



# **City Council Meeting MINUTES**

**Tuesday, November 10, 2020**

**Virtual Meeting <https://sanjoseca.zoom.us/j/91325378626>**

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



## MINUTES OF THE SAN JOSÉ CITY COUNCIL

NOVEMBER 10, 2020

*Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.*

The Council meeting was teleconferenced from remote locations and convened in Closed Session on Tuesday, November 10, 2020, at 9:34 a.m.

20-1291- CLOSED SESSION: [See Page 14 for Closed Session Minutes](#)

By unanimous consent, Council recessed from the Closed Session at 10:51 a.m.; Council reconvened to Regular Session at 1:33 p.m. virtually from remote locations, and Mayor Sam Liccardo called the meeting to order.

Present: Councilmembers -Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers -All Present.

### • Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

### • Invocation (District 9)

VSSA Chaplain Services and Spiritual Counselor, Pastor Bill McCorquodale, opened up in prayer and offered the Invocation; and the Virtual Veterans Day 2020 Video was presented by the United Veterans of Santa Clara County.

- **Orders of the Day**

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, the Orders of the Day were approved. (11-0.)

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

None provided.

## **2. CONSENT CALENDAR**

Public Comments: Tessa Woodmansee, Blair Beekman, and Rufus White, a Board Member for the East Valley YMCA, spoke to items on the Consent Calendar.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis 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 Final Adoption of Ordinances.**

None provided.

### **2.3 Approval of Council Committee Minutes**

None provided.

### **2.4 [20-1311](#) Mayor and Council Excused Absence Requests.**

Request for an excused absence for Councilmember Arenas, from the Regular Meeting of Rules and Open Government Committee on October 28, 2020 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Arenas) [Rules Committee referral 11/4/2020 - Item A.1.a]

Action: The Mayor and Council absence requests were 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     20-1475     Retroactive Approval of Dumpster Day Events Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**  
As recommended by the Rules and Open Government Committee on November 4, 2020: (a) Retroactively approve the Dumpster Day Events scheduled on September 12, 2020, October 3, 2020, and October 31, 2020 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Diep) [Rules Committee referral 11/4/2020- Item G.1.a]

Action: The Dumpster Day Events as a City Council sponsored Special Event and the expenditure of funds were retroactively approved. (11-0.)

- 2.8     20-1482     Retroactive Approval of November 1, 2020, as International Lennox-Gastaut Syndrome Awareness Day and Recognize November 2020 as Epilepsy Awareness Month Sponsored by Council District 9 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 November 4, 2020: (a) Retroactively approve the November 1, 2020 as International Lennox-Gastaut Syndrome Awareness Day and Recognize November 2020 as Epilepsy Awareness Month as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve and accept donations from various individuals, businesses or community groups to support the event. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Foley) [Rules Committee referral 11/4/2020- Item G.1.b]

This item was pulled by Mayor Sam Liccardo and Councilmember Pam Foley.

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## 2.8 (Cont'd.)

Councilmember Pam Foley and Councilmember Magdalena Carrasco spoke to their family members whose lives are affected by having Epilepsy and the available resources they have.

Action: November 1, 2020, as International Lennox-Gastaut Syndrome Awareness Day and November 2020 as Epilepsy Awareness Month, both as a City Council sponsored Special Events were approved. (11-0.)

### 2.9 **20-1489** **Approval of a Proclamation of Small Business Saturday Sponsored by Council District 10 as a City Council Sponsored Special Event.**

As recommended by the Rules and Open Government Committee on November 4, 2020, approve the Proclamation of Small Business Saturday scheduled on November 28, 2020 as a City Council sponsored Special Event and approve the expenditure of funds. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Khamis) [Rules Committee referral 11/4/2020- Item G.1.c]

This item was pulled by Councilmember Johnny Khamis.

Action: The City Council sponsored Special Event was approved. (11-0.)

## **3. STRATEGIC SUPPORT**

### **3.1 Report of the City Manager, David Sykes (Verbal Report)**

None provided.

### **3.2 Labor Negotiations Update.**

None provided.

### 3.3 **20-1378** **Actions Related to the Collective Impact Grant Program Food and Necessities Distribution by Community Based Organizations.**

Accept the report on the Collective Impact Grant Funding Opportunity and adopt a resolution authorizing the City Manager to: (a) Negotiate and execute grant agreements with selected organizations in Attachment A to the staff memorandum to Council for the Collective Impact Grant Program for an initial term retroactive to October 15, 2020 and ending on or about December 30, 2020 with maximum compensation for all agreements not to exceed \$3,451,780; and (b) Negotiate and execute amendments and

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### 3.3 (Cont'd.)

change orders for any unanticipated changes including increasing aggregate amounts exceeding \$320,000, 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. (City Manager)

Deputy City Manager, Director of Emergency Operations Center (EOC), Kip Harkness; Civic Innovation Director, EOC Food Branch Director, Dolan Beckel; and PRNS Interim Administrative Officer, EOC Food Branch Contracts, Fiscal Lead, CJ Ryan offered the presentation.

Public Comments: Blair Beekman, Tessa Woodmansee, Brett B., Caller '5140', Rosalinda Rodriguez the Board Chair for the East Valley YMCA, and JT offered public comment regarding the item.

Councilmember Maya Esparza asked to hear from YMCA public members attending the virtual meeting. She and Councilmember Magdalena Carrasco addressed their concerns with services not being subsidized for the East Side of San José and reservations regarding partnering with an organization that is choosing to not include the East Side of San José.

Deputy City Manager, Director of Emergency Operations Center (EOC), Kip Harkness suggested separation of the YMCA item to allow council to move forward with the other contracts.

Motion: Councilmember Pam Foley made a motion to bifurcate the YMCA item to next week and moved to approve the food distribution item. Councilmember Magdalena Carrasco seconded the motion.

Substitute Motion: Councilmember Sylvia Arenas made a substitute motion to bifurcate the item, to move forward with all the items except the YMCA item, to have a meeting discussion that includes all the stake holders to maximize funding opportunities and YMCA Grant Funding Partnerships. The deferral would be no more than two weeks. Councilmember Maya Esparza seconded the substitute motion

Deputy City Manager, Director of Emergency Operations Center (EOC), Kip Harkness stated that Thanksgiving is in two weeks, meaning the deferral would be close to the December Covid-19 Relief deadline, he urged staff to work on this in an expedited manner.

Action: On a call for the question, the substitute motion passed unanimously, actions related to the Collective Impact Grant Program Food and Necessities Distribution by Community Based Organizations approved, and the YMCA Grant Funding Partnership deferred no more than two weeks to allow stakeholder input. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

### **4.1    20-1380       Public Release of Video Footage for Police Incidents of Extraordinary Public Interest.**

Adopt a resolution approving a new City Council Policy No. 5-7, entitled “Public Release of Video Footage for Police Incidents of Extraordinary Public Interest.” CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police)

Public Comments: Tessa Woodmansee, Blair Beekman, JT, Karina, and Caller ‘5140’ provided public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, the Public Release of Video Footage for Police Incidents of Extraordinary Public Interest was adopted. (11-0.)

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

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

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1    20-1417       Update on the 6th Cycle Regional Housing Needs Allocation.** Accept the staff report informing the Council of the Regional Housing Needs Allocation process. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement) [Deferred from 10/27/2020 - Item 8.4 (20-1289)]

Deputy Director of Citywide Planning, PBCE, Michael Brilliot offered the presentation.

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## 8.1 (Cont'd.)

Public Comments: Blair Beekman, Caller '5140', Tessa Woodmansee, and Katherine Hedges offered public comment regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, the staff report regarding the Council of the Regional Housing Needs Allocation process was approved. (11-0.)

- 8.2     20-1381     Approve Refinancing Conditions Required by the U.S. Department of Housing and Urban Development for Huff Avenue Apartments.**  
Adopt a resolution authorizing: (a) The refinancing of the Huff Avenue Apartments ("Property"), a 72-unit affordable apartment development located at 3021 Huff Avenue in San José, owned by Huff Avenue LLC, a California limited liability company ("Borrower"), an affiliate of the Santa Clara County Housing Authority, a public body, corporate and politic that is also the Project sponsor, by the U.S. Department of Housing and Urban Development ("HUD"); (b) The Director of Housing to negotiate and execute a HUD required amendment to the City's existing affordability restriction that includes an override of any City terms that conflict with any HUD document and limit the City's right to make claims including claims for excess rents, damages and City fees as provided in the existing Affordability Restriction to surplus cash only and other amendments to the City's loan documents in order to enable refinancing of the Property's senior loan and payoff of the City Loan; and (c) The Director of Housing to negotiate and execute a Payment Guaranty from the Santa Clara County Housing Authority guaranteeing the ability of the City to exercise its right to claim and receive payment for excess rents, fees, and other monetary penalties in the event that the Borrower violates the Affordability Restriction. CEQA: Categorically Exempt, File No. ER20-201, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Housing)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 79782** regarding the refinancing of the Huff Avenue Apartments was adopted. (11-0.)

- 8.3     20-1382     Approve Refinancing Conditions for the Craig Gardens Senior Apartments.**  
Adopt a resolution: (a) Consenting to the refinancing and subordination of the existing City loan for the Craig Gardens Senior Apartments, an 89 one-bedroom unit affordable apartment development ("Project") located at 2580 S. Bascom Ave. ("Property") to a new Freddie Mac-backed senior loan in the amount of approximately \$8,204,000 including the withdrawal

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### 8.3 (Cont'd.)

of no more than \$2,547,110 in refinancing proceeds by the Property's owner, Craig Gardens, L.P., an affiliate of the San José-based nonprofit developer First Community Housing; and (b) Authorizing the Director of Housing to negotiate and execute amendments to the City's existing loan documents on the Project, in order to establish a rent burden reserve in the amount of \$400,000 to be funded from the proceeds of the refinance and to enable refinancing of the Project's senior loan and partial repayment of the City Loan interest in the amount of \$1,073,555. CEQA: Categorically Exempt, File No. ER20-211, CEQA Guidelines Section 15301, Existing Facilities. Council District 9. (Housing)

Public Comments: Tessa Woodmansee, Kathyne, and Caller '5140' provided public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79783** regarding the refinancing of the Craig Gardens Senior was adopted. A "yes" vote was texted in by Councilmember Sylvia Arenas. (11-0.)

### 8.4 **20-1387** **Housing Crisis Workplan Update.**

As recommended by the Community and Economic Development Committee on October 26, 2020, accept the report on progress implementing the City Council-approved Housing Crisis Workplan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Housing/Planning Building and Code Enforcement) [Community and Economic Development Committee referral 10/26/2020 (d)2]

Deputy Director, Housing Department, Rachel VanderVeen; Deputy Director, Planning, Building, Code Enforcement, Michael Brilliot; and Housing Catalyst, Office of Economic Development, Jerad Ferguson offered the presentation.

Public Comments: Blair Beekman, Mathew Reed from the Silicon Valley at Home Organization, Tessa Woodmansee; Caller '5140', JT; Alex Shore the Executive Director, Catalyze SV, and Katherine Hedges provided public testimony regarding the item.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley and carried unanimously, the Housing Crisis Workplan Report was accepted.

Including Mayor Sam Liccardo's memorandum dated November 9, 2020. The memorandum was accepted, not including recommendation 2, and modifying recommendation 3. The changes are as indicated below. The memorandum recommended the following: (1) Decline to close out Item

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#### 8.4 (Cont'd.)

#12 on Attachment A, "Explore Interim Housing Solutions on Caltrans Sites," until a verbal or written report has been provided to Council describing: (a) which Caltrans sites/categories of sites have been offered by Caltrans for housing development, and have been evaluated by staff, (i) as to those sites offered by Caltrans: how staff has evaluated the specific sites, and how many appear feasible for housing development; (ii) the findings made by Staff about Caltrans sites that City Staff deemed unsuitable for housing; (b) identification of sites or categories of sites that Caltrans deemed unsuitable for housing, and any explanation(s) offered by Caltrans. ~~(2) Include within item #24 on Attachment A, "Reimagine Underutilized Business Corridors to allow the integration of housing," to explore redevelopment of underutilized strip malls to incorporate affordable housing vertically on top of or behind rehabilitated or redeveloped ground floor retail. Evaluate a land-banking strategy for affordable housing that might involve the use of a community development corporation, community land trust, or City acquisition relying upon a combination of philanthropic, private, and public dollars.~~ (3) Ensure compliance with prior Council direction that 20% of all housing built in North San Jose area-wide, starting with the commencement of Phase 1, be affordable and rent restricted as the North San Jose Development Policy is unwound. *[staff to return with additional analysis on recommendation 3]* (4) In light of the fact that backyard homes (aka, accessory dwelling units or ADUs) now account for more than one-third of overall housing permits in San Jose, direct City Staff to prioritize ADU permit processing with the next round of staff-led continuous process improvement efforts. Desired outcomes should focus upon increasing speed for permit approvals, improved customer experience, and increased unit capacity. (11-0.)

#### 8.5 20-1388

##### **Proposed Fiscal Year 2020-2021 Measure E Real Property Transfer Tax Spending Plan. -HEARD CONCURRENTLY WITH ITEM 8.6**

(a) Accept the staff report and approve the included Fiscal Year 2020-2021 Measure E Property Tax Revenue Spending Plan. (b) Adopt the following Appropriation Ordinance Amendments in the General Fund: (1) Decrease the Measure E - 10% Homeless Prevention Reserve by \$2,850,000; (2) Increase Measure E - 45% Extremely Low-Income Reserve by \$115,000; and (3) Establish a Homelessness Prevention City-Wide appropriation to the Housing Department in the amount of \$2,735,000. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Housing/City Manager)

Director, Housing Department, Jacky Morales-Ferrand and Deputy Director, Housing Department, Rachel VanderVeen offered the presentation.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, the staff report and Fiscal Year 2020-2021 Measure E Property Tax Revenue Plan and (b) Appropriation **Ordinance No. 30499** were adopted.

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## 8.5 (Cont'd.)

Including the memorandum from Councilmember Sylvia Arenas dated November 10, 2020. The memorandum recommended the following: Within the “Homelessness Prevention and Solutions” Measure E spending category: Approve and allocate up to \$500,000 of the funds dedicated for Homelessness Prevention for rental assistance, homelessness prevention, and/or rapid rehousing partnerships with Community Based Organizations and nonprofits serving survivors of sexual assault and domestic violence.

Also including the memorandum from Mayor Sam Liccardo dated November 10, 2020. The memorandum recommended the following: 1. Direct the City Clerk to agenda for future Council discussion and consideration, by the end of this year, the “Draft Framework Related to Nonprofit Transfers and the Proposed Real Property Transfer Tax,” item 3.3 on the March 17, 2020 Council agenda, which was deferred on March 17, but has not yet been re-agendized due to the pandemic. Direct the City Manager and City Attorney to: 2. Report to Council regarding the status of occupancy of the Bridge Housing site on Mabury Road, consistent with the Council’s March 6, 2020 direction, and as referenced on page 5 of the staff memo. a. Identify and remedy any bureaucratic or regulatory obstacle that prevents the full and immediate use of the site for housing homeless individuals. b. Where Council action is required for such resolution, return to Council with a recommendation. Where County or other agency action or regulation inhibits full utilization of the site, report to Council and the City Manager so that resolution can be achieved immediately. c. Further report regarding the status of its current and past residents, and their access to permanent housing. 3. Reassess eligibility of Measure E funds for use in the SJ Bridge Employment program or similar programs where the employment is linked to an individual’s ability to remain housed, i.e., to enable a formerly or currently homeless individual to become self-sufficient to be able to pay rent. Please refer to Discussion below for specific points Staff should address and report back. 4. Ensure that the City’s allocation of funding to the SJ Bridge Employment program—from whatever source—accords with Council’s prior March 6, 2020 direction. 5. Regarding funding allocated for a rent restricted ADU program, partner with consultants funded by the San Francisco Foundation or other foundations that will assist in exploring innovative approaches to financing ADU construction.

Including staff direction to return with additional data before the budget session. (11-0.)

## 8.6 20-1389

### **Fiscal Year 2020/21 - Fiscal Year 2022/23 Affordable Housing Investment Plan. -HEARD CONCURRENTLY WITH ITEM 8.5**

Accept the staff report on the FY 2020/21 - FY 2022/23 Affordable Housing Investment Plan updated to include Measure E Funds. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

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## 8.6 (Cont'd.)

Public Comments: Tessa Woodmansee, Ray Branson, Jewel Buchanan, Blair Beekman, Matthew Reed from the Silicon Valley at Home Organization, Jefferey Buchanan, Caller '5140', Kathryn H., Jaime Alvarado provided public testimony regarding the item.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, the staff report on the FY 2020/21 - FY 2022/23 Affordable Housing Investment Plan was accepted. (11-0.)

## 8.7 **20-1397** **Approval of the Multifamily Underwriting Guidelines.**

(a) Accept the staff report on the proposed underwriting guidelines. (b) Adopt a resolution approving changes and additions to the Underwriting Guidelines developed by the Housing Department for use in underwriting and structuring affordable housing transactions and adopted by Resolution No. 78761 to add sections clarifying policies regarding resyndication and refinancing, City and County land acquisition for affordable housing and community engagement, and changes to policies regarding residual receipts and foreclosure and loss of subsidy. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Public Comments: Matthew Reed, Blair Beekman, and Caller '5140' offered public comment regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, the staff report on the proposed underwriting guidelines was accepted and (b) **Resolution No. 79784** regarding the changes and additions to the Underwriting Guidelines were adopted. (11-0.)

## 8.8 **20-1396** **Update on the Affordable Housing Siting Policy.**

As recommended by the Community and Economic Development Committee on October 26, 2020, accept the status report and provide feedback to City staff on the workplan to develop an Affordable Housing Siting Policy for the location of subsidized restricted-affordable housing developments. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing) [Community and Economic Development Committee referral 10/26/2020 (d)3]

Director, Housing Department, Jacky Morales; Deputy Director, Housing Department, Rachel VanderVeen; Senior Policy Analyst, Dan Rinzler housing offered the presentation.

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## 8.8 (Cont'd.)

Public Comments: Five community members offered a collective presentation: Antonina, Lance Shoemaker, Cindy, Victoria, and Tina; Carlos Diaz, Ray B., a member of the Destination Alma Organization; Blair Beekman, Mathew Reed, and Katherine Hedges, all offered public comment regarding the item.

Action: The status report and the City staff workplan to develop an Affordable Housing Siting Policy was accepted. (11-0.)

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

None provided.

## **10. LAND USE**

### **10.1 Land Used on Consent Calendar**

No Land Use items on Consent Calendar.

### **END OF CONSENT CALENDAR**

### **10. Land Use - Regular Agenda**

#### **• Open Forum**

1. Robert Aguirre addressed the need for job security, manufacturing jobs in the community, and job opportunities that can support living in this city.
2. Blair Beekman addressed prison military complexes and defunding and reforming militarization.
3. Caller '5140' spoke to social engineering demographics.

#### **• Adjournment**

The Council of the City of San José adjourned at 9:36 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC  
City Clerk  
yj/10-10-20 MIN



## **CLOSED SESSION MINUTES**

**SAN JOSE, CALIFORNIA**

**TUESDAY, NOVEMBER 10, 2020**

The Council of the City of San José convened into Closed Session at 9:34 a.m.

This meeting was teleconferenced from remote locations.

Present: Councilmembers - Carrasco, Davis, Diep, Esparza, Foley, Jimenez, Khamis, Peralez, Jones, Liccardo.

Absent: Councilmembers - Arenas.

### **CLOSED SESSION:**

Council convened to Closed Session virtually from remote locations; for the following:

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1): (1) Case Name: FCC Small Cell Order, (2) Case Name: Martin v. City, et al. (3) Case Name: Markowicz, Ricardo v. City of San Jose, et al. (4) Case Name: 2017 Flood Litigation, (5) Case Name: Shahrivar, Farid v. City, et al., (6) Case Name: County Sanitation District 2-3, et a. v. City, et al., (7) Case Name: Plata, Raymond and Michelle v. City of San José, (8) Case Name: Kessner, et al. v. City, et al., (9) Case Name: City v. Four Points by Sheridan San José, (10) Case Name: Dolce/San Jose, LLC v. City of San José, (11) Case Name: Unite Here Retirement Fund and Trustees of the Unite Here Retirement Fund v. City of San José, (12) Case Name: Padilla v. City of San José. (B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 1

By unanimous consent, Council recessed from the Closed Session at 10:51 a.m.; to reconvene in Regular Open Session at 1:33 p.m. virtually from remote locations.