



City Council Meeting MINUTES

Tuesday, April 12, 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



MINUTES OF THE CITY COUNCIL

MARCH 22, 2022

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323 and 80343, Councilmembers will be teleconferencing from remote locations.

• Call to Order and Roll Call

9:30 a.m.- Closed Session

22-473

Closed Session: **See Page 16 for Closed Session Minutes.**

Closed Session - Absent: Liccardo.

1:30 p.m. Present: Councilmembers - Carrasco, Arenas, Esparza, Davis, Mahan, Jimenez, Jones, Cohen, Peralez, Foley.

Absent: Councilmembers - Liccardo.

6:00 p.m.- Evening Session – Cancelled

• Pledge of Allegiance

Vice Mayor Chappie Jones led the Pledge of Allegiance.

• Invocation (District 4)

Pastor Abraham Zuniga of Vine Church provided the Invocation.

• Orders of the Day

Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with the Item 8.1 presentation to be given and public speakers heard, but with the vote deferred to the April 19 Council meeting.

Public Comments: Jill Borders and Blair Beekman provided comments.

• Closed Session Report

None provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring National Volunteer Month. (Carrasco)
Councilmember Magdalena Carrasco proclaimed April as National Volunteer Month and thanked D5 residents that embody selfless community.
- 1.2 Councilmember Pam Foley presented a commendation to the Music in the Valley Performers in recognition of their participation in District 9's annual music festival and their contributions to the performing arts in San José; and Lara Levy, music teacher from Pioneer High School, offered her appreciation. (Foley)
- 1.3 Councilmember Sylvia Arenas presented a proclamation recognizing Child Abuse Prevention and Awareness Month, and representatives from "ICAN" - International Children Assistance Network were honored. (Arenas)

2. CONSENT CALENDAR

Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated.

Public Comments: Blair Beekman spoke to Items 2.7 and 2.8, and "Caller User #1" provided general comments.

(10-0-1. Absent: Liccardo.)

2.1 Approval of City Council Minutes.

None provided.

2.2 22-506 Final Adoption of Ordinances.

(a) Ordinance no. 30744 - An Ordinance of the City of San José Amending Chapter 5.11 of Title 5 of the San Jose Municipal Code to Modify the Time of Payment to Scheduling of Final Building Inspection, and Add Credits for Constructing New Affordable Housing Units or Restricting Market Rate Units as Affordable Housing and Associated Definitions.

[Passed for Publication on 3/29/2022 - Item 8.2(a) (22-402)]

(b) Ordinance no. 30745 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.25 Gross Acre Situated on the Northeast Corner of Oakland Road and Faulstich Court (APN 241-13-019) from the Combined Industrial/ Commercial Zoning District to the CIC(PD) Planned Development Zoning District.

[Passed for Publication on 3/29/2022 - Item 10.1(a)(2) (22-407)]

Action: (a) Ordinance No. 30744, and (b) Ordinance No 30745 were adopted.

(10-0-1. Absent: Liccardo.)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 22-475 Amendment to the Water Supply Agreement with the City and County of San Francisco and Approval of the Minimum Purchase Transfer from the City of Mountain View to the City of East Palo Alto.

Adopt a resolution:

- (a) Approving the 2021 Amended and Restated Water Supply Agreement between the City and County of San Francisco and wholesale customers in Alameda County, San Mateo County, and Santa Clara County and authorizing the City Manager to execute such Agreement when final execution copies are prepared and distributed;
- (b) Approving a minimum purchase transfer from the City of Mountain View to the City of East Palo Alto.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 4. (Environmental Services)

Action: **Resolution No. 80453** regarding the amendment to the Water Supply Agreement was adopted. (11-0.)

2.8 22-476 Amendment to the Contract Change Order for the 8687 - Repairs of Water Services and Mains: 2017 Project.

- (a) Approve the Fourth Amendment to the Construction Contract for the 8687 - Repairs of Water Services and Mains: 2017 project between the City and San Jose Water Company to increase the amount of maximum compensation by \$700,000 for a total maximum contract amount of \$4,595,679, with no other changes to the contract.
- (b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Water Utility Capital Fund:
 - (1) Increase the System Maintenance and Repairs appropriation to the Environmental Services Department by \$700,000; and
 - (2) Decrease the Facility Sites Improvements to the Environmental Services Department by \$500,000; and

(Item Continued on the Next Page)

2.8 (Cont'd.)

(b)(3) Decrease the Unrestricted Ending Fund Balance by \$200,000.
CEQA: Categorically Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities and Section 15302, Replace or Reconstruction. (Environmental Services/City Manager)

Action: An Amendment to the Construction Contract was approved; and (b) Appropriation **Ordinance No. 30749** was adopted. (10-0-1. Absent: Liccardo.)

2.9 22-477 Amendment to the Purchase Order with Currie Equipment, LLC, dba JS Cole Company, Inc. for Earthmoving and Construction Equipment Rental Services.

Adopt a resolution authorizing the City Manager to amend open purchase order OP 59626 with Currie Equipment, LLC (Novato, CA), dba JS Cole Company, Inc. for earthmoving and construction equipment rental services, to retroactively extend the purchase order from November 30, 2021 through August 31, 2022 and to increase compensation by \$450,000, for a revised maximum compensation not-to-exceed \$1,050,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Public Works)

Action: **Resolution No. 80454** regarding terms of a Side Letter Agreement was adopted. (10-0-1. Absent: Liccardo.)

2.10 22-478 Approval of Gift Trust Fund Donation for the All-Inclusive Playground at Almaden Lake Park from Almaden Valley Rotary Club Endowment.

Approve a donation in the amount of \$162,000 from Almaden Valley Rotary Club Endowment, a 501(c)(3) organization to the City's Gift Trust Fund to support project development for the All-Inclusive Playground at the Almaden Lake Park.

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

Action: The Gift Trust Fund Donation was approved. (10-0-1. Absent: Liccardo.)

2.11 22-479 Agreement with Association of Bay Area Governments for Regional Early Action Planning Grant Funds.

Adopt a resolution authorizing the City Manager or designee to:

(a) Accept the sub-allocation of Regional Early Action Planning Grant funds; and

(b) Negotiate and execute a grant agreement administered by Association of Bay Area Governments and consultant agreements in the amount of \$442,154 and for a term beginning on the effective date and ending on December 31, 2023.

(Item Continued on the Next Page)

2.11 (Cont'd.)

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

Action: **Resolution No. 80455** regarding an Agreement with Association of Bay Area Governments was adopted. (10-0-1. Absent: Liccardo.)

2.12 22-480 Amendment to the Agreement with Sherwood Design Engineers, Ltd. for the Alum Rock Park Visitor Center and Service Road Slide Repair.

Approve the Fourth Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the Alum Rock Park Visitor Center and Service Road Slide Repair to extend the term of the Agreement retroactive from February 1, 2022 to January 31, 2024, with no change in maximum compensation.

CEQA: Categorically Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms. Council District 4. (Public Works)

Action: An Amendment to the Agreement with Sherwood Design Engineers, Ltd. was approved. (10-0-1. Absent: Liccardo.)

2.13 22-481 California State Lands Commission Lease Agreement for City Owned and Maintained Infrastructure on State Owned Land.

Adopt a resolution authorizing the City Manager to execute the California State Lands Commission Lease Agreement for a 25-year term to allow the continued use of City owned and maintained infrastructure on state owned land.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 4. (Transportation)

Action: **Resolution No. 80456** regarding a California State Lands Commission Lease Agreement was adopted. (10-0-1. Absent: Liccardo.)

2.14 22-518 City Council Appointments for Santa Clara Valley Habitat Agency Boards.

(a) Councilmember Foley will replace Councilmember Mahan as the City's "elected official" representative to the Santa Clara Valley Habitat Agency Implementation Board.

(b) Appoint Councilmember Cohen as the Alternate to Councilmember Foley on the Santa Clara Valley Habitat Agency Implementation Board.

(c) Appoint David Keyon as the City Staff Representative to the Santa Clara Valley Habitat Agency Implementation Board and Cassandra van der Zweep as his Alternate.

(d) Appoint Councilmember Davis as the Alternate to Councilmember Foley on the Santa Clara Valley Habitat Agency Governing Board.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

[Rules Committee referral 4/6/2022 - Item A.1.a]

Action: City Council Appointments for Santa Clara Valley Habitat Agency Boards were approved. (10-0-1. Absent: Liccardo.)

2.15 22-519 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointment:

(a) Neighborhoods Commission:

(1) District 4 Seat: Appoint Barinder Ahluwalia for a term ending June 30, 2024.

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 4/6/2022 - Item A.1.a]

Action: The Boards and Commissions Appointment was approved. (10-0-1. Absent: Liccardo.)

2.16 22-523 Retroactive Approval of Memorial Bench Ribbon Cutting at Plata Arroyo Park 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 6, 2022:

(a) Retroactively approve the Memorial Bench Ribbon Cutting at Plata Arroyo Park Event scheduled on March 4, 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 4/6/2022 - Item B.2]

Action: The City Sponsored Special Event was retroactively approved. (10-0-1. Absent: Liccardo.)

2.17 22-527 Approval of Cape Colony Dumpster Day 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 6, 2022:

(a) Approve the Cape Colony Dumpster Day scheduled on April 16, 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. (Cohen)

[Rules Committee referral 4/6/2022 - Item B.3]

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Liccardo.)

2.18 22-533 Approval of Willow Glen Dumpster Day Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on April 6, 2022:

(a) Approve the Willow Glen Dumpster Day scheduled on April 16, 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. (Davis)

[Rules Committee referral 4/6/2022 - Item B.4]

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Liccardo.)

2.19 22-540 Retroactive Approval of Trash Talks Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on April 6, 2022:

(a) Retroactively approve the community office hours Trash Talks scheduled on March 19, 2022 and April 2, 2022 as City Council sponsored Special Events and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)

[Rules Committee referral 4/6/2022 - Item B.5]

Action: The City Sponsored Special Event was retroactively approved. (10-0-1. Absent: Liccardo.)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 22-482 Terms of Side Letter Agreement with the San José Police Officers' Association and the International Association of Fire Fighters, Local 230 Extending the Tripartite Retirement Memorandum of Agreement Described in the Alternative Pension Reform Settlement Framework Agreement through June 30, 2030.

Adopt a resolution approving the terms of the side letter agreements between the City and the San José Police Officers' Association and the International Association of Fire Fighters, Local 230 extending the Tripartite Retirement Memorandum of Agreement described in the Alternative Pension Reform Settlement Framework Agreement through June 30, 2030.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Public Comments: Brian Darby provided comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80457** approving the terms of the side letter agreements was adopted. (9-0-2. Absent: Liccardo, Peralez.)

3.4 22-542 Oppose the Valley Water District Measure Extending Term Limits for Board Members.

As recommended by the Rules and Open Government Committee on April 6, 2022, adopt a resolution that:

- (a) Opposes Santa Clara Valley Water District's (VWD) term limit extension measure; and
- (b) Calls on other cities in VWD's service area to join in opposing the measure.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mahan) [Rules Committee referral 4/6/2022 - Item C.2]

Public Comments: Martha O'Connell, Brian Darby. Ann, Jill Borders, "Call-in User #1", Andres Solomonoff, Erika Murphy; Charles Howard, Steve Perotin, Greg, Sam Ho, Blair Beekman, Veronica Amador, Maxim Kupfer and David Bini offered public comment.

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3.4 (Cont'd.)

Motion: Councilmember Matt Mahan moved approval, including acceptance of his March 31 memorandum and with the proposal that it be sent neighboring cities for their consideration. Councilmember Dev Davis seconded the motion.

Councilmember Sergio Jimenez expressed disagreement with the motion, indicating that the City doesn't need to 'police' the way other boards conduct their business, adding we should be building bridges to these elected bodies instead. Councilmembers Cohen and Peralez offered similar sentiments, indicating it is the wrong approach to do this.

Action: On a call for the question, the motion carried, and **Resolution No. 80458** regarding opposition to Santa Clara Valley Water District's (VWD) term limit extension measure was adopted, accepting the March 31, 2022 memorandum from Councilmember Matt Mahan, which additionally called on other cities in VWD's service area to join in opposing the measure. (7-3-1. Noes: Cohen, Jimenez, Jones. Absent: Liccardo.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 22-483 Revisions to the City of San José's Water Efficient Landscape Ordinance. - DEFERRED

As recommended by the Transportation and Environment Committee on March 7, 2022:

- (a) Accept the report on Water Efficient Landscape Ordinance.
- (b) Approve an ordinance amending the San José Municipal Code, Sections 15.08.500, 15.10.030, 15.10.040, 15.10.290, 15.10.300, and Chapter 15.11 of Title 15 and Sections 17.72.535 and 17.72.560 of Chapter 17.72 of Title 17 to modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to clarify potable water conservation standards.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Environmental Services/Planning, Building and Code Enforcement)
[Transportation and Environment Committee referral 3/7/2022 - Item (d)1]

[Deferred from 3/15/2022 - Item 6.1 (22-313)]

DEFERRED TO 5/3/2022 PER ADMINISTRATION

6.2 22-484

Actions Related to the State of California's Low Income Household Water Assistance Program.

(a) Accept the staff report regarding the State of California's Low-Income Household Water Assistance Program.

(b) Adopt a resolution:

(1) Ratifying the City of San José application to participate in the Low-Income Household Water Assistance Program, and authorizing the City Manager, Director of Finance, or their designees to negotiate and execute the necessary agreements, including the Direct Payment Agreement with Horne, LLP, and any amendments or revisions, and other actions, to execute the participation agreement and fulfill associated participation requirements, and

(2) Authorizing the City Manager, Director of Finance or their designees to apply for, negotiate, and execute any documents, and take other actions necessary to receive funds for any other state or federal assistance programs which will help customers pay water utility bills.

(c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the estimate for Transfers and Reimbursements by \$500,000;

(2) Establish the Low-Income Household Water Assistance Payment Program City-Wide Expenses appropriation to the Environmental Services Department in the amount of \$200,000; and

(3) Establish the Low-Income Household Water Assistance Payment Program Reserve in the amount of \$300,000.

(d) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Fund:

(1) Increase the estimate for Other Revenue by \$500,000; and

(2) Increase the Transfer to the General Fund - Late Fees by \$500,000.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Environmental Services/Finance/City Manager)

Deputy Director of Environmental Services, Jeff Provenzano, provided a presentation.

Public Comments: Blair Beekman and "Call-in User #1" provided comments.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, (a) The staff report was accepted, and (b) **Resolution No. 80461** regarding actions related to the State's Low Income Household Water Assistance Program; (c) Appropriation **Ordinance No. 30750** and Funding Sources **Resolution No 80459**; and (d) Appropriation **Ordinance No. 30751** and Funding Sources **Resolution No 80460** were adopted. (10-0-1. Absent: Liccardo.)

7. NEIGHBORHOOD SERVICES

7.1 22-485 City Roadmap - Encampment Management and Safe Relocation Policy. - DEFERRED

(a) Accept the staff report on the status of the City Roadmap - Encampment Management and Safe Relocation Policy and direct the City Manager to:

(1) Maintain the Encampment Management strategy to provide sanitation and human services including the recommended setback guidelines and services, outreach, assistance, resources program criteria;

(2) Approve implementation of a Coyote Creek bi-weekly trash pickup program for Fiscal Year 2022-2023 to align with the Direct Discharge focus areas; and

(3) Explore the need to scale services to remove discharge/human waste from Recreational Vehicles and other lived-in vehicles.

(b) Accept the update on the Guadalupe Gardens encampment abatement and rapid rehousing efforts and approve the extension of the Guadalupe Gardens cleanup to no later than October 31, 2022 to align with opening of relocation opportunities.

(c) Accept the update on the Guadalupe River Trail Vehicle Prevention Project and work associated with development of the Prototype Park. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services/Housing)

DEFERRED TO 5/3/2022 PER ADMINISTRATION

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-486 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.

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

Director of Housing Jacky Morales-Ferrand and Budget Director Jim Shannon offered a presentation.

Mayor Sam Liccardo opened the public hearing.

Public Comments: “Call-in User #1”, Blair Beekman, Jill Borders, Matthew Reed (Silicon Valley@home), Huascar Castro and Roma Dawson provided their perspective.

Mayor Sam Liccardo closed the public hearing.

Action: Per Orders of the Day, the presentation was received, and public speakers heard, with the vote deferred to the April 19 Council meeting.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) 22-487 **C21-043, C21-044, C21-045, C21-047, C21-048 - Rezoning 298 Certain Real Properties Located in Various Locations in Council District 1. - *Heard Immediately After Consent***
- Approve an ordinance rezoning 115 properties from R-M to UR Urban Residential, 87 properties from R-M to MUN Mixed Use Neighborhood, 41 properties from R-1-8 to OS Open Space, 23 properties from R-M to OS Open Space, eight properties from R-2 to UR Urban Residential, five properties from CO Commercial Office to OS Open Space, four properties from CP Commercial Pedestrian to OS Open Space, four properties from R-1-8 to PQP Public/Quasi-Public, three properties from CO Commercial Office to R-1-8, two properties from CN Commercial Neighborhood to R-1-8, one property from R-1-2 to MUN Mixed Use Neighborhood, one property from R-2 to OS Open Space, one property from R-1-5 to OS Open Space, one property from R-1-2 to PQP Public/Quasi-Public, one property from A Agricultural to R-1-8, and one property from CP Commercial Pedestrian to UR Urban Residential, located in various locations in Council District 1.
- 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. (Planning, Building and Code Enforcement)

Public Comments: Jill Borders, Jennifer, “Call-in User #1”, Regina and Blair Beekman provided comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Matt Mahan and carried unanimously, **Ordinance No. 30752** regarding rezoning certain real properties located in various locations in Council District 1 was passed for publication. (10-0-1. Absent: Liccardo.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None provided.

OPEN FORUM

1. Caller User #1 expressed criticism of the Council and decisions made.
2. Blair Beekman spoke to open community processes, prevalent “hit & run” incidents, “reimagining” and other public safety and health issues.
3. Jill Borders spoke to pedestrian-vehicle fatalities and recommended reading an article posted on the SJPd webpage entitled “Auto Pedestrian Collisions”.

ADJOURNMENT

This meeting was adjourned at 4:14 p.m. in memory of Brian Bates who passed away on March 7, 2022 at the age of 47. It is an honor to recognize Brian for his many contributions to our community and his dedication to making San José State University the place it is today.

Minutes Recorded, Prepared and Respectfully Submitted by,

Ruth Krantz

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council _____

Attest:

Toni J. Taber, CMC
City Clerk

rmk/04-12-2022 MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

APRIL 12, 2022

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

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

Absent: Councilmembers - Liccardo.

Closed Session Item(s) discussed:

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

1. Case Name: In re Dawud Rauf

Name(s) of Parties(s)
Involved:

Court: Workers Compensation Appeals Court

Case No.: ADJ10347882

Amount of Money or Benefits
Other Relief Sought:

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government Code:

Number of matter(s) to be discussed: 1

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

1. Case Name: K'aun Green v. City, et al.

Name(s) of Parties(s)
Involved: K'AUN GREEN; an individual, CITY OF SAN JOSE, a municipal corporation; and DOES 1-50, inclusive

Court: United States District Court Northern District of California

Case No.: 5:22-cv-02174

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

2. Case Name: Guadalupe Marin v City of San Jose, et al.
Name(s) of Parties(s) GUADALUPE MARIN, CITY OF SAN JOSE,
Involved: 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 Damages according to proof
Other Relief Sought:
3. Case Name: Haidar v. City, et al.,
Name(s) of Parties(s) NABIL HAIDAR, CITY OF SAN JOSE, SAN
Involved: 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 Damages according to proof
Other Relief Sought:
4. Case Name: Rubalcava, Lionel v. City of San Jose, et al.,
Name(s) of Parties(s) Lionel Rubalcava, an individual, City of San
Involved: 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:

5. Case Name: Sutter's Place, Inc., dba Bay 101 v. City of San Jose
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CITY OF SAN JOSE, a California municipal corporation, the DIVISION OF GAMING CONTROL, and DOES 1-100, inclusive,
Court: Superior Court of California; County of Santa Clara
Case No.: 1-13-CV-258057
Amount of Money or Other Relief Sought: Damages according to proof
6. Case Name: Sutter's Place, Inc., dba Bay 101 v. City of San Jose
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CITY OF SAN JOSE, a California municipal corporation, and DOES 1-100, inclusive,
Court: Superior Court of California; County of Santa Clara
Case No.: 1-14-CV-267311
Amount of Money or Other Relief Sought: Damages according to proof
7. Case Name: Sutter's Place, Inc., dba Bay 101 v. City of San Jose
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CITY OF SAN JOSE, a California municipal corporation, and DOES 1 through 10, inclusive,
Court: Superior Court of California; County of Santa Clara
Case No.: 16CV298883
Amount of Money or Other Relief Sought: Damages according to proof
8. Case Name: Sutter's Place, Inc., dba Bay 101 v. City of San Jose

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

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

Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California Corporation, CITY OF SAN JOSE, a 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

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

Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CALIFORNIA GAMBLING CONTROL COMMISSION, CITY OF SAN JOSE, a California charter city; GARDEN CITY, INC. dba CASINO M8TRIX, a California corporation,

Court: Superior Court of California, County of San Francisco

Case No.: CPF-21-517433

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

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

Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CALIFORNIA GAMBLING CONTROL COMMISSION, CITY OF SAN JOSE, a California charter city; GARDEN CITY, INC. dba CASINO M8TRIX, a California corporation,
Court: United States Court of Appeals, First Appellate District
Case No.: A163287
Amount of Money or Other Relief Sought: Damages according to proof

12. Case Name: Blackstone Gaming LLC v. City of San Jose

Name(s) of Parties(s) Involved: BLACKSTONE GAMING LLC, a California Limited Liability Company, CITY OF SAN JOSE, a Charter City under the laws of the State of California; CITY COUNCIL OF SAN JOSE, the governing body of the City of San Jose and DOES 1-5, inclusive,
Court: Santa Clara County Superior Court
Case No.: 21CV377672
Amount of Money or Other Relief Sought: Damages according to proof

13. Case Name: Garden City, Inc. v. City of San Jose

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

14. Case Name: RYOGA VEE v. CITY OF SAN JOSE, et al.

Name(s) of Parties(s) Involved: RYOGA VEE, CITY OF SAN JOSE, and DOES 1-40
Court: Santa Clara County Superior Court
Case No.: 21CV385105

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

15. Case Name: Shahrivar, Farid v. City of San Jose
Name(s) of Parties(s) CITY OF SAN JOSE, FEDERATED
Involved: RETIREMENT PLAN, RUSS RICHEDA,
LESLEY LAMB, ROBERTO PENA;
Court: Santa Clara County Superior Court
Case No.: 20CV366329
Amount of Money or Damages according to proof
Other Relief Sought:
16. Case Name: Blevins, Lisa v. City of San Jose
Name(s) of Parties(s) Lisa Blevins, Individually and on behalf of all
Involved: other similary situated, City of San Jose
Court: Santa Clara County Superior Court
Case No.: 2014-1-CV-270060
Amount of Money or Damages according to proof
Other Relief Sought:
17. Case Name: Vartanian, Gregory v. County of Santa Clara,
City of San Jose, et al.
Name(s) of Parties(s) COUNTY OF SANTA CLARA, CITY OF (AVISO
Involved: AL DEMANDADO): SAN JOSE and DOES 1 THROUGH
25
Court: Santa Clara County Superior Court
Case No.: 17CV307701
Amount of Money or Damages according to proof
Other Relief Sought:
18. Case Name: County Sanitation District 2-3, et al., v. City, et
al.
Name(s) of Parties(s) COUNTY SANITATION DISTRICT 2-3,21
Involved: 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 Damages according to proof
Other Relief Sought:

- 19.** Case Name: Plata, Raymond and Michelle v. City of San Jose
Name(s) of Parties(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 Damages according to proof
Other Relief Sought:
- 20.** Case Name: Dolce International/San Jose, LLC v. City of San Jose, California John Doe Entities 1-10,
Name(s) of Parties(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:
- 21.** Case Name: Unite Here Retirement Fund and Trustees of the Unite Here Retirement Fund v. City of San Jose
Name(s) of Parties(s) Involved: UNITE HERE RETIREMENT FUND and TRUSTEES of the 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:
- 22.** Case Name: Padilla, Thomas H., Sr., et al. v. City of San Jose, et al.

Name(s) of Parties(s) Involved: Thomas H. Padilla Sr. and Darlene Padilla, Individually and 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 Other Relief Sought: Damages according to proof

23. Case Name: Barnett, David; et al. v. City of San Jose

Name(s) of Parties(s) Involved: David Barnett, David Lang, Karren Augustine and Alonzo Ochoa, City of San Jose

Court: United States District Court Northern District of California

Case No.: 5:18-cv-01383

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

24. Case Name: Arata, Barry; Jim Schulte; Lucia Rios; Mike Miranda, et al. v. Sara Cody; County of Santa Clara;

Name(s) of Parties(s) Involved: BARRY ARATA, an individual; JIM SCHULTE, an individual; 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 Other Relief Sought: Damages according to proof

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

Name(s) of Parties(s) Involved: Jaishree Varshney, an individual, City of San Jose, an entity, 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:

26. Case Name: Hotop, Dean; Ken Schneebeli; et al. v. City of San Jose
Name(s) of Parties(s) DEAN HOTOP; KEN SCHNEEBELI; JEFF ZELL; SHERMAN ZELL; LOIS ZELL; LOUISE
Involved: 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:

27. Case Name: Schneebeli, Ken; et al., v. City of San Jose, et al.
Name(s) of Parties(s) KEN SCHNEEBELI; JEFF ZELL; STEVE
Involved: MAHL; SMALL 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:

- 28.** Case Name: Schneebeli, Ken; et al., v. City of San Jose, et al
Name(s) of Parties(s) Involved: KEN SCHNEEBELI; JEFF ZELL; STEVE MAHL; 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
Amount of Money or Other Relief Sought: Damages according to proof
- 29.** Case Name: San Jose Tenants Association v. City of San Jose
Name(s) of Parties(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
Amount of Money or Other Relief Sought: Damages according to proof
- 30.** Case Name: Rodriguez, Jacinto v. City of San Jose; City of San Jose Parks, Recreation and Neighborhood Services, et al.
Name(s) of Parties(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
Amount of Money or Other Relief Sought: Damages according to proof
- 31.** Case Name: Nguyen, Dai Trang Thi v. City of San Jose; William Gerry, et al.,

Name(s) of Parties(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

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

32. Case Name: Santee Injunction Case Management Alvarez, Martin C.; Rosanna Alvarez v. City of San Jose

Name(s) of Parties(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; SURESH H.
& 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:

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

Name(s) of Parties(s) CITY OF SAN JOSE, a charter city; and THE
Involved: PEOPLE 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

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

34. Case Name: City of San Jose v. Maria Garcia

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

Court: Santa Clara County Superior Court

Case No.: 22CV394432

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

- 35.** Case Name: Tung Tai Group; Joseph Chen; Noe De La O Ramirez; Godofredo Lopez Serrano
Name(s) of Parties(s) CITY OF SAN JOSE, a charter city; and the
Involved: PEOPLE OF 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
Amount of Money or Damages according to proof
Other Relief Sought:
- 36.** Case Name: Libra Automotive; Noah Mucheru and Waiyaki Mucheru
Name(s) of Parties(s) CITY OF SAN JOSE, a charter city; and the
Involved: PEOPLE OF 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:
- 37.** Case Name: Green Metals Recycling; Oceans Three LLC, Robert Frank aka Bobby Franks

Name(s) of Parties(s) Involved: CITY OF SAN JOSE, a charter city; and the PEOPLE OF 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 Other Relief Sought: Damages according to proof

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

Name(s) of Parties(s) Involved: CITY OF SAN JOSE, a municipal corporation and charter 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 Other Relief Sought: Damages according to proof

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

Name(s) of Parties(s) Involved: FFV COYOTE LLC, a Washington limited liability company; 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

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

- 40.** Case Name: Preservation Action Council of San Jose (PAC-SJ); ML San Jose Holding Dba Hotel De Anza
Name(s) of Parties(s) Involved: Preservation Action Council of San Jose, a California non-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
Amount of Money or Other Relief Sought: Damages according to proof
- 41.** Case Name: Sainte Claire Historic Preservation Foundation v. City of San Jose, et al.,
Name(s) of Parties(s) Involved: Sainte Claire Historic Preservation Foundation, a California 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
Amount of Money or Other Relief Sought: Damages according to proof
- 42.** Case Name: Santa Clara Unified School District v. City of San Jose and Does 1-100, inclusive
Name(s) of Parties(s) Involved: Santa Clara Unified School District; City of San Jose and Does 1-100, inclusive,
Court: Santa Clara County Superior Court
Case No.: 20CV374923
Amount of Money or Other Relief Sought: Damages according to proof
- 43.** Case Name: Sierra Club v. City of San Jose, City Council of City of San Jose, et al.,
Name(s) of Parties(s) Involved: Sierra Club, City of San Jose; City Council of City of San Jose; and Does 1 through 20,
Court: Santa Clara County Superior Court
Case No.: 21CV388201
Amount of Money or Other Relief Sought: Damages according to proof

- 44.** Case Name: Joseph, Rhawn v. City of San Jose et al.
Name(s) of Parties(s) Involved: RHAWN JOSEPH, CITY OF SAN JOSE, a
Municipal 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
Amount of Money or Other Relief Sought: Damages according to proof
- 45.** Case Name: Mayer, Thomas v. City of San Jose
Name(s) of Parties(s) Involved: Thomas Mayer, City of San Jose; and Does
1-20, inclusive,
Court: United States District Court; Northern District of
California
Case No.: 5:20-cv-06710-EJD
Amount of Money or Other Relief Sought: Damages according to proof
- 46.** Case Name: Gradetech Inc. v. City of San Jose, et al.
Name(s) of Parties(s) Involved: GRADETECH, INC., CITY OF SAN JOSE and
DOES 1 through 50, inclusive
Court: Superior Court of California, County of Santa
Clara
Case No.: 18CV325319
Amount of Money or Other Relief Sought: Damages according to proof
- 47.** Case Name: Citizens for Free Speech and Equal Justice,
LLC v. City of San Jose
Name(s) of Parties(s) Involved: Citizens for Free Speech and Equal Justice,
LLC; City of San Jose,
Court: United States District Court; For the Northern
District of California
Case No.: 5:18-cv-01919-BLF
Amount of Money or Other Relief Sought: Damages according to proof

- 48.** Case Name: Citizens for Free Speech and Equal Justice, LLC v. City of San Jose
Name(s) of Parties(s) Involved: CITIZENS FOR FREE SPEECH AND EQUAL JUSTICE, LLC., CITY OF SAN JOSE
Court: United States District Court; For the Northern District of California
Case No.: 5:20-cv-03905
Amount of Money or Other Relief Sought: Damages according to proof
- 49.** Case Name: People of the State of California, ex rel., et al. v Citizens for Free Speech and Equal Justice, LLC
Name(s) of Parties(s) Involved: PEOPLE OF THE STATE OF CALIFORNIA, ex rel. CITY 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
Amount of Money or Other Relief Sought: Damages according to proof
- 50.** Case Name: Garcia, Lauro, et al. v. Santa Clara Valley Transportation Authority, et al.
Name(s) of Parties(s) Involved: LAURO GARCIA et al., v. SANTA CLARA VALLEY TRANSPORTATION AGENCY
Court: California Court of Appeal, Sixth Appellate District
Case No.: H048019
Amount of Money or Other Relief Sought: Damages according to proof
- 51.** Case Name: Jacob, Teodorico, et al. v. City of San Jose; Anthony James Rab, et al.

Name(s) of Parties(s) Involved: TEODORICO JACOB, as Successor in Interest of THE 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 Other Relief Sought: Damages according to proof

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

Name(s) of Parties(s) Involved: MONICA PACHECO, individually and as successor in 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 Other Relief Sought: Damages according to proof

53. 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 Parties(s) Involved: DEANNA LACY, as Personal Representative of the ESTATE 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 Other Relief Sought: Damages according to proof

54. Case Name: Hansen, Jerme y 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 Parties(s) Involved: Jerme y Hansen, City of San Jose, Santa Clara Valley 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 Other Relief Sought: Damages according to proof

55. Case Name: Ayle, Mesfin Regassa, et al., v. Office Solutions, et al.,
- Name(s) of Parties(s) Involved: MESFIN REGASSA AYLE, individually and as the successor in interest to THE ESTATE OF REGASSA AYLE WALKIBA; MESFIN REGASSA AYLE, individually and as the successor in interest to THE ESTATE OF REGASSA AYLE WALKIBA; SHEMELES REGASSA AYLE, individually and as the successor in interest to THE ESTATE OF REGASSA AYLE WALKIBA; MULUSHWA REGASSA AYLE, individually and as the successor in interest to THE ESTATE OF REGASSA AYLE WALKIBA; TEWODROS REGASSA AYLE, individually and as the successor in interest to THE ESTATE OF REGASSA AYLE WALKIBA; and, TADELE REGASSA AYLE, individually and as the successor in interest to THE ESTATE OF REGASSA AYLE WALKIBA; ESTATE OF REGASSA AYLE WALKIBA, 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 Other Relief Sought: Damages according to proof
56. 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 Parties(s) Involved: Jennifer Bartolo; Katelyn Bartolo; Bella Stuart, a minor, by 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:
- 57.** Case Name: Stout, Ingrid, et al., v. County of Santa Clara, et al.,
Name(s) of Parties(s) Ingrid Stout; Steven D. Stout. County of Santa
Involved: Clara; City of 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:
- 58.** Case Name: Toledo, Cesar v. San Joaquin Regional Rail Commission, et al.,
Name(s) of Parties(s) CESAR TOLEDO, an individual, SAN
Involved: JOAQUIN REGIONAL 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:
- 59.** Case Name: Kelley, John Dr. v. City of San Jose; et al.
Name(s) of Parties(s) Dr. John Kelley, City of San Jose, County of
Involved: Santa Clara, 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:
- 60.** Case Name: Espinoza, Michelle, et al., v. Santa Clara Valley Transportation Authority, et al.,

Name(s) of Parties(s) Involved: Michelle Espinoza, a minor by and through her Guardian Ad 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
Amount of Money or Other Relief Sought: Damages according to proof

61. Case Name: SVTA v. City of San Jose
Name(s) of Parties(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
Amount of Money or Other Relief Sought: Damages according to proof

62. Case Name: San Jose Spotlight, et al., v. City of San Jose, et al.,
Name(s) of Parties(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
Amount of Money or Other Relief Sought: Damages according to proof

63. Case Name: South Bay Piping Industry Labor Management Trust, et al. v. City of San Jose
Name(s) of Parties(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
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 Parties(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 Other Relief Sought: Damages according to proof

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)

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| How to Obtain a copy of Existing Contract or MOA: | Web: http://www.sanjoseca.gov/index.aspx?NID=508
Telephone – Employee Relations: (408) 535-8150 |
|---|--|
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
4. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.

negotiations:

Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

5. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**

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

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

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

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

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

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

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

7. Organization or Name and Title: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**

of
Unrepresented
Employees:

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

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

8. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**

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

Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

9. Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**

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

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Peace Officer Park Ranger Association

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

MOA:

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| 10. Organization or Name and Title of Unrepresented Employees: | San José Police Officers' Association (SJPOA) |
| 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: http://www.sanjooseca.gov/index.aspx?NID=508
Telephone – Employee Relations: (408) 535-8150 |
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| 11. Organization or Name and Title of Unrepresented Employees: | Association of Legal Professionals of San José (ALP) |
| Nature of negotiations: | wages/salaries, hours, working conditions, etc. |
| Name of Existing Contract or MOA: | Memorandum of Agreement – City of San José and Association of Legal Professionals of San José |
| How to Obtain a copy of Existing Contract or MOA: | Web: http://www.sanjooseca.gov/index.aspx?NID=508
Telephone – Employee Relations: (408) 535-8150 |