



City Council Meeting MINUTES

Tuesday, March 2, 2021

1:30 PM

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
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



MINUTES OF THE CITY COUNCIL

March 2, 2021

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.

21-395 CLOSED SESSION: All Present.

9:00 a.m. Closed Session

The Council of the City of San José convened into Open Session at 1:32 p.m.

- **Call to Order and Roll Call**

Present: Councilmembers - Carrasco (4 p.m.), Arenas, Davis, Mahan, Jimenez, Jones, Cohen, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 3)**

Kiana Munoz, representing the African American Community Service Agency, recited *Catch the Fire* by Sonia Sanchez.

- **Orders of the Day**

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 8.2 deferred for one week per Administration, and Item 8.3 “Ratification of the Declaration Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning in the San José Municipal Code for Vaccination Clinics and Events” *added Under Orders of the Day, requiring a Determination by a Two-Thirds (2/3) Vote of the Members of the Council Present at the Meeting, or, if Less than Two-Thirds (2/3) of the Members of*

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ORDERS OF THE DAY (Cont'd.)

the Council are Present at the Meeting, a Unanimous Vote of those Members Present that there is a Need to take Immediate Action. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d); Council Agenda Items' Placement After Rules During Social Distancing Period Resolution No. 79485.
(10-0-1. Absent: Carrasco.)

Councilmember Pam Foley provided words of remembrance for Robert "Bob" Winsor who passed away on January 20, 2021 at age 88. Bob, a proud native of the City of San José, noting this meeting of the City Council will be adjourned in his honor.

- Closed Session Report - None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Councilmember Dev Davis, 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: Carrasco.)

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 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 21-381

Amendment to the City Pay Plan.

Adopt a resolution to amend the City of San José Pay Plan effective March 2, 2021, to:

- (a) Change the salary range for the Program Manager I (8073) classification with a salary range of \$98,862.40 - \$121,742.40 to a new salary range of \$103,000 - \$133,900 annually;
 - (b) Retitle the Program Manager I (8073) classification to Program Manager (8073); and
 - (c) Delete the Program Manager II (8076) classification.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources)

Action: **Resolution No. 79911** approving an Amendment to the City Pay Plan was adopted. (10-0-1. Absent: Carrasco.)

2.8 21-382

Award of Contract for the 9664 - East San José Bikeways - Signs and Sharrows Project, Federal Project No. CML-5005(145).

Report on bids and award of construction contract for the 9664 - East San José Bikeways - Signs and Sharrows Project to the low bidder, Crisp Company, in the amount of \$527,774, and approval of a 10 percent contingency in the amount of \$52,777.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 5. (Public Works/Transportation)

Mayor Sam Liccardo pulled the item for specific details, and Director of Department of Transportation, John Ristow responded to questions.

Public Comments: Blair Beekman and Paul Soto provided comments.

Action: The report on bids and award of construction contract for the San Jose Bikeways Project with related contingency was approved. (10-0-1. Absent: Carrasco.)

2.9 21-383

Fiscal Year 2020 Traffic Impact Fee Report.

Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)

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2.9 (Cont'd.)

Mayor Sam Liccardo posed questions regarding traffic impact fee reports. Director of Department of Transportation, John Ristow responded to inquiries on and offered to look into a process to make it easier for the development community to calculate VTA calculations, geographical/location aids.

Public Comments: Paul Soto addressed the topic.

Action: The Fiscal Year 2020 Traffic Impact Fee Report was accepted. (10-0-1. Absent: Carrasco.)

2.10 21-429 **Amendments to Title 27 of the San José Municipal Code Related to the Procurement of Public Works. - RENUMBERED FROM ITEM 3.3**

Approve an ordinance that continues the process of modernizing, streamlining, and clarifying the public works contracting process by amending certain chapters and sections of Title 27 of the San José Municipal Code as follows:

- (a) Amending Sections 27.04.100, 27.06.070, and 27.10.560 to make the threshold amounts for micro contracts and for the Director to award certain public works contracts subject the inflation adjustment process already in Title 27;
- (b) Amending Section 27.06.060 to expand the required expiration date of the prequalified contractor pools used for the competitive work order procurement process from 12 months to 24 months;
- (c) Amending Section 27.06.070 to add another basis for determining the award of on-call contracts to reflect current practice;
- (d) Amending Chapters 27.26 and 27.28 to modify certain compensation and dispute resolution provisions to accommodate updates to 29-year-old standard construction contract provisions relating to delay, claims and compensation; and
- (e) Amending Section 27.50.020 to clarify certain reporting requirements to better support open and transparent government practices.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(City Attorney/City Manager)

[RENUMBERED FROM ITEM 3.3 (21-397)]

Action: **Ordinance No. 30540** regarding Amendments to Title 27 of the San José Municipal Code Related to the Procurement of Public Works was passed for publication. (10-0-1. Absent: Carrasco.)

2.11 21-431 Boards and Commissions Appointments.

Approve the following Board and Commission appointments:

- (a) Human Services Commission
 - (1) District 7 Seat: Linda Nguyen to a term ending December 31, 2024.
 - (b) Neighborhoods Commission
 - (1) District 1 Seat: Helen Kassa to a term ending June 30, 2021
 - (c) Charter Review Commission
 - (1) District 7 Seat: George Sanchez
- CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Rules Committee referral 2/24/2021 - Item A.1.a]

Action: Board and Commission appointments for the Human Services Commission and for the Neighborhoods Commission were approved. (10-0-1. Absent: Carrasco.)

3. STRATEGIC SUPPORT

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

- 21-384**
- (a) City Manager’s COVID 19 Update (Verbal Report)
 - (b) City Manager’s Report on Other City Matters (Verbal Report)

City Manager, David Sykes applauded unsung heroes, the Police Communications Control Room personnel, noting in particular hurdles overcome while providing service during the pandemic.

Deputy City Manager, Kip Harkness and Deputy Director of Finance, Jennifer Chang, Intergovernmental Relations, provided a COVID-19 update. Providing a strategic communications plan recap relating to the pandemic and quantitative data were Director of Communications, CMO’s Office, Carolina Camarena, and DOT Public Information Manager Colin Heyne.

Public Comments: Offering public comment, were: Paul Soto, Michelle, Molly Macleod, Blair Beekman, Sherry Burns and Brian Darby.

Staff responded to needs of members of the community with disabilities and additional questions from Council.

3.2 Labor Negotiations Update.

None provided.

3.3 21-397 Amendments to Title 27 of the San José Municipal Code Related to the Procurement of Public Works. - *RENUMBERED TO ITEM 2.10 (21-429)*

3.4 21-385 Extension of Proclamation of Local Emergency Related to COVID-19. -

Heard Concurrently with Item 3.5

Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services' proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

Heard Concurrently with Item 3.5

Director of the Office of Emergency Management, Ray Riordan introduced the topic, and discussion ensued.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79912** extending the Proclamation of Local Emergency Related to COVID-19 was adopted. (11-0.)

3.5 21-386 COVID-19 Preliminary Operational Assessment Report.

Heard Concurrently with Item 3.5

Accept the 2020 COVID-19 Preliminary Operational Assessment Report, Operational Adjustment Plan, and white papers.

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

Heard Concurrently with Item 3.4

Jason Ferguson, Senior Associate, Constant Associates spoke on the process.

Public Comments: Paul Soto, Katherine Hedges, Molly Macleod, Michelle Ashburne, Blair Beekman and Sherry Burns provided comment.

Council discussion followed, and staff spoke to including information as it relates to race and equity and disproportionate impacts on hard-to-reach populations, and with an additional focus on a disability component; exploring broadening scope of MOU's regarding economic impacts on and violence against women and young girls as brought forth by Council to be incorporated into a report due within 30-45 days.

Motion: Councilmember Sylvia Arenas moved to accept the report with revisions as outlined, with a report to be provided within 30-45 days. Councilmember Maya Esparza seconded the motion.

Action: On a call for the question, the motion carried unanimously to move forward with recommendations in the report in view of the budget cycle, with revisions to be provided by staff within 30-45 days and to include information as it relates to race and equity and disproportionate impacts on hard-to-reach populations, and with an additional focus on a disability component; exploring broadening scope of MOU's regarding economic impacts on and violence against women and young girls. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 21-387 Parkland Fee Credits for Deed Restricted Moderate-Income Housing Units.

(a) Approve an ordinance amending Chapter 14.25 of Title 14 and Chapter 19.38 of Title 19 of the San José Municipal Code (“SJMC”) prescribing new definitions for moderate-income units, gross household income for moderate-income units, and expanding affordability restrictions to include moderate-income units, and to provide that moderate-income units shall pay fees set forth in the schedule of parkland fees.

(b) Adopt a resolution amending Resolution No. 78474 (Schedule of Parkland Fees) temporarily establishing the parkland fees charged pursuant to Chapters 14.25 and 19.38 of the SJMC be set at 50% of the applicable parkland fees for deed restricted moderate-income residential units that are provided to satisfy Inclusionary Housing ordinance provisions (SJMC Chapter 5.08) until January 1, 2026.

CEQA: Not a Project, File No. PP17-005 Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Parks, Recreation and Neighborhood Services)

Deputy Director of Parks, Recreation and Neighborhood Services, Nicolle Burnham and Rebecca Ross Supervising Planner, PRNS provided a presentation.

Public Comments: Task Force member, Pat Saucedo encouraged support; Matthew Reed, representing SV@Home; Kathryn Hedges; Tim Beaubien (Santa Clara County Association of Realtors; Roland LeBrun, Lillian and Paul Soto provided public comment.

Mayor Sam Liccardo left the meeting for a previous engagement, and Vice Mayor Chappie Jones continued to chair the meeting.

Councilmember Pam Foley asked for clarification from City Attorney, Nora Frimann before making a motion.

Motion: Councilmember Pam Foley moved acceptance of the Staff recommendation with the additional direction as outlined in the memorandum she coauthored with Councilmembers Cohen and Jimenez, dated February 26, 2021. Councilmember David Cohen seconded the motion.

Action: **Ordinance No. 30541** amending Chapter 14.25 of Title 14 and Chapter 19.38 of Title 19 of the San José Municipal Code was passed for publication; and **Resolution No. 79913** amending Resolution No. 78474 (Schedule of Parkland Fees) was adopted, with staff recommendations, including the joint memorandum from Councilmembers Foley, Cohen and Jimenez, dated February 26, 2021, to:

(Item Continued on the Next Page)

7.1 (Cont'd.)

1. Provide an annual cost/benefit analysis report to the City Council that includes the financial impact on parkland fees to PRNS as well as the number of affordable units constructed;
 2. Align the expiration date of the Parkland Fee Credit program with the completion of a new nexus study which is expected to be completed in 2024;
 3. Direct staff to include a study of Commercial linkage fee in the scope of the PRNS nexus study work;
 4. Direct staff to pursue all avenues for new revenue sources in order to continue to invest in our parks and public spaces.
- (11-0.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-388 Actions Related to the Purchase and Sale of Properties Located at North 13th Street and East Santa Clara Street.

(a) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute a Purchase and Sale Agreement, and all other documents necessary to effectuate the property transfer between the City of San José and the Valley Transportation Authority (VTA), for the sale of the properties known as 575-579 East Santa Clara Street, identified as Assessor's Parcel Numbers 467-16-091 and 467-16-092, in the amount of \$2,500,000;

(2) Declare the 575-579 East Santa Clara property (APNs 467-16-091 and 467-16-092) as "exempt surplus land" to the needs of the City pursuant to Cal. Gov. Code §54221(f)(1)(D), San José Municipal Code Section 4.20.080 and in accordance with Council Policy 7-13(D)(3);

(3) Negotiate and execute a Cooperation and Reimbursement Agreement between the City of San José and the VTA to offset additional environmental remediation, mitigation, and construction costs for the City's use of the Option Property, in the amount of \$300,000; and
(a) (4) Exercise the Option to Purchase Agreement between the City of San José and the Santa Clara County Housing Authority dated August 24, 2020, for the purchase of the property located at 601 East Santa Clara Street, identified as Assessor's Parcel Number 467-15-010, in the amount of \$2,194,200.

(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the Public Safety and Infrastructure Bond Fund:

(1) Establish the Other Revenue appropriation in the amount of \$2,500,000;

(2) Establish the Revenue from Local Agencies in the amount of \$300,000; and

(3) Increase the Measure T - Fire Station 8 Relocation appropriation to the Public Works Department by \$2,800,000.

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

Council District 3. (Economic Development/Public Works/Fire/City Manager)

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8.1 (Cont'd.)

Aaron Freyler, Deputy Chief, Fire Department and Kevin Ice, Senior Manager, Real Estate Services provided a presentation.

Public Comments: Paul Soto and Roland LeBrun provided public testimony.

Director of Public Works, Matt Cano responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, (a) **Resolution No. 79914** regarding actions Related to the Purchase and Sale of Properties Located at North 13th Street and East Santa Clara Street, and (b) Appropriation **Ordinance No. 30542** and Funding Sources **Resolution No. 79915** regarding amendments in the Public Safety and Infrastructure Bond Fund were adopted. (11-0.)

8.2 21-394 City's COVID-19 Response: Emergency Rental Assistance Program. - RECOMMEND DEFERRAL

(a) Accept the staff report on the Emergency Rental Assistance program.

(b) Adopt a resolution:

(1) Accepting \$30,379,739.90 in Emergency Rental Assistance funds from the U.S. Department of the Treasury and ratifying the City Manager's signing of the award terms;

(2) Authorizing the City Manager to negotiate and execute the following grant agreements, including any amendments and revisions to said agreements and any necessary documents to effectuate the grant, to use Emergency Rental Assistance Funds to provide assistance to San José tenants and landlords who have been negatively impacted by the COVID-19 pandemic:

(i) With Destination: Home, a supporting organization of Silicon Valley Community Foundation, in an amount not to exceed \$__ million to provide rental assistance, utility relief, and other eligible housing assistance to San José residents, as well as to fund case management and outreach efforts to connect San José residents with rental assistance, utility relief, and other housing assistance.

(c) Adopt the following Funding Sources Resolution and Appropriation Ordinance amendments in the Emergency Reserve Fund:

(1) Increase the estimate for Revenue from Federal Government by \$30,379,740; and (2) Establish the Emergency Rental Assistance appropriation to the City Manager's Office in the amount of \$30,379,740.

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/City Manager)

[Deferred from 2/23/2021 - Item 8.3 (21-332)]

Deferred to 3/9/2021 per Administration.

8.3 21-432 Ratification of the Declaration Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning in the San José Municipal Code for Vaccination Clinics and Events.

Adopt a resolution confirming and ratifying the Declaration of the Director of Emergency Services of the City of San José Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning Requirements in the San José Municipal Code issued February 8, 2020.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (Planning, Building and Code Enforcement/City Manager)

Public Comments: Paul Soto and speaker “5140” provided comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79916** regarding Ratification of the Declaration Suspending Enforcement of Certain Provisions in Land Use Permits and Zoning Approvals was adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda – none.

OPEN FORUM

1. Paul Soto thanked ‘the Chicano 5’ for their input. He spoke on his advocacy in promoting well-being in the community, and complained about rhetoric that is doing nothing to lessen the suffering of marginalized communities.
2. Roland Lebrun spoke on the project at North 13th Street and East Santa Clara Street, offering a comparison to a similar San Francisco project, asking the City to consider a building that spans both sides of street.
3. Blair Beekman expressed views on the future of an eviction moratorium, natural disaster preparedness, and issues of equity, urging sensitivity when working on these issues.
4. Christine Fitzgerald, Human Services Commission, emphasized advocacy for vaccinating the disabled population. She urged creation of a dedicated commission for people and represented by people with disabilities.

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OPEN FORUM (Cont'd.)

5. Sam Nazzal noted that the City is requiring demolition of his carport at the urging of a neighbor, and asked for an extension or variance.

Mayor Sam Liccardo indicated to speaker that this body has no mechanism for granting variances. He was asked to remain on the line after this meeting, and his information would be forwarded to appropriate personnel.

6. Speaker "5140" complained of bike lane planning and slow response time for fire emergencies.
7. Lillian, District 6, advocated for pop-up sites for COVID vaccines. With March being Women's History Month, she urged addressing the issue of violence against women.

ADJOURNMENT

The Council of the City of San José adjourned at 6:23 p.m. in memory of Robert "Bob" Winsor who passed away on January 20, 2021 at age 88. Bob, a proud native of the City of San José, was a quintessential family man, who's love knew no bounds when it came to his kids and grandchildren.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

rmk/20210302 MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

MARCH 2, 2021

The Council of the City of San José convened into Closed Session at 9:00 a.m.
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas (9:33 a.m.), Carrasco (left before 10 a.m.), Davis (9:31 a.m.), Mahan, Jimenez, Jones, Cohen, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - all present.

Closed Session Item(s) discussed:

A. 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: **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: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

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

- 1. Case Name: Preservation of Benefit Plan Retirees Association, et al. v. City of San José, et al.

Name(s) of Parties(s)
Involved:

PRESERVATION OF BENEFIT PLAN RETIREES ASSOCIATION, JOSEPH BASS, DAVID BOGGINI, LAWRENCE JAY CASTELLANO, RICHARD COCO, LESLYE CORSIGLIA, HARRY FREITAS, MICHAEL GUISTI, LINDA HORWEDEL (THE BENEFICIARY OF DECEASED CITY RETIREE JOSEPH HORWEDEL), WILLIAM HUGHES, DANNY JORDAN, EVET LOEWEN, DAVID MAAS, BARRY NG, ANITA PHAGAN, GEORGE RIOS, GARY SCHOENNAUER, KEN TANASE, WAYNE TANDA, NINA TOBIN, RANDAL TURNER, STEVEN TURNER, ROBERT WILSON, CITY OF SAN JOSÉ, BOARD OF THE ADMINISTRATION OF THE FEDERATED CITY EMPLOYEES' RETIREMENT SYSTEM; NORBERTO DUEÑAS, IN HIS OFFICIAL CAPACITY AS THE CITY MANAGER OF THE CITY OF SAN JOSÉ, AND DOES 1-50

Court:

Superior Court of the State of California, County of Santa Clara, Unlimited Jurisdiction

Case No.:

17CV312610

Amount of Money or Other

Damages according to proof

Relief Sought:

C. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957:

Title: Joe Rois
Name: City Auditor

By unanimous consent, Council recessed from the Closed Session at 10:44 a.m. to reconvene in Regular Open Session at 1:30 p.m. in the Council Chamber.