RULES COMMITTEE: 12/3/2025
Item: B.1
File ID: ROGC 25-375

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Honorable Mayor & City Council

FROM: Toni J. Taber, MMC City Clerk

SUBJECT: The Public Record November 13, 2025 – November 20, 2025

DATE: December 3, 2025

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Davide Vieira, dated November 14, 2025, regarding: Requesting another audit of Vehicle Abatement and Parking Compliance.

2. Letter from Anne Jones, dated November 19, 2025, regarding: Rising Homelessness in San Jose.

Toni J. Taber, MMC
City Clerk

TJT/tt

Public Record: 1

Outlook

Fw: Requesting another audit of Vehicle Abatement and Parking Compliance

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/14/2025 4:08 PM
To Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

1 attachment (959 KB)
20251101_091854.jpg;

Office of the City Clerk | City of San José
200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

How is our service? Your feedback is appreciated!

From: [redacted]
Sent: Friday, November 14, 2025 3:58 PM
To: Taber, Toni <toni.taber@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Cc: Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Velazquez, Daniela <Daniela.Velazquez@sanjoseca.gov>; Moreno, Brisa <Brisa.Moreno@sanjoseca.gov>; Perez, Jonathan <Jonathan.Perez@sanjoseca.gov>; [redacted]
Subject: Requesting another audit of Vehicle Abatement and Parking Compliance

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Hello Toni,

You spoke to our Roosevelt Park Neighborhood Association earlier this year. Your points about audits stuck with me. I think it's time for another audit of the city's DOT, specifically its Vehicle Abatement and Parking Compliance Departments.

If you read this email stream from the bottom up, it documents a single vehicle that exemplifies the futility that so many of us feel daily with abandoned or otherwise derelict vehicles on the streets in our neighborhoods. Especially in East San José.

I chose this particular vehicle because I reported it originally on July 24 (SJ311PSR20250724-0014), only to have Parking Compliance post it and allow it to be moved elsewhere. It moved 150 feet around the corner onto

Shortridge Ave from where it had been on S 28th St.

Fast forward to November 1 when I reported it again using SJ311 (SJ311PSR20251101-0017). The vehicle had not moved from its location on Shortridge Ave in the intervening 3 months. Parking Compliance again posted the vehicle and allowed it to be moved, this time one block west and one block south onto E San Fernando St near S 26th St.

Courtesy of my brother's research back into the 2013 *"Consulting Agreements: Better Enforcement of Procurement Rules, Monitoring, and Transparency is Needed",* I believe that Vehicle Abatement and Parking Compliance have reverted to some of the questionable practices that lead to the audit's adverse findings in 2013. They are highlighted in the email stream below.

Now the question is: What does it take to trigger an audit? If I remember correctly, you collect recommendations and then create a work plan that is voted on by the City Council. Should multiple Councilmembers write a memo recommending an audit? I have copied the three whose districts encompass most of East San José on this.

Your thoughts on how to best proceed in this matter would be greatly appreciated.

Regards,
Davide Vieira

All you leave behind are memories -- make them good ones

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From: Joseph Vieira [redacted]
Sent: Friday, November 14, 2025 11:58 AM
To: Arian Collen <Arian.Collen@sanjoseca.gov>
Cc: [redacted] John Ristow <John.Ristow@sanjoseca.gov>; Heather Hoshii <Heather.Hoshii@sanjoseca.gov>; Jessica Zenk <Jessica.Zenk@sanjoseca.gov>; Anthony Tordillos <Anthony.Tordillos@sanjoseca.gov>; Daniela Velazquez <Daniela.Velazquez@sanjoseca.gov>; Paul Pereira <Paul.Pereira@sanjoseca.gov>; [redacted] Matt Mahan <Matt.Mahan@sanjoseca.gov>; Jim Reed <Jim.Reed@sanjoseca.gov>; Damian Trujillo [redacted]
Subject: Re: FOLLOW UP: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Davide

We appreciate your efforts, but I have to be honest — it feels like you're wasting your time. This issue is happening in East San José. If it were in Willow Glen, Naglee Park, in any other affluent area of San Jose or in front of a city director's home or one of their friends' homes, the word "may" would be replaced with "would," and the vehicle WOULD have been removed long ago.

The individual with the van is making a mockery of both the city and the neighborhood. It's frustrating to see residents trying to improve their communities while the city fails to support those efforts. The tools for enforcement exist, but they're being interpreted in ways that benefit those exploiting the system — many of whom don't even live in the neighborhoods they're affecting.

It's clear that tow operators have an undue and overreaching influence on these programs. If there's no financial incentive to the tow operator, the vehicle doesn't get towed. I've seen this pattern repeatedly over the years. The city doesn't tag vehicles unless the tow is profitable for the tow operator, and as a result, they remain on the

street. The tow operators are running the city's program behind the scenes and shaping policy to suit their interests.

I recently had a run-in with one of these unscrupulous operators — someone who also contracts with the city — over an illegal private-party tow. They had to refund the full cost after wrongfully towing my 88-year-old father's vehicle from a Home Depot parking lot.

While reviewing the 2013 audit report titled *"Consulting Agreements: Better Enforcement of Procurement Rules, Monitoring, and Transparency is Needed,"*

Key Findings from Audit Recommendations Related to Towing:

1. **Lack of Oversight and Transparency**
    - Tow contracts lacked consistent monitoring.
    - Retroactive approvals of tow service agreements were flagged as problematic, with city staff authorizing work before contracts were finalized.
2. **Financial Incentives Driving Enforcement**
    - Tow operators were found to influence which vehicles were towed, often prioritizing those with financial value.
    - Vehicles with little or no resale value were less likely to be removed, raising equity concerns.
3. **Operational Inefficiencies**
    - The city's decentralized management of towing zones and contracts led to inconsistent enforcement.
    - Recommendations included streamlining contract administration and improving coordination between departments (Police, Code Enforcement, Transportation).
4. **Equity and Neighborhood Disparities**
    - Enforcement was found to be uneven across neighborhoods, with lower-income areas receiving less consistent service.
    - The audit recommended prioritizing equity in enforcement and ensuring all communities receive fair treatment.
5. **Improved Service Delivery**
    - Suggestions included better tracking of complaints, clearer criteria for vehicle abatement, and more proactive outreach to impacted residents.

I noticed that at least six of the nine findings still seem relevant today. It may be time for a new audit — one that revisits policies, procedures, and equity in enforcement.

This change must come from the top. Without clear direction from the City Council, nothing will improve.

As I have said before

"RESPECT EAST SAN JOSE"

Joe

Sent from my iPhone

Joseph B. Vieira
The Vieira Company
[redacted]
Los Gatos, CA 95030[redacted]
Phone [redacted]
Phone [redacted]
[redacted]

On Nov 14, 2025, at 9:24 AM, Collen, Arian <Arian.Collen@sanjoseca.gov> wrote:

Davide;

Thank you for your email and for referencing the information on our Vehicle Abatement webpage.

The language you quoted is accurate, and the qualifier "…it **may** be cited or towed" correctly reflects our enforcement process. In this case, the portion referring to vehicles missing a windshield does not apply, as the subject vehicle is not missing its windshield. Instead, the windshield is shattered, which is treated differently under the law and under our investigation protocols.

A shattered windshield is one of several indicators that may suggest a vehicle is abandoned, which is why we have investigated this vehicle multiple times. Each investigation includes documenting the vehicle's condition with photographs, marking the tires, and placing a warning notice. Each time, the vehicle has moved before meeting the criteria for enforcement, and therefore no citation or tow has been warranted.

As I mentioned previously, I understand that situations like this can be frustrating, particularly when the visual condition of a vehicle impacts a neighborhood. Unfortunately, under the current legal framework, we do not have an enforcement mechanism that would allow us to remove this vehicle.

If it would be helpful, I'm happy to discuss this by phone. A short conversation can often clarify the process and address some of the common misconceptions around parking enforcement and vehicle abatement.

Arian Collen
Division Manager | Department of Transportation
City of San José
200 East Santa Clara Street, 7th floor
San José, CA 95113
Office: 408 975 3246
www.sanjoseca.gov

<image001.png>

From: [redacted]
Sent: Thursday, November 13, 2025 9:12 PM
To: Collen, Arian <Arian.Collen@sanjoseca.gov>
Cc: Ristow, John <John.Ristow@sanjoseca.gov>; Hoshii, Heather <Heather.Hoshii@sanjoseca.gov>;

Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Velazquez, Daniela <Daniela.Velazquez@sanjoseca.gov>; Pereira, Paul <Paul.Pereira@sanjoseca.gov>; [redacted] Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Reed, Jim <Jim.Reed@sanjoseca.gov>; 'Trujillo, Damian (NBCUniversal, KNTV)' [redacted]
Subject: RE: FOLLOW UP: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Hello Arian,

From https://www.sanjoseca.gov/your-government/departments-offices/transportation/parking/vehicle-abatement

> An investigation includes a field visit by Parking Officers, who leave a warning notice to the vehicle owner. If the vehicle is then moved, no enforcement action is needed. If the vehicle is not moved or fixed, it may be cited or towed.

Among the violations listed on the Vehicle Abatement web page above:

> Vehicles are considered a safety concern or contributing to extreme blight if they are:
- Missing or have shattered windows

> Vehicles are considered inoperable if they are missing:
- The windshield

The vehicle in question manifests the conditions on the city's own Vehicle Abatement page that says it may be cited or towed.

Regards,
Davide Vieira

All you leave behind are memories -- make them good ones

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From: Collen, Arian <Arian.Collen@sanjoseca.gov>
Sent: Thursday, November 13, 2025 4:27 PM
To: [redacted]
Cc: Ristow, John <John.Ristow@sanjoseca.gov>; Hoshii, Heather <Heather.Hoshii@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Velazquez, Daniela <Daniela.Velazquez@sanjoseca.gov>; Pereira, Paul <Paul.Pereira@sanjoseca.gov>; [redacted] Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Reed, Jim <Jim.Reed@sanjoseca.gov>; Trujillo, Damian (NBCUniversal, KNTV) [redacted]
Subject: RE: FOLLOW UP: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Davide;

CVC 26710 is not a tow eligible violation and does not apply to a parked vehicle, only applies when a vehicle is s being driven, in which case would be enforced by law

enforcement (PD/CHP).

Our general tow enforcement is achieved through application of subsections of CVC 22651, none of which apply to this vehicle.

Arian Collen
Division Manager | Department of Transportation
City of San José
200 East Santa Clara Street, 7th floor
San José, CA 95113
Office: 408 975 3246
www.sanjoseca.gov

From: [redacted]
Sent: Thursday, November 13, 2025 4:07 PM
To: Collen, Arian <Arian.Collen@sanjoseca.gov>
Cc: Ristow, John <John.Ristow@sanjoseca.gov>; Hoshii, Heather <Heather.Hoshii@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Velazquez, Daniela <Daniela.Velazquez@sanjoseca.gov>; Pereira, Paul <Paul.Pereira@sanjoseca.gov>; [redacted] Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Reed, Jim <Jim.Reed@sanjoseca.gov>; Trujillo, Damian (NBCUniversal, KNTV) [redacted]
Subject: RE: FOLLOW UP: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Hello Arian,

How does the following not apply in this case?

26710. (a) It is unlawful to operate any motor vehicle upon a highway when the windshield or rear window is in such a defective condition as to impair the driver's vision either to the front or rear. https://law.justia.com/codes/california/code-veh/division-12/chapter-4/section-26710/

If it is unlawful to operate a vehicle in this condition on the highway, how is it lawful to operate this vehicle on a city street? Aside from its obvious blight, when it operates on our city streets, it poses a danger to other vehicles, cyclists, and pedestrians.

Your response tells me that DOT is unserious about removing blighted vehicles from our streets.

Regards,
Davide Vieira

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From: Collen, Arian <Arian.Collen@sanjoseca.gov>
Sent: Thursday, November 13, 2025 3:46 PM
To: [redacted]
Cc: Ristow, John <John.Ristow@sanjoseca.gov>; Hoshii, Heather <Heather.Hoshii@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Velazquez, Daniela <Daniela.Velazquez@sanjoseca.gov>; Pereira, Paul <Paul.Pereira@sanjoseca.gov>; [redacted]
Subject: RE: FOLLOW UP: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Davide,

Director Ristow asked that I review this vehicle, its SJ311 case history, and provide you with a response. I understand your frustration with the vehicle's condition and the length of time it has remained in your neighborhood. Unfortunately, there is no legal mechanism that allows the City to tow a vehicle solely based on appearance or upon request. The California Vehicle Code (CVC) strictly defines the circumstances under which local agencies have the authority to tow a vehicle, and this vehicle has not met any of the required criteria during our investigations.

While we recognize the frustration these situations can cause, our enforcement actions must conform to the legal standards established in the CVC. We will continue to monitor this location as part of our citywide patrols, and if at any point the vehicle meets tow criteria, we will take the appropriate action.

Thanks,

Arian Collen
Division Manager | Department of Transportation
City of San José
200 East Santa Clara Street, 7th floor
San José, CA 95113
Office: 408-975-3246
www.sanjoseca.gov

<image001.png>

From: [redacted]
Sent: Tuesday, November 11, 2025 6:49 PM
To: Ristow, John <John.Ristow@sanjoseca.gov>
Cc: Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Velazquez, Daniela <Daniela.Velazquez@sanjoseca.gov>; Pereira, Paul <Paul.Pereira@sanjoseca.gov>; [redacted] 'David-John Burrowes' [redacted] >; ': Jeff Levine' [redacted]
Subject: FOLLOW UP: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Found it! The infamous blighted Dodge van with a hole in its windshield moved one block west and one block south from its previous spot. It's now on E San Fernando near the corner of S 26th. You can't miss it. I could open a third report about it, but why bother if it keeps being granted reprieves to move its blight elsewhere?

From: [redacted]
Sent: Monday, November 10, 2025 3:14 PM
To: 'john.ristow@sanjoseca.gov' <john.ristow@sanjoseca.gov>
Cc: 'jessica.zenk@sanjoseca.gov' <jessica.zenk@sanjoseca.gov>; 'Anthony''
<Anthony.Tordillos@sanjoseca.gov>; 'daniela.velazquez@sanjoseca.gov'
<daniela.velazquez@sanjoseca.gov>; 'Paul Pereira' <paul.pereira@sanjoseca.gov>;
[redacted] 'David-John Burrowes' [redacted]; ': Jeff Levine'
Subject: FW: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Hello John,

I reported (again) an ancient Dodge van with a hole in the windshield and full of junk that has been in our neighborhood for at least six months. Why did DOT post it and allow the owner to move it elsewhere to perpetuate its blight? For the SECOND time! The owner owns at least three other vehicles and a trailer parked on S 28th between E Santa Clara and Shortridge. He goes by Roy and is quite polite. It's just that he stores his junk vehicles in the vicinity of S 28th and Shortridge and has done so for at least TWO years.

Why should residents attempt to make their neighborhoods better when the City thwarts their efforts at every opportunity? Especially Parking Compliance and Vehicle Abatement! This is just my latest frustration with these two departments. Posting derelict vehicles and allowing them to remain on our streets is a waste of your time and mine.

Regards,
Davide Vieira

All you leave behind are memories make them good ones

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From: San Jose 311 [redacted]
Sent: Monday, November 10, 2025 7:19 AM
To: [redacted]
Subject: Your vehicle concerns request SR# SJ311PSR20251101-0017 is now closed.

Hi Davide,

We have completed work on and closed your vehicle concern SJ311PSR20251101-0017 at 1246-1304 [redacted] San Jose, California, 95116 related to the Orange Dodge Van license plate number [redacted]

- Nov-01-2025 09:24:06 Service Request Created, Department Assigned - DOT
- Nov-04-2025 07:44:29 In Progress
- Nov-10-2025 07:18:36 Closed, Comments: Thank you for your vehicle abatement request. We visited or returned to the location described in your request and did not find

the vehicle there. Your request has been closed.

View investigation photos

Thank you for keeping San José safe and clean!

How did we do?

Take our quick 3 question survey

- The City of San Jose

Questions? Find answers about City services, or chat with a live agent (available Mon to Fri, 8AM to 5PM).

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TAMAL

Outlook

Fw: Rising Homelessness in San Jose

From Agendadesk <Agendadesk@sanjoseca.gov>
Date Thu 11/20/2025 8:40 AM
To Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Thursday, November 20, 2025 8:17 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: FW: Rising Homelessness in San Jose

From: Jones, Anne [redacted]
Sent: Wednesday, November 19, 2025 9:15 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Rising Homelessness in San Jose

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You don't often get email from [redacted]. Learn why this is important

Dear City Council Member,

My name is Anne Jones and I am a junior at Presentation High School student. I have a question for the meeting. What is San Jose City Council planning to do to take action on the rising homelessness in the city? It is already getting cold outside, and flu and cold season are here. How are you planning to help homeless people get off the streets and get good health care so they can take care of themselves? I hope you can answer my question and help those who have less. Thank you.

Sincerely,

Anne Jones

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