CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

NORA FRIMANN, CITY ATTORNEY
Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

August 19, 2025

Place: City Hall Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be discussed:

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

1.

Case Name: Name(s) of Party(ies):	In re: Claim of Schroder
Court:	Worker's Compensation Appeals Court
Case No:	ADJ16199528, ADJ16199969
Amount of Money or Other Relief Sought:	Benefits

2.

Case Name: Name(s) of Party(ies):	In re: Claim of Marinelli
Court:	Worker's Compensation Appeals Court
Case No:	ADJ12113980
Amount of Money or Other Relief Sought:	Benefits

3.

Case Name: Name(s) of Party(ies):	In re: Claim of Stallard
Court:	Worker's Compensation Appeals Court
Case No:	ADJ15792166
Amount of Money or Other Relief Sought:	Benefits

4.	Case Name:	In re: Claim of Sirmons
	Name(s) of Party(ies):	
	Court:	Worker's Compensation Appeals Court
	Case No:	ADJ13500988
	Amount of Money or Other Relief Sought:	Benefits
5.	Case Name:	Benitez, Rachel and Corina, Sonia v. John, Ajay, et al.
	Name(s) of Party(ies):	RACHEL BENITEZ, SONIA CORINA, AJAY JOHN AND CITY OF SAN JOSE
	Court:	Santa Clara Superior Court
	Case No:	24cv439520
	Amount of Money or Other Relief Sought:	Damages according to proof
6.	Case Name:	Gonzales, Virginia City of San Jose, et al.
	Name(s) of Party(ies):	VIRGINIA GONZALES AND CITY OF SAN JOSE
	Court:	Santa Clara Superior Court
	Case No:	23cv423247
	Amount of Money or Other Relief Sought:	Damages according to proof
7.	Case Name:	Romero, Carina and Romero, Robert v. City of San Jose
	Name(s) of Party(ies):	CARINA ROMERO, ROBERTO ROMERO AND CITY OF SAN JOSE
	Court:	Santa Clara Superior Court
	Case No:	23cv410518
	Amount of Money or Other Relief Sought:	Damages according to proof
8.	Case Name:	Marin, Nancy vs. City of San Jose
	Name(s) of Party(ies):	NANCY MARIN, CITY OF SAN JOSE
	Court:	Santa Clara County Superior Court
	Case No:	23cv411329
	Amount of Money or Other Relief Sought:	Damages according to proof
9.	Case Name:	City and County of San Francisco, et al. v. Donald J. Trump, et al.
	Name(s) of Party(ies):	CITY AND COUNTY OF SAN FRANCISCO, COUNTY OF SANTA CLARA, CITY OF PORTLAND, MARTIN LUTHER KING, JR. COUNTY, CITY OF NEW HAVEN, CITY OF OAKLAND, CITY OF EMERYVILLE, CITY OF SAN JOSÉ, CITY OF SAN DIEGO, CITY OF SACRAMENTO, CITY OF SANTA CRUZ,

		COUNTY OF MONTEREY, CITY OF SEATTLE, CITY OF MINNEAPOLIS, CITY OF SAINT PAUL, CITY OF SANTA FE, COUNTY OF ALAMEDA, CITY OF ALBANY, CITY OF ALBUQUERQUE, COUNTY OF ALLEGHENY, CITY OF BALTIMORE, CITY OF BEND, CITY OF BENICIA, CITY OF BERKELEY, CITY OF BOSTON, CITY OF CAMBRIDGE, CITY OF CATHEDRAL CITY, CITY OF CHICAGO, CITY OF COLUMBUS, CITY OF CULVER CITY, COUNTY OF DANE, CITY AND COUNTY OF DENVER, CITY OF HEALDSBURG, COUNTY OF HENNEPIN, CITY OF LOS ANGELES, COUNTY OF MARIN, CITY OF MENLO PARK, MULTNOMAH COUNTY, CITY OF PACIFICA, CITY OF PALO ALTO, CITY OF PETALUMA, PIERCE COUNTY, CITY OF RICHMOND, CITY OF ROCHESTER, CITY OF ROHNERT PARK, COUNTY OF SAN MATEO, CITY OF SANTA ROSA, COUNTY OF SONOMA, CITY OF WATSONVILLE, CITY OF WILSONVILLE; DONALD J. TRUMP, UNITED STATES DEPARTMENT OF JUSTICE, PAMELA BONDI, EMIL BOVE, KRISTI NOEM, UNITED STATES OF AMERICA, UNITED STATES OFFICE OF MANAGEMENT AND BUDGET, RUSSELL VOUGHT.
	Court:	U.S. District Court, Northern District of California
	Case No:	3:25cv01350-WHO
	Amount of Money or Other Relief Sought:	Declaratory Relief and Injunctive Relief
10.	Case Name:	<u>The United States v. City of Rochester</u>
	Name(s) of Party(ies):	UNITED STATES OF AMERICA, CITY OF ROCHESTER, MALIK D. EVANS, ROCHESTER CITY COUNCIL, MIGUEL A. MELENDEZ, JR.
	Court:	U.S. District Court, Western District of New York
	Case No:	6:25-cv-06226-FPG-MJD
	Amount of Money or Other Relief Sought:	For Declaratory and Injunctive Relief

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(3) of the Government code:

1. Claimants(s): Rudy Ortega, Tony Rodriguez, Robert Sanchi

   City Department: Housing/DOT

Number of matter(s) to be discussed: 1

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 2

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

City Negotiator: Aram Kouyoumdjian, Director of Employee Relations
Employee Organizations:

1.	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: https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/poa Telephone – Employee Relations: (408) 535-8150

#B

From: Rudy Ortega <s.j.displaced.residents.4.justice@gmail.com>
Sent: Tuesday, August 12, 2025 3:53 PM
To: city.attorney@sanjoseca.gov <city.attorney@sanjoseca.gov>; Ristow, John <John.Ristow@sanjoseca.gov>; Scott, Rick <rick.scott@sanjoseca.gov>; Collen, Arian <Arian.Collen@sanjoseca.gov>; Solivan, Erik <Erik.Solivan@sanjoseca.gov>; Alexander, Cupid <Cupid.Alexander@sanjoseca.gov>; Butera, Vanessa <Vanessa.Butera@sanjoseca.gov>; Passons, Omar <Omar.Passons@sanjoseca.gov>; Beckel, Dolan <dolan.beckel@sanjoseca.gov>; Williams, Olympia <Olympia.Williams@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; mayor@sanjose.ca.gov <mayor@sanjose.ca.gov>
Subject: Immediate Notice—Ex Parte TRO Tomorrow 8:00 a.m. (Guadalupe/Columbus Park) — Life-Safety Emergency

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Some people who received this message don't often get email from s.j.displaced.residents.4.justice@gmail.com. Learn why this is important

Subject:

Plaintiffs Rudy Ortega, Tony Rodriguez and Robert Sanchi will apply for an ex parte Temporary Restraining Order tomorrow, Wednesday, August 13, 2025, at 8:00 a.m., in Santa Clara County Superior Court (Downtown Courthouse). Because of emergent life-safety conditions and the need to finalize precise site boundaries and relief, Plaintiffs are providing notice as soon as practicable today, August 12, 2025, at approximately 1:00 P.M. Plaintiffs respectfully request that the Court waive or shorten time for notice.

Good cause for shortened notice includes imminent displacement/seizure risks, nighttime danger from lack of lighting, unsanitary/unsafe porta-potties and trash conditions causing health hazards, and the City's inconsistent servicing combined with intimidation during service visits.

Date: August 12, 2025

Via Email

To:

Mayor and City Council, City of San José; City Attorney's Office

From:
Rudy Ortega and Robert Sanchi — Plaintiffs:6692991495 Propria Persona
Contact: 669-299-1495|
Email: s.j.displaced.residents.4.justice@gmail.com
GRACE Liaison: TBA

Subject: Immediate Notice of Imminent Ex Parte TRO; Emergency Demand to Halt Displacement and Restore Health/Safety at Guadalupe River Park/Columbus Park

Please take notice that Plaintiffs Rudy Ortega Tony Gonzales and Robert Sanchi will apply for an ex parte Temporary Restraining Order (TRO) on Wednesday, August 13, 2025 at 8:00 a.m., in the Santa Clara County Superior Court, Downtown Courthouse at 191 S. 1st St. San Jose, CA 95113, seeking site-wide emergency relief for the Guadalupe River Park/Columbus Park encampment as set forth below. Notice is provided less than 24 hours in advance due to exigent life-safety conditions; Plaintiffs request that the Court waive or shorten time for notice pursuant to Code Civ. Proc. § 526 and Cal. Rules of Court 3.1200–3.1207.

Site Definition. The TRO will cover the Guadalupe River Park/Columbus Park encampment area, including but not limited to: Walnut Street, Seymour Street, Asbury Street, Irene Street, Spring Street, the park baseball fields and adjacent rose-garden area within the park, the Guadalupe River trails within and adjoining the park, Ruff Drive, Emory Street, and all immediately surrounding and intersecting street segments, frontage roads, trail spurs, parking bays, and access lanes within and adjoining the park boundaries as depicted on the City's park map.

Emergency Conditions and Harms. The City has cut or failed to maintain essential services and is advancing enforcement that threatens seizure and displacement. Conditions include: no trash bins with overflow and vermin; insufficient sanitation (porta-potties/handwashing) and irregular servicing; withdrawal or unreliability of potable water access; hazardous accumulation created or exacerbated by service failures; nighttime darkness creating serious safety risks; threats, coercion, ultimatums and intimidation by enforcement and contractors; and stated plans to involve CHP and possibly ICE despite state law prohibitions. Residents include medically fragile and disabled individuals at risk of irreparable harm by placing them into internment style camps where each individual is stripped of their privacy both audible, physical, and visual space while being subjected to high levels of toxicity and carcinogenic levels from both the interstate 101, and the previous toxic ground surrounding Watson Park. These types of forced arrangements are not adequately assessed by their NEEDS. and it has been mentioned more than a few times that if they dont sign up with Home First to enter into this transitional entry hub that they would be subject to arrest. In addition an

extension at the ball fields or Columbus Park would not be an option and their vehicles will be confiscated towed and destroyed.

Immediate Relief Demanded (to avoid the TRO hearing if implemented now):
- Stand-down on all abatement, towing, seizure, disposal, citations, and "move-along" directives within the Site, except for true, immediate life-safety emergencies. No ICE involvement or immigration inquiries.
- Deploy roll-off dumpsters (20–30 yd) with at least twice-weekly pickup and 24-hour overflow response; replace or decommission hazardous small bins if any; implement vector control and hazard abatement.
- Replace unsanitary porta-potties within 48 hours; add handwashing stations and water service; service all units at least three times per week, with 24-hour emergency service upon report.
- Deploy portable, quiet LED light towers to illuminate bathrooms, main ADA routes, and primary ingress/egress/parking corridors. Exact locations to be set after a GRACE–City walk-through within 24 hours; include anti-theft hardening (locks/chains/boots) and provide a 24/7 contact.
- Recognize GRACE as the residents' community liaison committee; set fixed weekly service windows and a written Non-Intrusive Service Protocol: no surveillance, no data collection, and no enforcement during sanitation/lighting service.
- Non-retaliation and evidence preservation: no adverse actions against residents or advocates for asserting rights or seeking relief; preserve all evidence (OLIVE, abatement, vendor, BWC footage, emails, schedules).
- Anti-funneling: cease directing/encouraging/inducing relocations to Guadalupe/Columbus and stop designating the area as a receiving zone; pause new postings/relocation notices both verbal and written that would send RVs/residents into the Site.

Ex Parte TRO Hearing. Plaintiffs intend to apply on August 13, 2025, at 8:00 a.m., for an ex parte TRO and OSC re Preliminary Injunction in the Downtown Courthouse located at 191 N. 1st St. San Jose CA 95113. In Department authorized by the courts. Courtesy copies will be provided before proceedings.

Legal basis (state only): Cal. Const. art. I, §§ 7(a), 13; Code Civ. Proc. § 526; Gov. Code § 7284.6; Civ. Code §§ 54–55.2; Gov. Code § 11135; Gov. Code § 835; Civ. Code § 3479; IT Corp. v. County of Imperial, 35 Cal.3d 63; Today's Fresh Start v. LACOE, 57 Cal.4th 197.

Litigation Hold. Preserve all documents, emails, dispatch logs, photographs/video, body-worn camera footage, vendor work orders, schedules, budgets, and internal communications related to OLIVE, abatement, towing, sanitation, lighting, and enforcement for the Site, including communications with CHP, Caltrans, ICE, HomeFirst, and contractors.

Voluntary Compliance. If the City confirms in writing by August 13, 2025, at 8:00 a.m. that it will implement the emergency measures above and suspend enforcement at the Site, Plaintiffs will advise the Court accordingly.

Respectfully,

/s/ Rudy Ortega
/s/ Tony Rodriguez
/s/ Robert Sanchi
Date: August 12, 2025

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