



# **City Council Meeting MINUTES**

**DRAFT**

**Tuesday, January 10, 2023**

**1:30 PM**

**Hybrid Meeting – Council Chambers and Virtually –  
<https://sanjoseca.zoom.us/j/88957084529>**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
VACANT, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
VACANT, DISTRICT 10



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

*Consistent with AB 361 and City of San Jose Resolution Nos. 80628, 80659, 80685, 80724, 80758, and 80809, Councilmembers may be teleconferencing from remote locations.*

### **• Call to Order and Roll Call**

9:30 a.m. - Closed Session

**23-006** Closed Session: [See Page 13 for Closed Session Minutes](#)

Absent: Davis.

Vacant: District 8; District 10.

1:36 p.m. - Afternoon Session

Present: Councilmembers - Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Foley, Kamei; Mahan.

Absent: Councilmembers - All Present.

Vacant: District 8; District 10.

### **• Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

### **• Invocation (District 1)**

Rinban Gerald Sakamoto of the San José Buddhist Church Betsuin provided the Invocation.

### **• Orders of the Day**

Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 3.5, “Ratification of a Proclamation of Local Emergency” to be added. *These additions required a determination by a two-thirds (2/3) vote of the members of the council present at the meeting, or if less than two-thirds (2/3) of the members of the council are present at the meeting, a unanimous vote of those members present that there is a need to take immediate action. (9-0.)*

### **• Closed Session Report**

None

# **1. CEREMONIAL ITEMS**

- 1.1 City Clerk, Toni Taber, provided the Oaths of Office for the newly elected Councilmembers. (City Clerk)
- 1.2 Councilmember Foley presented a commendation to the South Bay Clean Creeks Coalition (SBCCC) recognizing the group for its dedication to reclaiming, restoring, and revitalizing the creeks and rivers in the Santa Clara County watershed and invited, member, Yana Arnold and founder, Steve Holmes, to speak. (Foley)
- 1.3 Councilmember Davis presented a proclamation to the San Jose Sports Authority, recognizing the 2023 United States Figure Skating Championships for bringing residents together through the love of sports and taking place at the SAP Center in San José and invited Executive Director, San Jose Sports Authority, John Poch to speak. (Davis)

# **2. CONSENT CALENDAR**

Upon motion by Councilmember Dev Davis seconded by Councilmember Sergio Jimenez and carried unanimously, all of the below listed actions were taken as indicated. (9-0.)

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

- 2.2            23-007            Final Adoption of Ordinances.**
- (a) Ordinance No. 30857 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance) of the San José Municipal Code to Amend Title 20 to Add Part 9 Transportation Demand Management (TDM) to the Retitled Chapter 20.90 Parking, Loading and Transportation Demand Management; Revise Tables and Text in Chapter 20.90 to Remove Parking Minimums, Modify Parking Space Design Standards, and Modify Parking Requirements for Bicycle and Two Wheeled Motorized Vehicle Parking and Remove Parking Reduction Exceptions; Revise Tables and Text in 20.70 Downtown Zoning Regulations to Remove Requirements and References to Mandatory Minimum Off-Street Parking; Remove References to Parking Requirements in Chapters 20.55, 20.80, 20.150, 20.180, 20.190 and 20.195; Revise and Add Text to Expand/Modify Processes for Issuing Outdoor Event Permits, Outdoor Vending Permits and Conversion of Existing Parking to Outdoor Use in Chapter 20.80 Specific Use Regulations; and to Make Other Technical, Non-Substantive, or Formatting Changes within Those Sections of Title 20 of the San José Municipal Code. [Passed for Publication on 12/6/2022 - Item 8.3(a) (22-1876)] (b) Ordinance No. 30870 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10.6 Gross Acres Situated on the West Side of Piercy Road, Approximately 2,070 Feet Northerly of Tennant Avenue (500 Piercy Road) (APN: 678-08-061) from the IP Industrial Park Zoning District to the IP(PD) Planned Development Zoning District. [Passed for Publication on 12/13/2022 - Item 10.1(c)(1) (22-1871)] (c) Ordinance No. 30871 - An Ordinance of the City of San

*(Item continued on next page)*

## 2.2 (Cont'd.)

José Rezoning Certain Real Property of Approximately 1.0 Gross Acre Located on the East Side of Camden Avenue Between Malapas Drive and Canna Lane (APN: 567-26-014) from the R-2 Two-Family Residential Zoning District to the R-2(PD) Planned Development Zoning District. [Passed for Publication on 12/13/2022 - Item 10.1(d)(2) (22-1872)] (d) Ordinance No. 30872 - An Ordinance of the City of San José Rezoning One Property from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District; 67 Properties from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District; Two Properties from the CN Commercial Neighborhood Zoning District to the DC Downtown Primary Commercial Zoning District; 16 Properties from the CO Commercial Office Zoning District to the DC Downtown Primary Commercial Zoning District; One Property from the PQP Public/Quasi-Public Zoning District to the DC Downtown Primary Commercial Zoning District; 61 Properties from the R-M Multiple Residence Zoning District to the DC Downtown Primary Commercial Zoning District; Four Properties from the LI Light Industrial Zoning District to the MUC Mixed Use Commercial Zoning District; One Property from the R-M Multiple Residence Zoning District to the MUC Mixed Use Commercial Zoning District; Two Properties from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District; Two Properties from the LI Light Industrial Zoning District to the OS Open Space Zoning District; 12 Properties from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District; One Property from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District; One Property from the R-2 Two-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District; 16 Properties from the R-M Multiple Residence Zoning District to the PQP Public/Quasi-Public Zoning District; Six Properties from the CG Commercial General Zoning District to the R-1-8 Single-Family Residential Zoning District; One Property from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District; One Property from the HI Heavy Industrial Zoning District to the TR Transit Residential Zoning District; 32 Properties from the R-M Multiple Residence Zoning District to the TR Transit Residential Zoning District; 16 Properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District; One Property from the Split Zoned LI Light Industrial and HI Heavy Industrial Zoning Districts to the CIC Combined Industrial/Commercial Zoning District; One Property from the Split Zoned CG Commercial General and CO Commercial Office Zoning Districts to the DC Downtown Primary Commercial Zoning District; Three Properties from the Split Zoned CG Commercial General and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District; One Property from the Split Zoned CG Commercial General and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District; and One Property from the R-M Multiple Residence Zoning District to the Split Zoned TR Transit Residential and UR Urban Residential Zoning Districts, All Located on those Certain Real Properties throughout the Downtown and Diridon Station Area Plan Areas. [Passed for Publication on 12/13/2022 - Item 10.1(e) (22-1873)]

*(Item continued on next page)*

## 2.2 (Cont'd.)

Action: (a) **Ordinance No. 30857**, (b) **Ordinance No. 30870**, (c) **Ordinance No. 30871**, and (d) **Ordinance No. 30872** were adopted. (9-0.)

- 2.3            23-024            Approval of Council Committee Minutes.**
- (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 21, 2022. (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 28, 2022. (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 5, 2022. (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 12, 2022. (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 19, 2022. (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 26, 2022. (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 2, 2022. (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 9, 2022. (i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 16, 2022. (j) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 30, 2022. (k) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of December 7, 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (9-0.)

## 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            23-008            Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through February 9, 2023 during the Governor’s Proclaimed COVID State of Emergency.**

Adopt a resolution 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; 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. RES2023-1** was adopted, 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. (9-0.)

**2.8            23-009            Community Energy Department Staffing.**

Approve the following staffing additions to the Community Energy Department in 2022-2023: (a) Job Classification: Deputy Director U (Regulatory Compliance & Policy) (FTE: 1.0); (b) Job Classification: Senior Power Resources Specialist (Programs) (FTE: 1.0); (c) Job Classification: Power Resources Specialist I/II (Regulatory Compliance & Policy) (FTE: 1.0); and (d) Job Classification: Power Resources Specialist I/II (Account Management, Marketing and Public Affairs) (FTE: 1.0). CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Community Energy/City Manager)

Action: The staffing additions to the Community Energy Department were approved. (9-0.)

**2.9            23-010            Lease Agreement for 5225 Hellyer Avenue, Suite 265 for San José Municipal Water Offices.**

Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute a lease between SFIII Hellyer, LLC, SFIII FOS Hellyer Holding, LLC, and the City of San José for use of offices located at 5225 Hellyer Avenue, Suite 265 for an initial period of three years for a total cost of \$878,773.92. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment. Council District 2. (Economic Development and Cultural Affairs)

Action: **Resolution No. RES2023-2**, authorizing the City Manager, or their designee, to negotiate and execute a lease between SFIII Hellyer, LLC, SFIII FOS Hellyer Holding, LLC, and the City of San José, was adopted. (9-0.)

|      |        |  |
|------|--------|--|
| 2.10 | 23-011 | <p><b>Amendment to the Agreement with Signature Technologies, Inc. for Public Address System.</b></p> <p>Adopt a resolution authorizing the City Manager or their designee to negotiate and execute the Seventh Amendment to the Agreement with Signature Technologies, Inc., dba Com-Net Software for the purchase and installation of a public address system, to extend maintenance and support services for up to two additional one-year options (for a total of 14) through January 14, 2025, with maximum compensation not to exceed \$131,275 for the option period beginning January 15, 2023 and ending January 14, 2024, 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/Airport))</p> |
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|      |        |  |
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| 2.11 | 23-012 | <p><b>Willow Glen Community Benefit Improvement District Financial Report for Fiscal Year 2021-2022.</b></p> <p>Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2021-2022, which provides information to the public and the property owners in the district regarding the use of the assessments and the management and operations of the district. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 6. (Public Works)</p> |
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Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, the Willow Glen Community Benefit and Improvement District Financial Report for FY 2021-2022 was accepted.. (9-0.)

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

### 3.2 Labor Negotiations Update.

**January 10, 2023**

- 3.3      23-016      **Collection and Use of Tree-Related In-Lieu Fees, Enforcement of Tree-Planting Conditions on Development, and the Cost of Tree Planting Audit Report.**  
As recommended by the Transportation and Environment Committee meeting on December 5, 2022, accept the report of the collection and use of tree-related in-lieu fees, enforcement of tree-planting conditions on development and the cost of tree planting audit. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Transportation and Environment Committee referral 12/5/2022 – Item (d)1]

City Auditor’s Joe Rois and Director, Department of Transportation, John Ristow provided the presentation and responded to questions.

Public Comments: Lilian Koenig, Jill Borders, Sangeeta, Alex Shoor, and Juan Estrada offered public comments.

Motion: Councilmember David Cohen moved to approve the joint memorandum dated January 5, 2023 and co-authored by Councilmembers David Cohen, Dev Davis, and Sergio Jimenez. This motion was seconded by Councilmember Dev Davis.

Councilmember Cohen made a friendly amendment to his own motion to incorporate the January 9, 2023 memorandum authored by Councilmember Omar Torres into the report that will return to the Transportation and Environment Committee in June 2023. Councilmember Davis approved this amendment.

Councilmember Doan requested a provision for the City to pay for damages on sidewalks caused by tree damage.

City Manager Jennifer Maguire responded that the City has offered sidewalk programs in the past that were extremely costly to the General Fund. The City Manager suggested if the Council would be interested, the discussion on this topic can be included in the June 2023 Transportation and Environment report and weighed against other General Fund budget priorities.

Councilmember Peter Ortiz requested a friendly amendment regarding the January 9, 2023 joint memorandum by Cohen, Davis, and Jimenez, Item 5, to set a threshold, that should a district make less than \$150,000 in in-lieu fees, all of the fees shall be returned to the district in which it was collected. If \$150,000 or more is collected, the 50% of fees that does go to the tree mitigation fund, those funds must be prioritized to City areas having the least amount of canopy or greatest amount lost over the years.

Councilmember Cohen instead recommended returning to the June 2023 Transportation and Environment Committee meeting to discuss a policy recommendation that will determine how, the city will use equity-based considerations in allocating the outstanding funds the city currently has, and future funds that go into the city-wide fund.

*(Item continued on next page)*



### 3.3 (Cont'd.)

Action: On a call to the question, the joint memorandum dated January 5, 2023 and co-authored by Councilmembers David Cohen, Dev Davis, and Sergio Jimenez was approved, accepting the report of the collection and use of tree-related in-lieu fees, enforcement of treeplanting conditions on development and the cost of tree planting audit, with the following additional direction to City Staff:

1. Report back to the Transportation & Environment Committee (T&E) meeting in June 2023 on the completion status of audit recommendations and a plan for completing Audit Recommendation #6, and come back to T&E at the end of 2023 with an update.
2. Report back to the T&E annually on the metrics for tree removal permitting and mitigation, with details on collection and utilization of in-lieu fees.
3. Ensure that tree removal mitigation adopted as part of the city's billboard policy is included as part of the monitored process.
4. Ensure that the City Tree Replacement Policy includes provisions for trees on private property, in public spaces, and along parking strips.
5. Place 50% of tree in-lieu fees collected to return to the district from which it was collected and the remaining 50% in the citywide tree mitigation fund.
6. Evaluate the city's tree removal permit and fee requirements to minimize difficulty for residents while still supporting the city's goal of preserving and enhancing San Jose's tree canopy.
7. Ensure a robust public outreach process is in place to inform the public about the usable process for free replacement trees.

Including returning to the Transportation and Environment Committee in June 2023, to discuss the recommendations as outlined in Councilmember Omar Torres' memo of January 9, 2023, as well as a policy recommendation that will determine how, the city will use equity-based considerations in allocating the outstanding funds the city currently has, and future funds that go into the city-wide fund. (9-0.)

### 3.4      23-023      **City Council Appointments of Standing Committees and Boards, Commissions and Committees and Assignments.**

(a) Discuss, amend and/or approve the Mayor's Appointments for each of the Standing Committees, as described in Exhibit "A" of the Mayor's Memorandum. (b) Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, discuss, amend and/or approve Councilmembers to each of the Boards, Commissions or Committees and assignments, as described in Exhibit "B" of the Mayor's Memorandum. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Public Comments: Mimi Hernandez (Prosperity Lab); Kat Da Silva; Tamar Sanchez; Elizabeth Agramont-Justiniano, Victoria Partida; Vickie Mueller Olvera; Veronica Guzman; and Jeremy Barousse, Jose Villarreal, Veronica Amador, and Karen Martinez offered public comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Omar Torres and carried unanimously, the January 10, 2023 replacement memorandum by Mayor Matt Mahan was moved including replacing Councilmember Sergio Jimenez with Councilmember Peter Ortiz on the Community and Economic Development Committee. (8-0-1: Absent: Davis.)

- 3.5            23-026            **Ratification of a Proclamation of Local Emergency.**  
Adopt a resolution ratifying the Director of Emergency Services’ proclamation of the existence of a local emergency. CEQA: Statutory Exempt, Section 15269, Emergency Projects Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

**THIS ITEM WAS HEARD FOLLOWING ORDERS OF THE DAY AND BEFORE THE CONSENT CALENDAR.**

Director, Office of Emergency Management, Ray Riordan and Deputy City Manager Kip Harkness provided the presentation and responded to questions.

Action: Upon motion by David Cohen, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. RES2023-4** was adopted, ratifying the Director of Emergency Services’ proclamation of the existence of a local emergency. (9-0.)

## **4. PUBLIC SAFETY SERVICES**

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

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

- 6.1            23-017            **Agreement with Santa Clara Valley Habitat Agency Establishing a Conservation Easement as Land-in-Lieu of Fees for the Burrowing Owl Habitat at the San José-Santa Clara Regional Wastewater Facility for Certain Projects in the Capital Improvement Program.**  
Approve a Conservation Easement-In-Lieu of Fees agreement with Santa Clara Valley Habitat Agency that establishes an approximate 201-acre conservation easement over the Western Burrowing Owl Habitat at the San José-Santa Clara Regional Wastewater Facility as land-in-lieu of paying development fees for certain projects in the Capital Improvement Program and the corresponding Conservation Easement Agreement. CEQA: Categorically Exempt, File No. 22-249, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Action: Upon motion by Sergio Jimenez, seconded by Councilmember David Cohen and carried unanimously, a Conservation Easement-In-Lieu of Fees agreement with Santa Clara Valley Habitat Agency was approved. (8-0-1: Absent: Davis.)

## **7. NEIGHBORHOOD SERVICES**

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

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

### **10. LAND USE**

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

*Land Use Consent Calendar was heard following the Consent Calendar during the Afternoon Council Session.*

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Bien Doan, and carried unanimously, (a) **Ordinance No. 30873**, rezoning the certain real property of approximately 1.37-gross acre site located on the northwestern corner of Bernal Road and Realm Drive, was passed for publication and (b) **Resolution No. RES2023-5** was adopted, approving a Special Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 ABC License - full range of alcoholic beverages) at an existing commercial building on an approximately 0.74-gross acre site at 430 Blossom Hill Road. (9-0.)

**10.1(a) 23-018 C22-124 - Conforming Rezoning for Certain Real Property Located at 151 Bernal Road.**

Approve an ordinance rezoning the certain real property of approximately 1.37-gross acre site located on the northwestern corner of Bernal Road and Realm Drive (151 Bernal Road) from the IP Industrial Park Zoning District to the CN Commercial Neighborhood Zoning District. 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 District 10. (Planning, Building and Code Enforcement)

**10.1(b) 23-019 SP22-023 & ER22-206 - Special Use Permit and Determination of Public Convenience for Certain Real Property Located at 430 Blossom Hill Road.**

Adopt a resolution, subject to conditions, approving a Special Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 ABC License - full range of alcoholic beverages) at an existing commercial building on an approximately 0.74-gross acre site at 430 Blossom Hill Road (Smart & Final). CEQA: Exempt pursuant to CEQA Section 15301 Existing Facilities. Planning Commission recommended approval [12/7/2022 - Item 5.a (9-0-1; Garcia absent)]. Council District 2. (Planning, Building and Code Enforcement)

**END OF CONSENT CALENDAR.**

#### **10 Land Use – Regular Agenda**

- **Open Forum**

1. “Zoom User” spoke on available transit within the Council Districts and affordable housing.
2. Carlyn Obringer, Government Community Engagement Manager for Blue Shield California, offered congratulations to the new Mayor and Councilmembers.

- **Adjournment**

The Council of the City of San José adjourned at 4:29 p.m. in honor and memory of Maria Marcelo, who was a District 3 resident and a tireless community activist. Maria fought for the health and safety of immigrant families in Washington-Guadalupe Neighborhood.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

## SAN JOSÉ CITY COUNCIL CLOSED SESSION

**JANUARY 10, 2023**

The Council of the City of San José convened into Closed Session at 9:30 a.m.

This meeting was a hybrid meeting, held in City Hall Conference room W-133 and teleconferenced from remote locations.

Present: Councilmembers - Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Foley, Kamei; Mahan.  
Absent: Councilmembers - Davis.  
Vacant - District 8; District 10.

Closed Session Item(s) discussed:

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

1. Case Name: Paredes v. City of San Jose, et al.  
Name(s) of Partie(s) ANTHONY PAREDES, CITY OF SAN JOSE; SAN JOSE  
Involved: POLICE DEPARTMENT; MICHAEL JEFFREY an individual,  
ALBERTSONS COMPANIES, INC., an Idaho corporation  
SAFEWAY CORPORATION, a California corporation and  
DOES 1-70, inclusive  
Court: United States District Court Northern District of California  
  
Case No.: 5:22-cv-00758-BLF  
  
Amount of Money or Damages according to proof  
Other Relief Sought:
2. Case Name: Cho v City of San Jose, et al.  
Name(s) of Partie(s) ANTHONY CHO, CITY OF SAN JOSE, ZACHARY DAVID  
Involved: PREUSS, TYLER MORAN, MATTHEW RODRIGUEZ, AND  
STEVEN GAONA, AND DOES 1-10, INCLUSIVE  
Court: United States District Court, Northern District of California  
  
Case No.: 5:21-cv-05503-VKD  
  
Amount of Money or Damages according to proof  
Other Relief Sought:

3. Case Name: Garcia, et al. v. City of San Jose, et al.,  
 Name(s) of Partie(s) GARCIA, MARINA RODRIGUEZ AND BERNADETTE  
 Involved: GARCIA DE RODRIGUEZ V. CITY OF SAN JOSE AND  
 RYAN HAHN AND DOES 1-20,  
 Court: Santa Clara County Superior Court  
  
 Case No.: 21CV381906  
  
 Amount of Money or Damages according to proof.  
 Other Relief Sought

**C. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name **City Association of Management Personnel Agreement**  
 and Title of (CAMP)  
 Unrepresented  
 Employees:  
 Nature of negotiations: wages/salaries, hours, working conditions, etc.  
  
 Name of Existing Benefit & Compensation Summary – City of San José and  
 Contract or MOA: City Association of Management Personnel Agreement  
 How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info)  
 Existing Contract or [government/departments/employee-relations/labor-relations-](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info)  
 MOA: [information/bargaining-units-labor-contract-info](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info)  
 Telephone – Employee Relations: (408) 535-8150
  
2. Organization or Name **Municipal Employees' Federation, AFSCME Local 101,**  
 and Title of **AFL-CIO (MEF)**  
 Unrepresented  
 Employees:  
 Nature of negotiations: wages/salaries, hours, working conditions, etc.  
  
 Name of Existing Memorandum of Agreement – City of San José and  
 Contract or MOA: Municipal Employees' Federation, AFSCME Local 101, AFL-  
 CIO (MEF)  
 How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info)  
 Existing Contract or [government/departments/employee-relations/labor-relations-](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info)  
 MOA: [information/bargaining-units-labor-contract-info](https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info)  
 Telephone – Employee Relations: (408) 535-8150

3. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers' Association (SJPDA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150

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