Community WiFi - Silver Creek City-Wide Expenses appropriation to the Public Works Department in the amount of \$1,671,203; (3) Establish the ESUHSD Community WiFi - Tech Refresh City-Wide Expenses appropriation to the Information Technology Department in the amount of \$493,204; and (4) Increase the estimate for Revenue from Local Agencies by \$3,835,610. CEQA: Categorically Exempt, File No. PP19-024, CEQA Guidelines Section 15303(d), New Construction of Small Structures. (Library/Public Works/City Manager)

Public Comments: Vice President, East Side Union High School District Board Member, Lorena Chavez; Blair Beekman; Call-in User_1; and Jill Borders offered public comments.

Action: Councilmember Sylvia Arenas pulled this item to expedite administrative hurdles and moved to approve their April 19, 2022 Memo that included: (1) Accept staff report and recommendations; (2) Direct the City Manager to remove or expedite administrative hurdles between award and construction to move the timeframe of construction up as much as possible – ideally into 2022 – to allow use in Mt. Pleasant and Silver Creek High Schools during the second

semester of the upcoming school year; and (3) Direct the City Manager to coordinate with East Side Union High School District and partner elementary districts, and provide a verbal report to the Neighborhood Services and Education (NSE) Committee on an annual basis with a robust outreach strategy to ensure families are aware of these new deployments. The motion was seconded by Councilmember Maya Esparza. (a) **Resolution No. 80464**; (b) **Appropriation Ordinance No. 30754** and **Funding Sources Resolution No. 80465** were adopted. (11-0.)

- 2.11 22-513 San José Diridon Station Integrated Concept Plan.**
Adopt a resolution authorizing the City Manager or designee to: (a) Execute the Second Amended and Restated Cooperative Agreement with the Santa Clara Valley Transportation Authority, the Peninsula Corridor Joint Powers Board, the California High-Speed Rail Authority, and the Metropolitan Transportation Commission related to the Diridon integrated Station Concept Plan to: (1) Extend the term of the agreement to June 30, 2025; and (2) Amend the Scope of Agreement. (b) Negotiate and execute future extensions to this cooperative agreement for up to two additional five-year terms, extending until June 30, 2035. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 6. (Transportation)

Action: **Resolution No. 80466** was adopted. (11-0.)

- 2.12 22-514 Airport Connector Procurement Ordinance.**
Approve an ordinance authorizing the use of alternative project delivery methods and to establish certain requirements for procurements and contracts related to the proposed Airport Connector Project. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council Districts 3 and 6. (Transportation/Airport/Public Works)

Action: **Ordinance No. 30755** was passed for publication. (11-0.)

- 2.13 22-572 Retroactive Approval of Proclamation, Flag Raising and Lighting Recognizing Golden State Warriors ‘Blue and Gold Day’ in the Bay Area on April 15, 2022 as a City Council Sponsored Special Event, and Accept Donation of Materials for the Event.**
(a) Retroactively approve the Proclamation of Golden State Warriors ‘Blue and Gold Day’ in the Bay Area on April 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Retroactively approve the Golden State Warriors Flag Raising on April 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds. (c) Retroactively approve the Golden State Warriors ‘Blue and Gold Day’ in the Bay Area Tower and Rotunda Lighting on April 15-18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds. (d) Retroactively 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. (Liccardo) [Rules Committee referral 4/13/2022 - Item A.1.a]

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

- 2.14 22-584 **Approval of Earth Day Tree Planting Event Sponsored by Council District 4 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 April 13, 2022: (a) Approve the Earth Day Tree Planting Event scheduled on April 22, 2022 as a City Council sponsored Special Event, approve the expenditure of funds, and approve the purchase of gift cards to be intended as prizes; 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. (Cohen) [Rules Committee referral 4/13/2022 - Item B.3]

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

- 2.15 22-589 **Approval of City Hall Free Use on Saturday, April 30, 2022, and the Vietnamese Heritage and Freedom Flag Raising from April 29 - May 5, 2022 for the Black April Commemoration Event Sponsored by Council 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 April 13, 2022: (a) Adopt a resolution authorizing "Free Use" for events and activities held at City Hall on April 30, 2022 for the Black April Commemoration Event co-hosted by the Council District 3 Office and the Vietnamese American Roundtable; (b) Approve the Vietnamese Heritage and Freedom Flag to be raised at City Hall scheduled on April 29 - May 5, 2022 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. (Perez) [Rules Committee referral 4/13/2022 - Item B.4]

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

- 2.16 22-593 **Retroactive Approval of Comanche Blossom Valley Neighborhood Association Neighbor Day Event Sponsored by Council District 10 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 April 13, 2022: (a) Retroactively approve the Comanche Blossom Valley Neighborhood Association Neighbor Day dumpster event scheduled on March 10, 2022 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. (Mahan) [Rules Committee referral 4/13/2022 - Item B.5]

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

- 2.17 22-596 **Approval of District 5 Earth Day Litter Pickup Event Sponsored by Council District 5 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 April 13, 2022:
(a) Approve the District 5 Earth Day Litter Pickup Event scheduled on April 23, 2022 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. (Carrasco) [Rules Committee referral 4/13/2022 - Item B.6]

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 provided a verbal report on the achievements of the City’s Climate Action Plan, Climate Smart San Jose and included a number of milestones achieved over the past year: Approving a goal of being carbon neutral by 2030; successfully applying to take apart of the first ever U.S. Department of energy, installing 33 new miles of bike lanes, launching solar access program, adding two new renewable energy projects to the grid. She thanked community partners and the following City departments: Environmental Services; Community Energy; Transportation; Planning, Building, Code Enforcement; Housing; Public Works; Parks, Recreation, and Neighborhood Services; Economic Development and Cultural Affairs; and the Airport.

3.2 Labor Negotiations Update.

None provided.

- 3.3 22-515 **City Roadmap - Digital Equity: Approval of Digital Inclusion Grant Awards**
Adopt a resolution: (a) Approving the award of Digital Inclusion Grants to the following organizations in the amounts specified: (1) Alum Rock School District \$262,500. (2) Catholic Charities of Santa Clara County \$70,000. (3) Closing the Divide \$17,500. (4) Evergreen Valley College \$52,500. (5) Goodwill of Silicon Valley \$17,500. (6) International Children Assistance Network, Inc. (ICAN) \$21,000. (7) International Rescue Committee, Inc. \$14,000. (8) Prosperity Lab \$17,500. (9) Sacred Heart Community Service \$61,250. (10) San José Community Media Access Corp \$3,500. (11) Silicon Valley Education Foundation \$35,000. (12) Sourcewise \$35,000. (13) Step Up & Do Something \$72,800. (14) Tech Exchange (The Oakland Public Education Fund) \$52,500. (15) The Vietnamese Voluntary Foundation, Inc. \$19,950. (b) Authorizing a \$182,000 payment from the Digital Inclusion Fund to California Emerging Technology Fund (CETF) and use of \$387,750 in donated funds in the City Fund managed by CETF to distribute the grant awards to the grantees pursuant to the City’s agreement with CETF. (c) Authorizing the City Manager or designee to negotiate and execute a Second Amendment to the

Agreement between the City and CETF to allow a one-time payment of \$20,000 in July 2022 to CETF for the separate administration of digital inclusion grants to schools that supported the City's COVID-19 emergency response and a one-time payment of up to \$72,500 in June 2023 to support the City's digital inclusion program assessment and change management. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and File No. PP17-004, 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. (Library/City Manager)

Director, Library Department, Jill Bourne; Broadband Manager, Office of Civic Innovation, Abby Shull; President and CEO, California Emerging Technology Fund (CETF); Sunne Wright McPeak; and San José Digital Inclusion Director, California Emerging Technology Fund (CETF), Charlene Tatis provided the presentation and responded to questions.

Public Comments: Blair Beekman; Gina with LUNA; Call-In User_1; Carolina Arcila; Bao Trieu with VIVO; Nicolas Lanzo; Soledad Tellez; Isabella Luong; and Clemente offered public comments.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 80467** was adopted, approving the awarding of the Digital Inclusion Grants. (11-0.)

- 3.4 22-516 Renewal of Downtown San José Property-Based Business Improvement District**
- (a) Adopt a resolution approving the execution of petitions as property owner to expand and renew the Downtown San José Property-Based Business Improvement District (PBID). (b) Approve an agreement with the San José Downtown Association (SJDA) to fund the City's costs in conducting proceedings to expand and renew the PBID. (c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Downtown Property and Business Improvement District Fund: (1) Increase the estimate for Other Revenue by \$31,366; and (2) Establish an appropriation to Public Works Department for the PBID Renewal Feasibility Project in the amount of \$31,366. (d) Adopt a resolution: (1) Stating City Council's intention to expand and renew the PBID; (2) Preliminarily approve the PBID Management Plan, including the Engineer's Report; and (3) Setting a public hearing and the tabulation of the majority protest ballots for June 7, 2022 at 1:30 p.m. or as soon thereafter as the matter may be heard. (e) Adopt a resolution finding the SJDA remains uniquely situated to manage and oversee the delivery of services specified in the PBID Management Plan and Engineer's Report pursuant to San José Municipal Code Section 4.12.235, and delegating to the City Manager, or designee the authority to negotiate and execute an agreement with the SJDA to provide management of the expanded and renewed PBID, if approved by the property owners and formed by City Council on June 7, 2022. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and File No. PP17-004, 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. Council Districts 3 and 6. (Public Works/Transportation/City Manager)

Director, Department of Transportation, John Ristow; Program Manager, Public Works, Tom Borden; and Deputy Director, Public Works, J. Guevara provided the presentation and responded to questions.

Public Comments: Blair Beekman offered public comment.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza (a) **Resolution No. 80468**; (c) **Appropriation Ordinance No. 30756**; **Funding Sources Resolution No. 80469**; (d) **Resolution No. 80470**; and (e) **Resolution No. 80471** were adopted. (11-0.)

- 3.5 22-573 Boards and Commissions Appointment.**
Approve the following Boards and Commissions appointment: (a) Civil Service Commission: (1) Interview applicant and consider appointment to fill one Member-at-Large seat with term ending November 30, 2022. (2) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 4/13/2022 - Item A.1.a]

Public Comments: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen, and carried unanimously, Tom Cochran was appointed to the Civil Service Commission. (10-0-1. Absent: Esparza.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 22-461 Actions Related to Increasing Equitable Representation on the Housing and Community Development Commission.**
(a) Approve an ordinance amending Part 28 of Chapter 2.08 of Title 2 of the San José Municipal Code, titled “Housing and Community Development Commission” to: (1) Increase the total number of members from 13 to 14; (2) Add one new designated member seat for a person with lived experience with homelessness; (3) Provide that the Mayor nominate (in the short-term) the Lived Experience with Homelessness Commissioner for submission to City Council for formal appointment; and (4) Commencing in Fiscal Year 2022-2023, provide a monthly stipend in the amount of

\$200 for the Lived Experience with Homelessness Commissioner on the Housing and Community Development Commission, dependent on attending a monthly meeting. (b) Direct the Housing Department to help recruit interested applicants for the new Lived Experience with Homelessness Commissioner seat and, upon appointment, provide the necessary resources and support for the new Commissioner to reduce barriers to participation. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing) [Deferred from 3/29/2022 - Item 8.1 (22-401)]

Housing Department's Director Jacky Morales-Ferrand, Mayor's Office for Economic Opportunity Chief of Staff Jin Kim, and City Attorney's Office Deputy City Attorney Chris Alexander provided the presentation and responded to questions.

Public Comments: Blair Beekman; Alex Shoor (Catalyze SV); Martha O'Connell; Godzilla; and Call-In User_1 offered public comments.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza, and carried unanimously, **Ordinance No. 30757** was passed for publication and the April 15, 2022 memorandum authored by Councilmember Raul Peralez was approved to accept staff recommendations with the following: (1) amend the ordinance language to permit the Mayor and City Council to appoint, if needed, an alternate in addition to a Lived Experience Homelessness Commissioner, and (2) direct the City Manager to explore implementing a similar criteria of lived homelessness experience for other relevant city boards and commissions. (11-0.)

8.2

22-575

Proposed Changes to the Spending Priorities and Percentage Allocations Measure E Real Property Transfer Taxes.

(a) Hold the second of two public hearings regarding proposed changes to the spending priorities and percentage allocations of real property transfer tax revenues as described under Section 22 of City Council Policy 1-18. (b) Accept the staff report and adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to make the following changes to the spending priorities and percentage allocations of real property transfer tax revenue set forth under Section 22, Real Property Transfer Tax Revenues, to modify the category names and percentage allocations to: (1) 40% for creation of new affordable housing for extremely low-income households; (2) 30% for creation of new affordable housing for lower-income households; (3) 5% for creation of new affordable housing for moderate-income households; (4) 10% for homeless prevention and rental assistance; and (5) 15% for homeless support programs including shelter construction and operations.

APPROVAL OF THIS RESOLUTION REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. (Council Policy 1-18, Section 22(c)(2)). CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing/City Manager) [Continued from 4/12/2022 - Item 8.1 (22-486)] PUBLIC HEARING, INCLUDING PUBLIC COMMENT, CLOSED ON 4/12/2022. NO PUBLIC COMMENT WILL BE TAKEN FOR THIS ACTION.]

Housing Department's Director Jacky Morales-Ferrand and the City Manager's Office Budget Director Jim Shannon provided the presentation and responded to questions.

Public Comments: Public comments were heard during the April 12, 2022 City Council meeting.

Motion: Mayor Sam Liccardo moved to approve the April 8, 2022 memorandum co-authored by Liccardo, Peralez, Davis, Foley, and Mahan. This motion was seconded by Councilmember Raul Peralez.

Friendly Amendment: Councilmember Maya Esparza requested that any residual dollars in Category (5), which are identified in the City Manager’s Annual Report, with computation of a 5-year forecast, be made eligible for homeless prevention and rental assistance expenses. This amendment was accepted by Mayor Sam Liccardo.

Action: On a call to the question, the joint April 8, 2022 memorandum co-authored by Mayor Sam Liccardo and Councilmembers Raul Peralez, Dev Davis, Pam Foley, and Matt Mahan was approved to:

- (1) Accept staff recommendations
- (2) Decline assigning a specific minimum duration for deed restrictions on accessory dwelling units (ADUs) – currently proposed at 20 years across all housing identified in the category “Creation of New Affordable Housing for Moderate-Income Households”- to allow staff to explore appropriate affordability restrictions through outreach and research, until staff has an opportunity to return to Council with a proposed ADU financing program.

Staff’s recommendation was approved with the amendment to recommendation (i) to read: “15% for primarily for homeless support programs, shelter construction and operations, that may include, but is not limited to, case management, outreach teams, encampment services, safe parking, homeless shelters and interim housing construction and operations.”

In addition, should the City Manager’s Five-Year General Fund Forecast determine that sufficient resources are available to support the aforementioned programs in accordance with prior City Council direction over the five-year forecast horizon, any residual funds are eligible for homelessness prevention and rental assistance expenses.

Per Staff recommendations, **Resolution No. 80472** was adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **22-517** **C22-005, C22-006, C22-007, C22-008, C22-009, C22-010, C22-011 – Rezoning 239 Certain Real Properties Located in Various Locations in Council Districts 1 and 6. - TO BE HEARD IMMEDIATELY AFTER CONSENT.**
Approve an ordinance rezoning 47 properties from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, one property from the CO Commercial Office Zoning District to the UV Urban Village Zoning District, 11

properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, 34 properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, six properties from the R-2 Two-Family Residential Zoning District to the UV Urban Village Zoning District, 16 properties from the R-M Multiple Residence Zoning District to the UV Urban Village Zoning District, two properties from the LI Light Industrial Zoning District to the UV Urban Village Zoning District, 13 properties from the CP Commercial Pedestrian Zoning District to the UVC Urban Village Commercial Zoning District, two properties from the CO Commercial Office Zoning District to the UVC Urban Village Commercial Zoning District, six properties from the CN Commercial Neighborhood Zoning District to the UVC Urban Village Commercial Zoning District, 13 properties from the CG Commercial General Zoning District to the UVC Urban Village Commercial Zoning District, one property from the R-2 Two-Family Residential Zoning District to the UVC Urban Village Commercial Zoning District, 59 properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, eight properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, four properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the R-M Multiple Residence District Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, one property from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the CG Commercial General Zoning District to the split zoned UV Urban Village and UVC Urban Village Commercial Zoning Districts, one property from the split zoned CP Commercial Pedestrian and R-1-8 Single-Family Residential Zoning Districts to the MUC Mixed Use Commercial Zoning District, one property from the split zoned A Agriculture and CP Commercial Pedestrian Zoning Districts to the UV Urban Village Zoning District, one property from the split zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UV Urban Village Zoning District, and one property from the split zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UR Urban Residential Zoning District, located on those certain real properties throughout the Valley Fair/Santana Row and West San Carlos Street planned growth areas. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council Districts 1 and 6. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Maya Esparza, and carried unanimously, (a) **Ordinance No. 30758** was passed for publication. (11-0.)

10 Land Use – Regular Agenda

• Open Forum

1. Blair Beekman spoke on the COVID-19 Recovery Task Force and expressed interest in the future of the task force process, as well as the commission process and future commission reports.
2. Kirk Vartan expressed disappointment on the continued lack of transparency on gun policies. The spoke to the lack of publicly held meetings about proposed ordinances, and lack of community engagement.
3. Call-in User_1 expressed disappointment in the gun ordinance and compared the policy to fascist policies.

• Adjournment

The Council of the City of San José adjourned at 5:17p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner
Deputy City Clerk

get/04-19-22 MIN

SAN JOSÉ CITY COUNCIL CLOSED SESSION

APRIL 19, 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, Cohen, Davis, Esparza, Foley, Jimenez, Jones, Mahan
Peralez; Liccardo.

Absent: Councilmembers - Carrasco

Closed Session Item(s) discussed:

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

1. Case Name: Guadalupe Marin v City of San Jose, et al.
Name(s) of Partie(s) Involved: GUADALUPE MARIN, CITY OF SAN JOSE, MATTHEW
RODRIGUEZ, TYLER MORAN, and DOES 1-25
Court: United States District Court Northern District of California

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

Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: Haidar v. City, et al.,
Name(s) of Partie(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
3. Case Name: Rubalcava, Lionel v. City of San Jose, et al.,
Name(s) of Partie(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 Damages according to proof
Other Relief Sought:

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

Name(s) of Partie(s) SUTTER'S PLACE, INC. dba BAY 101, a California
Involved: 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 Damages according to proof
Other Relief Sought:

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

Name(s) of Partie(s) SUTTER'S PLACE, INC. dba BAY 101, a California
Involved: 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 Damages according to proof
Other Relief Sought:

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

Name(s) of Partie(s) SUTTER'S PLACE, INC. dba BAY 101, a California
Involved: 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 Damages according to proof
Other Relief Sought:

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

Name(s) of Partie(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

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

Name(s) of Partie(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

9. Case Name: Sutter's Place, Inc. dba Bay 101 v. California Gambling Control Commission

Name(s) of Partie(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 accord to proof

10. Case Name: Sutter's Place, Inc. dba Bay 101 v. California Gambling Control Commission

Name(s) of Partie(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

11. Case Name: Blackstone Gaming LLC v. City of San Jose
- Name(s) of Partie(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: Santa Clara County Superior Court
- Case No.: 21CV377672
- Amount of Money or Other Relief Sought: Damages according to proof
12. Case Name: Garden City, Inc. v. City of San Jose
- Name(s) of Partie(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: Santa Clara County Superior Court
- Case No.: 21CV376617
- Amount of Money or Other Relief Sought: Damages according to proof
13. Case Name: RYOGA VEE v. CITY OF SAN JOSE, et al.
- Name(s) of Partie(s) Involved: RYOGA VEE, CITY OF SAN JOSE, and DOES 1-40
 Court: Santa Clara County Superior Court
- Case No.: 21CV385105
- Amount of Money or Other Relief Sought: Damages according to proof
14. Case Name: Shahrivar, Farid v. City of San Jose
- Name(s) of Partie(s) Involved: CITY OF SAN JOSE, FEDERATED RETIREMENT PLAN, RUSS RICEDA, LESLEY LAMB, ROBERTO PENA;
 Court: Santa Clara County Superior Court
- Case No.: 20CV366329
- Amount of Money or Other Relief Sought: Damages according to proof

15. Case Name: Blevins, Lisa v. City of San Jose
- Name(s) of Partie(s) Involved: Lisa Blevins, Individually and on behalf of all other similiary situated, City of San Jose
 Court: Santa Clara County Superior Court
- Case No.: 2014-1-CV-270060
- Amount of Money or Other Relief Sought: Damages according to proof
16. Case Name: Vartanian, Gregory v. County of Santa Clara, City of San Jose, et al.
- Name(s) of Partie(s) Involved: COUNTY OF SANTA CLARA, CITY OF (AVISO AL DEMANDADO): SAN JOSE and DOES 1 THROUGH 25
 Court: Santa Clara County Superior Court
- Case No.: 17CV307701
- Amount of Money or Other Relief Sought: Damages according to proof
17. Case Name: County Sanitation District 2-3, et al., v. City, et al.,
- Name(s) of Partie(s) Involved: COUNTY SANITATION DISTRICT 2-3, 21 WEST VALLEY SANITATION DISTRICT, BURBANK SANITARY DISTRICT, 22 CUPERTINO SANITARY DISTRICT, AND THE CITY OF MILPITAS, THE CITY OF SAN JOSE, THE CITY OF SANTA CLARA, AND DOES 1 THROUGH 50, INCLUSIVE,
 Court: Santa Clara County Superior Court
- Case No.: 18CV325480
- Amount of Money or Other Relief Sought: Damages according to proof
18. Case Name: Plata, Raymond and Michelle v. City of San Jose
- Name(s) of Partie(s) Involved: RAYMOND AND MICHELLE PLATA, individually and on behalf of other members of similarly situated residents and taxpayers, CITY OF SAN JOSE a California municipal corporation, and DOES 1-100, inclusive;
 Court: Santa Clara County Superior Court
- Case No.: 1-14-CV-258879
- Amount of Money or Other Relief Sought: Damages according to proof
19. Case Name: Dolce International/San Jose, LLC v. City of San Jose, California John Doe Entities 1-10,
- Name(s) of Partie(s) Involved: DOLCE INTERNATIONAL/SAN JOSE, LLC, CITY OF SAN JOSE, CALIFORNIA, JOHN DOE ENTITIES 1-10,
 Court: United States District Court of Northern District of California

- Case No.: 3:20-CV-03774
Amount of Money or Damages according to proof
Other Relief Sought:
- 20.** Case Name: Unite Here Retirement Fund and Trustees of the Unite Here Retirement Fund v. City of San Jose
- Name(s) of Partie(s) UNITE HERE RETIREMENT FUND and TRUSTEES of the
Involved: UNITE HERE RETIREMENT FUND, CITY OF SAN JOSE
Court: United States District Court Southern District of New York
- Case No.: No. 20-3319
- Amount of Money or Damages according to proof
Other Relief Sought:
- 21.** Case Name: Padilla, Thomas H., Sr., et al. v. City of San Jose, et al.
- Name(s) of Partie(s) Thomas H. Padilla Sr. and Darlene Padilla, Individually and
Involved: as Trustees of the Padilla Living Trust, individually and on
behalf of all others similarly situated, City of San Jose; and
Does 1 through 50, inclusive
Court: Santa Clara County Superior Court
- Case No.: 17CV307419
- Amount of Money or Damages according to proof
Other Relief Sought:
- 22.** Case Name: Barnett, David; et al. v. City of San Jose
- Name(s) of Partie(s) David Barnett, David Lang, Karren Augustine and Alonzo
Involved: Ochoa, City of San Jose
Court: United States District Court Northern District of California
- Case No.: 5:18-cv-01383
- Amount of Money or Damages according to proof
Other Relief Sought:
- 23.** Case Name: Arata, Barry; Jim Schulte; Lucia Rios; Mike Miranda, et al. v. Sara Cody; County of Santa Clara;
- Name(s) of Partie(s) BARRY ARATA, an individual; JIM SCHULTE, an individual;
Involved: LUCIA RIOS, an individual; MIKE MIRANDA, an individual;
and AMERICAN FRONTLINE WORKERS4 FREEDOM, a
California 501(c)(3) non-profit corporation, SARA CODY, an
individual acting in her official capacity as the Health Officer
of Santa Clara County; COUNTY OF SANTA CLARA, a
municipal entity; CITY OF SAN JOSE, a municipal entity;
and DOES 1 through 10, inclusive
Court: Santa Clara County Superior Court

Case No.: 22CV393700

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

24. Case Name: VARSHNEY, JAISHREE v City of San Jose, et al.

Name(s) of Partie(s) Jaishree Varshney, an individual, City of San Jose, an entity,
Involved: Thomas Reid, an individual, and DOES 1-20
Court: Santa Clara County Superior Court

Case No.: 20CV361302

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

25. Case Name: Hotop, Dean; Ken Schneebeli; et al. v. City of San Jose

Name(s) of Partie(s) DEAN HOTOP; KEN SCHNEEBELI; JEFF ZELL;
Involved: SHERMAN ZELL; LOIS ZELL; LOUISE PETER; SEIGI
TADOKORO; PAT CREMA; SEAN RHINEHART;
SHUCHUN HUANG; JAMES CAMPAGNA; SAL RUIZ;
ISAAC AGAM; STEVE MAHL; LLOYD KIP; ROBERTA
MOORE; DENG LIU; SHASHA CHEN; SMALL PROPERTY
OWNERS ASSOCIATION-SAN JOSE; ZHONGHUA PEI;
XIAOCONG YE; XIAODONG LI; CITY OF SAN JOSE, a
municipal corporation

Court: United States Court of Appeals for the Ninth Circuit

Case No.: 18-16995

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

26. Case Name: Schneebeli, Ken; et al., v. City of San Jose, et al.

Name(s) of Partie(s) KEN SCHNEEBELI; JEFF ZELL; STEVE MAHL; SMALL
Involved: PROPERTY OWNERS ASSOCIATION - SAN JOSE, in its
representative capacity on behalf of its association
members, CITY OF SAN JOSE, a municipal corporation;
and DOES 1 through 10, inclusive,

Court: United States District Court Northern District of California

Case No.: 5:18-cv-05126-LHK

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

27. Case Name: Schneebeli, Ken; et al., v. City of San Jose, et al

Name(s) of Partie(s) KEN SCHNEEBELI; JEFF ZELL; STEVE MAHL;
Involved: SMALL PROPERTY OWNERS ASSOCIATION –
SAN JOSE, in its representative capacity on behalf of

its association members, CITY OF SAN JOSE, a municipal corporation,

Court: United States Court of Appeals for the Ninth Circuit

Case No.: 19-15585

28. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: San Jose Tenants Association v. City of San Jose
Name(s) of Partie(s) Involved: SAN JOSE TENANTS ASSOCIATION, in its representative capacity on behalf of its association members, CITY OF SAN JOSE, a municipal corporation; AND DOES 1 THROUGH 10 INCLUSIVE
Court: United States District Court Northern District of California
Case No.: 5:18-cv-06800-BLF
29. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: Rodriguez, Jacinto v. City of San Jose; City of San Jose Parks, Recreation and Neighborhood Services, et al.
Name(s) of Partie(s) Involved: Jacinto Rodriguez, City of San Jose, City of San Jose Parks, Recreation and Neighborhood Services and DOES 1-25
Court: Santa Clara County Superior Court
Case No.: 18CV325784
30. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: Nguyen, Dai Trang Thi v. City of San Jose; William Gerry, et al.
Name(s) of Partie(s) Involved: Dai Trang Thi Nguyen, an individual; City of San Jose; William Gerry, an individual; and DOES 1-100, inclusive;
Court: United States District Court for the Northern District of California
Case No.: 5:21-cv-00092-NC
31. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: Santee Injunction Case Management Alvarez, Martin C.; Rosanna Alvarez v. City of San Jose
Name(s) of Partie(s) Involved: CITY OF SAN JOSE; PEOPLE OF THE STATE OF CALIFORNIA; GINDIN-R&B Company; MARTIN C. & ROSANNA M. ALVAREZ; GREG ANDERSON; BILL & REBECCA ARMSTRONG; FLORENCIA A. ATKINSON;

JUAN G. & ALICIA F. AYALA; YANG-JWUN BAO;
EDWARD BARR; JOE M. & MARTHA M. CABRERA; JOEL
R. CARTER; EPHRAIM C. & OFEMIA D. CENCEPCION;
WILLIAM T. CHAN; JAMES & JEANINE CLEMONS;
BARBARA J. COTTREL; KEVIN DUFFY; ESMERALDO V.
& ANTONINA T. ESPOSO; DANTE & CARMELITA
ESPOSO; MARIA A. FERRARI; BORGHILD M. FINKE;
HENRY L. FINLAY; BILL I. & ROSE Y. FUKUBA
BERNARDINO A. & HONORIA T.GABRIEL; PHILIP M. GIN;
CORRINE & JONATHAN GONZALEZ; WILLIAM W. &
MARLENE GREER; RAM I EL L. & ELSIE A. GUTIERREZ;
GUILLERMO G. & TEODORA P. GUZMAN; ROSALINA
R.HAFALIA; TAO-YANG HSIEH; ANGUO T.& LU YEN
HUANG; PACIFICO M. ICASIANO; JOE Z. KUS;
DEMETRIOS E.& ANGELIKI D. KUTULAS; KAI Y. &GOTIA
LAU; MANH & LI HOA LE; TRANG U. LE; T. & HO AI THI
LECUONG; KAYNE & LINDA S. LIM; FRANK F. & LORI J.
LINDSEN; KUO-HSIANG & PI-YAO LIOU;DAVID B. &
CLARA A. LUCERO;IGNACIO & RAQUEL MADRIZ;
GILBERT & CECILIA MAROSI; WILLIAM L. McHARGUE;
ABRAHAM L. & REMEDIOSM. MENDOZA; THELMA T. &
ROGELIOA. MILLARE; GUILLERMO R. & ROSA I.MUNOZ;
TAI & HAN MAI N. NGO; HUNG M. & DIEP M. NGUYEN;
SAU & DIEUXUAN T. NGUYEN; SON & VU LIENNGUYEN;
THANG X. & ANH K. NGUYEN; JOSE C. NUNES; SEVERO
C. OZUNA; MARTINA E. & GABRIEL PADILLA;JORGE L. &
PAMELA C. PALACIOS; EDEN E. & JAIME F.
PANTALEON;DAVID PERRY; HOANG H. PHAM;DANNY
QUAN; SOLEDAD F. SALVADOR;SANTOS SR. &
ESPERRANZASANCHEZ; EDUARDO V. & MERCEDITA A.
SANTOS; RAMONA E. SCHILLINGER;HARDEV S. &
KANWALJIT K. TAKHAR;MASAE TOLLER; RUDOLF &
HELEN H.USSENKO; ALVINO VALLES; ALVINO VALLEZ;
ADALBERTO & MARIA Z.VARGAS; STEPHEN D. VOGEL;
SURESHH. & SHOBHA S. VORA; PO H. & TSUI C. WONG;
RAYMOND WONG; CHO Y. & BIG H. YU; JOE Y. & NG M.
YUEN; WALNUT GROVE INCOME ESTATES
HOMEOWNERS ASSOCIATION; WALNUT WOODS
NEIGHBORHOOD; and DOES 1 through 1,000, inclusive

Court: Santa Clara County Superior Court

Case No.: CV759667

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

32.

Case Name: Tsai, David; Yi-Chun Chen, et al.

Name(s) of Partie(s) CITY OF SAN JOSE, a charter city; and THE PEOPLE
Involved: OF THE STATE OF CALIFORNIA, by and through Nora
Frimann, Acting City Attorney for the City of San Jose,
DAVID TSAI, an individual; YI-CHUN-CHEN, an
individual, and DOES 1 through 100, inclusive,
Court: Santa Clara County Superior Court

Case No.: 20CV370803

33. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: City of San Jose v. Maria Garcia

Name(s) of Partie(s) CITY OF SAN JOSE, a charter city; MARIA I. GARCIA,
Involved: an individual; and DOES 1 through 20; inclusive
Court: Santa Clara County Superior Court

Case No.: 22CV394432

34. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Tung Tai Group; Joseph Chen; Noe De La O Ramirez;
Godofredo Lopez Serrano

Name(s) of Partie(s) CITY OF SAN JOSE, a charter city; and the PEOPLE OF
Involved: THE STATE OF CALIFORNIA, by and through Nora
Frimann, City Attorney for the City of San Jose, TUNG TAI
GROUP, a California corporation; JOSEPH CHEN, an
individual and dba Tung Tai Group; NOE ANTONIO DE LA
O RAMIREZ, an individual; GODOFREDO
LOPEZSERRANO, an individual; and DOES 1 through 100,
inclusive,
Court: Santa Clara County Superior Court

Case No.: 22CV394442

35. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Libra Automotive; Noah Mucheru and Waiyaki Mucheru

Name(s) of Partie(s) CITY OF SAN JOSE, a charter city; and the PEOPLE OF
Involved: THE STATE OF CALIFORNIA, by and through Nora
Frimann, City Attorney for the City of San Jose, LIBRA
AUTOMOTIVE (a.k.a. The Recycler Libra Automotive Cores,
and The Recycler), an unknown business entity; NOAH
MUCHERU, an individual and dba Libra Automotive;
WAIYAKI MUCHERU, an individual and dba Libra
Automotive; and DOES 1 through 100; inclusive,

Court: Santa Clara County Superior Court

Case No.: 22CV395814

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

36.

Case Name: Green Metals Recycling; Oceans Three LLC, Robert Frank
aka Bobby Franks

Name(s) of Partie(s) CITY OF SAN JOSE, a charter city; and the PEOPLE OF
Involved: THE STATE OF CALIFORNIA, by and through Nora
Frimann, City Attorney for the City of San Jose, OCEANS
THREE LLC, a California limited liability company, GREEN
METALS RECYCLING, an unknown business entity;
ROBERT FRANK, an individual and doing business as
GREEN METALS RECYCLING; and DOES 1 through 100,
inclusive,

Court: Santa Clara County Superior Court

Case No.: 22CV395257

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

37.

Case Name: Connor, Kimberly S. v. City of San Jose

Name(s) of Partie(s) CITY OF SAN JOSE, a municipal corporation and charter
Involved: city, KIMBERLY S. CONNOR, an individual; and DOES 1
through 30, inclusive,

Court: Santa Clara County Superior Court

Case No.: 22CV396046

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

38.

Case Name: FFV Coyote LLC; Eric F. Bonetti; David R. Bonetti; EMC7,
LLC, et al. v. City of San Jose

Name(s) of Partie(s) FFV COYOTE LLC, a Washington limited liability company;
Involved: EMC7, LLC, a Washington limited liability company; ERIC F.
BONETTI; DAVID R. BONETTI; GLEN C. KRAL and
SUSAN S. KRAL, as Trustees of the Kral 1994 Trust;
BENSON GROUP LLC, a California limited liability
company; JEAN BEU, as Trustee of the Jean Beu California
Property Trust; LEE LESTER/BAILEY LLC, A California
limited liability company; and F.R. LESTER CAPITAL, LLC,
a California limited liability company, v CITY OF SAN JOSE,
a municipal corporation; DOES 1 through 10,

Court: United States District Court, Northern District of California

Case No.: 3:22-CV-00837

39. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Preservation Action Council of San Jose (PAC-SJ); ML San Jose Holding Dba Hotel De Anza
Name(s) of Partie(s) Preservation Action Council of San Jose, a California non-
Involved: profit corporation, and ML San Jose Holding, LLC, a Delaware Limited Liability Company DBA Hotel De Anza; City of San Jose and City Council of the City of San Jose
Court: Santa Clara County Superior Court

Case No.: 20CV363696

40. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Sainte Claire Historic Preservation Foundation v. City of San Jose, et al.,
Name(s) of Partie(s) Sainte Claire Historic Preservation Foundation, a California
Involved: non-profit corporation; and Does 1 to 5; City of San Jose, City Council of the city of San Jose, and City of San Jose Department of Parks, Recreation, and Neighborhood Services
Court: Santa Clara County Superior Court

Case No.: 20CV374459

41. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Santa Clara Unified School District v. City of San Jose and Does 1-100, inclusive
Name(s) of Partie(s) Santa Clara Unified School District; City of San Jose and
Involved: Does 1-100, inclusive,
Court: Santa Clara County Superior Court

Case No.: 20CV374923

42. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Sierra Club v. City of San Jose, City Council of City of San Jose, et al.,
Name(s) of Partie(s) Sierra Club, City of San Jose; City Council of City of San Jose; and Does 1 through 20,
Involved:
Court: Santa Clara County Superior Court

Case No.: 21CV388201

43. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Joseph, Rhawn v. City of San Jose et al.
- Name(s) of Partie(s) RHAWN JOSEPH, CITY OF SAN JOSE, a Municipal
Involved: corporation; DAVE SYKES; ROSALYNN HUGHEY; MOLLIE
MCLEOD; SEAN FLANAGAN; JASON GIBILESCO, sued in
their individual capacities; DOES 1-10
Court: United States District Court; For the Northern District of
California
Case No.: :19-cv-01294-WHA
44. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Mayer, Thomas v. City of San Jose
- Name(s) of Partie(s) Thomas Mayer, City of San Jose; and Does 1-20, inclusive,
Involved:
Court: United States District Court; Northern District of California
Case No.: 5:20-cv-06710-EJD
45. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Gradetech Inc. v. City of San Jose, et al.
- Name(s) of Partie(s) GRADETECH, INC., CITY OF SAN JOSE and DOES 1
Involved: through 50, inclusive
Court: Superior Court of California, County of Santa Clara
Case No.: 18CV325319
46. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Citizens for Free Speech and Equal Justice, LLC v. City of
San Jose
Name(s) of Partie(s) Citizens for Free Speech and Equal Justice, LLC; City of
Involved: San Jose,
Court: United States District Court; For the Northern District of
California
Case No.: 5:18-cv-01919-BLF
47. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Citizens for Free Speech and Equal Justice, LLC v. City of
San Jose

Name(s) of Partie(s) CITIZENS FOR FREE SPEECH AND EQUAL JUSTICE,
Involved: LLC., CITY OF SAN JOSE
Court: United States District Court; For the Northern District of
California
Case No.: 5:20-cv-03905

48. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: People of the State of California, ex rel., et al. v Citizens for
Free Speech and Equal Justice, LLC
Name(s) of Partie(s) PEOPLE OF THE STATE OF CALIFORNIA, ex rel. CITY
Involved: ATTORNEY OF THE CITY OF SAN JOSE, and CITY OF
SAN JOSE, a municipal corporation, CITIZENS FOR FREE
SPEECH AND EQUAL JUSTICE, LLC; a California limited
liability corporation; GTL ENTERPRISES, LLC; a California
limited liability corporation; LOTUS GLASS, INC., a
California corporation; ATOUR AMIRKHAS, an individual;
GRACE AMIRKHAS, an individual; LOTUS SHIN, an
individual; and DOES 1 through 50
Court: Superior Court of California, County of Santa Clara
Case No.: 20CV364689

49. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Garcia, Lauro, et al. v. Santa Clara Valley Transportation
Authority, et al.
Name(s) of Partie(s) LAURO GARCIA et al., v. SANTA CLARA VALLEY
Involved: TRANSPORTATION AGENCY
Court: California Court of Appeal, Sixth Appellate District
Case No.: H048019

50. Amount of Money or Damages according to proof
Other Relief Sought:
Case Name: Jacob, Teodorico, et al. v. City of San Jose; Anthony James
Rab, et al.
Name(s) of Partie(s) TEODORICO JACOB, as Successor in Interest of THE
Involved: ESTATE OF TERESA MANAS JACOB; TEODORICO
JACOB, an individual; MARIE JEM CLAUDINE SANTIAGO,
as Successor in Interest of THE ESTATE OF TERESA
MANAS JACOB; MARIE JEM CLAUDINE SANTIAGO, an
individual; JAQUES JACOB, as Successor in Interest of
THE ESTATE OF TERESA MANAS JACOB; JACQUES
JACOB, an individual; JOSEPH JACOB, as Successor in
Interest of THE ESTATE OF TERESA MANAS JACOB;
JOSEPH JACOB, an individual, THE CITY OF SAN JOSE, a

government entity; ANTHONY JAMES RAB, SEAN RAPISURA, an individual; UBER TECHNOLOGIES, INC., a California business entity; and DOES 1 through 100, inclusive;

Court: Santa Clara County Superior Court

Case No.: 19CV350093

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

51. Case Name: Pacheco, Monica, et al v. City of San Jose, County of Santa Clara, and Pamela Adkins

Name(s) of Partie(s) MONICA PACHECO, individually and as successor in
Involved: interest of the estate of Maria de Jesus Lopez Cmiel;
LIZETH GARCIA, individually; LAZARO GARCIA, individually; TERESA GARCIA, individually, CITY OF SAN JOSE, a government entity; COUNTY OF SANTA CLARA, a government entity; PAMELA ADKINS, an individual; and DOES 1-100, inclusive

Court: Santa Clara County Superior Court

Case No.: 20CV369728

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

52. Case Name: Lacy, Deanna as Personal Representative of the Estate of Donald J. Lacy II, et al. v. San Joaquin Regional Rail, et al.

Name(s) of Partie(s) DEANNA LACY, as Personal Representative of the ESTATE
Involved: OF DONALD J. LACY II; KARA QUIRKE, an individual; SAN JOAQUIN REGIONAL RAIL COMMISSION, a public entity; UNION PACIFIC RAILROAD COMPANY, a corporation; HERZOG TRANSIT SERVICES INC., a corporation; COUNTY OF SANTA CLARA, a public entity; SANTA CLARA VALLEY WATER DISTRICT, a public entity, CITY OF SAN JOSE, a public entity; JMB CONS [R]UCTION, INC., a corporation; and DOLS 1 through 100;

Court: Santa Clara County Superior Court

Case No.: 19CV352403

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

53. Case Name: Hansen, Jermey v. City of San Jose; Santa Clara Valley Transportation Authority; Peninsula Corridor Joint Powers Board; San Mateo County Transit District; Giang Truong Luu

Name(s) of Partie(s) Jermey Hansen, City of San Jose, Santa Clara Valley
Involved: Transportation Authority; Peninsula Corridor Joint Powers

Board; San Mateo County Transit District; Giang Truong
Luu; and DOES 1-100, inclusive
Court: Santa Clara County Superior Court

Case No.: 20CV368862

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

54. Case Name: Ayle, Mesfin Regassa, et al., v. Office Solutions, et al.,

Name(s) of Partie(s) MESFIN REGASSA AYLE, individually and as the
Involved: successor in interest to THE ESTATE OF REGASSA AYLE
WALKEBA; MESFIN REGASSA AYLE, individually and as
the successor in interest to THE ESTATE OF REGASSA
AYLE WALKEBA; SHEMELES REGASSA AYLE,
individually and as the successor in interest to THE ESTATE
OF REGASSA AYLE WALKEBA; MULUSHWA REGASSA
AYLE, individually and as the successor in interest to THE
ESTATE OF REGASSA AYLE WALKEBA; TEWODROS
REGASSA AYLE, individually and as the successor in
interest to THE ESTATE OF REGASSA AYLE WALKEBA;
and, TADELE REGASSA AYLE, individually and as the
successor in interest to THE ESTATE OF REGASSA AYLE
WALKEBA; ESTATE OF REGASSA AYLE WALKEBA,
OFFICE SOLUTIONS; OFFICE SOLUTIONS INC.;
PATHENS, INC.; OFFICE SOLUTIONS; OFFICE
SOLUTIONS INC.; PATHENS, INC.; PATHENS dba
OFFICE SOLUTION; OFFICE SOLUTIONS dba PATHENS,
INC.; KEITH LA VERNE BOOTH; COUNTY OF SANTA
CLARA; CITY OF SANTA CLARA; CITY OF SAN JOSE;
and DOES 1-100

Court: Santa Clara County Superior Court

Case No.: 19CV360439

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

55. Case Name: Bartolo, Jennifer, Katelyn Bartolo; Bella Stuart, a minor by
and through her Guardian ad Litem, Jennifer Bartolo v. The
State of California Department of Transportation; City of San
Jose; County of Santa Clara

Name(s) of Partie(s) Jennifer Bartolo; Katelyn Bartolo; Bella Stuart, a minor, by
Involved: and through her Guardian Ad Litem, Jennifer Bartolo The
State of California Department of Transportation; City of
San Jose; County of Santa Clara; and Does 1 to 100
inclusive,

Court: Santa Clara County Superior Court

Case No.: 19CV360642

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

56. Case Name: Stout, Ingrid, et al., v. County of Santa Clara, et al.,

Name(s) of Partie(s) Ingrid Stout; Steven D. Stout. County of Santa Clara; City of
Involved: San Jose; Jilbert Washten and DOES 1-100,
Court: Santa Clara County Superior Court

Case No.: 20CV373582

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

57. Case Name: Toledo, Cesar v. San Joaquin Regional Rail Commission, et al.,

Name(s) of Partie(s) CESAR TOLEDO, an individual, SAN JOAQUIN REGIONAL
Involved: RAIL COMMISSION, a public entity; UNION PACIFIC
RAILROAD COMPANY, a corporation; HERZOG TRANSIT
SERVICES INC., a corporation; SANTA CLARA VALLEY
WATER DISTRICT, a public entity; CITY OF SAN JOSE, a
public entity; and DOES I through 100;
Court: Santa Clara County Superior Court

Case No.: 21CV382290

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

58. Case Name: Kelley, John Dr. v. City of San Jose; et al.

Name(s) of Partie(s) Dr. John Kelley, City of San Jose, County of Santa Clara,
Involved: Bay Area Trenchless Bicycle Express, LLC, and Does 1
through 50, inclusive,
Court: Santa Clara County Superior Court

Case No.: 20CV373055

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

59. Case Name: Espinoza, Michelle, et al., v. Santa Clara Valley
Transportation Authority, et al.,

Name(s) of Partie(s) Michelle Espinoza, a minor by and through her Guardian Ad
Involved: Litem, Karina Lomeli Arce, Santa Clara Valley
Transportation Authority; City of San Jose, California;

County of Santa Clara, a California Municipality; and Does 1 to 50 et al.,

Court: Santa Clara County Superior Court

Case No.: 20CV368227

60. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: SVTA v. City of San Jose

Name(s) of Partie(s) Involved: DAHN LINCOLN; SANTA CLARA VALLEY TRANSPORTATION AUTHORITY; DAVID ALLEN; and DOES 1 TO 100; CITY OF SAN JOSE
Court: Santa Clara County Superior Court

Case No.: 20CV372270

61. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: San Jose Spotlight, et al., v. City of San Jose, et al.,

Name(s) of Partie(s) Involved: SAN JOSÉ SPOTLIGHT and FIRST AMENDMENT COALITION, CITY OF SAN JOSÉ and MAYOR SAMUEL THEODORE LICCARDO, individually and as an official for the City of San José
Court: Santa Clara County Superior Court

Case No.: 20CV368227

62. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: South Bay Piping Industry Labor Management Trust, et al. v. City of San Jose

Name(s) of Partie(s) Involved: SOUTH BAY PIPING INDUSTRY LABOR MANAGEMENT TRUST, CITY OF SAN JOSE., and Does 1 through 50
Court: Santa Clara County Superior Court

Case No.: 21CV388550

63. Amount of Money or Other Relief Sought: Damages according to proof
Case Name: City of Syracuse, NY; et al., v. Bureau of Alcohol, Tobacco, Firearms, and Explosives; et al.,

Name(s) of Partie(s) Involved: CITY OF SYRACUSE, NY, CITY OF SAN JOSE, CA, CITY OF CHICAGO, IL, CITY OF COLUMBIA, SC, EVERYTOWN FOR GUN SAFETY ACTION FUND and EVERYTOWN FOR GUN SAFETY SUPPORT FUND, BUREAU OF

ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,
REGINA LOMBARDO, in her official capacity as Acting
Director of the Bureau of Alcohol, Tobacco, Firearms, and
Explosives, UNITED STATES DEPARTMENT OF JUSTICE,
and WILLIAM BARR, in his official capacity as ATTORNEY
GENERAL, U.S. Department of Justice

Court: United States District Court - Southern District of New York

Case No.: 1:0-cv-06885-GHW

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

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