



City Council Meeting Minutes

Tuesday, December 3, 2019

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 CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, DECEMBER 3, 2019

The Council of the City of San José convened in Closed Session on Tuesday, December 3, 2019, at 9:40 a.m. in the Council Chambers at City Hall.

19-681 - Closed Session, Call to Order in Council Chambers
(See Page 24 for Closed Session Minutes)

By unanimous consent, Council recessed from the Closed Session at 11:09 a.m.; Council reconvened to Regular Session at 1:34 p.m. in the Council Chambers.

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

Absent: Councilmembers - All Present.

The previously scheduled evening session was cancelled.

- **Invocation (Mayor)**

Reverend Dana Bainbridge from the Recovery Cafe San José provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by students from Cornerstone Academy Preparatory School.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Item 3.3(a) dropped, and with Land Use Consent Items to be heard immediately following the Consent Calendar.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1** Mayor Sam Liccardo and Councilmember Pam Foley presented a Commendation to the Branham High Royal Alliance Band and Color Guard for their extraordinary achievements during the 2019 Marching Band Season. (Foley)
- 1.2** Mayor Sam Liccardo and Councilmembers Raul Perez and Pam Foley presented a Proclamation recognizing December 3, 2019 as World Aids Day. (Perez)
- 1.3** Mayor Sam Liccardo and Councilmembers Lan Diep, Raul Perez, Sergio Jimenez and Johnny Khamis presented a Commendation to the Cost of Courage Foundation for their support of the educational and personal needs of active duty and military veterans in our community. (Diep)
- 1.4** Mayor Sam Liccardo and Councilmember Johnny Khamis presented a Commendation to Bill Hubka former President of Almaden Senior Association for his commitment to Senior issues. (Khamis)
- 1.5** Mayor Sam Liccardo offered a tribute to Pastor Richard Mock. Friends, community leaders and members of his congregation from the Cathedral of Faith came to honor his legacy and selfless work with the community, including work with the Correctional Institutions Chaplaincy and Gang Prevention Task Force.

2. CONSENT CALENDAR

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

2.1 19-1194 Approval of City Council Minutes.

- (a) City Council Meeting Minutes of March 26, 2019.
 - (b) Special City Council Meeting Minutes of November 6, 2019.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Meeting Minutes of March 26, 2019 and November 6, 2019 were accepted. (11-0.)

2.2 19-1147 Final Adoption of Ordinances.

- (a) **Ord No. 30344** - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 0.15-Gross Acre Site Situated on the West Side of South 21st Street Approximately 110 feet Southerly of East Santa Clara Street (19 South 21st Street) from the R-M Multiple Residence Zoning District and CG Commercial General Zoning District to the R-M Multiple Residence Zoning District. [Passed for Publication on 11/19/19 - Item 10.1(a) (19-1069)]

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2.2 19-1147 Final Adoption of Ordinances (Cont'd.)

(b) **Ord No. 30345** - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.10-Gross Acres Situated on the Southeast Corner of Moorpark Avenue and Leigh Avenue Intersection (1710 Moorpark Avenue) (apn:282-44-027) from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 11/19/19 - Item 10.1(b) (19-1070)]

(c) **Ord No. 30346**- An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.71-Gross Acre Located on the West Side of South Winchester Boulevard, Approximately 200 Feet Southerly of Stevens Creek Boulevard (335 South Winchester Boulevard) from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District. [Passed for Publication on 11/19/19 - Item 10.2(b) (19-1071)]

Action: **Ordinance Numbers 30344, 30345 and 30346** were adopted. (11-0.)

2.3 19-1193 Approval of Council Committee Minutes.

(a) Rules and Open Government Committee Minutes of October 23, 2019

(b) Rules and Open Government Committee Minutes of November 6, 2019

(c) Neighborhood Services and Education Committee Minutes of November 14, 2019.

(d) Rules and Open Government Committee Minutes of November 20, 2019

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

Action: The City Council Committee Minutes were accepted. (11-0.)

2.4 19-1094 Mayor and Council Excused Absence Requests.

(a) Request for an excused absence for Councilmember Davis, from the Regular Meeting of the City Council on November 19, 2019, due to illness.

(b) Request for an excused absence for Vice Mayor Jones, from the Regular Meeting of Rules and Open Government Committee on November 20, 2019, due to authorized City business at the National League of Cities City Summit, in San Antonio, Texas.

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2.4 19-1094 Mayor and Council Excused Absence Requests (Cont'd.)

(c) Request for an excused absence for Vice Mayor Jones, from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on November 21, 2019, due to authorized City business at the National League of Cities City Summit, in San Antonio, Texas.

Action: The Mayor and Council Excused 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 19-1103 Airport Improvement Grant Program Application for the Airport Pavement Management Study.

Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, a grant from the Federal Aviation Administration for the Airport Pavement Management Study at the Norman Y. Mineta San José International Airport in a total amount not to exceed \$400,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

Action: **Resolution No. 79322** was adopted. (11-0.)

2.8 19-1104 Amendment to Agreement for Airport Bus Service Between the City of San José and the Santa Clara Valley Transportation Authority.

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an Amendment to the Agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority, modifying the current bus route and changing the line designation from Route 10 to Route 60, and the no fare portion of the agreement in an amount not to exceed \$790,130 per year subject to adjustments for compensation and appropriation of funds as set forth in the Agreement.

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

Action: **Resolution No. 79323** was adopted. (11-0.)

2.9 19-1105 Actions Related to the Purchase Order for Modular Video Detection Systems.

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Iteris (Santa Ana, CA) for the purchase of Modular Video Detection Systems, including hardware, software, and maintenance for a twelve-month period, starting on or about December 4, 2019 and ending on December 3, 2020, with maximum compensation not to exceed \$720,000; and
- (b) Exercise up to four additional one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about December 3, 2024, to purchase additional systems and provide ongoing maintenance and support, subject to the appropriation of funds.

CEQA: Categorically Exempt, CEQA Guidelines Section 15303(d), New Construction of Small Structures. (Finance)

Deferred to 12/10/19 per Administration.

2.10 19-1124 Name a Future Public Park “Bruzzone Park.”

Adopt the name “Bruzzone Park” for a future public park located near the intersection of Mercado Way and Bruzzone Way in San José.

CEQA: Not a Project, File No. PP 17-008, General Procedure & Policy Making results in no changes to the physical environment.

Council District 4. (Parks, Recreation and Neighborhood Services)

Action: The name “Bruzzone Park” for a future public park located near the intersection of Mercado Way and Bruzzone Way in San José was accepted. (11-0.)

2.11 19-1082 Retroactive Approval of the Eastridge Tree Lighting Ceremony Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

- (a) Retroactively approve the Eastridge Tree Lighting Ceremony Community Event held on November 15, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

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

2.12 19-1083 Approval of the Breakfast with Santa Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

- (a) Approve the Breakfast with Santa scheduled on Saturday, December 7, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.

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2.12 19-1083 Approval of the Breakfast with Santa Community Event (Cont'd.)

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

2.13 19-1137 Approval of the Holiday Festivities Community Event at the Evergreen Village Square Library Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

(a) Approve the Holiday Festivities at Evergreen Village Square Library scheduled on Saturday, December 7, 2019 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. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

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

2.14 19-1138 Retroactive Approval of the District 8 Public Safety Workshop Series Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

(a) Retroactively approve the District 8 Public Safety Workshop Series Community Event scheduled on November 14, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

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

2.15 19-1095 Approval of the Purchase of Fiesta Navidena Materials Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

(a) Approve the Fiesta Navidena Celebration scheduled on December 6, 2019 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.

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

2.16 19-1084 Retroactive Approval of the Dumpster Day Event 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.

- (a) Retroactively approve the Dumpster Day Event scheduled on October 12, 2019 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.

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

2.17 19-1085 Retroactive Approval of the Berryessa Library Halloween Extravaganza Event 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.

- (a) Retroactively approve the Berryessa Library Halloween Extravaganza event scheduled on October 26, 2019 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.

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

2.18 19-1086 Retroactive Approval of the Dumpster Day Event 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.

- (a) Retroactively approve the Dumpster Day Event scheduled on November 9, 2019 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.
- (c) Approve the expenditure of District funds for \$25 gift cards for volunteers.

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

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

2.19 19-1087 Retroactive Approval of the Public Safety Forum Event 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.

- (a) Retroactively approve the Public Safety Forum Event scheduled on November 18, 2019 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. (Diep)

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

2.20 19-1146 Settlement of Jacob Flores v. City of San José.

Approve a settlement in the amount of \$60,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Jacob Flores v. City of San José.
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 Jacob Flores v. the City of San José was approved. (11-0.)

2.21 19-1098 Regional Countywide Planning Collaborative Resolution.

As recommended by the Rules and Open Government Committee on November 20, 2019:
Adopt a resolution:
(a) Approving the City's participation in a County-wide Planning Collaborative among the cities within the County of Santa Clara and the County of Santa Clara, to be facilitated by the Cities Association of Santa Clara County; and
(b) Authorizing the City Manager to negotiate and execute an agreement with the agencies specified above to:
(1) Outline how the collaborative planning effort will work; and
(2) Authorize the City of San José's share of the cost of the collaborative, including the cost of hiring a consultant to provide planning-related services for the Planning Collaborative, in an amount not to exceed \$3,150 if all agencies join the collaborative, or not to exceed \$5,000 if 10 or more agencies join the collaborative.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Mayor and Jones)

Action: **Resolution No. 79324** was adopted. (11-0.)

3. STRATEGIC SUPPORT

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

City Manager, David Sykes announced the launch of the new City Website, with the goal of enhancing the City's digital presence and allowing better interaction with digital devices. He thanked staff for their efforts and noted the successful collaboration between residents and staff.

3.2 Labor Negotiations Update.

None provided.

3.3 19-1142 Public Member Appointment to the Board of Administration for Federated City Employees' Retirement System.

- (a) Interview applicant for appointment to the Public Member Seat; and
- (b) Appoint one applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020.

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

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, Mark Keleher was appointed to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020. (11-0.)

3.4 19-1106 Actions Related to the Annual Intergovernmental Relations Report.

- (a) Accept the Annual Intergovernmental Relations Report;
- (b) Reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log; and
- (c) Adopt updated Intergovernmental Relations Council reporting schedule.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)
[Deferred from 10/8/19 - Item 3.8 (19-888)]

Steve Cruz, Cruz Strategies, Leslie Pollner, Holland & Knight, and Bena Chang, Director of Intergovernmental Relations, provided a presentation and responded to questions.

Councilmember Dev Davis noted a discrepancy on the table on page 10 of the report. Staff indicated a correction to H.R. 763, correcting "Support if Amended" to "Support".

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Annual Intergovernmental Relations Report was accepted, with all City positions reaffirmed and the updated Intergovernmental Relations Council reporting schedule adopted, and corrections made to page 10 of the report as identified. (11-0.)

3.5 19-1107 2020 Legislative Program and Top Legislative Priorities.

Adopt the 2020 Legislative Program and the top legislative priorities for 2020.

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

[Deferred from 10/8/19 - Item 3.8 (19-888)]

Mayor Sam Liccardo requested that any motion made amend the reference on Page 12 of the staff report to delete the words “reducing the size” referring to PG&E, to reflect concerns from the union and rural communities.

Motion: Vice Mayor Chappie Jones moved approval to adopt the 2020 Legislative Program and the top legislative priorities for 2020, including his December 3, 2019 memorandum as outlined below in “Action” and including the language change as recommended by Mayor Sam Liccardo. Councilmember Dev Davis seconded the motion.

Councilmember Johnny Khamis indicated he could not support the motion as presented due to concerns with the transportation funding item as indicated on Page 13, and advocated a change to the voter threshold to 50%+1 for dedicated taxes and 2/3 for general tax.

The item was bifurcated to hear the transportation funding item separately.

Motion: Councilmember Johnny Khamis moved approval to changes to the transportation funding item as noted below in “Action”. Councilmember Dev Davis seconded the motion.

Action – Transportation Funding: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, the motion carried, and the transportation funding item as indicated on Page 13 was modified to change the voter threshold to 50%+1 for dedicated taxes and 2/3 for general tax. (6-4-1. Noes: Jones, Diep, Carrasco, Esparza. Absent: Jimenez.)

Substitute Motion: Councilmember Magdalena Carrasco moved approval to accept the staff’s recommendation as presented, supporting the reduction in threshold for a specific tax at 55 percent. Councilmember Maya Esparza seconded the motion.

Action: On a call for the question, the substitute motion failed. (4-6-1. Noes: Peralez, Davis, Arenas, Foley, Khamis, Liccardo. Absent: Jimenez.)

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the 2020 Legislative Program and Top Legislative Priorities, with the omission of the transportation funding item, was approved, including the memorandum from Vice Mayor Chappie Jones, dated December 3, 2019 (1) Accepting staff’s recommendation and (2) to Amend proposed 2020 Legislative Program to include evaluation of the State’s statute and Relocation Assistance Program, last amended in 1969, to ensure persons, including businesses, receive fair compensation for moving and related expenses from a public entity that undertakes a program or project that will result in displacement. *Staff indicated that they will bring this item back with more analysis prior to adding to the legislative program.*

Also including Mayor Sam Liccardo an amendment to the reference on Page 12 of the staff report, deleting the words ‘reduce in size’ referring to PG&E. (11-0.)

Potential March 2020 Real Property Transfer Tax Ballot Measure.

Consider, discuss, and adopt a resolution of the City Council:

(a) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the statewide primary election occurring in the County of Santa Clara held on March 3, 2020, to submit to the electors of the City of San José a measure to enact a real property transfer tax with the following statement of the measure to be printed in the ballot:

To fund general City of San José services, including providing affordable housing for seniors, veterans, disabled, and low-income families and helping homeless residents move into shelters/permanent housing, shall an ordinance be adopted enacting a real property transfer tax including unrecorded transfers at these rates: transfers valued up to \$2,000,000 EXEMPT, \$2,000,000.01 to \$5,000,000 at 0.75%, \$5,000,000.01 to \$10,000,000 at 1.0%, and over \$10,000,000 at 1.5%; generating approximately \$70,000,000 annually, until repealed, with all money staying local?

(b) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San Jose Mercury News, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;

(c) Authorizing the Mayor to submit a ballot argument in support of the measure, pursuant to Elections Code Section 9282;

(d) Authorizing the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(e) Directing the City Attorney to prepare an Impartial Analysis of the measure, where, as authorized under Elections Code Section 9280, the following statement will be printed in the Impartial Analysis to be prepared by the City Attorney: “If you would like to read the full text of the measure, see <http://www.sanjoseca.gov/index.aspx?nid=5694> or call 408-535-1260 and a copy will be sent at no cost to you.”; and

(f) Directing the City Clerk to take all other actions necessary to place this measure on the March 3, 2020 ballot.

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)

Chief of Staff, Office of the City Manager, Lee Wilcox, outlined the proposed ballot measure, and extensive Council discussion followed.

Public Comment: Offering comments, including the need for affordable housing and support to the proposed ballot measure, were Tiffany Wong, Tim Beaubien (SCCAOR), Jeffrey Buchanan, Mario Lopez (SV@Home Action Fund), Jean Cohen and Roland LeBrun.

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3.6 Potential March 2020 Real Property Transfer Tax Ballot Measure (Cont'd.)

Motion: Councilmember Maya Esparza moved approval of the Real Property Transfer Tax Ballot Measure, including the joint memorandum from Mayor Sam Liccardo and Councilmembers Pam Foley and Lan Diep, dated November 27, 2019. Councilmember Sylvia Arenas seconded the motion.

Substitute Motion: Councilmember Johnny Khamis moved opposition to the proposed ballot measure, objecting to any new taxes. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the substitute motion failed. (3-8. Noes: Jones, Peralez, Diep, Carrasco, Esparza, Arenas, Foley, Liccardo.)

Action: On a call for the question, the underlying motion carried, and **Resolution No. 79325** was adopted, including the joint memorandum from Mayor Sam Liccardo and Councilmembers Pam Foley and Lan Diep, dated November 27, 2019, to:

(1) Accept staff's recommendations adopting a Resolution of the City Council to place a real property transfer tax measure on the March 3, 2020 ballot, with the following modification to the statement of the measure to be printed in the ballot - underlined text reflects an addition and strike-through text represents a deletion:

To fund general City of San Jose services, including providing affordable housing for seniors, veterans, disabled, and low-income families, and helping homeless residents move into shelters/permanent housing, shall an ordinance be adopted enacting a real property transfer tax including unrecorded transfers at these rates: EXEMPT transfers under ~~valued up to~~ \$2,000,000 ~~EXEMPT~~, adjusted for inflation. \$2,000,000.01 to \$5,000,000 at 0.75%, \$5,000,000.01 to \$10,000,000 at 1.0%, and over \$10,000,000 at 1.5%; generating approximately \$70,000,000 annually, until repealed, with all money staying local?

2. Direct the City Attorney, working with City staff, to include in the proposed real property transfer tax ordinance the Consumer Price Index for All Urban Consumers (CPI-U) as predictable indexing of the under \$2 million exemption floor, adjusted every five years and rounded to the nearest \$100,000. The San Francisco-Oakland-Hayward, CA area index should be used until an index for the San Jose metropolitan statistical area is included in the CPI-U tables from the Bureau of Labor Statistics found at [https://www.bls.gov/regions/west/data/cpi tables.pdf](https://www.bls.gov/regions/west/data/cpi%20tables.pdf), or until a more suitable alternative is identified by the Director of Finance. This indexing will allow for the exemption floor to increase with inflation to protect first-time homebuyers from the tax.

(8-3. Noes: Davis, Jimenez, Khamis.)

3.7 19-1109 Amendment to the Vendor Agreement with Vision Service Plan for Vision Care Benefits for City Employees, Retirees and their Dependents.

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Vision Service Plan for vision care benefits for City employees, retirees, and their dependents extending the term of the Agreement from December 31, 2019 to December 31, 2021, and increasing the not to exceed Agreement amount from \$4,360,000 to a revised not to exceed amount of \$7,671,477.

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

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79326** was adopted, authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Vision Service Plan for Vision Care Benefits for City Employees, Retirees and their Dependents. (11-0.)

3.8 19-1144 Public Hearing on Community Facilities District No. 8 (Communications Hill).

(a) Conduct a Public Hearing regarding proposed Alteration No. 1A and Alteration No. 1B of Community Facilities District No. 8 (Communications Hill).

(b) Adopt a resolution calling a special election regarding proposed Alteration No. 1A and Alteration No. 1B of Community Facilities District No. 8 (Communications Hill).

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. Council District 7. (Public Works)

[Continued from 11/19/19 - Item 3.4 (19-1061)]

This Action Required 10 Affirmative Votes Per City Charter Section 1601(E).

Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79327** was adopted, calling a special election regarding proposed Alteration No. 1A and Alteration No. 1B of Community Facilities District No. 8 (Communications Hill). (10-0-1. Absent: Khamis.)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-1110 Disposition and Development Agreement with Museum Place Owner, LLC and Amended and Restated Tech Interactive Lease Agreement.

(a) Adopt a resolution adopting the Addendum to the Museum Place Mixed-Use Project Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(b) Approve an Amended and Restated Disposition and Development Agreement (“DDA”) with Museum Place Owner LLC for the construction of a mixed-use project consisting of office space, retail space, expansion space for the Tech Interactive, and a garage (“Project”).

(c) Approve an Amended and Restated Lease Agreement with the Tech Interactive related to the Project construction of expansion space for the Tech Museum and its operation on completion.

(d) Adopt a resolution authorizing the City Manager to (i) negotiate and execute all ancillary documents and agreements referenced in or required under the DDA for the Project including the Reciprocal Easement Agreement, and (ii) approve for transfer and transfer property required for the Project to Museum Place Owner LLC.

CEQA: Addendum to the Museum Place II Mixed-Use Project Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto. (File No. SPA17-031-07). Council District 3.

(Economic Development)

[Deferred from 11/19/19 - Item 4.1 (19-1078)]

Economic Development Assistant Director, Nanci Klein, provided a presentation. Tim Ritchie, President, Tech Interactive offered support to the project, and discussion followed.

Public Comments: Jean Cohen and David Bini, Building & Construction Trades Council, and Brian Darby offered support to the project.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, **Resolution No. 79328** and **Resolution No. 79329** were adopted, an Amended and Restated Disposition and Development Agreement (“DDA”) with Museum Place Owner LLC, and an Amended and Restated Lease Agreement with the Tech Interactive were approved. (10-0-1. Absent: Jimenez.)

4.2 19-1145

Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of Proceeds Thereof for the Financing of Quetzal Gardens Apartments.

(a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Quetzal Gardens Apartments), Series 2019E” (the 2019 Note) in a principal amount not to exceed \$32,207,500;

(2) Approving the loan of 2019 Note proceeds to Quetzal Gardens, L.P., a California limited partnership created by Resources for Community Development., a California nonprofit public benefit corporation, to finance the construction of a 71-unit multifamily development known as Quetzal Gardens Apartments located at 1695 Alum Rock Avenue, in San José (the Development);

(3) Approving in substantially final form the Funding Loan Agreement, the Construction and Permanent Loan Agreement (Multifamily Housing Back to Back Loan Program), and Regulatory Agreement and Declaration of Restrictive Covenants (collectively, the 2019 Note Documents); and

(4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, and Debt Administrator, or their designees, to execute and deliver the 2019 Note Documents together with any documents ancillary to the 2019 Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development’s rents and income up to 60% AMI (low income) for new tenants in the event of the expiration or termination of subsidy contracts, and for all tenants in the event of a foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development; and

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to this action. CEQA: Categorically Exempt, CEQA Guideline Section 15332, In-fill Development Projects, File No. CP17-009. Council District 5.

(Finance/Housing)

[Deferred from 11/19/19 - Item 4.3 (19-1062)]

Heard Immediately After Item 10 Land Use Consent

Public Comments: Real Estate Developer, Sara Erickson, noted that they are ready to close and start construction in January.

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember Sylvia Arenas, and carried unanimously, **Resolution No. 79330** and **Resolution No. 79331** were adopted. (11-0.)

4.3 19-1120 Rent Registry Update.

As recommended by the Smart Cities and Service Improvements Committee on November 7, 2019, accept the staff report on the Rent Registry.

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)

Director of Housing Jacky Morales-Ferrand gave presentation. Housing Policy & Program Administrator Rachel VanderVeen and staff continued and responded to questions.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the staff report on the Rent Registry was accepted. (10-0-1. Absent: Jimenez.)

RECESS/RECONVENE

The City Council recessed at 5:30 p.m. from the afternoon Council Session and reconvened at 6:00 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - Jimenez.

4.4 19-1111 Amendments to the Administrative Citation Schedule of Fines for Violations of the Apartment Rent Ordinance, Tenant Protection Ordinance and Ellis Act Ordinance.

Adopt a resolution amending the Administrative Citation Schedule of Fines for the Apartment Rent Ordinance, the Tenant Protection Ordinance, and the Ellis Act Ordinance.

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

Director of Housing Jacky Morales-Ferrand and Housing Policy & Program Administrator Rachel VanderVeen offered a presentation.

Public Comments: Tim Beaubien, Santa Clara County Association of Realtors, faulted the lack of education behind most violations, with outreach/education to be the best tool to reach maximum complaints.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Raul Peralez, and carried unanimously, **Resolution No. 79332** amending the Administrative Citation Schedule of Fines for the Apartment Rent Ordinance, the Tenant Protection Ordinance, and the Ellis Act Ordinance was adopted *including updates to the Administrative Citation Manual to provide a Rent Stabilization Program Compliance Class for first time violations that cannot be cured, as outlined in the December 3, 2019 supplemental memorandum from Director of Housing Jacky Morales-Ferrand.* (10-0-1. Absent: Jimenez.)

4.5 19-1121 Envision San José 2040 General Plan Annual Performance Review.

Accept the Envision San José 2040 General Plan 2019 Annual Performance Review report.

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

Rosalynn Hughey, Director, Planning, Building and Code Enforcement and Jared Hart, Division Manager, Planning, Building and Code Enforcement provided a presentation.

Public Comments: Brian Darby urged enhanced safety measures for pedestrians and bicyclists due to a likely increase in traffic.

Action: Upon motion by Councilmember Lan Diep, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Envision San José 2040 General Plan Annual Performance Review was accepted. (8-0-3. Absent: Jimenez, Peralez, Esparza.)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-1129 Amendment to the Agreement with Taxi San José.

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement with Taxi San José to provide compensation effective December 1, 2019 of \$10,000 per month, not to exceed \$140,000, to Taxi San José to maintain operational viability of the On-Demand Dispatch Services at the Norman Y. Mineta San José International Airport.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15273, (PP17-005) Adjustment to Rates, Tolls, Fares, and Charges. (Airport)

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

Public Comments: Providing support to the proposed agreement with Taxi San Jose, were Mohamed Ali, Kumlachew Mekuria, Kirpal Bajwa, Shakur Buni, and Seyocem Aspat.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas, and carried unanimously, **Resolution No. 79333** was adopted, authorizing the City Manager to negotiate and execute an Amendment to the Agreement with Taxi San José to provide compensation effective December 1, 2019 of \$10,000 per month, not to exceed \$140,000, to Taxi San José to maintain operational viability of the On-Demand Dispatch Services at the Norman Y. Mineta San José International Airport.
(8-0-3. Absent: Jimenez, Peralez, Foley.)

6.2 19-1130 San José Diridon Station Integrated Concept Plan.

Accept the staff recommendation of the Concept Layout for the San José Diridon Station, advance the project to the next phase of development, and commit to work to develop a design for the southern rail corridor that results in noise, vibration, and visual conditions that are no worse and ideally better than today, even with higher future train volumes.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 3 and 6. (Transportation)

Offering an in-depth presentation on the San Jose Diridon Station Integrated Concept Plan, were Deputy City Manager Jim Ortbal, Deputy Director of Department of Transportation, John Ristow, Deputy Director Jessica Zenk, and Liz Scanlon, Kimley-Horn, followed by Council discussion.

Public Comments: Offering comments, recommendations and opinions regarding the San Jose Diridon Station Integrated Concept Plan, were: Scott Knies (SJDA), Teresa Alvarado (SPUR), Brian Darby, Harvey Darnell, Roland, Bill Rankin (NWGNA), Larry Ames, Pat Gormley, and Bert Weaver.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the San José Diridon Station Integrated Concept Plan was accepted, including the joint memorandum from Mayor Sam Liccardo, Councilmember Dev Davis and Councilmember Raul Peralez, dated November 27, 2019, to:

1. Support Staff recommendations regarding two of the three primary decisions, namely:
 - a. Elevated station platforms and tracks at the station, and
 - b. Locating two station entrances in the north near Santa Clara Street and in the south near San Fernando Street.
2. Defer consideration of a final decision on the track approaches in the Northern and Southern Corridor until a date in early 2020 when there is a full community- and Council-understanding of the tradeoffs that have been evaluated in the I-280/SR-87 viaduct and existing rail corridor scenarios.
3. Request that the Peninsula Corridor Joint Powers Board (PCJPB), the High Speed Rail Authority (HSRA), and the Valley Transportation Authority (VTA) (together, with the City of San Jose, "Partner Agencies") defer a final decision on the DISC Plan until the City of San Jose has endorsed a track alignment.
4. Schedule an evening study session - or evening Council meeting - in early January 2020 to ensure a full public vetting and understanding of the tradeoffs of the DISC decision as it relates to the use of the existing Southern Corridor versus the addition of an I-280/SR87 viaduct. The public hearing should provide additional relevant information that effectively addresses the following questions, within the context of the broader DISC process, including other concerns raised in community meetings, and at the Diridon Joint Policy Advisory Board:
 - a. What are the infrastructure requirements for the Northern and Southern Corridor flyovers? What environmental concerns might these generate?

(Item Continued on the Next Page)

6.2 San José Diridon Station Integrated Concept Plan (Cont'd.)

- b. What are the property impacts of an I-280/SR-87 viaduct, both North and South of the Diridon Station, including the impact on transit-oriented housing development?
 - c. What are the impacts of a viaduct to the Tamien Station, planned transit-oriented development in Tamien, and surrounding amenities like Tamien Park?
 - d. Is it possible to shift Caltrain, High Speed Rail, and other heavy rail operators onto a viaduct?
 - e. From a track design perspective, Union Pacific (UP) requires that freight tracks not exceed a one percent grade. Can the Partner Agencies request a variance that would support UP service on a viaduct? What is UP's response?
 - f. What are the potential visual impacts of the viaduct option?
 - g. What can the community anticipate in terms of the number of tracks and trains to support the Caltrain Service Vision, and High Speed Rail service, in the Gardner/Gregory/North Willow Glen neighborhoods? What potential corridor and track treatments and best practices are being considered for the existing corridor at this time?
 - h. What are the likely impacts to Fuller Park in the existing corridor scenario? What are the likely property impacts in the Gregory/Gardner/North Willow Glen neighborhoods?
 - 1. What specific commitments can the City and the DISC Partner Agencies make to the surrounding community regarding mitigations of noise, vibration, visual impact, air quality, and safety?
 - 5. Direct Staff to continue working with the DISC Partner Agencies and consultants to identify improved access for riders of BART, Light Rail, and bus from the station.
 - 6. During the next phase of project development, direct Staff to continue working to identify the optimal location of an airport connector connection to the station.
- (10-0-1. Absent: Jimenez.)**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

OPEN GENERAL PLAN HEARING (SECOND CYCLE)

10.1 Land Use on Consent Calendar

- (a) 19-1131 **GP18-008 & C18-019 - General Plan Amendment and Conforming Rezoning of Certain Real Property Located at 1131 Park Avenue and 15 and 17 Tillman Avenue.**

(1) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of Tillman Avenue (1131 Park Avenue), and on the west side of Tillman Avenue, approximately 110 feet north of Park Avenue (15 and 17 Tillman Avenue).

(2) Approve an ordinance rezoning an approximately 0.10 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of intersection of Tillman Avenue and Park Avenue (1131 Park Avenue) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations (File Nos. GP18-008; C18-019) Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)

Heard at 1:30 P.M. Immediately After Regular Consent Calendar

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, **Resolution No. 79334** amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of Tillman Avenue (1131 Park Avenue), and on the west side of Tillman Avenue, approximately 110 feet north of Park Avenue (15 and 17 Tillman Avenue), was adopted; and **Ordinance No. 30347** rezoning an approximately 0.10 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of intersection of Tillman Avenue and Park Avenue (1131 Park Avenue) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District was passed for publication. (11-0.)

- (b) 19-1132 **GP18-010 - General Plan Amendment of Certain Real Property Located at the East Side of Diamond Heights Drive, Approximately 200 Feet Southerly of Senter Road. - DEFERRED**
(1) Adopt a resolution adopting the Valley Christian Schools Residential General Plan Amendment Negative Declaration in accordance with CEQA.
(2) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram to change the land use designation from Rural Residential to Residential Neighborhood on an approximately 2.6-gross acre site, located on the west side of Diamond Heights Drive, approximately 200 feet south of Senter Road.
CEQA: Initial Study/Negative Declaration for Valley Christian Schools Residential General Plan Amendment Project. File No. GP18-010.
Planning Commission recommends approval (5-2-0, Ballard and Allen opposing). Council District 2. (Planning, Building, and Code Enforcement)
DEFERRED TO 12/17/19 PER APPLICANT
- (c) 19-1133 **MA19-004 - Historical Property Contract (California Mills Act Contract) for Smith House. - DROP**
CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 3. (Planning, Building, and Code Enforcement)
DROPPED - TO BE RENOTICED AT A LATER DATE
- (d) 19-1134 **MA19-005 - Historical Property Contract (California Mills Act Contract) for “Bank of Italy” Located at 12 South First Street.**
Adopt a resolution approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owner, 12 South First Street LLC, for the “Bank of Italy” located at 12 South First Street (APN: 467-22-097), on a 0.4-gross acre site.
CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 3. (Planning, Building and Code Enforcement)
Heard at 1:30 p.m. Immediately After Regular Consent Calendar

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79335** approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owner, 12 South First Street LLC, for the “Bank of Italy” located at 12 South First Street (APN: 467-22-097), on a 0.4-gross acre site, was adopted. (11-0.)

(e) 19-1135 **HL19-004 & MA19-002 - Historic Landmark Designation and Historical Property Contract (California Mills Act Contract) for the “Filice House” Located at 1651 Hanchett Avenue.**

- (1) Adopt a resolution designating “The Filice House” located at 1651 Hanchett Avenue as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and
(2) Adopt a resolution approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owners, Justin Buzzard and Taylor Buzzard, for “The Filice House” located at 1651 Hanchett Avenue (APN: 274-15-060), on a 0.15-gross acre site.

CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 6. (Planning, Building, Code Enforcement)

Heard at 1:30 p.m. Immediately After Regular Consent Calendar

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79336** designating “The Filice House” located at 1651 Hanchett Avenue as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and **Resolution No. 79337** approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owners, Justin Buzzard and Taylor Buzzard, for “The Filice House” located at 1651 Hanchett Avenue (APN: 274-15-060), on a 0.15-gross acre site, were adopted. (11-0.)

END OF CONSENT CALENDAR

CONTINUE GENERAL PLAN HEARING (SECOND CYCLE) TO 12/17/19

• **Open Forum**

1. Roland recommended the City’s rail system connecting to the airport utilize a floating slab track, which could potentially reduce noise and vibration.
2. Kirk Vartan urged the City leaders to engage with the community in a balanced and respectful way in dealing with firearm issues before proposing new legislation.

• **Adjournment**

The City Council Meeting for the City of San José was adjourned at 9:31 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/12-3-19/ MIN

CLOSED SESSION MINUTES

SAN JOSÉ, CALIFORNIA

TUESDAY, DECEMBER 3, 2019

The Council of the City of San José convened into Closed Session at 9:40 a.m.

Present: Councilmembers - Arenas (10:13), Carrasco, Davis, Diep (9:59), Jimenez, Jones, Khamis, Peralez (9:56), Foley; Liccardo.

Absent: Councilmembers - Esparza.

Council recessed at 9:40 a.m. to a Closed Session in Room W133; (A) To confer with Legal Counsel – Anticipated Litigation Pursuant to Government Code Sections 54956.9(d)(2) and (e)(1): Matter(s) to be discussed: 1 (One); (B) To confer with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): (1) Preservation of Benefit Plan Retirees Association, et al. v. City of San José, et al.; Names Of Partie(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, Ten 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 Duenas, in His Official Capacity as the City Manager of the City of San José, and Does 1-50; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No. 17CV312610; Amount of Money or Other Relief Sought: Damages according to proof; (2) Cooper v. City, et al.; Names Of Partie(s) Involved: Benjamin Cooper, City of San José, a municipal corporation; and Does 1-30, inclusive; Court: U.S. District Court, Northern District of California, San José Division; Case No. 16-CV-06237-BLF; Amount of Money or Other Relief Sought: Petition for Writ of Mandate; (2) Hernandez v. City, et al.; Names Of Partie(s) Involved: Yanira Hernandez; City of San José; Geoffrey Evatt Graves; and Does 1-49, inclusive. Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 1-14-CV-270467; Amount of Money or Other Relief Sought: Damages according to proof; (3) Anderson, et al v. City of San José & San Jose City Council; Names Of Partie(s) Involved: Sarah Anderson, Joana Cruz, Urban Habitat Program and Housing California, City of San José, a Governmental Entity, San Jose City Council, and Does 1-50; Court: Superior Court of California, County of Santa Clara, and California Court of Appeal, San Jose Division; Case No.: 16-CV-297950 and H045271; Amount of Money or Other Relief Sought: Damages according to proof; (4) Momi, Jag v. Jamie Kerin, Bryan Wayne Hodges, City of San José, et al.; Names Of Partie(s) Involved: Jag Momi, Jamie Kerin, Bryan Wayne Hodges, City of San José, and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No.: 17CV318467; Amount of Money or Other Relief Sought: Damages according to proof; (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (2) Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO;

CLOSED SESSION MINUTES (Cont'd.)

How to obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/indez.aspx?NID+508> ; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:09 a.m. to reconvene in Regular Open Session at 1:30 p.m. in the Council Chamber.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/12-3-19/ MIN