



# **City Council Meeting MINUTES**

**Tuesday, September 27, 2022**

**1:30 PM**

**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**

9:30 a.m. - Closed Session

**22-1396** Closed Session: [See page 15 for Closed Session Minutes.](#)

Absent: Arenas and Liccardo

1:35 p.m. - Regular Session

Present: Councilmembers - Carrasco (via Zoom), Mahan, Jimenez (via Zoom), Jones, Cohen, Esparza, Peralez, Arenas, Foley, Davis, Liccardo (1:59 p.m.)

Absent: Councilmembers - All Present

- **Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

- **Invocation (District 8)**

Pastor of St. Francis of Assisi Parish, Reverend Matthew D. Stanley offered the invocation.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Adjournment**

City Manager Jennifer Maguire stated the meeting will be adjourned in memory of William “Bill” Brill.

- **Closed Session Report**

None.

# **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Pam Foley presented a commendation recognizing John McKay and Michael North for their exemplary community involvement and generous philanthropic endeavors.
- 1.2 Councilmember Dev Davis presented a proclamation declaring September 2022 as Ovarian Cancer Awareness Month. Sarah Hawkins from the Teal Foundation, and Shea Gerlinger accepted the proclamation.

# **2. CONSENT CALENDAR**

Upon motion by Councilmember Pam Foley, seconded by Councilmember Raul Peralez, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

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

None provided.

## **2.2 22-1424 Final Adoption of Ordinances.**

(a) Ordinance No. 30815 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.03 Gross Acres Situated on the South Side of Suncrest Avenue, Approximately 520 Feet Southeasterly of Perie Lane (0 Dorel Drive) (APN: 595-24-050) from the A(PD) Planned Development Zoning District to the R-1-2 Single-Family Residence Zoning District. [Passed for Publication on 9/13/2022 - 10.1(a) (22-1340)]

Action: **Ordinance No. 30815** was adopted. (11-0.)

## **2.3 22-1430 Approval of Council Committee Minutes.**

(a) Regular Public Safety, Finance and Strategic Support Committee Minutes of August 18, 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 Public Safety, Finance and Strategic Support Committee minutes for the regular meeting on August 18, 2022 were approved. (11-0.)

## **2.4 22-1433 Mayor and Council Excused Absence Requests**

Request for an excused absence for Councilmember Esparza from the City Council Special Meeting on September 16, 2022 due to illness.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza)  
[Rules Committee referral 9/21/2022 - Item A.1.a]

Action: The requests for an excused absence was approved. (11-0.)

## 2.5 City Council Travel Reports.

None provided.

## 2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

### 2.7 22-1170 **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through October 27, 2022 during the Governor's Proclaimed COVID State of Emergency.**

Adopt a resolution finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.

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

Action: **Resolution No. 80685** was adopted. (11-0.)

### 2.8 22-1398 **California Strategic Growth Council for the Regional Climate Collaboratives Grant.**

Adopt a resolution authorizing the City Manager or designee to:

(a) Submit an application to the California Strategic Growth Council for the Regional Climate Collaboratives Grant; and

(b) Negotiate and execute a grant agreement and any other related documents necessary with the California Strategic Growth Council to accept and receive the Regional Climate Collaboratives Grant, if awarded.

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

Action: **Resolution No. 80686** was adopted. (11-0.)

- 2.9            22-1399            **2021-2022 Municipal Regional Permit Stormwater Management Annual Report.**  
Adopt a resolution authorizing the certification and submittal of the City of San José's Municipal Regional Permit Stormwater Management Annual Report 2021-2022 to the San Francisco Bay Regional Water Quality Control Board by September 30, 2022 in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City Action. (Environmental Services)

Action: **Resolution No. 80687** was adopted. (11-0.)

- 2.10           22-1421            **City Initiatives Roadmap - Clean Energy Resilience: Residential Building Electrification Updates and Workforce Development Acceleration Partnership and Master Agreement with BlocPower LLC.**

**THIS ITEM WAS RENUMBERED TO ITEM 6.1**

- 2.11           22-1400            **Amendment to the Agreement with SKIData, Inc. for a Parking Access and Revenue Control System for the Norman Y. Mineta San José International Airport.**  
Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Agreement for the purchase, implementation, and maintenance of a parking access and revenue control system with SKIData, Inc. (formerly Sentry Control Systems, LLC) (Van Nuys, CA) to extend the initial term for an additional nine months ending on June 30, 2023 with no change in maximum compensation and negotiate and execute up to 10 one-year options to extend the agreement for ongoing support, maintenance, and related professional services ending on June 30, 2033 or as may be adjusted to align with the software renewal term, subject to the appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80688** was adopted. (11-0.)

- 2.12           22-1401            **Actions Related to the Purchase Order with Waterworks Industries Incorporated for Lake Management and Maintenance Services.**  
Adopt a resolution authorizing the City Manager to:  
(a) Execute a purchase order with Waterworks Industries Incorporated (Windsor, CA) for lake management and maintenance services for an initial one-year term, starting on or about October 12, 2022, and ending on or about October 11, 2023, for a not-to exceed amount of \$275,000; and  
(b) Exercise up to four additional one-year options to extend the term of the purchase order with the last option year ending on or about October 11, 2027, subject to the appropriation of funds. CEQA: Categorically Exempt, File No. ER22-207, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 80689** was adopted. (11-0.)

- 2.13**      **22-1402**      **Actions Related to the Purchase Orders with Towne Motor Company dba Towne Ford Sales for New Ford Trucks.**  
Adopt a resolution authorizing the City Manager to:  
(a) Amend purchase orders PO 82473, PO 82475, and PO 82491 with Towne Motor Company dba Towne Ford Sales (Redwood City, CA) for new Ford trucks with custom bodies to increase the amount of total compensation by \$795,374 for a revised combined amount not-to-exceed \$1,720,682 and to extend the terms from November 23, 2022, to November 23, 2023;  
(b) Approve a contingency of \$258,000 for any unforeseen changes or modifications to vehicle orders, subject to the appropriation of funds;  
and  
(c) Execute additional purchase orders for ongoing vehicle purchases through November 23, 2026, subject to the appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80690** was adopted. (11-0.)

- 2.14**      **22-1403**      **Actions Related to Citywide Open Purchase Order with Technology Integration Group for Dell PowerEdge Servers.**  
Adopt a resolution authorizing the City Manager to amend citywide open purchase order OP 62374 with Technology Integration Group (San Diego, CA) for as-required Dell PowerEdge servers to increase compensation by \$400,000 for a revised maximum compensation of \$500,000 for the current option ending July 9, 2023 and execute the last option to extend the term through July 9, 2024, subject to the appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80691** was adopted. (11-0.)

- 2.15**      **22-1419**      **Agreement with Destination: Home for Funding from Homeless Housing, Assistance, and Prevention Funding for the Lived Experience Advisory Board of Santa Clara County.**  
Adopt a resolution authorizing the Director of Housing, or Director's designee, to negotiate and execute an agreement with Destination: Home in the amount of \$200,000 from the Homeless Housing, Assistance, and Prevention funding to establish a two-year agreement with the Lived Experience Advisory Board of Santa Clara County.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)

Action: **Resolution No. 80692** was adopted. (11-0.)

- 2.16**      **22-1405**      **Annual Evaluation Report for Fiscal Year 2022 (Year 1) Santa Clara County Multi-Jurisdictional Program for Public Information.**  
Accept the Fiscal Year 2022 Annual Evaluation Report on Santa Clara County Multi-Jurisdictional Program for Public Information.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works)

Action: The Fiscal Year 2022 Annual Evaluation Report on Santa Clara County Multi-Jurisdictional Program for Public Information was accepted. (11-0.)

- 2.17**      **22-1459**      **Request for Travel Authorization.**  
As recommended by the Rules and Open Government Committee on September 21, 2022, authorize travel, accept travel payments to the City of San José, and designate Mayor Sam Liccardo, Clay Garner, Chief Innovation Officer of MOTI, and Deputy City Manager Rob Lloyd as the City representatives to attend the CityLab 2022 conference in Amsterdam, the Netherlands, from October 7, 2022 to October 11, 2022. (Source of Fund: Aspen Institute [airfare, lodging, meals and ground transportation])  
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 9/21/2022 - Item B.2]

Action: Travel was authorized, travel payments to the City of San José were accepted, and Mayor Sam Liccardo, Clay Garner, Chief Innovation Officer of MOTI, and Deputy City Manager Rob Lloyd were designated as the City representatives to attend the CityLab 2022 conference in Amsterdam, the Netherlands, from October 7, 2022 to October 11, 2022. (11-0.)

- 2.18**      **22-1463**      **City Council Appointment for Vision Zero Task Force.**  
As recommended by the Rules and Open Government Committee on September 21, 2022:  
(a) Appoint Councilmember Foley as Chair of the City’s Vision Zero Task Force.  
(b) Appoint Councilmember Peralez as Vice Chair of the City’s Vision Zero Task Force.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo and Peralez)  
[Rules Committee referral 9/21/2022 - Item B.3]

Councilmember Pam Foley commented on this Item to offer thanks to Councilmember Raul Peralez’s leadership on the Vision Zero Task Force and the recommendation by Councilmember Raul Peralez and Mayor Sam Liccardo that she the new Chair.

Action: Councilmember Foley was appointed as Chair of the City’s Vision Zero Task Force, and Councilmember Peralez was appointed as Vice Chair of the City’s Vision Zero Task Force. (11-0.)

**2.19            22-1467            Approval of City Hall Lighting Display for Ovarian Cancer Awareness Month 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 September 21, 2022:

(a) Approve the City Hall Lighting Display for Ovarian Cancer Awareness Month scheduled on September 27, 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 9/21/2022 - Item B.4]

Action: The City Hall Lighting Display for Ovarian Cancer Awareness Month was approved as a City Council-sponsored Special Event. (11-0.)

**2.20            22-1471            Approval of Noble Elementary School Fall Festival and District 4 Pumpkin Giveaway 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 21, 2022:

(a) Approve the Noble Elementary School Fall Festival scheduled on October 21, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the District 4 Pumpkin Giveaway scheduled on October 26, 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 event.

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

[Rules Committee referral 9/21/2022 - Item B.5]

Action: The Noble Elementary School Fall Festival and District 4 Pumpkin Giveaway were approved as City Council-sponsored Special Events. (11-0.)

## **3. STRATEGIC SUPPORT**

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

City Manager Jennifer Maguire shared that the following San José library branches will be open to the public on Sundays, starting on October 2, 2022: Alviso, Dr. Roberto Cruz (Alum Rock), Bascom, Berryessa, Biblioteca Latinoamericana, Cambrian, East San José Carnegie, Edenvale, Educational Park, Evergreen, Hillview, Joyce Ellington, Seven Trees, Tully Community, Vineland, and West Valley.



### 3.2 Labor Negotiations Update.

None provided.

- 3.3 22-1422 Status of Open Audit Recommendations as of June 30, 2022.**  
Accept the Status of Open Audit recommendations as of June 30, 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. (City Auditor)

City Auditor Joe Rois provided the presentation and responded to questions.

Public Comment: Caller with number ending in -1367 offered public comment.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza, and carried unanimously, the report on the status of open audit recommendations was accepted. (8-0-3. Absent: Carrasco, Arenas, Liccardo.)

- 3.4 22-1417 City Initiatives Roadmap: Bill of Rights for Children and Youth Audit Report. - DEFERRED**  
As recommended by the Neighborhood Services and Education Committee on September 8, 2022, accept a report on the Bill of Rights for Children and Youth Audit as part of the approved City Initiatives Roadmap for 2022-2023.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Neighborhood Services and Education Committee referral 9/8/2022 - Item (d)1]

#### **DEFERRED TO 10/4/2022 PER RULES AND OPEN GOVERNMENT COMMITTEE**

- 3.5 22-1404 City Initiatives Roadmap Fourth Quarter 2021-2022 Status Report. - TO BE HEARD IMMEDIATELY AFTER CONSENT**  
Accept the fourth quarter status report on the implementation of the Fiscal Year 2021-2022 City Initiatives Roadmap and the Fiscal Year 2022-2023 City Initiatives Roadmap.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

#### **THIS ITEM WAS HEARD IMMEDIATELY AFTER CONSENT**

Chief of Staff for the City Manager Dolan Beckel, Assistant to the City Manager Erik Jensen, Deputy City Manager Rob Lloyd, Deputy City Manager Kip Harkness, Deputy City Manager Rosalyn Hughey, Deputy City Manager Angel Rios, Budget Director Jim Shannon, and Director of Employee Relations Jennifer Schembri provided the presentation. The presenters responded to questions along with Deputy Director of Parks, Recreation, and Neighborhood Services Andrea Flores-Shelton, Director of Planning, Building, and Code Enforcement Chris Burton, Division Manager for Digital Equity and Empowerment Ann Grabowski, Director of the Office of Racial Equity Zulma Maciel, and Director of Housing Jacky Morales-Ferrand.

*(Item continued on next page)*

### 3.5 (Cont'd.)

Public Comments: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Matt Mahan, and carried unanimously, the fourth quarter status report on the implementation of the Fiscal Year 2021-2022 City Initiatives Roadmap and the Fiscal Year 2022-2023 City Initiatives Roadmap was accepted. (8-0-3. Absent: Carrasco, Jimenez, Liccardo.)

## **4. PUBLIC SAFETY SERVICES**

### **4.1 22-1414 Fireworks Ordinance Work Plan Status Report.**

As recommended by the Public Safety, Finance and Strategic Support Committee on August 18, 2022, accept the status report on the implementation of the Fireworks Ordinance Work Plan Post-Fourth of July 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. (Fire)

[Public Safety, Finance and Strategic Support Committee referral 8/18/2022 - Item (d)4]

Deputy Fire Chief/ Fire Marshal, James Dobson provided the presentation and responded to questions along with Deputy Director of Code Enforcement Rachel Fire Chief Robert Sapien and SJ311 Program Manager Kia O'Hara.

Public Comments: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza, and carried unanimously, the status report on the implementation of the Fireworks Ordinance Work Plan Post-Fourth of July 2022 was accepted. (9-0-2. Absent: Davis, Liccardo.)

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

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

### **6.1 22-1455 City Initiatives Roadmap - Clean Energy Resilience: Residential Building Electrification Updates and Workforce Development Acceleration Partnership and Master Agreement with BlocPower LLC. - RENUMBERED FROM ITEM 2.10.**

(a) Accept the update on the Request for Proposals for Residential Building Electrification Updates and Workforce Development Acceleration Partnership.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute a Master Agreement with BlocPower LLC for up to \$489,000 in total contract funds.

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

[RENUMBERED FROM ITEM 2.10 (22-1421)]

*(Item continued on next page)*

## 6.1 (Cont'd.)

Director of Environmental Services Kerri Romanow provided an update.

Public Comments: Will Smith (IBEW Local 332), Alex Caraballo (IBEW Local 332)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, the staffs' recommendations were accepted, and **Resolution No. 80693** was adopted, along with the following items:

*Including the joint memorandum from Councilmembers Cohen, Esparza, and Arenas, dated September 22<sup>nd</sup>, 2022:*

1. Accept the recommendations from the staff memorandum with the following addition:
  - a. Ensure that BlocPower works in collaboration with local IBEW and electrical contractors to develop the workforce that will be required to implement the City of San Jose's electrification plan.

*Also including the following items 1, 3, and 4 from the joint memorandum from the Mayor and Councilmembers Jimenez and Peralez, September dated 23<sup>rd</sup>, 2022:*

Accept the staff recommendation with the following additional direction:

1. Direct Staff to strategically leverage federal funding, including exploring the use of Energy Efficiency Conservation Block Grant (EECBG) formula funding from the IJA, to scale the BlocPower program.
3. Return in the Fall of 2023 to the Transportation & Environment Committee with a progress report on the Accelerator Program.
4. Coordinate with Mayor and Council Offices to promote available low-income programs, rebates, and incentives to residents and businesses to accelerate existing building electrification. (10-0-1. Absent: Liccardo.)

## **7. NEIGHBORHOOD SERVICES**

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

- 8.1            22-1418            **Exclusive Negotiation Agreements for Affordable Housing Developments on City-Owned Sites.**
- Adopt a resolution authorizing the Director of Housing, or designee, to:
- (a) Negotiate and execute Exclusive Negotiation Agreements and any ancillary documents with the following developers allowing them to entitle affordable housing developments for the following City-owned sites: EAH Housing and/or affiliates for 3707 Williams Road, Habitat for Humanity East Bay/Silicon Valley and/or affiliates for 1749 Mount Pleasant Road, the Santa Clara County Housing Authority and/or affiliates for 255 N. Autumn Avenue and 240 and 260 N. Montgomery Street; and
  - (b) Negotiate and execute Exclusive Negotiation Agreements and any ancillary documents with BRIDGE Housing and AvalonBay Communities, Inc., and/or affiliates allowing them to entitle a development that includes a community center, market-rate housing and affordable housing for 5585 Cottle Road.

*(Item continued on next page)*

## 8.1 (Cont'd.)

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Development on these sites will require site-specific CEQA review. Council Districts 1, 2, 5, 6. (Housing)

The presentation was provided by Housing Department's Deputy Director Rachel VanderVeen, Division Manager Kemit Mawakana, Housing Policy & Planning Administrator Banu San, and Development Officer Jimmy Lin for Item 8.1 and Item 8.2.

Public Comments: Alex Shoor (Catalyze SV) Caller with number ending in -1367 offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Magdalena Carrasco, and carried unanimously the item was approved, and **Resolution No. 80694** was adopted. (10-0-1. Absent: Liccardo.)

## 8.2      22-1420      **Actions Related to the Surplus and Property Sale and Property Management Agreement for the SureStay Hotel by Best Western Located at 1488 North First Street.**

Adopt a resolution:

(a) Declaring the subject property "exempt surplus land" to the needs of the City pursuant to Cal. Gov. Code §54221(f)(1)(D), San José Municipal Code 4.20.080 and in accordance with Council Policy 7-13(D)(3);

(b) Approving the sale of the City-owned property SureStay Hotel by Best Western located at 1488 North First Street, identified as Assessor's Parcel Number 235-02-034, to the Santa Clara County Housing Authority for \$1;

(c) Authorizing the City Manager, or her designee, to negotiate and execute the Purchase and Sale Agreement, the deed, and all other documents necessary to complete the transaction; and

(d) Authorizing the Director of Housing or designee to negotiate and execute an agreement with LifeMoves, a nonprofit public benefit corporation, not to exceed \$1,700,000 of Measure E funds from October 1, 2022 to June 30, 2023 for property management and supportive services at the SureStay Hotel by Best Western.

CEQA: Not a discretionary project subject to CEQA pursuant to Health & Safety Code section 50675.1.1(g); Exempt per Public Resources Code 21080(b)(1) and CEQA Guidelines Section 15369 Ministerial Project pursuant to Government Code Section 65913.4. Council District 3. (Housing/ Economic Development and Cultural Affairs)

The presentation was provided by Housing Department's Deputy Director Rachel VanderVeen, Division Manager Kemit Mawakana, Housing Policy & Planning Administrator Banu San, and Development Officer Jimmy Lin for Item 8.1 and Item 8.2.

Public Comments: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, **Resolution No. 80695** was adopted. (10-0-1. Absent: Liccardo.)

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

### **10. LAND USE**

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

None Provided

#### **10 Land Use – Regular Agenda**

None Provided

### **• Open Forum**

1. Lee Wheeler requested that the Council permanently remove the Noble site from future tiny home consideration lists.
2. Sandra requested that the Council give Penitencia Creek Trail Reach Two charter status without delay.
3. Robert Mickanen asked that the Council recognize Penitencia Creek Trail, the Noble site, as a dedicated charter park to restore the people’s faith in government officials.
4. Jasmine described that the proposal of building tiny homes on the community’s park would be harmful, maintained that the area should indeed be considered to be a park, and stated that the timing of Open Forum is inconvenient for the working-class community.
5. Sarah cited both the Penitencia Creek Park Chain Reach 2 Park Master Plan Narrative Report from June 2022 and a City memorandum from February 7, 2007, and urged the Council to declare Penitencia Creek Park, the Noble site, as a Charter park as soon as possible.
6. Yi Liao emphasized that the Noble Park is a park, urged the Council to recognize it in the Charter, and stated that tiny homes should not be built in District 4 at the expense of the residential community.
7. Tom Wilson, representing Not on Noble, sought immediate and permanent protection in the form of a written declaration, resolution, or proclamation stating that Reach 2 is a charter park and is not viable for any non-park development.
8. Gail Anne Osmer asked the Council to reconsider abating RVs in the City, and to consider the people that have nowhere else to go.
9. Jay O’Sea, on behalf of Central Planning, expressed thanks to the Councilmembers and described effects of City policies.

### **• Adjournment**

The Council of the City of San José adjourned at 5:47 p.m. This meeting was adjourned in memory of William “Bill” Brill, who was a beloved father, grandfather and son. He passed away on Friday, May 13, 2022, leaving behind his son, Meehan, and his granddaughter, Ivey. Bill served on the City of San José’s Civil Service Commission for more than 20 years, most recently serving as the Chair of the Commission. A dedicated public servant, he was known for bringing warmth, compassion, fairness and professionalism in his role as Chair. Prior to his role on the Civil Service Commission, he served on the Housing Commission. Bill leaves behind many colleagues at the City of San José and his work and dedication to the Civil Service Commission will be missed. He will forever be remembered as a loving father and grandfather, an avid gardener, and strong community advocate.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

get/09-27-22 MIN

SAN JOSÉ CITY COUNCIL CLOSED SESSION

SEPTEMBER 27, 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 - Carrasco, Cohen, Davis, Esparza, Foley, Jimenez, Jones,  
Mahan, Peralez.

Absent: Councilmembers - Arenas; 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: Claim of Marquez  
Name(s) of Partie(s)  
Involved:  
Court: Workers Compensation Appeals Board  
Case No.: ADJ10636377, ADJ10636375  
Amount of Money or Benefits  
Other Relief Sought:
2. Case Name: In re: Claim of Trujillo  
Name(s) of Partie(s)  
Involved:  
Court: Workers Compensation Appeals Board  
Case No.: ADJ14135575  
Amount of Money or Benefits  
Other Relief Sought:
3. Case Name: Varshney, Jaishree v City of San Jose, et al.  
Name(s) of Partie(s) Jaishree Varshney, an individual, City of San Jose, an entity,  
Involved: 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:

4. Case Name: Citizens for Free Speech and Equal Justice, LLC v. City of San Jose  
Name(s) of Partie(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 (consolidated for all purposes with Case No. 5:20-cv-3905-BLF)  
Amount of Money or Other Relief Sought: Damages according to proof

5. Case Name: People of the State of California, ex rel., et al. v Citizens for Free Speech and Equal Justice, LLC.  
Name(s) of Partie(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

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

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

Number of matter(s) to be discussed: 1

1. Claimants(s): In re: Claim of City of Sunnyvale  
City Department: Public Works

**C. 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)



**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: **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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**

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 (MEF)

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150
3. 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/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>  
Telephone – Employee Relations: (408) 535-8150

**E. PUBLIC EMPLOYMENT/ PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO  
GOVERNMENT CODE SECTION 54957:**

Department or Agency: City Clerk  
Title: City Clerk  
Name: Toni Taber

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