



# **City Council Meeting MINUTES**

**Tuesday, December 1, 2020**

**1:30 PM**

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

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
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

DECEMBER 1, 2020

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

The Council meeting was teleconferenced from remote locations.

20-1525            **CLOSED SESSION: Absent: Esparza. [See Page 17 for Closed Session Minutes](#)**

The Council of the City of San José reconvened to Open Session at 1:30 p.m.

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

Absent: Councilmembers    -    All Present.

6:00 p.m. - Evening Session - CANCELLED

\* The previously scheduled Evening Session was cancelled.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (Mayor)**

Pastor Jason Reynolds, Senior Pastor of Emmanuel Baptist Church in San José provided the Invocation.

- **Orders of the Day**

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, the Orders of the Day and the Amended Agenda were approved. Councilmember Pam Foley requested that National Aids Day be included as a Consent Calendar Item. (11-0.)

Councilmember Pam Foley and Councilmember Raul Peralez spoke to AIDS Awareness, honored lives lost to this disease, the survivors, the activism and the heroes that emerged from this crisis.

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

None provided.

## **2. CONSENT CALENDAR**

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

Public Comments: (1) Blair Beekman spoke to the budget reports presented during the PSFSS Committee Meeting. (2) Caller “5140” addressed the need for social distancing.

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

None provided.

### **2.2 20-1567            Final Adoption of Ordinances.**

(a) Ordinance No. 30500 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.9- Gross Acre Situated on the North Side of Alum Rock Avenue (1661, 1663, 1665 Alum Rock Avenue) from the CG Commercial General, CP Commercial Pedestrian, and R-2 Two-Family Residence Zoning Districts to the CP(PD) Planned Development Zoning District. [Passed for Publication on 11/17/2020 - Item 10.3(b) (20-1450)]

Action: Ordinance No. 30500 was adopted. (11-0.)

### **2.3 20-1569            Approval of Council Committee Minutes.**

(a) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of October 15, 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.

Action: The Council Committee Minutes were approved. (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.**

None provided.

### **2.7 20-1526 Amendment to the Agreement with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. for Brokerage Services.**

Adopt a resolution authorizing the City Manager to negotiate and execute the Tenth Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for ongoing insurance brokerage and property loss and loss control services to increase the compensation from \$105,000 to \$113,000 for the term from July 1, 2020 through June 30, 2021, with a total maximum compensation not to exceed \$744,000, subject to the appropriation of funds.

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

Action: **Resolution No. 79802** regarding the Amendment to the Agreement with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. was adopted. (11-0.)

### **2.8 20-1527 Report on Request for Bids for Citywide Purchase Orders for Desktops, Laptops, Tablets, and Monitors.**

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with ComputerLand of Silicon Valley (San José, CA) for desktops and Chromebook laptops, Saitech, Inc. (Fremont, CA) for android tablets, SHI International Corp. (Somerset, NJ) for desktops, Apple iOS tablets, and Apple MacBook Pro laptops, and Granite Data Solutions (Sacramento, CA) for monitors for a combined maximum not-to-exceed compensation of \$1,345,000 for the initial one-year term ending September 30, 2021, subject to the appropriation of funds;

(b) Amend purchase orders with Saitech, Inc. for 2-in-1 laptops to increase by up to \$217,000 for a maximum compensation of \$347,000, and SHI International Corporation for standard, large screen, and ruggedized laptops to increase by up to \$750,000 for a maximum compensation of \$1,600,000 for the initial one-year term, subject to the appropriation of funds;

(c) Approve a contingency of \$800,000 for all purchase orders as required to meet unanticipated increases in demand during the initial term, subject to the appropriation of funds; and

(d) Execute purchase orders for these products for up to four additional one-year options through September 30, 2025, subject to the appropriation of funds.

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

## 2.8 (Cont'.d)

Action: **Resolution No. 79803** regarding Request for Bids for Citywide Purchases was adopted. (11-0.)

### 2.9 20-1528 **Amendment to the Master Agreement with Placeworks for Landscape Architectural Design Services for Various City Facility Projects.**

Approve the Third Amendment to the Master Agreement with Placeworks (CPMS Contract No. 8069) extending the term from December 31, 2020 to December 31, 2022 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of the Kelley Park Master Plan Update Project. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The Third Amendment to the Master Agreement with Placeworks was approved. (11-0.)

### 2.10 20-1529 **Amendment to the Agreement with Cal Engineering & Geology, Inc. for Consultant and Professional Engineering Services for 8721 - FEMA - San José Family Camp Project (SCSJG89/PW1138).**

Approve the First Amendment to the agreement for professional engineering services with Cal Engineering & Geology, Inc. for the San José Family Camp Project, increasing the total compensation by \$128,000 for a total agreement amount of \$673,222 and extending the term of the agreement from December 31, 2020 to December 31, 2022. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The First Amendment to the agreement for professional engineering services with Cal Engineering & Geology, Inc. was approved. (11-0.)

### 2.11 20-1563 **Approval of the Free Holiday Tree Giveaway Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on November 18, 2020:

(a) Approve the Free Holiday Tree Giveaway event scheduled on December 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 11/18/2020- Item G.1.a]

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

### **3. STRATEGIC SUPPORT**

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

None provided.

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

None provided.

#### **3.3 20-1531 Public Member Appointments to the Board of Administration for Federated City Employees' Retirement System and the Board of Administration for the Police & Fire Employees Retirement System.**

(a) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2024.

(b) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through November 30, 2024.

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

Spencer Horowitz & Vincent Sunzeri articulated their reasons for wanting to continue their service.

Action: Upon motion by Councilmember Dev Davis, second by Councilmember Pam Foley and carried unanimously the public member appointments were accepted. Vincent Sunzeri, incumbent, was appointed to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through November 30, 2024; and Spencer Horowitz, incumbent, was appointed to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2024. (11-0.)

#### **3.4 20-1535 Pension Obligation Bonds.**

As recommended by the Rules and Open Government Committee on October 21, 2020:

(a) Initiate the process for possible issuance of pension bond obligation to fund unfunded actuarial liability of the Federated and Police and Fire Retirement Plans, including:

(1) Develop a workplan of required validation actions, documentation, and filings along with an estimated timeline for achieving key milestones;

(2) Secure needed advisory and legal services; and

(3) Develop required bond documentation for City Council approval to initiate the validation process which would allow the City to move quickly if it decides to issue POBs at a future date.

*(Item Continued on the Next Page)*

### 3.4 (Cont'd.)

(b) Conduct other preparatory work that will enable the Council in 2021 to make a fully informed decision about the merits and risks of this option as a means of reducing our multi-billion-dollar unfunded actuarial liability with an arbitrage strategy in a very low interest rate environment, including:

(1) Complete research on the prevalence and performance of pension obligation bonds in other municipalities that includes contextual information on structures, sizing, risk considerations, credit implications, fiscal impact, and market conditions contributing to success or failure;

(2) Study and report on the impact on the City's credit ratings in consultation with our advisors and review of rating metrics;

(3) Perform a sensitivity analyses on the potential size of the bond issuance, assessing various risk tolerance levels and the projected cost-benefit to the City, including potential for series of bonds issued over time;

(4) Assess the impact of different strategies for recognizing and applying the savings from the pension obligation bond strategy;

(5) Conduct a public study session with the Council to fully vet questions and issues, and invite relevant consultants and experts to testify; and

(6) If Council offers a favorable response after that study session, develop the required documentation for City Council to consider proceeding with the validation and subsequent authorization for the issuance of pension obligation bonds.

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

[Rules Committee referral 10/21/2020- Item G.5]

Director of Finance Julia H. Cooper and Nikolai J. Sklaroff, Deputy Director of Finance, Debt & Treasury Management, provided a presentation.

Public Comments: Blair Beekman offered comments and suggestions on the process.

Councilmember Sylvia Arenas asked that staff return with an analysis of how this has worked in other jurisdictions

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, the report was accepted, and actions regarding the Pension Obligation Bonds was approved, with staff to include an analysis of how this has worked in other jurisdictions. (11-0.)

- 3.5      20-1537      Implementation of Service Fees on Credit Card Payments. - deferred**  
Adopt a resolution:  
(a) Approving credit card service fees (commonly referred to as convenience fees) on certain eligible transactions as included in the 2020-2021 Adopted Operating Budget and set forth in the staff memorandum to Council; and  
(b) Authorizing the Director of Finance to negotiate and execute an addendum to the existing Merchant Card Services Agreement (as amended) with Wells Fargo Bank, NA for the collection of service fees at rates sufficient to cover all associated fees the City would otherwise pay.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)  
**Deferred to 12/08/20 Per Administration**
- 3.6      20-1538      Amendment to the Solar Power Agreement for the Central Service Yard to Accommodate Construction of the Fire Training and Emergency Operations Center Relocation Project.**  
(a) Adopt a resolution adopting the Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, ("CEQA"), as amended.  
(b) Approve a first amendment to the Solar Power and Services Agreement with SunE J10 Holdings, LLC for the removal of a portion of the solar photovoltaic system at the Central Service Yard and the payment of a removal fee in the amount of \$1,131,418.  
CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. (Public Works)

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79804** adopting the Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration and Mitigation Monitoring Program was adopted, and the first amendment to the agreement with SunE J10 Holdings was approved. (11-0.)



## **4. PUBLIC SAFETY SERVICES**

### **4.1 20-1536 Actions Related to the Purchase Orders with AXON Enterprise, Inc. for the Purchase of Taser 7 Evidence.com Access Licenses and Equipment.**

Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with AXON Enterprise, Inc. for the purchase of Taser 7 Evidence.com Access software subscription licenses and Conducted Electrical Weapons (CEWs) including related accessories, training, and installation, subject to the pricing obtained from NPPGov contract number PS20270, for an initial five-year term starting on or about December 2, 2020 and ending on or about December 1, 2025, for an amount not to exceed \$4,612,055, subject to the appropriation of funds; and
  - (b) Execute amendments and change orders not-to-exceed \$350,000 to purchase additional CEWs, related accessories and software subscription license as required, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

Public Comments: Offering public comment regarding the risk of tasers, recommending a task force and greater public scrutiny, using money to enhance social services and a need for greater social equity were Richard Konda (Asian Law Alliance), Blair Beekman, Eric James, Sparky Harlan (Bill Wilson Center), Caller “5140” and Veronica (special education teacher).

Responding to questions from Council regarding periodic review, Deputy Director of Finance, Jennifer Cheng, indicated this is a five-year agreement with the ability to renegotiate.

Action: Upon motion by Councilmember Maya Esparza, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79805** regarding actions related to the Purchase Orders with AXON Enterprise, Inc. for Purchase of Taser 7 Licenses and Equipment. (11-0.)

### **4.2 20-1539 Actions Related to the Agreement with City and County of San Francisco for the Allocation of 2020 Bay Area Urban Areas Security Initiative Grant Funds.**

- (a) Adopt a resolution authorizing the City Manager to execute an agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2020 UASI grant allocation in the amount of \$1,560,786, and to negotiate and execute additional amendments and related documents without further City Council action.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
  - (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2020 in the amount of \$554,500;

*(Item Continued on the Next Page)*

## 4.2 (Cont'd.)

(b) (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2020 in the amount of \$331,286; and

(3) Increase the estimate for Revenue from Federal Government by \$885,786.

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

Public Comments: (1) Tracy Rosenberg, representing a Bay Area watch group spoke to privacy impacts. (2) Blair addressed societal peace and racial equity. (3) Speaker “5140” spoke to surveillance and alleged unsafe driving practices of the PD.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, (a) **Resolution No. 79806**, executing execute an agreement between the City of San José and the City and County of San Francisco, and (b) Appropriation **Ordinance No. 30501** and Funding Sources **Resolution No. 79807** were adopted. (11-0.)

## 4.3 20-1540 **Actions Related to the 2020 Internet Crimes Against Children Task Force Invited Awards Grant Agreement. – Deferred.**

(a) Adopt a resolution accepting the 2020 Internet Crimes Against Children Task Force Invited Awards in the amount of \$521,869 and authorizing the City Manager to execute the Grant Agreement and to execute additional amendments and all related documents, including online certifications at time of reimbursement request, without further City Council action.

(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish a City-Wide Expenses appropriation to the Police Department for the Internet Crimes Against Children (ICAC) Task Force Invited Awards - Police 2020 in the amount of \$521,869; and

(2) Increase the estimate for Revenue from Federal Government by \$521,869.

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

**Deferred to 12/08/20 Per Administration**

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

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

### **6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance.**

Approve an ordinance amending Chapter 17.845 of Title 17 of the San José Municipal Code to amend Sections 17.845.010, 17.845.020, 17.845.030, 17.845.040, 17.845.050, and 17.845.060 and add Section 17.845.045 to prohibit natural gas infrastructure in newly constructed buildings effective on August 1, 2021 to:

- (a) Cover all new construction building types;
- (b) Add an exception for Hospitals;
- (c) Allow limited exemptions on or before December 31, 2022 for:
  - (1) Food Service Establishments; and
  - (2) Manufacturing and Industrial Facilities; and
- (d) Allow limited exemption on or before December 31, 2024 for facilities with a Distributed Energy Resource.

CEQA: Categorically Exempt, File No. ER20-202, CEQA Guideline Section 15308 Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

[Deferred from 11/17/2020 - Item 6.3 (20-1445)]

Director, Environmental Services, Kerrie Romanow and Ken Davies, Deputy Director, Environmental Services Department, provided the presentation.

Public Comments: Forty-two members of the public spoke, including Daniel Cedeno (PG&E Public Affairs), members of union Plumbers & Pipefitters UA Local Union 393, members of the Natural Resources Defense Council, and Microgrid Resources Coalition, the Sierra Club, Mothers Out Front Silicon Valley, IBEW 332 members, Audubon Society, California TechNet, Sunrise Silicon Valley, Climate Reality Project, and including representatives from Bloom Energy who offered support. Meeting clean air and climate goals, the need to allow key stakeholders to transition to electric and negative impacts, and speakers both in favor and against passing with exemptions, were addressed by the public.

*The meeting of the City Council was adjourned at 5:50 p.m. and reconvened at 6:47 P.M. with all members present.*

Motion: Councilmember Dev Davis moved approval of staff's recommendations, including an ADU exemption as outlined in the November 16, 2020 memo and the November 25, 2020 supplemental memo, editing the reference to the hardship exemption to add: "*or the public health safety or economic welfare in the event of an electric grid outage*" and clarification to include State standards for distributed energy. Councilmember Lan Diep seconded the motion.

Councilmember Raul Peralez offered a substitute motion, to include Staff's original memo including direction as outlined in the South Bay Labor Council's memorandum, without the exemption, and to include a Future of Work Workshop, with key stakeholders from the labor, business and the environmental community as recommended by UA Local Union 393. Councilmember Sylvia Arenas seconded the motion.

## 6.1 (Cont'd.)

On a call for the question, the substitute motion failed. (4-7. Noes: Diep, Davis, Esparza, Foley, Khamis, Jones, Liccardo.)

Councilmember Dev Davis requested an amendment to her motion to include a Future of Work Workshop as recommended by UA Local Union 393 and to include completion of an exploration with workload assessment by March 31, 2021.

Councilmember Pam Foley asked that a sunset be included in the motion. It was indicated that the November 25, 2020 memorandum contained the required verbiage.

Action: The Updated Natural Gas Infrastructure Prohibition **Ordinance No. 30502** was passed for publication, with the approval of staff recommendations and supplemental memoranda dated November 16, 2020 and November 25, 2020, with the inclusion of the ADU exemption from the November 16, 2020 supplemental memorandum, editing the reference to the hardship exemption to add: "*or the public health safety or economic welfare in the event of an electric grid outage*" and clarification to include State standards for distributed energy, as well as convening a Future of Work Workshop as recommended by UA Local Union 393. To include completion by March 31, 2021 of an exploration with workload assessment returning to the Rules and Open Government Committee (ROGC). (8-3. Noes: Peralez, Carrasco, Foley.)

## 7. NEIGHBORHOOD SERVICES

### 7.1 20-1543 College and Career Readiness Quality Standards.

As recommended by the Neighborhood Services and Education Committee on November 12, 2020:

(a) Accept the staff report on the development of College and Career Readiness Quality Standards for all City funded, operated, or endorsed programs.

(b) Adopt a resolution approving the College and Career Readiness Quality Standards.

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

[Neighborhood Services and Education Committee referral 11/12/2020 - Item (d)1]

A presentation was provided by Community Program Administrator, San José Public Library, Adrian McBride.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the staff report was accepted, and (b) **Resolution No. 79808**, approving the College and Career Readiness Quality Standards were adopted, with Staff directed to return to the NSE Committee to report out on broader framework of strategic alignment of the programs discussed. (11-0.)

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

### **8.1 20-1544 Actions Related to the Grant Agreement and Grant Extensions for Multiple Homeless Programs.**

(a) Adopt a resolution authorizing the Director of Housing to negotiate and execute one grant agreement and six grant amendments serving homeless populations:

(1) Grant agreement with the County of Santa Clara in the amount of \$2,000,000 to implement the Housing for Homeless Veterans Program retroactive to July 1, 2019 through June 30, 2023;

(2) Fifth Amendment to the grant agreement with the County of Santa Clara increasing the maximum total amount of compensation by \$1,025,000 from \$5,337,000 to \$6,362,000 to continue to implement the Care Coordination Project and the UPLIFT Transit Pass program retroactive to July 1, 2020 through June 30, 2021;

(3) Sixth Amendment to the grant agreement with Project WeHope increasing the maximum total amount of compensation by \$500,000 from \$1,265,350 to \$1,765,350 to continue to implement the Dignity on Wheels Program retroactive to July 1, 2020 through June 30, 2021; and

(4) Four grant agreement amendments for Rapid Rehousing Rental Subsidy Administrator and Rehousing Supportive Services Administrator, retroactive to July 1, 2020 to operate through December 31, 2020, while a Request for Proposals for new contracts is completed:

(4) (i) Fifth Amendment to the grant agreement with The Health Trust increasing the maximum total amount of compensation by \$450,000 from \$7,752,235 to \$8,202,235 to continue to serve as the Rental Subsidy Administrator.

(ii) Third Amendment to the grant agreement with The Health Trust without increasing compensation to continue to serve as a Supportive Service Administrator.

(iii) Third Amendment to the grant agreement with Bill Wilson Center without increasing compensation to continue to serve as a Supportive Service Administrator.

(iv) Third Amendment to the grant agreement with People Assisting the Homeless (PATH) without increasing compensation to continue to serve as a Supportive Service Administrator.

(b) Adopt the following Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Decrease the City Housing Authority Reserve by \$2,000,000; and

(2) Increase the VA Rental Subsidy Program appropriation to the Housing Department by \$2,000,000.

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

(Housing/City Manager)

Public Comments: Caller “5140” opined the money would be better spent on infrastructure.

*(Item Continued on the Next Page)*

## 8.1 (Cont'd.)

Item 8.1 was bifurcated in response to a recusal by Councilmember Raul Perez, which was due to a conflict of interest with the Health Trust. Items (i) and (ii) were voted on separately.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, (a) **Resolution No. 79809**, for execution of grant agreements and amendments serving homeless populations – *Health Trust issue only (i) and (ii)* was adopted. (10-0-0-1. Recused: Perez)

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas, the motion carried regarding the execution of grant agreements and amendments serving homeless populations – *Items (iii) and (iv)*. (11-0.)

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, (b) Appropriation **Ordinance No. 30503** was adopted. (11-0.)

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

## 10. LAND USE

### 10.1 Land Use on Consent Calendar

- (a)     **20-1545**           **HL20-002 - Historic Landmark Nomination for Real Property Located at 1516 Newport Avenue.**

Adopt a resolution designating “The George A. Fleming House” as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature for a single-family residence (George A. Fleming House) on a 1.07-gross acre site located at 1516 Newport Avenue.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 6. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79810**, designating “The George A. Fleming House” as a City Landmark was adopted. (11-0.)

(b)     **20-1546           HL20-003 & MA20-001 - Historic Landmark Nomination and Historical Property Contract for Real Property Located at 546 South 3rd Street.**

(1) Adopt a resolution designating the “Somavia-Anderson House” as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature for a single family residence (Somavia-Anderson House) on a 0.14 gross acre site located at 546 S. Third Street.

(2) Adopt a resolution approving a Historical Property (Mills Act) Contract between the City of San José and the property owner for the subject property located at 546 S. Third Street on a 0.14-gross acre site. CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 3. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79811**, designating “Somavia-Anderson House” as a City Landmark; and **Resolution No. 79812**, approving a Historical Property (Mills Act) Contract were adopted. (11-0.)

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**10.2     20-1547           PDC17-046, PD19-022 & PT17-047 - Planned Development Rezoning, Planned Development Permit and Tentative Map for Certain Real Property Located at 907 North Capitol Avenue.**

(a) Approve an ordinance rezoning certain real property located at the west side of North Capitol Avenue, approximately 240 feet northerly of Penitencia Creek Road (907 North Capitol Avenue) from the R-M Multi-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District to allow up to six single-family attached residences on an approximately 0.46-gross acre site.

(b) Adopt a resolution approving, subject to conditions, a tentative map to allow the subdivision of one parcel into seven parcels consisting of six residential parcels and one common area parcel on an approximately 0.46-gross acre site located at 907 North Capitol Avenue.

(c) Adopt a resolution approving, subject to conditions, a planned development permit to demolish an existing single-family residence, two-car garage, and shed totaling 2,400 square feet, the removal of five ordinance-size trees, and allow the construction of six single-family attached residences on an approximately 0.46-gross acre site located at 907 North Capitol Avenue.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15303(b) New Construction or Conversion of Small Structures. Council District 4. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

*(Item Continued on the Next Page)*

## 10.2 (Cont'd.)

Rosalynn Hughey, Director, Planning, Building and Code Enforcement provided a presentation.

Action: Upon motion by Councilmember Lan Diep, seconded by Councilmember Raul Peralez and carried unanimously, **Ordinance No. 30504** rezoning Certain Real Property Located at 907 North Capitol Avenue was passed for publication; and (b) **Resolution No. 79813** and (c) **Resolution No. 79814**, - Planned Development Rezoning, Planned Development Permit and Tentative Map for Certain Real Property were adopted. (11-0.)

## OPEN FORUM

Speaker "5140" offered criticism of the City of San José government.

## ADJOURNMENT

The Council of the City of San José adjourned at 10:12 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,  
*draft*

Toni J. Taber, CMC  
City Clerk

rmk/12-01-2020 MIN



## CLOSED SESSION MINUTES

**TUESDAY, DECEMBER 1, 2020**

The Council of the City of San José convened into Closed Session at 9:31 a.m.  
The Session was teleconferenced from remote locations.

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

Absent: Councilmembers - Esparza.

### Items discussed:

#### A. 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

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

1

1. Case Name: Juri v. City, et al.  
Name(s) of Parties(s) Involved: JEFFREY JURI; CITY OF SAN JOSE; MIGUEL ANGEL FLORES, and DOES 1-10, inclusive  
Court: Superior Court of California; County of Contra Costa  
Case No.: C19-02417  
Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: Anderson, et al. v. City of San José & San José City Council  
Name(s) of Parties(s) Involved: SARAH ANDERSON, JOANA CRUZ, URBAN HABITAT PROGRAM AND HOUSING CALIFORNIA, CITY OF SAN JOSÉ, a governmental entity, SAN JOSÉ CITY COUNCIL, and DOES 1-50  
Court: Superior Court of California, County of Santa Clara  
Case No.: 16-CV-297950  
Amount of Money or Other Relief Sought: Damages according to proof
3. Case Name: City v. TAO Holistic Center, et al.  
Name(s) of Parties(s) Involved: TAO HOLISTIC CENTER, a California corporation; LLOYD PHAM, an individual; PHUC TRAN, an individual; JOHN FARRIS, an individual; JOHN MONTELLO, an individual and trustee; MICHELLE JOANNE MONTELLO, an individual and trustee; and DOES 1-100 inclusive

- Court: Superior Court of California; County of Santa Clara  
Case No.: 19CV345980  
Amount of Money or Other Relief Sought: Damages according to proof
4. Case Name: City v. Holi Temple; Antonio Alvarez, et al.  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; HOLI TEMPLE; ANTONIO ALVAREZ and DOES 1-100, inclusive  
Court: Superior Court of California; County of Santa Clara  
Case No.: 19CV350397  
Amount of Money or Other Relief Sought: Damages according to proof
5. Case Name: City v. Church of Zion, et al.  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; CHURCH OF ZION; CHURCH OF ZION, a California corporation, GAPIR FASAIL, an individual; PAMELA CHAU, an individual; and DOES 1-100 inclusive,  
Court: Superior Court of California; County of Santa Clara  
Case No.: 19CV349048  
Amount of Money or Other Relief Sought: Damages according to proof
6. Case Name: City v. S.N.A.C. Heritage Center; Jody Phuc Pham; Thuy Lieu T. Ly, et al.  
Name(s) of Parties(s) Involved: CITY OF SANJOSE; SACRAMENTAL NATIVE AMERICAN CHURCH (a.k.a. SACRAMENTAL COLLECTIVE PENTECOSTAL CHURCH, SACRAMENTAL NATIVE AMERICAN CHURCH HERITAGE CENTER, and S.N.A.C. HERITAGE CENTER), a California corporation; CORINNA REYES, an individual; DAVIDE BERTI, an individual; JODY PHUC PHAM, an individual and trustee; THUY LIEU T. LY (a.k.a. THUY LIEU THI LY), an individual and trustee; and DOES 1-100 inclusive  
Court: Superior Court of California; County of Santa Clara  
Case No.: 20CV363735  
Amount of Money or Other Relief Sought: Damages according to proof
7. Case Name: City v. Pisenno  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; PHILIP CHARLES PISENO, JR.

- Court: Superior Court of California; County of Santa Clara  
Case No.: 20GV000033  
Amount of Money or Other Relief Sought: Damages according to proof
8. Case Name: City v. Oros  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; APRIL OROS  
Court: Superior Court of California; County of Santa Clara  
Case No.: 20GV000006  
Amount of Money or Other Relief Sought: Damages according to proof
9. Case Name: CPUC  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE;  
Court: California Public Utilities Commission  
Case No.: R17-05-010  
Amount of Money or Other Relief Sought: Damages according to proof
10. Case Name: Gradetech, Inc. v. City, et al.  
Name(s) of Parties(s) Involved: GRADETECH, INC.; CITY OF SAN JOSE; and DOES 1-50, inclusive  
Court: Superior Court of California; County of Santa Clara  
Case No.: 18CV325319  
Amount of Money or Other Relief Sought: Damages according to proof
11. Case Name: Gradetech, Inc., et al. v. City, et al.  
Name(s) of Parties(s) Involved: GRADETECH, INC.; SAM RIVINIUS; CITY OF SAN JOSE; JIM ORTBAL; DAVID FRENCH; CHRIS MASTRODICASA  
Court: U.S. District Court; State of California  
Case No.: 5:19-cv-06157-NC  
Amount of Money or Other Relief Sought: Damages according to proof

12. Case Name: Hogue, et al., v. City  
 Name(s) of Parties(s) Involved: FATEMEH HOGUE, CITY OF SAN JOSE; IRANIAN FEDERATED WOMEN'S CLUB; FARIBA NEJAT, and DOES 1-50, inclusive  
 Court: Superior Court of California; County of Santa Clara  
 Case No.: 19CV344282  
 Amount of Money or Other Relief Sought: Damages according to proof
13. Case Name: Borja v. City, et al.  
 Name(s) of Parties(s) Involved: ALEX BORJA; EUGENIA SERRANO BORJA; CITY OF SAN JOSE; JAMES RICHARD BROWN, an individual; VOEKS, INC. dba VOEKS PLUMBING COMPANY, INC., a corporation, ENT  
 Court: Superior Court of California, County of Santa Clara  
 Case No.: 17CV318915 & 18CV330071 (Consolidated Cases)  
 Amount of Money or Other Relief Sought: Damages according to proof
14. Case Name: Cotton v. City  
 Name(s) of Parties(s) Involved: JENNIFER COTTON, CITY OF SAN JOSE, and DOES 1-20, inclusive,  
 Court: Superior Court of California; County of Santa Clara  
 Case No.: 18CV340014  
 Amount of Money or Other Relief Sought: Damages according to proof
15. Case Name: Hernandez, v. Santa Clara Valley Transportation Authority et al.  
 Name(s) of Parties(s) Involved: Delmy A. Hernandez, Santa Clara Valley Transportation Authority (SCVTA); City of San José; Kuljinder Kaur Bath; and DOES 1-20, inclusive,  
 Court: Superior Court of California; County of Santa Clara  
 Case No.: 18CV336346)  
 Amount of Money or Other Relief Sought: Damages according to proof
16. Case Name: City v. CSAA Insurance Exchange, et al.  
 Name(s) of Parties(s) Involved: CITY OF SAN JOSE, CSAA INSURANCE EXCHANGE; and DOES 1-10, inclusive

- Court: Superior Court of California, County of Santa Clara  
Case No.: 1-15-CV-284966  
Amount of Money or Other Relief Sought: Damages according to proof
- 17.** Case Name: Jacob, et al. v. City, et al.,  
Name(s) of Parties(s) Involved: TEODORICO JACOB, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; TEODORICO JACOB, an individual; MARIE JEM CLAUDINE SANTIAGO, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; MARIE JEM CLAUDINE SANTIAGO, an individual; JAQUES JACOB, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; JACQUES JACOB, an individual; JOSEPH JACOB, as Successor in Interest of THE ESTATE OF TERESA MANAS JACOB; JOSEPH JACOB, an individual; THE CITY OF SAN JOSE, a government entity; ANTHONY JAMES RAB, an individual; SEAN RAPISURA, an individual; UBER TECHNOLOGIES, INC., a California business entity; and DOES 1 through 100, inclusive  
Court: Superior Court of California; County of Santa Clara  
Case No.: 19CV350093  
Amount of Money or Other Relief Sought: Damages according to proof
- 18.** Case Name: Pacheco, et al., v. City, et al.,  
Name(s) of Parties(s) Involved: MONICA PACHECO, individually and as successor in interest of the estate of Maria de Jesus Lopez Curiel; LIZETH GARCIA, individually; LAZARO GARCIA, individually; TERESA GARCIA, individually; CITY OF SAN JOSE, a government entity; COUNTY OF SANTA CLARA, a government entity; PAMELA ADKINS, an individual; and DOES 1-100, inclusive  
Court: Superior Court of California; County of Santa Clara  
Case No.: 20CV369728  
Amount of Money or Other Relief Sought: Damages according to proof
- 19.** Case Name: Schumacher vs. City, et al.  
Name(s) of Parties(s) Involved: Jacob Schumacher, an individual, City of San Jose; County of Santa Clara: State of California, and DOES 1 - 25  
Court: Superior Court of California, County of Santa Clara  
Case No.: 19CV347642

Amount of Money or Damages according to proof  
Other Relief Sought:

**20.** Case Name: Espinoza, et al., v. Santa Clara Valley Transportation Authority, et al.,

Name(s) of Parties(s) MICHELLE ESPINOZA, a minor by and through her Guardian Ad  
Involved: Litem, KARINA LOMELI ARCE, SANTA CLARA COUNTY VALLEY TRANSPORTATION AUTHORITY; CITY OF SAN JOSE, CALIFORNIA; COUNTY OF SANTA CLARA, a California municipality; and DOES 1-50, et al.,

Court: Superior Court of California; County of Santa Clara

Case No.: 20CV368227

Amount of Money or Damages according to proof  
Other Relief Sought:

**21.** Case Name: Evans et al., v. Birds Rides, Inc., et al.

Name(s) of Parties(s) DEE ANN EVANS, PATRICIA HILL, LISA ANDERSON AND  
Involved: PATRICK DUCKWALD, each individually, and on behalf of all others similarly situated, BIRD RIDES, INC., a Delaware corporation; NEUTRON HOLDINGS, INC., a Delaware corporation; CITY OF OAKLAND, a public entity, CITY OF PIEDMONT, a public entity; CITY OF SANTA CLARA, a public entity; CITY OF SAN JOSE, a public entity; CITY OF MOUNTAIN VIEW, a public entity; CITY OF SAN MATEO, a public entity; CITY OF BURLINGAME, a public entity; CITY OF WALNUT CREEK, a public entity; CITY OF RICHMOND, a public entity; and DOES 1-10, inclusive

Court: U.S. District Court; State of California

Case No.: 3:19-cv-01207-VC

Amount of Money or Damages according to proof  
Other Relief Sought:

**22.** Case Name: Appeal of City of San Jose, administrator of San Jose Clean Energy, to Citation E-4195-0052 issued on February 27, 2019 by Consumer Protection and Enforcement Division

Name(s) of Parties(s) Consumer Protection and Enforcement Division of the California  
Involved: Public Utilities Commission; City of San Jose, administrator of San Jose Clean Energy

Court: California Public Utilities Commission

Case No.: K.19-03-024

Amount of Money or Damages according to proof  
Other Relief Sought:

23. Case Name: Appeal of City of San Jose, administrator of San Jose Clean Energy, to Citation E-4195-0074 issued on March 10, 2020 by Consumer Protection and Enforcement Division
- Name(s) of Parties(s) Involved: Consumer Protection and Enforcement Division of the California Public Utilities Commission; City of San Jose, administrator of San Jose Clean Energy
- Court: California Public Utilities Commission
- Case No.: K.20-04-005
- Amount of Money or Other Relief Sought: Damages according to proof
24. Case Name: Blevins, Lisa v. City of San José
- Name(s) of Parties(s) Involved: LISA BLEVINS, CITY OF SAN JOSÉ
- Court: Superior Court of California, County of Santa Clara
- Case No.: 1-14-CV270060
- Amount of Money or Other Relief Sought: Damages according to proof
25. Case Name: City, et al., v. Alvarez, et al.,
- Name(s) of Parties(s) Involved: CITY OF SAN JOSE; PEOPLE OF THE STATE OF CALIFORNIA; GINDIN-R&B COMPANY, MARTIN C. & ROSANNA M. ALVAREZ; GREG ANDERSON; BILL & REBECCA ARMSTRONG; FLORENCIA A. ATKINSON; JUAN G. & ALICIA F. AYALA; YANG-JWUN BAO; EDWARD BARR; JOE M. & MARTHA M. CABRERA; JOEL R. CARTER; EPHRAIM C. & OFEMIA D. CENCEPCION; WILLIAM T. CHAN; JAMES & JEANINE CLEMONS; BARBARA J. COTTREL; KEVIN DUFFY; ESMERALDO V. & ANTONINA T. ESPOSO; DANTE & CARMELITA ESPOSO; MARIA A. FERRARI; BORGHILD M. FINKE; HENRY L. FINLAY; BILL I. & ROSE Y. FUKUBA, BERNARDINO A. & HONORIA T. GABRIEL; PHILIP M. GIN; CORRINE & JONATHAN GONZALEZ; WILLIAM W. & MARLENE GREER; RAMIEL L. & ELSIE A. GUTIERREZ; GUILLERMO G. & TEODORA P. GUZMAN; ROSALINA R. HAFALIA; TAO-YANG HSIEH; ANGUO T. & LU YEN HUANG; PACIFICO M. CASIANO; JOE Z. KUS; DEMETRIOS E. & ANGELIKI D. KUTULAS; KAI Y. & GOTIA LAU; MANH & LI HOA LE; TRANG U. LE; T. & HO AI THI LECUONG; KAYNE & LINDA S. LIM; FRANK F. & LORI J. LINDSEN; KUO-HSIANG & PI-YAO LIOU; DAVID B. & CLARA A. LUCERO; IGNACIO & RAQUEL MADRIZ; GILBERT & CECILIA MAROSI; WILLIAM L. McHARGUE; ABRAHAM L. & REMEDIOS M. MENDOZA; THELMA T. & ROGELIO A MILLARE; GUILLERMO R. & ROSA I. MUNOZ; TAI & HAN MAIN. NGO; HUNG M. & DIEP M. NGUYEN; SAU & DIEUXUAN T. NGUYEN; SON & VU LIEN NGUYEN;

THANG X. & ANH K. NGUYEN; JOSE C. NUNES; SEVERO C. OZUNA; MARTINA E. & GABRIEL PADILLA; JORGE L. & PAMELA C. PALACIOS; EDEN E. & JAIME F. PANTALEON; DAVID PERRY; HOANG H. PHAM; DANNY QUAN; SOLEDAD F. SALVADOR; SANTOS SR. & ESPERRANZA SANCHEZ; EDUARDO V. & MERCEDITA A SANTOS; RAMONA E. SCHILLINGER; HARDEV S. & KANWALJIT K. TAKHAR; MASAE TOLLER; RUDOLF & HELEN H. USSENKO; ALVINO VALLES; ALVINO VALLEZ; ADALBERTO & MARIA Z. VARGAS; STEPHEN D. VOGEL; SURESH H. & SHOBHA S. VORA; PO H. & TSUI C. WONG; RAYMOND WONG; CHOY. & BIG H. YU; JOEY. & NG M. YUEN; WALNUT GROVE INCOME ESTATES HOMEOWNERS ASSOCIATION; WALNUT WOODS NEIGHBORHOOD; and DOES 1 through 1,000, inclusive,

Court: Superior Court of California, County of Santa Clara

Case No.: 1-96-CV 759667

Amount of Money or  
Other Relief Sought: Damages according to proof

**26.** Case Name: FCC Small Cell Order

Name(s) of Parties(s)  
Involved: CITY OF SAN JOSE, California; CITY OF ARCADIA, California; CITY OF BELLEVUE, Washington; CITY OF BURIEN, Washington; CITY OF BURLINGAME, California; CULVER CITY, California; TOWN OF FAIRFAX, California; CITY OF GIG HARBOR, Washington; CITY OF ISSAQUAH, Washington; CITY OF KIRKLAND, Washington; CITY OF LAS VEGAS, Nevada; CITY OF LOS ANGELES, California; COUNTY OF LOS ANGELES, California; CITY OF MONTEREY, California; CITY OF ONTARIO, California; CITY OF PIEDMONT, California; CITY OF PORTLAND, Oregon; CITY OF SAN JACINTO, California; CITY OF SHAFTER, California; CITY OF YUMA, Arizona, UNITED STATES OF AMERICA; FEDERAL COMMUNICATIONS COMMISSION

Court: U. S. Court of Appeals for the Ninth Circuit

Case No.: 18-72883

Amount of Money or  
Other Relief Sought: Damages according to proof

**27.** Case Name: City v. Trump, et al.,

Name(s) of Parties(s)  
Involved: CITY OF SAN JOSE, a municipal corporation, and all those similarly situated, DONALD J. TRUMP, President of the United States, in his official capacity, CHAD F. WOLF, in his official capacity as Purported Secretary of the Department of Homeland , U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, and JOSEPH EDLOW, in his official capacity as Purported Deputy Director of



Policy of USCIS

Court: U.S. District Court; State of California

Case No.: 3:17-cv-05329-WHA

Amount of Money or  
Other Relief Sought: Damages according to proof

**28.** Case Name: City of Syracuse, NY; et al., v. Bureau of Alcohol, Tobacco, Firearms, and Explosives; et al.,

Name(s) of Parties(s)  
Involved: CITY OF SYRACUSE, NY, CITY OF SAN JOSE, CA, CITY OF CHICAGO, IL, CITY OF COLUMBIA, SC, EVERYTOWN FOR GUN SAFETY ACTION FUND and EVERYTOWN FOR GUN SAFETY SUPPORT FUND, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, REGINA LOMBARDO, in her official capacity as Acting Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, UNITED STATES DEPARTMENT OF JUSTICE, and WILLIAM BARR, in his official capacity as ATTORNEY GENERAL, U.S. Department of Justice,

Court: US District Court - Southern District of New York

Case No.: 1:20-CV-06885-GHW

Amount of Money or  
Other Relief Sought: Damages according to proof

**29.** Case Name: City of San Jose and Black Alliance for Just Immigration v. Wilbur L. Ross, Jr., et al.

Name(s) of Parties(s)  
Involved: CITY OF SAN JOSE; BLACK ALLIANCE FOR JUST IMMIGRATION; WILBUR L. ROSS, JR.; U.S. DEPARTMENT OF COMMERCE; RON JARMIN; U.S. CENSUS BUREAU

Court: U.S. District Court, Northern Division of California, San Francisco Division

Case No.: 3:18-CV-02279-RS

Amount of Money or  
Other Relief Sought: Damages according to proof

**30.** Case Name: City, et al v. Donald J. Trump, et al.

Name(s) of Parties(s)  
Involved: CITY OF SAN JOSE, CALIFORNIA; KING COUNTY, WASHINGTON; ARLINGTON COUNTY, VIRGINIA; BLACK ALLIANCE FOR JUST IMMIGRATION, a California nonprofit corporation; SAM LICCARDO; ZERIHOON YILMA; LOVETTE KARGBO-THOMPSON; DONALD J. TRUMP, in his official capacity as President of the United States; WILBUR L. ROSS, JR., in his official capacity as Secretary of Commerce; U.S. DEPARTMENT OF COMMERCE, U.S. CENSUS BUREAU, STEVEN DILLINGHAM, in his official capacity as Director of the

U.S. Census Bureau, and CHERYL L. JOHNSON, in her official capacity as Clerk of the U.S. House of Representatives

Court: U.S. District Court, Northern District of California, San Jose Division

Case No.: 5:20-cv-05167

Amount of Money or Other Relief Sought: Damages according to proof

31. Case Name: National Urban League, et al., v. Ross, et al.,

Name(s) of Parties(s) Involved: NATIONAL URBAN LEAGUE; LEAGUE OF WOMEN VOTERS; BLACK ALLIANCE FOR JUST IMMIGRATION; HARRIS COUNTY, TEXAS; KING COUNTY, WASHINGTON; CITY OF LOS ANGELES, CALIFORNIA; CITY OF SALINAS, CALIFORNIA; CITY OF SAN JOSE, CALIFORNIA; RODNEY ELLIS; ADRIAN GARCIA; THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; CITY OF CHICAGO, ILLINOIS; COUNTY OF LOS ANGELES, CALIFORNIA; NAVAJO NATION; and GILA RIVER INDIAN COMMUNITY, WILBUR L. ROSS, JR., in his official capacity as Secretary of Commerce; U.S. DEPARTMENT OF COMMERCE; STEVEN DILLINGHAM, in his official capacity as Director of the U.S. Census Bureau; and U.S. CENSUS BUREAU

Court: U.S. District Court, Northern District of California, San Jose Division

Case No.: 20-cv-5799-LHK

Amount of Money or Other Relief Sought: Damages according to proof

32. Case Name: City v. Monsanto Company, et al.

Name(s) of Parties(s) Involved: CITY OF SAN JOSE; MONSANTO COMPANY; SOLUTIA, INC.; PHARMACIA CORP.; and DOES 1-100

Court: U.S. District Court, Northern District of California

Case No.: 15-CV-03178-EJD

Amount of Money or Other Relief Sought: Damages according to proof

33. Case Name: City of San Jose, et al. v. AmerisourceBergen Drug Corporation, et al.

Name(s) of Parties(s) Involved: AMERISOURCEBERGEN DRUG CORPORATION; CARDINAL HEALTH, INC.; MCKESSON CORPORATION; PURDUE PHARMA L.P.; PURDUE PHARMA, INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICAL

INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICA INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; NORAMCO, INC.; ENDO HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS, INC.; ALLERGAN PLC F/K/A ACTAVIS PLS; WATSON PHARMACEUTICALS, INC. N/K/A ACTAVIS, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.; MALLINCKRODT PLC; MALLINCKRODT LLC; INSYS THERAPEUTICS, INC.; CVS HEALTH CORP.; THE KROGER CO.; RITE AID OF MARYLAND, INC.; THRIFTY PAYLESS, INC.; WALGREENS BOOTS ALLIANCE, INC.; WAL-MART, INC.

Court: U.S. District Court, Northern District of California, San Jose Division

Case No.: 5:19-cv-04529

Amount of Money or Other Relief Sought: Damages according to proof

34. Case Name: City, v. 3M Company, et al..

Name(s) of Parties(s) Involved: CITY OF SAN JOSÉ, CALIFORNIA, 3M COMPANY (f/k/a Minnesota Mining and Manufacturing Co.); E. I. DUPONT DE NEMOURS AND COMPANY; THE CHEMOURS COMPANY; THE CHEMOURS COMPANY FC, LLC; DUPONT DE NEMOURS, INC.; CORTEVA, INC.; CHEMGUARD, INC.; TYCO FIRE PRODUCTS LP; JOHNSON CONTROLS INTERNATIONAL, PLC; CARRIER GLOBAL CORPORATION; CENTRAL SPRINKLER, LLC; FIRE PRODUCTS GP HOLDING, LLC; KIDDE-FENWAL, INC.; KIDDE PLC, INC.; UTC FIRE & SECURITY AMERICAS CORPORATION, INC.; RAYTHEON TECHNOLOGIES CORPORATION f/k/a UNITED TECHNOLOGIES CORPORATION; NATIONAL FOAM, INC.; ANGUS FIRE ARMOURCORPORATION; ANGUS INTERNATIONAL SAFETY GROUP; BUCKEYE FIRE EQUIPMENT COMPANY; ARKEMA, INC.; BASF CORPORATION; CHEMDESIGN PRODUCTS, INC.; CLARIANT CORPORATION; CHEMICALS INCORPORATED; NATION FORD CHEMICAL COMPANY; AGC CHEMICALS AMERICAS INC.; AGC INC. f/k/a ASAHI GLASS CO., LTD; DEEPWATER CHEMICALS, INC.; DYNAX CORPORATION; ARCHROMA MANAGEMENT, LLC; AND JOHN DOE DEFENDANTS 1-49

Court: U.S. District Court, District of South Carolina

Case No.: 2:20-cv-2812-RMG

Amount of Money or Other Relief Sought: Damages according to proof

35. Case Name: IN RE Petition for Reconsideration of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program
- Name(s) of Parties(s) Involved: Federal Environmental Protection Agency
- Court:
- Case No.:
- Amount of Money or Other Relief Sought:
36. Case Name: City v. Osder
- Name(s) of Parties(s) Involved: CITY OF SAN JOSE, MORGAN JOSEPH OSDER and DOES 1-10
- Court: Superior Court of California, County of Santa Clara
- Case No.: 18CV327741
- Amount of Money or Other Relief Sought: Damages according to proof
37. Case Name: Barrera v. Pro-Sweep, et al.,
- Name(s) of Parties(s) Involved: RAY BARRERA, PRO-SWEEP, INC, EMILIO LUNA, and DOES 1 through 25, Inclusive, CITY OF SAN JOSE, Lien Claimant
- Court: Superior Court of California, County of Santa Clara
- Case No.: 18V326086
- Amount of Money or Other Relief Sought: Damages according to proof

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

Significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 1

The Closed Session Meeting was Adjourned at 11:01 a.m. and reconvened into Open Session at 1:30 p.m.