



City Council Meeting Minutes

Tuesday, September 13, 2022
Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88957084529>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 80628 and 80659, Councilmembers may be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:38 a.m.- Closed Session. 22-1342: [See pages 14-16 for Closed Session Minutes.](#)
Councilmembers Absent: All present virtually.

1:33 p.m.- Regular Session.
Councilmembers Absent: All present virtually and in Council Chambers.

6:02 p.m.- Evening Session.
Councilmembers Absent: All present virtually and in Council Chambers.

- **Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

- **Invocation (District 8)**

Councilmember Sylva Arenas introduced singer, songwriter, and producer, Tim Atlas who offered the invocation and presented his music video for his new single, “Tangerine”.

- **Orders of the Day**

There were no changes to the Orders of the Day. No vote was required.

Councilmember David Cohen stated the meeting would be adjourned in memory of John Semanik.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Dev Davis presented the proclamation declaring September 2022 as National Childhood Obesity Awareness Month for families, schools, and communities to educate children on health issues such as obesity. The proclamation was presented to Kaiser Permanente Pediatrician, Dr. Allison Collins.

- 1.2 Councilmember Sylvia Arenas presented the commendation to Citizens Equity First Credit Union (CEFCU) for their commitment to ensuring equitable access to Parks, Recreation and Neighborhood Services (PRNS) Summer Camps by providing qualifying San José youth with scholarships.
- 1.3 Councilmember Maya Esparza presented the proclamation recognizing September 16, 2022 as National POW/MIA Recognition Day. The proclamation was presented to Commissioner of the Santa Clara County Veterans Commission, Jerry Arnold; American Legion Post Commander, Dennis Foggy; Chair of the Santa Clara County Veterans Commission, Cole Cameron; POW, President of the Associates of Vietnam Veterans, Kang Dong; American Legion (Area 2) Vice Commander, Jeff Driscall, and several other associates of the VVA.

2. CONSENT CALENDAR

Public Comments: Blair Beekman spoke to the items on the Consent Calendar.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Liccardo.)

2.1 Approval of City Council Minutes.

None provided.

2.2 22-1346 Final Adoption of Ordinances.

(a) Ordinance No. 30812 - An Ordinance of the City of San José Rezoning 114 Properties from the R-M Multifamily Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 93 Properties from the R-M Multifamily Residential Zoning District to the UR Urban Residential Zoning District, 13 Properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, 12 Properties from the -R-M Multifamily Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 11 Properties from the CG Commercial General Zoning District to the MUN Mixed Use Neighborhood Zoning District, 11 Properties from the CG Commercial General Zoning District to the R-1-8 Single Family Residential Zoning District, Nine Properties from the CG Commercial General Zoning District to the UR Urban Residential Zoning District, Seven Properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single Family Residential Zoning District, Seven Properties from the CN Commercial Neighborhood Zoning District to the UR Urban Residential Zoning District, Four Properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, Four Properties from the CO Commercial Office Zoning District to the R-1-8 Single Family Residential Zoning District, Three Properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the R-M Multifamily Residential Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the R-M Multifamily Residential Zoning District to the OS Open Space Zoning District, Three Properties from the R-2 Two-Family Residential Zoning District to the PQP Public/Quasi-Public

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2.2 (Cont'd.)

Zoning District, Two Properties from the R-2 Two-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Properties from the CG Commercial General Zoning District to the OS Open Space Zoning District, and One Property from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District, Located in Various Locations on those Certain Real Properties within the City of San José.[Passed for Publication on 8/30/2022 - 10.1(a) (22-1287)]

(b) Ordinance No. 30813 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.85 Gross Acres Situated on the North Side of Cambrianna Drive, Approximately 150 Feet Westerly of Taper Avenue (1975 Cambrianna Drive) (APN: 984-45-006) from the R-1-8 Single-Family Residential Zoning District to the R-1-8(PD) Planned Development Zoning District.[Passed for Publication on 8/30/2022 - 10.2(b) (22-1288)]

(c) Ordinance No. 30814 - An Ordinance of the City Of San José Rezoning Certain Real Property of Approximately 10.0 Gross Acres Situated on the Southeast Corner of Stevens Creek Boulevard and Lopina Way (4300-4360 Stevens Creek Boulevard) (APN: 296-40-009, 296-38-013 and 296-38-014) from the CP(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District. [Passed for Publication on 8/30/2022 - 10.3(b) (22-1289)]

Action: (a) **Ordinance No. 30812**, (b) **Ordinance No. 30813**, and (c) **Ordinance No. 30814** were adopted. (10-0-1. Absent: Liccardo.)

2.3 22-1359

Approval of Council Committee Minutes.

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of August 31, 2022. (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of August 24, 2022.(c) Regular Neighborhood Services and Education Committee Minutes of August 11, 2022.CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (10-0-1. Absent: Liccardo.)

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 22-1330 Lease of Airport Premises with General Services Administration Public Building Services for the Transportation Security Administration.**
Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the lease between the City of San José and General Services Administration Public Building Services for leased premises for the Transportation Security Administration at the Norman Y. San José International Airport to: (a) Extend the term by four years from December 31, 2022, to Mineta December 31, 2026; and (b) Implement annual rate adjustments and changes in leased space at any time during the term of the Lease. CEQA: File No. PP17-003 Not a Project, Agreements/Contracts resulting in no physical changes to the environment. (Airport)
- Action: **Resolution No. 80671** was adopted. (10-0-1. Absent: Liccardo.)
- 2.8 22-1328 Conflict of Interest Code Biennial Update.**
Adopt a resolution amending the Conflict of Interest Code for the City of San José. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)
- Action: **Resolution No. 80672** was adopted. (10-0-1. Absent: Liccardo.)
- 2.9 22-1331 Permanent Public Service Easement Agreement with Pacific Gas and Electric Company for the Coleman Highline Development Project.**
Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute all documents necessary for a permanent easement agreement with Pacific Gas and Electric Company, to install and maintain new electrical and/or communication facilities on a portion of APN 230-46-040 to support construction of the Coleman Highline Development Project. CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (Resolution no. 71716); the Airport West Stadium and Great Oaks Place Project EIR (Resolution no. 75309); the Envision San José 2040 General Plan EIR (Resolution no. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and addenda thereto. Council District 3. (Economic Development and Cultural Affairs)
- Action: **Resolution No. 80673** was adopted. (10-0-1. Absent: Liccardo.)
- 2.10 22-1332 Purchase Order with Wattis Construction Co., Inc. for Asphalt Paving Services.**
Adopt a resolution authorizing the City Manager to: (a) Execute a purchase order with Wattis Construction Co., Inc. (San José, CA) for Asphalt Paving Services for the Parks, Recreation, and Neighborhood Services Department for an initial one-year term, starting on or about September 13, 2022, and ending on or about September 12, 2023, for an amount not to exceed \$800,000; and (b) Exercise up to four additional one-year options to extend the term of the purchase order with the last option ending on or about September 12, 2027, subject to the appropriation of funds. CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. PP19-013. (Finance)
- Action: **Resolution No. 80674** was adopted. (10-0-1. Absent: Liccardo.)

2.11 22-1334

Amendment to Master Agreement with Callander Associates Landscape Architecture, Inc.; Meyer Studio Land Architects; and Royston, Hanamoto, Alley & Abey for Landscape Architectural Services for Various City Facility Projects.

Adopt a resolution authorizing the City Manager to negotiate and execute: (a) First Amendment to the Master Agreement for consultant services with Callander Associates Landscape Architecture, Inc. (CPMS Contract No. 9192), extending the term from December 31, 2022, to December 31, 2024 to complete various ongoing facility projects, at no additional cost to the City; (b) First Amendment to the Master Agreement for consultant services with Myer Studio Land Architects (CPMS Contract No. 9192) extending the term from December 31, 2022, to December 31, 2024, to complete various ongoing facility projects, at no additional cost to the City; and (c) First Amendment to the Master Agreement for consultant services with Royston, Hanamoto, Alley & Abey (CPMS Contract No. 9192), extending the term from December 31, 2022, to December 31, 2024, to complete various ongoing facility projects, at no additional cost to the City. CEQA: Not a Project, File No. PP17-003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: **Resolution No. 80675** was adopted. (10-0-1. Absent: Liccardo.)

2.12 22-1333

Amendment to the Consultant Agreement with HMH Engineers for the US 101/Blossom Hill Road Interchange Improvement Project.

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Third Amendment to the consultant agreement between the City of San José and HMH Engineers for the US 101/Blossom Hill Road Interchange Improvement Project to increase the total compensation amount by \$96,000 from \$5,792,500 to \$5,888,500 and extend the agreement term from July 31, 2023 to December 31, 2025. CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. Council District 2. (Transportation)

Action: **Resolution No. 80676** was adopted. (10-0-1. Absent: Liccardo.)

2.13 22-1349

Retroactive Approval of Multiple Special Events Sponsored by Council District 5 as a 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 August 31, 2022: (a) Retroactively approve the Children of the Rainbow Park National Night Out event scheduled on August 12, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Mayfair Senior Yoga event scheduled on August 18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (c) Retroactively approve the Hillview Library Reclaiming event scheduled on August 20, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (d) Retroactively approve the SV PRIDE Parade scheduled on August 28, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and (e) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a

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2.13 (Cont'd.)

Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 8/31/2022 - Item B.3]

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

2.14 22-1353

Retroactive Approval of the Active Adults Program End of Summer Luau Community Event Sponsored by Council District 8 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 August 31, 2022: (a) Retroactively approve the Active Adults Program End of Summer Luau scheduled on August 30, 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. (Arenas) [Rules Committee referral 8/31/2022 - Item B.4]

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

2.15 22-1375

Approval of Mexican Flag Raising Event Sponsored by Council District 5 and Council District 2 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 September 7, 2022: (a) Approve the Mexican Flag Raising event scheduled on September 15, 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 CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco and Jimenez) [Rules Committee referral 9/7/2022 - Item B.3]

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

2.16 22-1378

Approval of Piedmont North Dumpster Day and Vinci Park Safe Neighbor Events Sponsored by Council District 4 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 September 7, 2022: (a) Approve the Piedmont North Dumpster Day scheduled on September 17, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Approve the Vinci Park Safe Neighbor Training event scheduled on September 21, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011,

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2.16 (Cont'd.)

Temporary Special Events resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 9/7/2022 - Item B.4]

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

2.17 22-1382

Request for Travel Authorization for Mayor Liccardo.

As recommended by the Rules and Open Government Committee on September 7, 2022, authorize travel for Mayor Liccardo to Washington, D.C. from September 12, 2022 to September 13, 2022, for meetings at the White House and U.S. Department of Transportation and funded by Mayor's Office Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo) [Rules Committee referral 9/7/2022 - Item B.5]

Action: The request for travel authorization for Mayor Sam Liccardo was approved. (10-0-1. Absent: Liccardo.)

2.18 22-1386

Request for Travel Authorization for Mayor Liccardo.

As recommended by the Rules and Open Government Committee on September 7, 2022, authorize travel from September 27, 2022 to September 29, 2022, accept travel payments to the City of San José, and designate Mayor Liccardo as the City representative to speak at the Mui Ho Center for Cities symposium at Cornell University and funded by Cornell University, Mui Ho Center for Cities. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo) [Rules Committee referral 9/7/2022 - Item B.6]

Action: The request for travel authorization for Mayor Sam Liccardo was approved. (10-0-1. Absent: Liccardo.)

2.19 22-1361

Boards and Commissions Appointment.

Approve the following Boards and Commissions appointment: (a) Planning Commission: (1) District 2 Seat: Appoint Carlos Rosario 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 9/7/2022 - Item A.1.a]

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

3. STRATEGIC SUPPORT

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

City Manager, Jennifer Maguire offered the verbal report and announced the City is celebrating "Welcoming Week." The week is a dedicated time to recognize the growing network of cities, counties,

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3.1 (Cont'd.)

and organizations around the United States who strive to make their communities more inclusive and welcoming for all people; including immigrants and refugees. San José will be celebrating cultural diversity, the contributions of Immigrants who call the City home, and explore ways to make the community more welcoming for everyone. Jennifer thanked multiple departments and City Council for their efforts on planning and putting together this week's events.

3.2 Labor Negotiations Update.

None provided.

3.3 22-1345 Digital Privacy Program Update and Public Camera Use.

(a) Accept the status report on the progress of the Digital Privacy Program. (b) Approve new and updated data usage cases in the Transportation and Parks, Recreation and Neighborhood Services departments. (c) Approve the Data Usage Protocol for Automated License Plate Readers to replace the Police Department's existing Data Usage Policy in Police Duty Manual L4207 and to supersede previously approved automated license plate reader related policies. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Information Technology/Police) [Smart Cities and Service Improvement Committee referral 2/3/2022 - Item (d)3]

DEFERRED TO 9/20/2022 PER ADMINISTRATION.

4. PUBLIC SAFETY SERVICES

4.1 22-1335 Independent Police Auditor 2021 Year End Report.

(a) Accept the 2021 Independent Police Auditor Year End Report. (b) Accept the San José Police Department's response to the recommendations contained in the 2021 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)[Deferred from 6/28/2022 - Item 4.2 (22-1047), 8/16/2022 - Item 4.1 (22-1179) and 8/30/2022 - Item 4.1 (22-1281)]

Independent Police Auditor, Shivaun Nurre offered the presentation and responded to questions.

Public Comment: Paul Soto and Sandra Asher offered public testimony regarding the item.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Dev Davis and carried unanimously, (a) The 2021 Independent Police Auditor Year End Report and (b) The San José Police Department's response to the recommendations contained in the 2021 Independent Police Auditor Year End Report were accepted. (10-0-1. Absent: Liccardo.)

4.2 22-1336

San José Police Department Internal Affairs Unit - 2021 Department Initiated Investigations Report.

Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2021. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police) [Deferred from 6/28/2022 - Item 4.3 (22-1048), 8/16/2022 - Item 4.2 (22-1180) and 8/30/2022 - Item 4.2 (22-1282)]

SJPD Chief of Police, Anthony Mata; SJPD Internal Affairs Unit, Lieutenant Macedonio Zuniga; SJPD Internal Affairs Unit, Officer Jaime Jimenez offered the presentation and -responded to questions.

Public Comment: Paul Soto and Sandra Asher offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, The San José Police Department Internal Affairs Unit - 2021 Department Initiated Investigations Report was accepted. (10-0.1 Absent: Liccardo.)

4.3 22-1337

Recommendation on a Process for Random Audits of Officer-Worn Body Camera Footage.

(a) Accept the report regarding audits of body-worn camera (BWC) footage from San José Police Department Officers as part of the Police Reforms Work Plan. (b) Direct the City Manager to implement random audits of BWC footage through the addition of 1.0 Senior Analyst position in the Police Department, with the first year funding provided by the existing Police Reforms Work Plan appropriation and future year funding included as part of the 2023-2024 General Fund Base Budget. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police/City Manager)

SJPD Chief of Police, Anthony Mata and SJPD, Lieutenant Steven Donohue offered the presentation and responded to questions.

Public Comment: Paul Soto, Blair Beekman, and Katherine Hedges offered public testimony regarding the item.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, (a) The report regarding random audits of body-worn camera (BWC) footage from San José Police Department Officers as part of the Police Reforms Work Plan was accepted, and (b) the City Manager was directed to implement random audits of BWC footage through the addition of 1.0 Senior Analyst position in the Police Department. *In addition, to consider implementing performance audits through the proposed budget or an MBA of the cost in the budget process, and include this in the meeting confer process after the consideration.* (7-0-4. Absent: Jimenez, Carrasco, Davis, Liccardo.)

5. TRANSPORTATION & AVIATION SERVICES

- 5.1 22-1338 Agreement for Professional Consultant Services for On-Call Planning and Environmental Services at Norman Y. Mineta San José International Airport.**
Adopt a resolution authorizing the City Manager to negotiate and execute Master Consultant Agreements with Landrum and Brown, Inc. and HNTB Corporation, for On-Call Planning and Environmental Services at Norman Y. Mineta San José International Airport, for a period of five years from execution, in a total amount not to exceed \$3,500,000 per consultant over the term of the agreement. CEQA: Not a Project, File No. PP17-002, Consultant services for design/study/inspection, or other professional services with no commitment to future action. (Airport)

Public Comment: Blair Beekman offered public testimony regarding the item.

Action: : Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80677** was adopted. (8-0-3. Absent: Jimenez, Carrasco, Liccardo.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

- 7.1 22-1339 1343 The Alameda Master Plan and Naming.**
(a) Adopt the City of San José 1343 The Alameda Master Plan Report for a public park.
(b) Adopt “The Alameda Park” as the official park name as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process.
CEQA: Categorically Exempt, ER22-0179 CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Council District 6. (Parks, Recreation and Neighborhood Services).

Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli; Parks Manager, Hayde Pacheco; Planner, Rebekah Ross; and Interim Planner, Marybeth Bowman offered the presentation and responded to questions.

Public Comment: (In person speakers) Helen Chapman, Lorie Bord, (Zoom speakers) Paul Soto, Edwards S., Pat T., and Alex Shoor offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, (a) the Alameda Master Plan Report was accepted. Including acceptance of the memorandum from Councilmember Dev Davis dated September 13, 2022, with a modification to, *add native plant landscaping and get rid of the artificial turf at the park and provide more time for the community to vet and become more familiar with the new name in consideration, “Clara Louise Lawrence”*, recommending: (1) Delay naming the future park on 1343 The Alameda. Return to the community with a new name to consider: Clara Louise Lawrence Park. (2) Accept the Master Plan document with the following modifications: (a) Work with the Council office and the neighborhood to determine which hardscape areas can be changed to permeable surfaces or native plant landscaping. (b) Decline to use artificial turf anywhere in this park. (9-0-2. Absent: Carrasco, Liccardo.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

. Open Forum

1. Blair Bleekman spoke to the era of 911, Covid-19, inclusivity, and better practices.
2. Paul Soto spoke to the history regarding Mexican Independence Day, Spanish government, enslavement, and a land grant.
3. A speaker expressed she couldn't hear certain presenters in Council Chambers while attending virtually. She had a hard time voicing that during the webinar and participating as a whole.

- Council recessed until 6:02 p.m.

10. LAND USE

10.1 Land Use on Consent Calendar

10.1(a) 22-1340 C21-002-Conforming Rezoning of Certain Real Property Locate at 0 Dorel Drive.

Approve an ordinance rezoning an approximately 1.03-gross acre site on that certain real property located on the south side of Suncrest Avenue, approximately 520 feet southeasterly of Perie Lane (0 Dorel Drive) from the A(PD) Planned Development Zoning District to the R-1-2 Single-Family Residence Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, **Ordinance No. 30815** was passed for publication. (8-0-3. Absent: Jimenez, Peralez, Liccardo.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 22-1341 Cambrian No. 37 - Annexation of two unincorporated parcels and portions of Camden Avenue and Union Avenue totaling 19.92 acres from the County of Santa Clara into the City of San José (14200 Union Avenue).

Adopt a resolution ordering the annexation of territory designated as Cambrian No. 37 which involves the annexation to the City of San José of approximately 19.92-gross acres of land located on the southeast corner of Union Avenue and Camden Avenue (APNs 419-08-012 and 419-08-013) and adjacent streets including 735.44 feet of Union Avenue and 948.32 feet of Camden Avenue along the project frontage, and the detachment of the same from the appropriate special districts including County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa

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10.2 (Cont'd.)

Clara County Library District. CEQA: Determination of Consistency with the Cambrian Park Mixed-Use Village Project Final Environmental Impact Report (City Council Resolution No. 80647). Council District 9. (Planning, Building and Code Enforcement)

Director, PBCE, Christopher Burton offered the presentation and responded to questions.

Public Comment: Alex Shoor offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen and carried unanimously, **Resolution No. 80678** was adopted. (10-0-1. Absent: Liccardo.)

- **Open Forum**

No members of the public spoke at the evening session Open Forum.

- **Adjournment**

The Council of the City of San José adjourned at 6:10 p.m. in memory of John Semanik, who passed away on August 8, 2022, at the age of 67. A dedicated community leader in the Upper Penitencia Creek region for decades, John founded the Penitencia Neighborhood Association, which created a space for people to come together and better their neighborhoods for generations to come. John was married to his wife, Olivia, for 41 years and they raised three daughters together. He was also a published author and an avid Bay Area sports fan, with a particular love for the San Francisco Forty-Niners and the Golden State Warriors. John's friendship, warmth, and community spirit will be deeply missed by every person who knew him.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on: 4/25/23

Attest By: 

Toni J. Taber, CMC
City Clerk, City of San José

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 13, 2022

The Council of the City of San José convened into Closed Session at 9:38 a.m.
The meeting was held in Council Chambers Conference Room, W133.

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

Absent: Councilmembers - All present.

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: Claim of Watson
Name(s) of Parties(s) Involved:
Court: Workers Compensation Appeals Board
Case No.: ADJ10011642
Amount of Money or Other Relief: Benefits
Sought:
2. Case Name: Dominguez, Jessica et al., v City of San Jose, et al.,
Name(s) of Parties(s) Involved: JESSICA DOMINGUEZ INDIVIDUALLY AND
JESSICA DOMINGUEZ AS GUARDIAN AD LITEM
FOR JAD (1), JAD (2) AND JAD (3) v. CITY OF SAN
JOSE, SAN JOSE POLICE DEPARTMENT,
MICHAEL PINA, AND DOE POLICE OFFICERS 2
through 5
Court: United States District Court Northern District of
California San Jose Division
Case No.: 5:18-cv-04826 BLF
Amount of Money or Other Relief: Damages according to proof.
Sought:
3. Case Name: Paredes, Anthony vs City of San Jose, et al.,
Name(s) of Parties(s) Involved: ANTHONY PAREDES, CITY OF SAN JOSE,
MICHAEL JEFFREY, and DOES 1-15, inclusive
Court: United States District Court Northern District of
California
Case No.: 5-22-cv-00758-BLF
Amount of Money or Other Relief: Damages according to proof.
Sought:

4. Case Name: Marin, Guadalupe v City of San Jose, et al.
Name(s) of Parties(s) Involved: GUADALUPE MARIN, CITY OF SAN JOSE, MATTHEW RODRIGUEZ, TYLER MORAN, and DOES 1-25
Court: United States District Court Northern District of California
Case No.: 5:21-cv-06372-VKD
Amount of Money or Other Relief Sought: Damages according to proof
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, 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
6. 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 Other Relief Sought: Damages according to proof.

B. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION:

Claim threatening litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code:

1. Claimants(s): Dornners, Javanz
City Department: Police Department (general)

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

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

	<p>Nature of negotiations:</p> <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p>	<p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p>
2.	<p>Organization or Name and Title of Unrepresented Employees:</p> <p>Nature of negotiations:</p> <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p>	<p>San José Police Officers' Association (SJPOA)</p> <p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement — City of San José and San José Polices' Association</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p>

By unanimous consent, Council recessed from the Closed Session at 11:25 a.m.; to reconvene in Regular Open Session at 1:30 p.m. in Council Chambers.