



# **City Council Meeting MINUTES**

**Tuesday, September 28, 2021**

**1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -  
<https://sanjoseca.zoom.us/j/93052835954>**

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

September 28, 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.*

**21-2093**            **CLOSED SESSION. See Page 20 for Closed Session Minutes.**

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session – Absent: All Present.

1:30 p.m. Present: Councilmembers -Carrasco, Arenas, Davis, Mahan, Jimenez, Jones, Cohen, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers    -    All Present.

6:00 p.m. - Evening Session – Cancelled

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 8)**

Pastor Theodoris Young, Light of the World Church provided the Invocation.

- **Orders of the Day**

Upon motion by Councilmember Raul Peralez, seconded by Councilmember Magdalena Carrasco and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 2.17, "Request for Travel for Mayor Liccardo" 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 the Council are Present, 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.*

Additionally, Item 2.9 "Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard" and Item 7.2 "Amendment to Chapter 9.44, Regulation of Smoking, of Title 9, Health and Safety, of the San José Municipal Code" were deferred. (11-0.)

- Closed Session Report

None provided.

## **1. CEREMONIAL ITEMS**

**1.1 Presentation of a Commendation to Vince Sunzeri for over a decade of service on the Police and Fire Retirement Board. (Mayor)**  
*Deferred.*

**1.2 Presentation of a Proclamation for National Preparedness Month. (Carrasco)**  
Vice Mayor Magdalena Carrasco presented a Proclamation for National Preparedness Month encouraging community awareness of the importance of being prepared in case of a disaster.

**1.3 Presentation of a Commendation to the Health Trust.**  
Councilmember Dev Davis presented a Commendation to the Health Trust for their efforts to increase health services to our most vulnerable communities during the pandemic, and for the past 25 years.

**1.4 Presentation of a Commendation to the Project Hope Youth Ambassadors. (Jimenez)**  
Councilmember Sergio Jimenez presented a Commendation to the Project Hope Youth Ambassadors for successful completion of the ambassador program and their contributions to the Roundtable neighborhood.

## **2. CONSENT CALENDAR**

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

Public Comments: Blair Beekman, Tessa Woodmansee, Brian Darby and Paul Soto provided comments.

**2.1 Approval of City Council Minutes.**  
None provided.

**2.2 21-2116      Final Adoption of Ordinances.**  
(a) Ordinance No. 30663 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.78 Gross Acres Situated on the East Side of Seaboard Avenue, Approximately 200 Feet Southeast of West Trimble Road (2586 Seaboard Avenue; APN: 101-01-010) from the Li Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.  
[Passed for Publication on 9/14//2021 - Item 10.1(a) (21-1987)]

Action: **Ordinance No. 30663** was adopted. (11-0.)

## 2.3 21-2118

### **Approval of Council Committee Minutes.**

- (a) Regular Community and Economic Development Committee Meeting Minutes of June 28, 2021.
- (b) Regular Community and Economic Development Committee Meeting Minutes of August 23, 2021.
- (c) Regular Smart Cities and Service Improvements Committee Meeting Minutes of August 5, 2021.
- (d) Regular Smart Cities and Service Improvements Committee Meeting Minutes of September 2, 2021.
- (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 11, 2021.
- (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 18, 2021.
- (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 25, 2021.
- (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 1, 2021.
- (i) Regular Neighborhood Services and Education Committee Meeting Minutes of August 12, 2021.
- (j) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of August 19, 2021.
- (k) Special Transportation and Environment Committee Meeting Minutes of August 30, 2021.

Councilmember Dev Davis requested that Item 2.3(e) be pulled for a separate vote regarding an Oppose position on California Senate Bills 9 and 10: Preserving Local Control.

Public Comments: Offering comments were Blair Beekman, Paul Soto. Buford Barr, Sandra, Tobin Gilman, Brenda Dohmen and Tessa Woodmansee.

Motion: Councilmember Dev Davis moved that staff return with a presentation/evaluation on California Senate Bills 9 and 10 to Council. Councilmember Pam Foley seconded the motion.

Substitute Motion: Councilmember Sylvia Arenas provided a substitute motion, requesting staff bring forth analysis on these bills for a study session *and* to not explore a ballot measure prematurely. The motion was seconded by Councilmember Maya Esparza.

Council discussion ensued, and the City Manager Jennifer Maguire indicated that a study session could be set up to provide more information on SB9 and SB10.

Action: On a call for the question, the substitute motion carried, with staff instructed to bring forth analysis on these bills for a study session *and* to not explore a ballot measure prematurely. (7-4. Noes: Davis, Foley, Mahan, Liccardo.)

The balance of item 2.3 and remainder of the ROGC Minutes for August 11, 2021 were accepted. (11-0.)

## 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.

Councilmember Dev Davis offered an overview of discussion held last week at the Federated Pension Board regarding pension obligation bonds.

Public Comments: Paul Soto and Tessa Woodmansee provided comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the Report from the Council Liaison to the Retirement Boards was accepted. (11-0.)

## 2.7 21-2095 Settlement of Faz v. City of San José.

Approve a settlement in the case of Faz v. City of San José in the amount of \$400,000, and authorize the City Attorney to execute a Settlement Agreement.

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

Action: The Settlement of Faz v. City of San José was approved. (11-0.)

## 2.8 21-2097 Adoption of an Ordinance Ratifying Final Expenditures in Various Appropriations for 2020-2021 and Adoption of the Associated Appropriation Ordinance and Funding Sources Resolution Amendments in 2020-2021.

(a) Adopt an ordinance ratifying final 2020-2021 expenditures in various appropriations as detailed in the report to Council.

(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:

- (1) Increase the Construction and Conveyance Tax estimate by \$8,402,134;
- (2) Increase the Needs-Based Allocation Transfer to District 1 by \$697,964;
- (3) Increase the Needs-Based Allocation Transfer to District 2 by \$317,548;
- (4) Increase the Needs-Based Allocation Transfer to District 3 by \$288,942;
- (5) Increase the Needs-Based Allocation Transfer to District 4 by \$236,387;
- (6) Increase the Needs-Based Allocation Transfer to District 5 by \$731,115;
- (7) Increase the Needs-Based Allocation Transfer to District 6 by \$657,715;
- (8) Increase the Needs-Based Allocation Transfer to District 7 by \$649,290;
- (9) Increase the Needs-Based Allocation Transfer to District 8 by \$463,018;
- (10) Increase the Needs-Based Allocation Transfer to District 9 by \$505,483;
- (11) Increase the Needs-Based Allocation Transfer to District 10 by \$212,549;

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**2.8 (Cont'd.)**

- (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$2,381,503; and
- (13) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$1,260,620.
- (c) Adopt the following 2020-2021 Appropriation Ordinance *and Funding Sources Resolution amendments* in the Water Utility Fund:
  - (1) Increase the Non-Personal/Equipment appropriation to the Environmental Services Department by \$942,422;
  - (2) Increase the Fees, Rates, and Charges estimate by \$549,628; and
  - (3) Decrease the Unrestricted Ending Fund Balance by \$392,794.
- (d) Adopt the following 2020-2021 Appropriation Ordinance *and Funding Sources Resolution amendments* in the General Fund:
  - (1) Increase the Personal Services appropriation to the Fire Department by \$648,168;
  - (2) Decrease the Personal Services appropriation to the Information Technology Department by \$648,168;
  - (3) Increase the Workers' Compensation Claims - Fire appropriation by \$99,093;
  - (4) Decrease the Workers' Compensation Claims - Police appropriation by \$99,093;
  - (5) Increase the Personal Services appropriation to the Independent Police Auditor by \$41,498;
  - (6) Decrease the Personal Services appropriation to the Transportation Department by \$41,498;
  - (7) Increase the Workers' Compensation Claims - PRNS appropriation by \$17,924;
  - (8) Decrease the Workers' Compensation Claims - Other Departments appropriation by \$17,924;
  - (9) Increase the PEG - CreaTV appropriation by \$5,771; and
  - (10) Decrease the City Dues/Memberships appropriation by \$5,771.
- (e) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the 1943 Gas Tax Maintenance and Construction Fund:
  - (1) Increase the Gas Tax estimate by \$752,178; and
  - (2) Increase the Transfer to the General Fund for Street Maintenance by \$752,178.
- (f) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the 1990 Gas Tax Maintenance and Construction Fund:
  - (1) Increase the Gas Tax estimate by \$218,068; and
  - (2) Increase the Transfer to the General Fund for Street Maintenance by \$218,068.
- (g) Adopt the following 2020-2021 Appropriation Ordinance *and Funding Sources Resolution amendments* in the South Bay Water Recycling Operating Fund:
  - (1) Increase the SCVWD - Advanced Water Treatment appropriation by \$196,433;
  - (2) Increase the Fees, Rates, and Charges estimate by \$162,433 and
  - (3) Decrease the Non-Personal/Equipment appropriation to the Environmental Services Department by \$34,000.
- (h) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

*(Item Continued on the Next Page)*

## 2.8 (Cont'd.)

- (1) Increase the Construction and Conveyance Tax estimate by \$23,637; and
  - (2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$23,637.
  - (i) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Housing Trust Fund:
    - (1) Increase the Overhead appropriation by \$1,554; and
    - (2) Decrease the Unrestricted Ending Fund Balance by \$1,554.
  - (j) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:
    - (1) Increase the Workers' Compensation Claims appropriation to the Human Resources Department by \$558; and
    - (2) Decrease the Unrestricted Ending Fund Balance by \$558.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Action: (a) **Ordinance No. 30662** ratifying final 2020-2021 expenditures; (b) Appropriation **Ordinance No. 30664** and Funding Sources **Resolution No. 80230**; (c) Appropriation **Ordinance No. 30665** and Funding Sources **Resolution No. 80241**; (d) Appropriation **Ordinance No. 30666** and Funding Sources **Resolution No. 80242**; (e) Appropriation **Ordinance No. 30667** and Funding Sources **Resolution No. 80231**; (f) Appropriation **Ordinance No. 30668** and Funding Sources **Resolution No. 80232**; (g) Appropriation **Ordinance No. 30669** and Funding Sources **Resolution No. 80243**; (h) Appropriation **Ordinance No. 30670** and Funding Sources **Resolution No. 80233**; (i) Appropriation **Ordinance No. 30671**; (j) Appropriation **Ordinance No. 30672** were adopted. (11-0.)

## 2.9 21-2096 **Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard.**

- (a) Adopt a resolution:
  - (1) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 1,381 square foot portion of North Almaden Boulevard located northeast of the North Almaden Boulevard and East Santa Clara Street intersection ("Subject Property");
  - (2) Conditionally vacating the Subject Property, which after the satisfaction of the condition, will be superseded by relocation;
  - (3) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and
  - (4) Declaring the Subject Property "exempt surplus land" to the needs of the City.
- (b) Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute:
  - (1) Purchase and Sale Agreement with the adjacent property owners Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned "exempt surplus property" on a portion of Almaden Boulevard, between

*(Item Continued on the Next Page)*

## 2.9 (Cont'd.)

N. Almaden Boulevard and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A), in exchange for the conditionally vacated 674 square feet and Assessor's Parcel Number 259-35-055 being voluntarily annexed to the Convention Center Facilities District;

(2) Purchase and Sale Agreement with adjacent property owner Bit Holdings Sixty-Eight, Inc. for the sale of approximately 707 square feet of conditionally vacated City-owned "exempt surplus property" on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with to Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070 in the amount of \$1; and

(3) All other documents necessary to complete the transactions.

CEQA: Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, H18-038. Council District 3. (Economic Development and Cultural Affairs/Public Works)

[Deferred from 8/31/2021 - Item 2.8 (21-1886); 9/14/2021 - Item 2.10 (21-1978) and 9/21/2021 - Item 2.12 (21-2045)]

Action: Deferred per Orders of the Day.

### 2.10 21-2098 **Amendment to the Agreement for Legal Services Between the City of San José and Matteoni, O'Laughlin and Hechtman, APC.**

Adopt a resolution authorizing the City Attorney to negotiate and execute a First Amendment to the Agreement for Legal Services between the City of San José and Matteoni, O'Laughlin & Hechtman, APC to increase the maximum compensation by \$75,000 for a total contract amount not to exceed \$395,000, and extend the term of the agreement through December 31, 2022.

CEQA: Environmental Impact Report for CityView Plaza Project, File No. H19-016. Council District 3. (City Attorney)

Action: **Resolution No. 80234** amending an Agreement for Legal Services was adopted. (11-0.)

### 2.11 21-2099 **Permanent Trail Easement Agreement Between the City of San José and Brookdale Living Communities of California, LLC.**

Adopt a resolution authorizing the City Manager, or her designee, to execute an Easement Agreement with Brookdale Living Communities of California, LLC, and all documents necessary to acquire a 412 square foot trail easement, and a 1,248 square foot temporary construction easement to support construction of the Guadalupe River Trail, for a price of \$0.

CEQA: Mitigated Negative Declaration for the Guadalupe River Trail Project and addenda thereto, File Nos. PP03-092 and PP05-172. Council District 9. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80235** regarding execution of an Easement Agreement was adopted. (11-0.)



**2.12 21-2100 Permanent Sidewalk Easement Between the City of San José and Center for Training and Careers, Inc.**

Adopt a resolution authorizing the City Manager, or her designee, to execute an Easement Agreement with Center for Training & Careers, Inc. and all documents necessary to acquire a permanent sidewalk easement for modification and maintenance of an existing traffic signal and pedestrian access ramp, for a price of \$0.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301, Existing Facilities. Council District 7. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80236** regarding execution of an Easement Agreement was adopted. (11-0.)

**2.13 21-2149 Hewlett Packard Ground Lease Termination. -**

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Third Amendment to the Ground Lease of Parcel W-9 Agreement with Hewlett Packard Enterprise Company to terminate the agreement early, effective upon execution by the City with a payment to Hewlett Packard Enterprise Company of \$1,500,000.

(b) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Airport Renewal and Replacement Fund:

(1) Establish the Hewlett Packard Enterprise Lease Buyout appropriation to the Airport Department in the amount of \$1,500,000; and

(2) Decrease the Ending Fund Balance in the amount of \$1,500,000.

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

[Deferred from 9/21/2021 - Item 2.10 (21-2043)]

**Deferred to 10/5/2021 per Administration.**

**2.14 21-2156 Implementation of AB 361 to Allow Teleconferenced Public Meetings to Continue Beyond September 30, 2021.**

Adopt a resolution of the Council of the City of San José amending the City's Consolidated Open Government and Ethics Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies 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)

[Rules Committee referral 9/22/2021 - Item A.1.a]

Action: **Resolution No. 80237** regarding Implementation of AB 361 to Allow Teleconferenced Public Meetings to Continue Beyond September 30, 2021 was adopted. (11-0.)

**2.15 21-2163 Approval of Two Neighborhood Day Events Sponsored by Council District 10 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 22, 2021:

- (a) Retroactive approval of the Orchard Creek Neighbor Day held on September 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approval of the Peppertree Neighbor Day scheduled on Saturday, October 2, 2021 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. (Mahan)

[Rules Committee referral 9/22/2021 - Item G.1.a]

Action: City Sponsored Special Events were approved. (11-0.)

**2.16 21-2170 Retroactive Approval of Laneview Dumpster Day 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 September 22, 2021:

- (a) Retroactively approve the Laneview Dumpster Day scheduled on September 25, 2021 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. (Cohen)

[Rules Committee referral 9/22/2021 - Item G.1.b]

Action: City Sponsored Special Events were retroactively approved. (11-0.)

**2.17 21-2171 Request for Travel for Mayor Liccardo.**

Authorize travel for Mayor Liccardo to Dayton, Ohio from September 30 – October 2, 2021 to attend the United States Conference of Mayors (USCM) Leadership Meeting. Source of Funds: Mayor/Council Travel Budget.

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

Action: Travel authorization for Mayor Sam Liccardo was approved. (11-0.)

### **3. STRATEGIC SUPPORT**

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

- 21-2178** (a) City Manager's COVID-19 Update (Verbal Report).  
(b) City Manager's Report on Other City Matters (Verbal Report).

Public Comments: Tessa Woodmansee, Paul Soto, Blair Beekman and Roma Dawson provided comments.

Chief of Staff, Office of the City Manager, Lee Wilcox; Director of Public Works, Matt Cano; Director of Housing Jacky Morales-Ferrand; Director of Public Works, Jon Cicirelli and Library Director Jill Bourne offered a presentation, providing a COVID-19 Update.

#### **3.3 21-2104 Code Enforcement Management Controls Audit Report. - Deferred**

As recommended by the Neighborhood Services and Education Committee on September 9, 2021, accept a report on the Code Enforcement Management Controls Audit.

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 9/9/2021 - Item (d)1]

**Deferred to 10/5/2021 per Administration**

#### **3.4 21-2105 Status of Open Audit Recommendations as of June 30, 2021.**

Accept the Status of Open Audit recommendations as of June 30, 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. (City Auditor)

City Auditor Joe Rois provided a presentation, and Director of Public Works, Matt Cano responded to questions

Public Comments: Providing comments were: Paul Soto, Caller "5140", Blair Beekman and Alma Goldchain.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas and carried unanimously, the Status of Open Audit recommendations was accepted.  
(10-0-1. Absent: Davis.)

**3.5      21-2106      Adoption of Resolution Apologizing to Chinese Immigrants and their Descendants.**

Adopt a resolution apologizing to Chinese immigrants and their descendants for the role of the City of San José in systematic and institutional racism, acknowledging acts of fundamental injustice, recognizing the contributions and resilience of the Chinese community and resolving to rectify the lingering consequences of past discriminatory policies.

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

Zulma Maciel, Director, Office of Racial Equity and the Immigrant Affairs Manager provided a presentation, and Councilmember Raul Perez spoke to the importance of this resolution.

Public Comments: Gerry Wong, Nancy Tsou, Connie Young Yu, Brenda Hee Wong, Steven Luo, Raymond Liu, Tessa Woodmansee, Paul Soto, Caller “5140” and Blair Beekman offered public comment.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80238** regarding apologizing to Chinese Immigrants and their Descendants was adopted. (11-0.)

**3.6      21-2107      Actions Related to the 9821 - SJC Guadalupe Gardens Fencing Project and Temporary Closure of Spring Street and Asbury Streets.**

(a) Adopt a resolution delegating authority to the Director of Public Works to award the construction contract for the 9821 - SJC Guadalupe Gardens Fencing Project, pursuant to City Charter Section 1217(h), in an amount not greater than \$1,500,000.

(b) Conduct a public hearing on the proposed temporary closure of Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street.

(c) Adopt a resolution to temporarily close Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street.

(d) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Airport Renewal and Replacement Fund:

(1) Decrease the Ending Fund Balance in the amount of \$700,000; and

(2) Increase the Guadalupe Gardens Fencing appropriation in the amount of \$700,000.

CEQA: Categorical Exemption, CEQA guidelines Section 15303(e) New Construction or Conversion of Small Structures, File No. ER21-005.

(Airport/Parks, Recreation and Neighborhood Services/Public Works/Transportation/City Manager)

Director of Public Works, Matt Cano provided a presentation.

*(Item Continued on the Next Page)*

### 3.6 (Cont'd.)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Offering comments, were members of the public: Paul Soto, Blair Beekman, Caller “5140”, Scott Largent, and Roland LeBrun.

Mayor Sam Liccardo closed the public hearing.

Director of Aviation John Aitken spoke on the use of K-rail fencing, and Director of Public Works, Matt Cano spoke to other potential options. Extensive Council discussion ensued. Mayor Sam Liccardo spoke to reaching out to the FAA Administrator for other options and looking at hybrid alternatives.

City Manager Jennifer Maguire suggested a deferral of this item to October 19, with a supplemental memorandum to be provided.

Motion: Councilmember Mahan moved deferral until October 19, 2021, with staff returning with an info memo and ideas for the use of the 1.5M dollars earmarked for this project. Councilmember Sergio Jimenez seconded the motion.

Director of Aviation John Aitken suggested going forward with a K-rail boundaries, and this suggestion was included in the motion by Councilmembers Mahan and Jimenez.

Director of Parks, Recreation and Neighborhood Services, Jon Cicirelli responded to questions on security and use of rangers, and Housing Jacky Morales-Ferrand spoke to housing for displaced individuals.

Action: A public hearing was held, and on a call for the question, this item was deferred to the October 19, 2021 Council Meeting to allow adequate time to explore options, for outreach to the FAA, with the City Manager’s Office to return with a supplemental memorandum, and with consideration of installing temporary K-rail boundaries. (11-0.)

### 3.7 21-2108 **Temporary Expansion of Business Tax Financial Hardship Exemptions.**

Approve an ordinance amending Chapter 4.76 of Title 4 of the San José Municipal Code to amend Section 4.76.345.6 to temporarily expand and extend, from October 1, 2021 through June 30, 2022, eligibility for the existing financial hardship exemptions for low-revenue generating small businesses and small business owners with limited household incomes to include all persons engaged in business in the City who satisfy certain financial hardship requirements.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones and carried unanimously, **Ordinance No. 30673** regarding Temporary Expansion of Business Tax Financial Hardship Exemptions was passed for publication, with staff directed to return to PSFSS with updates. (11-0.)

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

### **5.1 21-2109 Construction Crane Fee Program Study Findings and Recommendation.**

(a) Approve an ordinance requiring developers whose means or methods of construction exceed the City's Downtown Building Height Limits to indemnify the City for all costs or losses arising out of developers construction means or methods, to make a deposit of estimated costs or losses prior to the City issuing a building permit, and to reconcile a percentage of costs associated with actual Air Carrier denied passenger boardings, prior to the City issuing a temporary or permanent certificate of occupancy.

(b) Adopt a resolution to implement a Landing Fee Reduction Program for air carriers that incur passenger weight impacts caused by a developer's construction means and methods in the "Construction Crane Guidance Area" and to grant the Director of Aviation authority to waive landing fees up to 75% of the total Air Carrier denied boarding costs due to construction cranes and to set the estimated crane fee deposit percentage up to 50% and fee cap on an annual basis.

CEQA: Not a Project, PP17-008, General Procedure and Policy Making resulting in no physical changes to the environment. Council Districts 3 and 6. (Airport)

Director of Aviation, John Aitken, A.A.E. offered a presentation.

Public Comments: Blair Beekman and Paul Soto provided comments.

Motion: Councilmember Dev Davis moved approval of staff recommendations, including the memorandum she coauthored with Mayor Sam Liccardo and Councilmember Magdalena Carrasco dated September 25, 2021. Councilmember David Cohen seconded the motion.

Deputy Director, Office of Economic Development, Chris Burton responded to questions.

Action: On a call for the question, (a) **Ordinance No. 30674** regarding the Construction Crane Fee Program Study was passed for publication; and (b) **Resolution No. 80239** regarding implementation of a Landing Fee Reduction Program for air carriers was adopted, approving the airport staff's recommendation including exempting pipeline projects that have already applied for building permits and begin construction within 12 months of today or within 6 months of permit issuance as recommended in the September 25, 2021 memorandum from Mayor Sam Liccardo and Councilmembers Davis and Carrasco. (11-0.)

## **7. NEIGHBORHOOD SERVICES**

### **7.1 21-2110 Amendment to Chapter 6.87, Tobacco Retail License of Title 6, Business Licenses and Regulations, of the San José Municipal Code in Alignment with City Council Policy Priority #12: Flavored Tobacco and E-Cigarettes/Protecting Our Youth from the E-Cigarette Epidemic.**

Approve an ordinance amending Chapter 6.87, Tobacco Retail License, of Title 6, Business Licenses and Regulations, of the San José Municipal Code to prohibit the sale of flavored tobacco and e-cigarettes (or other flavored tobacco products), prevent further overconcentration of tobacco retail businesses, and reduce youth access to tobacco products, and implement City Council Policy Priority #12: Flavored Tobacco and E-Cigarettes, Items 1, 2, and 3 / Protecting our Youth from the E-Cigarette Epidemic.

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

[Deferred from 6/15/2021 Item 7.1 (21-1402)]

Deputy Director, PBCE, Rachel Roberts provided a presentation.

Public Comments: Sixty-two speakers addressed the topic, including: Ken Yeager (BAYMEC), Kathleen King, Sheila Phan, Tanya P, Vanessa Marvin, Carol Baker (Tobacco-Free Coalition); Maro Sidener and Deanna G. (Breathe California), Tim Gibbs, Annie Tegen and Lindsey Freitas (Tobacco-Free Kids); Tessa Woodmansee, Michele Lew, Maren Lopez, Heidi Garland, Dr. Phillip Gardiner, Caller “5140”, Dipti Venkatesh, Dr. Bonnie Halpern-Felsher, Jon D., Saria Kohli, Amaya Wooding, User #2, Satchit Dokras, Aba A., Lizzie Velten, Matthew Tinsley, Walter Wilson, Ernie Lopez, McKenna Jenkins, Maxwell Love, Erwin Morton, Nam Nguyen, Lucy W, Brian Davis, Carol McGruder, Aditya Indla, Jimmy Ancira, Rima S. Khoury, Zachary Gratz Lazarus, Maria Vargas, Nihaal Sahul, Taylor Lin, Lori Bremner, Jen Grand-Lejano (American Cancer Society), Amber Henry, Swetha Thiagarajan, Drianne Pantoja, Michele Hinds, Erica Costa, Paul Baker, Rithwan, James Staten, Blythe Young, George Jonson, Darnell Brown, Pranav, Mayra Bautista, Vera Tran, Blair Beekman, Caller “4249” and Steve.

***Council Adjourned for a break at 6:30 p.m. and resumed the meeting at 7:11 p.m. with all Council members present. Councilmembers Peralez, Arenas, Carrasco and Esparza participated remotely for the remainder of the meeting.***

Motion: Councilmember Pam Foley moved approval of staff recommendations including the joint memorandum she coauthored with Mayor Sam Liccardo, Councilmember Magdalena Carrasco and Councilmember David Cohen, dated September 24, 2021. Councilmember David Cohen seconded the motion.

Action: On a call for the question, **Ordinance No. 30675** amending Chapter 6.87, Tobacco Retail License, of Title 6, Business Licenses and Regulations, of the San José Municipal Code was passed for publication, including the Joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones and Councilmembers Foley, Carrasco and Cohen dated September 24, 2021, to:

*(Item Continued on the Next Page)*

## 7.1 (Cont'd.)

Approve staff's recommendation with the following amendments:

1. Include language in the ordinance clarifying enforcement will be aimed at tobacco retailers.
  2. Direct Code Enforcement to continue to perform a minimum of one annual compliance check per year.
  3. Direct the Administration to search and apply for grants at the Federal, State, or County levels of government and any private or philanthropic organizations that might allow for a more robust enforcement program, including funding for decoy enforcement programs.
  4. Direct staff to return to the Neighborhood Services and Education Committee within 12 months after full implementation analyzing the ordinance's effects on tobacco retail licenses throughout San José with a special focus on tobacco retail licenses that are within 1,000 feet of a youth-sensitive receptor.
  5. Direct staff to propose amendments to the fine schedule to increase the penalty for violations of this ordinance.
  6. Direct staff to report back to Council through an information memorandum or informal presentation regarding efforts to cross-train inspectors to enable a single inspector to provide multiple inspections (e.g., alcohol, tobacco, and code) for a single business, and thereby improve efficiency of code operations. Fees should be accordingly adjusted to reflect partial cost recovery proportionate to the cost of inspection of each subject.
- (11-0.)

- 7.2 21-2111 Amendment to Chapter 9.44, Regulation of Smoking, of Title 9, Health and Safety, of the San José Municipal Code in Alignment with City Council Policy Priority #18: Smoke-Free Housing.**
- Approve an ordinance amending Chapter 9.44, Regulation of Smoking, of Title 9, Health and Safety, of the San José Municipal Code to prohibit smoking inside multifamily housing units, reduce the exposure to secondhand smoke in alignment with and completion of City Council Policy Priority #18: Smoke Free Housing.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Information Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)
- Deferred per Orders of the Day.**



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

### **8.1 21-2112 Appropriation of Year One Award for the Permanent Local Housing Allocation Program Funding from the California Department of Housing and Community Development.**

(a) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Building Homes and Jobs Act Fund, with an effective date of July 1, 2021.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Building Homes and Jobs Act Fund:

(1) Establish an estimate for Revenue from State of California in the amount of \$4,348,646;

(2) Establish a Housing Shelter appropriation to the Housing Department in the amount of \$4,248,646; and

(3) Establish a Personal Services appropriation to the Housing Department in the amount of \$100,000.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing/City Manager)

Public Comments: Public Comments were offered by Paul Soto, Blair Beekman and Caller “5458”.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Sylvia Arenas and carried unanimously, (a) **Ordinance No. 30676** amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Building Homes and Jobs Act Fund was passed for publication; and (b) Appropriation **Ordinance No. 30677** and Funding Sources **Resolution No. 80240** were adopted. (11-0.)

### **8.2 21-2117 Eviction Moratorium.**

Accept the staff report on the status of the State’s Eviction Moratorium under Assembly Bill 832 and the Housing Department’s efforts to provide education and support to at-risk communities in 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. (Housing)

Director of Housing Jacky Morales-Ferrand and Deputy Director of Housing Rachel VanderVeen provided an update.

Public Comments: Eighteen members of the public offered comment, including Paul Soto, Manrique, Peter Ortiz, Mike Trujillo (Law Foundation Silicon Valley), Derek Fleming, Anil Babbar, Huascar Castro (Working Partnerships USA), Kevin Ma (Affordable Housing Network), Emily Ann Ramos (SV@Home) Kathryn Hedges, Estafania Bautista (Sacred Heart), Brian Darby, Blair Beekman, Nelwazir, Jeff Zell, Cher L., Rebecca Armendariz (Silicon Valley Rising) and Caller “5140”

Staff responded to questions, with Director of Housing Jacky Morales-Ferrand indicating more time was needed to explore options.

*(Item Continued on the Next Page)*

## **. 8.2 (Cont'd.)**

Motion: Councilmember David Cohen moved approval of his memo dated September 28, 2021 with additional recommendations as noted below, the memoranda from Councilmember Maya Esparza (September 27, 2021); the memorandum from Councilmember Sylvia Arenas dated September 28, 2021 and Item 1(a) from the memorandum from Councilmembers Arenas and Peralez, dated September 24, 2021. Councilmember Maya Esparza seconded the motion.

Action: On a call for the question the motion carried unanimously, and the Eviction Moratorium staff report was accepted, including:

Councilmember Maya Esparza's memorandum dated September 27, 2021, to:

1. Direct Staff to explore opening a third permanent Rental Assistance/Eviction Help Center office on the East Side, including partnering with the East Side Union High School District, Alum Rock Union School District, and other school districts serving the ZIP Codes and communities that have been hardest hit by both the public health and economic effects of the pandemic, such as 95122, 95127, 95116, and 95111.
2. Direct staff to coordinate with Councilmembers on outreach and planning for Rental Assistance/Eviction Help Center pop-ups throughout our City in communities of high need.

Including Councilmember David Cohen's memorandum dated September 28, 2021, with the following additional recommendations:

1. Direct staff to report back to Council monthly through information memorandum on its progress in bringing targeted rental assistance to residents who are most at risk of being evicted or displaced after the expiration of the eviction moratorium.
2. Direct staff to develop a workplan establishing a Tenant Right to Legal Counsel program for low-income residents facing eviction, as proposed in my FY2021-22 Budget Document #14 and return to the Neighborhood Services and Education Committee with recommendations for consideration, including options for ongoing state and federal funding sources for the program.

Also including Councilmember Sylvia Arenas' memorandum dated September 28, 2021:

- 1) Direct the City Manager to develop a "No Wrong Door" referral system for the City's referrals for, but not limited to, the City's Eviction Help Center, recreational programming and scholarships, and digital literacy services to support children and families.
- 2) Direct City Manager to use the City's Eviction Help Center as a means to pre-qualify households for scholarship eligibility for PRNS recreational programming including, but not limited to, the ROCK program, Recreational Preschool, and San Jose Clean Energy discount programs.
- 3) Direct City Manager to work with California Emerging Technologies Fund (CETF) to align grantees' efforts with office hours at the Eviction Help center to offer technical assistance, program referrals, and resources.

Additionally, including 1(a) from Councilmembers Peralez and Arenas' memorandum dated September 24, 2021, to:

1. Direct staff to develop a workplan establishing a Tenant Right to Counsel program for all low-income residents and residents experiencing financial hardships facing eviction due to, but not limited to, failure to pay rent because of COVID-19, and return to Council with recommendations for consideration.
    - a. Provide targeted culturally and linguistically competent outreach and counsel (or interpretation services) for the Tenant Right to Counsel program, including but not limited to Spanish and Vietnamese, to communities disproportionately impacted by COVID-19.
- (10-0-1. Absent: Carrasco.)

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

### **10. LAND USE**

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

No Land Use items on Consent Calendar.

**10 Land Use - Regular Agenda** – None provided.

### **OPEN FORUM**

- Caller ‘5140’ expressed dissatisfaction with the Council’s performance and its decision on the flavored tobacco ban.
- Paul Soto spoke to injustice and ‘brainwashing’.
- Blair Beekman urged community safety and health and good luck with the eviction moratorium and housing work plans.
- Caller ‘6910’ brought attention to displacement of seniors and the disabled and asked ‘where are our leaders?’
- Kathryn Hedges and Jeff Zell noted that Item 7.2 Regulation of Smoking: Smoke Free Housing to prohibit smoking inside multifamily housing units had been deferred and the need to address the dangers of exposure to secondhand smoke.
- Alma Goldchain urged housing the homeless in livable conditions.
- Addressing the ‘powder keg’ danger and environmental impacts, dumping and toxic chemical pollutants at 71 Vista Montaña, complaining that the City is unresponsive and ignoring complaints and citing a grossly mismanaged situation, were Krishna Panikkasseril, Speaker ‘5458’, Thomas Doherty, Ofelia Hernandez and Sheena.

### **ADJOURNMENT**

The Council of the City of San José was adjourned at 11:29 a.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

*Ruth Krantz*

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council \_\_\_\_\_

**Attest:**

**Toni J. Taber, CMC**

**City Clerk**



## **SAN JOSÉ CITY COUNCIL CLOSED SESSION**

**SEPTEMBER 28, 2021**

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 - Arenas, Carrasco, Davis, Esparza, Mahan, Jimenez,  
Jones, Cohen, Peralez, Foley; Liccardo.

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: Sainte Claire Historic Preservation Foundation v. City of San Jose, et al.,
- Name(s) of Parties(s) Sainte Claire Historic Preservation Foundation, a California non-profit corporation; and Does 1 to 5, City of San José, City Council of the City Of San José, and City of San José Department of Parks, Recreation, and Neighborhood Services; Mortimer & Mimi Levitt Foundation, Levitt Pavilion San José; and Does 6 to 10;
- Court: Superior Court of California, County of Santa Clara
- Case No: 20CV374459
- Amount of Money or Other Relief Sought: Damages according to proof

**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

**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: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)  
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
  
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)  
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
  
3. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

4. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjooseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

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

6. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.

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|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)                                       |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
7. 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.
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|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement — City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO  |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
8. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
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|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)  |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
9. Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**

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|  | Nature of negotiations:                           | wages/salaries, hours, working conditions, etc.  |
|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement — City of San José and Peace Officer Park Ranger Association   |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
- 10.**      Organization or Name and Title of Unrepresented Employees:      **San José Police Officers’ Association (SJPOA)**
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|--|---|--|
|  | 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: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
- 11.**      Organization or Name and Title of Unrepresented Employees:      **Association of Legal Professionals of San José (ALP)**
- |  |   |  |
|--|---|--|
|  | Nature of negotiations:                           | wages/salaries, hours, working conditions, etc.  |
|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement – City of San José and Association of Legal Professionals of San José  |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |

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