



CITY COUNCIL MEETING

Minutes

Tuesday, May 13, 2025

1:30 PM

LOCATION:

Council Chambers- 200 E. Santa Clara Street

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
PAMELA CAMPOS, DISTRICT 2
CARL SALAS, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
MICHAEL MULCAHY, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, VICE MAYOR, DISTRICT 9
GEORGE CASEY, DISTRICT 10

- **Call to Order and Roll Call**

9:31 a.m.- Closed Session. *See Pages 16-18 for Closed Session Minutes.*

Present Councilmembers: Mahan, Mulcahy, Foley, Doan, Ortiz, Candelas,
Cohen, Casey, Salas, Kamei.

Absent Councilmembers: Campos.

1:36 p.m. - Regular Session.

Present Councilmembers: Mahan, Kamei, Mulcahy, Foley, Ortiz, Candelas,
Casey, Doan, Cohen, Campos, Salas.

Absent Councilmembers: All present.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 5)**

The Green Sound offered a musical performance for this invocation.

- **Orders of the Day**

Councilmember Michael Mulcahy noted the passing of Barry Swenson, a prominent philanthropist within the community.

- **Adjournment Recognition**

None provided.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Rosemary Kamei & Councilmember Bien Doan presented a proclamation recognizing May 18-25, 2025 as Hepatitis B Awareness Week in the City of San José.

1.2 Councilmember Peter Ortiz presented a commendation to the May Day Coalition for organizing 2025's May Day March on behalf of the working families in the City of San José.

1.3 Vice Mayor Pam Foley presented a proclamation recognizing May 15, 2025 as Global Accessibility Awareness Day (GAAD) in the City of San José to increase awareness about digital accessibility and the importance of inclusive design practices and people with different

disabilities.

2. **CONSENT CALENDAR**

Public Comment: None provided.

Councilmember Michael Mulcahy recused himself from the Consent Calendar vote, due to financial conflicts related to Item 2.9.

Action: Upon motion by Councilmember Carl Salas, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Consent Calendar was approved *as a whole*, and the below actions were taken as indicated. (10-1-0; Recused: Mulcahy)

2.1 **Approval of City Council Minutes.**

None provided.

2.2 **Final Adoption of Ordinances.**

- (a) Ordinance No. 31187 - An Ordinance of the City of San José Amending Sections 17.85.200 and 17.85.420 of the San José Municipal Code Related to the San José Energy And Water Building Performance Ordinance to Remove “Functional Performance Testing Reports” and “Operational Training Conducted” from the Audit Report Minimum Requirements, to Improve Clarity and to Better Align with Industry Audit Standards. [Passed for Publication on 4/29/2025 - Item 2.10 (25-435)]
- (b) Ordinance No. 31191 - An Ordinance of the City of San José Amending in Its Entirety Section 5.06.430 of Chapter 5.06, Title 5, of the San José Municipal Code to Broaden the Director of Finance’s Authority to Hold Tax Equity and Fiscal Responsibility Act Hearings on the Issuance of Tax-Exempt Bonds within the City of San José to Finance Affordable Housing Projects. [Passed for Publication on 4/29/2025 - Item 3.5(b) (25-442)]
- (c) Ordinance No. 31193 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 3.89 Gross Acres, Situated on the South Side of Murphy Avenue Approximately 500 Feet East of Oakland Road (1180 Murphy Avenue) (APN: 241-17-009) from the A(PD) Planned Development Zoning District (File No. PDC07-042) to the CIC Combined Industrial/Commercial Zoning District. [Passed for Publication on 3/11/2025 - Item 10.1(b) (25-223)]

Action: **Ordinance No. 31187, Ordinance No. 31191, and Ordinance No. 31193** were adopted. (10-1-0; Recused: Mulcahy)

2.3 **Approval of Council Committee Minutes.**

None provided.

2.4 **Mayor and Council Excused Absence Requests.**

None provided.

2.5 City Council Travel Reports

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Settlement Agreement between the City of San José and Calpine Energy Solutions, LLC and Calpine Community Energy, LLC.

Approve a settlement agreement with Calpine Energy Solutions, LLC, acknowledged and agreed to by Calpine Community Energy, LLC, for the latter to credit the City in the amount of \$900,000 spread over the first 36 months of the term of a new Services Agreement with Calpine Community Energy, LLC in equal monthly credits of \$25,000, with a payment of any remaining credit balance due upon the earlier termination or expiration of the same.

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 agreement between the City of San Jose and Calpine Energy Solutions LLC and Calpine Community Energy, LLC was approved.
(10-1-0; Recused: Mulcahy)

2.8 Report on Request for Proposal and Actions Related to the Employee Health Services Vendors.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute agreements with the 1582 Medical Corporation, Fast Response On-Site Testing, and Carbon Health Medical Group of California, P.C. to provide employee health services to City employees with an initial five-year term beginning June 30, 2025 through June 30, 2030, with two one-year options to extend through June 30, 2032 for a maximum total compensation not to exceed \$2,241,496, \$1,212,600, and \$5,260,865 respectively, subject to annual appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)

Action: **Resolution No. RES2025-122** was adopted, regarding the report on request for proposal and actions related to the Employee Health Services Vendors.
(10-1-0; Recused: Mulcahy)

2.9 Agreement with T-Mobile West, LLC for Macro Cell Site Permitting.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Funding and Reimbursement Agreement between the City of San José and T-Mobile West, LLC to cover permitting costs and process improvements related to macro cell sites, including up to five options to extend the term of the agreement for up to five years. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library)

Councilmember Michael Mulcahy recused himself from Item 2.9 due to financial conflicts.

Action: **Resolution No. RES2025-123** was adopted, regarding the agreement with T-Mobile West, LLC for Macro Cell Site Permitting. (10-1-0; Recused: Mulcahy)

2.10 Acceptance of Federal One Bay Area Grant Funds from the Metropolitan Transportation Commission.

Approve the following actions to accept and receive \$3,654,000 in federal grant funds from the Metropolitan Transportation Commission:

- (a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements for the following projects:
 - (1) Better Bikeway San Fernando - \$2,233,000 in One Bay Area Grant funds awarded through the Housing Incentive Pool, with a local match requirement of \$289,309; and
 - (2) Downtown Bikeways Quick Strike - \$1,421,000 in One Bay Area Grant funds through the Housing Incentive Pool, with a local match of \$184,106.
- (b) Adopt a Resolution of Local Support that demonstrates City will take the necessary assurances to implement the Better Bikeway San Fernando, and the Downtown Bikeways Quick Strike projects in compliance with the submitted application and will follow the Metropolitan Transportation Commission Funding Delivery Policy and the grant program requirements.

CEQA: Categorically Exempt, File No. ER24-313, CEQA Guideline Section 15301(c) Existing Facilities. Council Districts 3 and 4. (Transportation)

Action: (a) **Resolution No. RES2025-124** was adopted, (b) **Resolution No. RES2025-125** was adopted, regarding the acceptance of Federal One Bay Area grant funds from the Metropolitan Transportation Commission. (10-1-0; Recused: Mulcahy)

2.11 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments:

- (a) Youth Commission:
 - (1) District 1 Seat: Appoint Anushka Deshmukh for a term of June 1, 2025 to May 31, 2027.
 - (2) District 3 Seat: Appoint Edwin Sanchez for a term of June 1, 2025 to May 31, 2027.
 - (3) District 4 Seat: Appoint Akshadha Babu Chakravarthi for a term of June 1, 2025 to May 31, 2026.
 - (4) District 5 Seat: Appoint Dali Guerrero Fernandez for a term of June 1, 2025 to May 31, 2027.
 - (5) District 6 Seat: Appoint Fiona Canfield for a term of June 1, 2025 to May 31, 2026.
 - (6) District 7 Seat: Appoint David Huynh for a term of June 1, 2025 to May 31, 2027.
 - (7) District 9 Seat: Appoint Jingru (Ruby) Yu for a term of June 1, 2025 to May 31, 2027.
 - (8) District 10 Seat: Appoint Jinyoung (Kyle) Park for a term of June 1, 2025 to May 31, 2026.

CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 5/7/2025 - Item A.1.a]

Action: The following Boards and Commissions Appointments for the Youth Commission were approved: Amushka Deshmukh for the District 1 Seat; Edwin Sanchez for the District 3 Seat; Akshadha Babu Chakravarthi for the District 4 Seat; Dali Guerrero Fernandez for the District 5 Seat; Fiona Canfield for the District 6 Seat; David Huynh for

the District 7 Seat; Jingru (Ruby) Yu for the District 9 Seat; and Jinyoung (Kyle) Park for the District 10 Seat. (10-1-0; Recused: Mulcahy)

2.12 Retroactive Approval and Approval of Various Events Sponsored by Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on May 7, 2025:

- (a) Retroactively approve the Community Clean-Up and Beautification scheduled on February 17, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the George V. LeyVa Middle School Movie Night scheduled on March 28, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Immigration Legal Clinic scheduled on April 3, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Retroactively approve the Holly Oak Elementary School's Dia del Niño scheduled on April 30, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Retroactively approve the Overfelt High School's Dia de Niño Community Resource Fair scheduled on April 30, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (f) Retroactively approve the Vista Verde Dumpster Day scheduled on May 10, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (g) Approve the Department of Transportation Pizza and Policy scheduled on May 15, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (h) Approve the Evergreen Estates Dumpster Day scheduled on May 31, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (i) Approve the Music in the Square Summer Series scheduled on June 6, 13, 20, and 27; July 11, 18, and 25; and August 1, 8, 15, 22 and 29, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (j) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Candelas) [Rules Committee referral 5/7/2025 - Item B.3]

Action: Various Events sponsored by Council District 8 were approved and retroactively approved. (10-1-0; Recused: Mulcahy)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 Public Hearing on the 2025-2026 Proposed Operating and Capital Budgets and the 2025-2026 Proposed Fees and Charges for the City of San José, including a Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues.

Conduct a Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2025 to June 30, 2026, the Proposed Five-Year Capital Improvement Program for 2026-2030, the Proposed Fees and Charges Report for the Fiscal Year 2025-2026, and a Revision of Percentage Allocations of Measure E Real Property Transfer Tax Revenues for the Fiscal Year 2025-2026. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Mayor Mahan announced that public comments were limited to one-minute for the remainder of the council meeting due to the high volume of speakers.

Public Comment: Carmen Torres, Maria Beltran, Huy Tran, Eugene Torres, Kat Angelov, Sharmin Sultana, Sandra Asher, Bob Brownstein, Isella, Kylie Clark, Greg Miller, Linda Phillips, Gionella Ordonez, Azazel Holmkrist, Milton Cadena, Yolie Garcia, Connie Hunter, Katherine Davis, Batman of San Jose, Celine Dinh Janelle, William Quinh, Lori Katcher, Lee Clark, Jati Wibisono, Jacquie Martin, Alison Cingolani, Hector Hernandez, Kim Guptill, Deborah St. J., Citlali Martinez, Sandy Perry, Amanda Flores, Mary, Emily Hendon, Andrew Siegler, Sharon Miller, Kristina Mitchell, Luz Elena Gonzalez, Dilza Gonzalez, Delma Hernandez, Marc Adams, Elaine Churchill, Katherine Hedges, Jordan Moldow, Phillip Hines, Shaunn, and 3 Speakers (*did not state their name at the podium*) offered public testimony regarding the item.

No actions taken on this item.

3.4 **Second Amendment to the Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. for Workers' Compensation Claims Administration for Employees and Retirees.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Second Amendment to the Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. for Workers' Compensation claim administration to City employees and retirees, extending the term of the current agreement from June 30, 2025, to June 30, 2030, and increasing the total compensation not to exceed amount from \$32,582,834 to \$63,163,711, subject to annual appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)

Aram Kouyomdjian, Director of Employee Relations, City Manager's Office; and Joe Gregory, Division Manager of Human Relations were available for questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2025-126** was adopted, regarding the second amendment to the agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. for workers' compensation claims administration for employees and retirees. (11-0-0)

4. **PUBLIC SAFETY**

5. **TRANSPORTATION & AVIATION SERVICES**

6. **ENVIRONMENTAL & UTILITY SERVICES**

6.1 **San José Clean Energy Power Workforce and Environmental Stewardship Project Selection Criteria.**

Accept the staff report on the San José Clean Energy Power Workforce and Environmental Stewardship Project Selection Criteria. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Energy)

Lori Mitchell, Director, Community Energy Department; Paul Innamorato, Deputy Director, Power Resources; Jeanne Sole, Principal Power Resource Specialist; and Scott Green, Senior Government Affairs Manager offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Rosemary Kamei, and carried unanimously, the staff report on the San Jose Clean Energy Power Workforce and Environmental Stewardship Project Selection Criteria was accepted. (11-0-0)

6.2 **Agreement with Calpine Community Energy, LLC for Billing Operations, Data Management, and Customer Support Services.**

Adopt a resolution authorizing the City Manager or her designee to:

- (a) Negotiate and execute an agreement for the Billing Operations, Data Management, and Customer Support Services with Calpine Community Energy, LLC (Houston, Texas) (Calpine) for an initial three-year term, beginning on or about May 14, 2025, with a maximum compensation not to exceed \$13,148,180, subject to the appropriation of funds;
- (b) Negotiate and execute amendments, as required, for any unanticipated changes to the agreement with Calpine not to exceed a total amount of \$1,000,000 during the initial term, subject to the appropriation of funds; and
- (c) Exercise up to four additional one-year options to extend the term of the agreement through May 14, 2032, 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/Energy)

No presentation provided.

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Pam Foley, and carried unanimously, **Resolution No. RES2025-127** was adopted, regarding all actions related to the agreement with Calpine Community Energy, LLC for billing operations, data management, and customer support services. (11-0-0)

6.3 Republic Services Solid Waste Rates.

- (a) Conduct a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates for Fiscal Year 2025-2026 are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.
- (b) Adopt a resolution increasing the Maximum Commercial Solid Waste Services Rates in the City of San José for Fiscal Year 2025-2026 by 3.27 percent pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services. CEQA: Statutorily Exempt pursuant to CEQA Guidelines Section 15273, File No. PP17-005, Adjustments to Fees, Rates and Fares without expansion of services. (Environmental Services)

No presentation provided.

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Peter Ortiz, and carried unanimously, (a) a public hearing was conducted to confirm the proposed Maximum Commercial Solid Waste Services Rates for Fiscal Year 2025-2026; and (b) **Resolution No. RES2025-128** was adopted, regarding the Republic Services Solid Waste rates . (11-0-0)

7. NEIGHBORHOOD SERVICES

7.1 Park Master Plan and Official Name for a Future Park within the Spartan Keyes Neighborhood.

- (a) Approve the Spartan Keyes Park Master Plan for a future park to be located on a 1.36-acre site located at the northeast corner of Keyes Street and South Third Street within the Spartan Keyes neighborhood.
- (b) Adopt “Brickyard Park” as the official name for the future park as recommended by staff, the Parks and Recreation Commission, and community input. CEQA: Categorically Exempt, File No. ER22-245. CEQA Guidelines Section 15332, Infill Development Projects. Council District 3. (Parks, Recreation and Neighborhood Services)

Willa Mui, Associate Landscape Designer, Parks, Recreation and Neighborhood Services (PRNS) and Leonel Tapia, Planner III, PRNS offered the presentation and responded to questions.

Public Comment: Aurelia Sanchez offered public testimony regarding the item.

Action: Upon motion by Councilmember Carl Salas, seconded by Vice Mayor Pam Foley, and carried unanimously, (a) the Spartan Keyes Park Master Plan for a future park to be located on a 1.36-acre site located at the northeast corner of Keyes Street and South Third Street within the Spartan Keyes neighborhood was approved; and (b) “Brickyard Park” as the official name for the future park was adopted.

(11-0-0)

7.2 Code Enforcement Operational Assessment Report.

Accept the Code Enforcement Operational Assessment Report and approve Phase 1 of the Code Enforcement Improvement Workplan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement) [Deferred from 5/6/2025 - Item 7.2 (25-470)]

Chris Burton Director, Planning, Building & Code Enforcement Department (PBCE) offered the presentation and responded to questions.

Public Comment: David Parker offered public testimony regarding the item.

Motion: Councilmember Peter Ortiz moved approval of the staff recommendation. Vice Mayor Pam Foley seconded the motion.

Friendly Amendment: Vice Mayor Pam Foley requested that the language “prominent historic properties” be removed from the *Evaluation and Follow Up* section. The Friendly Amendment was accepted by the maker of the motion.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Vice Mayor Pam Foley, and carried unanimously, the Code Enforcement Operational Assessment report was approved, *including the removal of the language “Prominent historic properties,” in the Evaluation and Follow Up section of the staff recommendation.* (11-0-0)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Berryessa Flea Market Status Report.

As recommended by the Community and Economic Development Committee on March 24, 2025, accept the status report on the redevelopment of the Berryessa Flea Market, as well as the Flea Market Advisory Group, Vendor Transition Fund, and the Flea Market Owner’s Quarterly Report from January 2025. CEQA: Not a Project, File No. PP17-009. Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development and Cultural Affairs/Planning, Building and Code Enforcement) [Community and Economic Development Committee referral 3/24/2025 - (d)2]

Blage Zelalich, Deputy Director, City Manager’s Office of Economic Development; Jessica Munoz, Senior Executive Analyst, Office of Economic Development and Cultural Affairs; and Cameron Day, Senior Deputy City Attorney, City Attorney’s Office, offered the presentation and responded to questions.

Public Comment: Cayetano, Alex Shoor, Bruno Rivas, Jose Wall, Irom Thockchom, Ana Lilia, Cesar Palancares, Mario, Alma, Karla Coyoc, Anustasio, Juanita, Jordan Moldow, and 3 Speakers (*did not state name at the podium*) offered public testimony regarding the item.

Motion: Councilmember David Cohen moved approval of his memorandum dated May 13,

2025, and the joint memorandum co-authored by Councilmember Peter Ortiz, Councilmember David Cohen, Councilmember George Casey, and Councilmember Pamela Campos, dated May 9, 2025. Councilmember Peter Ortiz seconded the motion.

Friendly Amendment: Councilmember Bien Doan requested that the motion include staff direction to explore and evaluate viable options for Singleton, that are not the Flea Market or Affordable Housing. The makers of the motion did not accept the Friendly Amendment.

Amended Motion: Councilmember David Cohen amended his motion to remove the language “affordable housing” from his memorandum, dated May 13, 2025. The seconder of the motion accepted the amendment to the motion.

Action: Upon motion by Councilmember Cohen, seconded by Councilmember Peter Ortiz, and carried unanimously, the Berryessa Flea Market Status report was accepted, including acceptance of the *amended* memorandum authored by Councilmember David Cohen, dated May 13, 2025 was approved recommending the following:

1. Request that staff complete an assessment and report back to the council on the potential timeline to release an RFP for ~~affordable housing on~~ the Singleton site in accordance with the Surplus Land Act.

And,

Acceptance of the joint memorandum co-authored by Councilmember Peter Ortiz, Councilmember David Cohen, Councilmember George Casey, and Councilmember Pamela Campos, dated May 9, 2025, recommending the following:

1. Accept the report.
2. Report back through an informational memorandum in Quarter 1 2026 on findings and a more precise timeline of relocation.
 - a. Deliverables to include, but not be limited to:
 - i. Ongoing work through the Surplus Land Act.
 - ii. Developer Engagement.
 - iii. Further explore the viability of the recommended sites.
 - iv. Updates on other potential partner agencies’ involvement
 1. Including but not limited to continuing to engage with VTA and BART on potential locations along their right of way at the Berryessa BART station.
 - v. Identifying necessary interdepartmental collaboration from other city departments.

(9-1-1; Noes: Doan; Absent: Mahan)

8.2 Approval of a Multifamily Housing Incentive Program Residential Tax and Fee Waiver for The Aquino at 498 West San Carlos Street.

- (a) Conduct a public hearing to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and a reduction of the Inclusionary Housing Ordinance in-lieu fee for The Aquino at 498 W. San Carlos Street, which meets the requirements of the Multifamily Housing Incentive Program enacted by the City Council on December 10, 2024, in an amount of up to \$4,071,272.74 pursuant to California Government Code Section 53083 and Open Government Resolution No. RES2024-99 Section 2.3.2.6.C.
- (b) Adopt a resolution approving the tax and fee waiver and authorizing the Housing Director, or his designee, to negotiate and execute documents and document amendments related to implementing the Multifamily Housing Incentive Program, such

as construction progress agreements.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) for the Madera Residential Project, File Nos. SP20-019-01 and SP20-019-02. Council District 6. (Housing/Planning, Building, and Code Enforcement/Transportation)

Erik L. Solivan, Director, Housing Department; and Banu San, Deputy Director, Housing Department, offered the presentation and responded to questions.

Public Comment: Ruben G., Julia, Eli Robles, and Mike Walsh offered public testimony regarding the item.

Action: Upon motion by Councilmember Michael Mulcahy, seconded by Councilmember Rosemary Kamei, and carried unanimously, (a) public hearing was conducted to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and a reduction of the Inclusionary Housing Ordinance in-lieu fee for The Aquino at 498 W. San Carlos Street; and (b) **Resolution No. RES2025-129** was adopted, regarding the Multifamily Housing Incentive Program Residential Tax and Fee Waiver for The Aquino at 498 West San Carlos Street. (10-0-1; Absent: Mahan)

8.3 Public Hearing for Amendments to the Multifamily Housing Incentive Program.

(a) Adopt a resolution:

- (1) Adding to the Multifamily Housing Incentive Program, as adopted under Resolution RES2024-420 and further defined under Resolution RES2024-421, the specified multifamily housing projects formerly subject to the Affordable Housing Impact Fee Program.
- (2) Adding Santana Row Lot 12, a proposed multifamily housing development located at 358 Hatton Street.
- (3) Increasing the number of eligible units under the Multifamily Housing Incentive Program from 1,500 to 1,800 that may qualify for the period ending December 31, 2025.

(b) Approve an ordinance amending Sections 4.46.039.13 and 4.47.098 of the San José Municipal Code to increase the number of units from 1,500 to 1,800 that may qualify for a 50% reduction to the Commercial, Residential, Mobile Home Park tax and Building and Structure tax for developments that obtain a building permit before December 31, 2025, under the Multifamily Housing Incentive Program.

(c) Subject to a public subsidy hearing under the City of San José's Sunshine Policy and California Government Code Section 53083, authorize the Housing Director to refund the unused \$3,435,672 of previously paid Affordable Housing Impact Fees to Federal Realty, the developer of Santana Row Lot 12, located at 358 Hatton Street.

CEQA: Determination of Consistency with the Santana Row Expansion Project Environmental Impact Report (Resolution #77532, File No. PD15-066) certified September 22, 2015, for the Santana Row Lot 12 Permit Extension File Nos. PDA15-066-02 and ER24-047. (Housing/Planning, Building, and Code Enforcement/Transportation)

Erik L. Solivan, Director, Housing Department; and Banu San, Deputy Director, Housing Department, offered the presentation and responded to questions.

The Applicant Chris Shay spoke on the item.

Public Comment: Patrick McMahan offered public testimony regarding the item.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Councilmember David Cohen, and carried unanimously, (a) **Resolution No. RES2025-130** was adopted, (b) **Ordinance No. 31201** was *passed for publication*, and (c) the public hearing for amendments to the Multifamily Housing Incentive Program was conducted,

And,

Including acceptance of the *amended* joint memorandum co-authored by Mayor Matt Mahan, Vice Mayor Pam Foley, Councilmember David Cohen, and Councilmember Michael Mulcahy, dated May 9, 2025. With the language for item 2(d), to be replaced from “extend” to “explore.” The joint memorandum recommends the following:

1. Accept the staff recommendation.
2. Return to Council by September 2025 with a recommendation for expanding Phase 1 of the Multifamily Housing Incentive Program to include additional projects.
 - a. Analyze all pipeline projects that have applications deemed complete by June 2025.
 - b. Increase the number of eligible units for Phase 1 to accommodate recommended projects from that broader pipeline.
 - c. Eligible projects shall have a density exceeding 50 dwelling units per acre, equivalent to the minimum density in the Envision San José 2040 General Plan Transit Residential land use designation.
 - d. ~~Extend~~ *Explore extending* the cutoff date for added projects to obtain a building permit to December 31, 2026.

(10-0-1; Absent: Mahan)

8.4 **Actions Related to a Loan Commitment for a New Affordable Rental Housing Development - Berryessa Station at 1565 Mabury Road.**

(a) Adopt a resolution:

- (1) Approving a Construction-Permanent Loan commitment of up to \$9,898,877, in accordance with all applicable City of San José Gap Financing Program Regulations, in Low- and Moderate-Income Housing Asset Funds, to Affirmed Housing Group or an affiliated development entity for the Berryessa Station development located at 1565 Mabury Road, which is being developed to provide 193 affordable apartments, and two unrestricted manager’s homes; and
- (2) Authorizing the Housing Director, or his designee, to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Berryessa Station development.

(b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Low- and Moderate-Income Housing Asset Fund:

- (1) Decrease the Housing Project Reserve appropriation by \$9,898,877; and
- (2) Increase the Housing Loans and Grants appropriation to the Housing Department by \$9,898,877.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 4. (Housing/City Manager)

Erik L. Solivan, Director, Housing Department; and Banu San, Deputy Director, Housing Department, offered the presentation and responded to questions.

Public Comment: Alex Shore and Julia offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) **Resolution No. RES2025-131** and (b)

Ordinance No. 31202 were adopted, regarding the actions related to a Loan Commitment for a New Affordable Rental Housing Development - Berryessa Station at 1565 Mabury Road. (10-0-1; Absent: Mahan)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use – Regular Agenda

10.2 ST25-002 - Street Renaming of Street Segments West St. John Street, North Almaden Boulevard, and Santa Teresa Street, to “Sharks Way.”

Adopt a resolution approving the renaming of street segments on West St. John Street between North Montgomery Street and North Almaden Boulevard; North Almaden Boulevard under the Highway 87 overpass; Santa Teresa Street between North Almaden Boulevard and West St. John Street; and West St. John Street between North Almaden Boulevard and San Pedro Street to Sharks Way. CEQA: CEQA Guidelines Section 15061(b)(3), Common Sense Exemption. Director of Planning, Building and Code Enforcement recommends approval. Council District 3 and 6. (Planning, Building and Code Enforcement)

Chris Burton, Director, Planning, Building & Code Enforcement offered the presentation and responded to questions.

The Applicant, Chris Shay spoke on the item.

Public Comment: David Pandori, Cherry Lewis, and Jordon Moldow offered public testimony regarding the item.

Action: Upon motion by Councilmember Michael Mulcahy, seconded by Councilmember George Casey, and carried unanimously, **Resolution No. RES2025-132** was adopted, approving the Street Renaming of street segments West St. John Street, North Almaden Boulevard, and Santa Teresa Street, to “Sharks Way”.

And,

Including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Carl Salas, Councilmember Michael Mulcahy, Councilmember Domingo Candelas, and Councilmember George Casey, dated May 9, 2025, recommending the following:

1. Direct staff to initiate the process to rename the segment of N. Almaden Boulevard, between W. Julian Street and the current W. St. John Street to “Little Italy Way.”
2. Approve staff’s recommendation to rename W. St. John Street to “Sharks Way,” contingent upon the renaming of N. Almaden Boulevard to “Little Italy Way.”

(10-0-1; Absent: Mahan)

10.3 PP24-006 - Amendment to Chapter 23.04, Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Title 23 (Sign Code) of the San José Municipal Code to Modify Permit Provisions for Supergraphic Signs Related to Large Events. - DEFERRED

Approve an ordinance amending Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Chapter 23.04 of Title 23 (Sign Code) of the San José Municipal Code to modify permit provisions for Supergraphic Signs related to Large Events to: (a) eliminate existing sunset clause, (b) increase display duration, and (c) alter height and size allowances, and to make other technical, non-substantive, or formatting changes within those sections. CEQA: Determination of Consistency to the Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building, and Code Enforcement) [Deferred from 2/25/2025 - Item 10.2 (25-157)]

DEFERRED TO 5/20/2025 PER ADMINISTRATION

- **Open Forum**

1. Jordan Moldow discussed “Bike to Work Day” on Thursday, May 15, 2025 and urged Councilmembers and Staff to bike to work.

- **Adjournment**

The Council of the City of San José adjourned at 6:31 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Vanessa Velez , Deputy City Clerk
City of San José

Approved at Council on:

of Actions: 12

Attest By:



Toni Taber, MMC,
City Clerk, City of San José

*Office of the City Attorney***SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES****May 13th, 2025**

Present Councilmembers: Mahan, Foley, Doan, Candelas, Cohen, Ortiz,
Salas, Mulcahy, Kamei, Casey.

Absent Councilmembers: Campos.

Place: City Hall Conference Room W-133

Time: 9:31 a.m.

CLOSED SESSION ITEM(S) DISCUSSED:**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

1. Case Name: In re: Claim of Westcott
Name(s) of Party(ies):
Court: Worker's Compensation Appeals Court
Case No: ADJ18946074, ADJ18946070
Amount of Money or Other Relief Sought: Benefits

2. Case Name: In re: Claim of Cowan
Name(s) of Party(ies):
Court: Worker's Compensation Appeals Court
Case No: ADJ16765221
Amount of Money or Other Relief Sought: Benefits

3. Case Name: In re: Claim of Giordano

Name(s) of Party(ies):

Court: Worker's Compensation Appeals Court

Case No: ADJ15369515, ADJ20533773, ADJ20533774

Amount of Money or Other Relief Sought: Benefits

4.

Case Name: In re: Claim of Krassow

Name(s) of Party(ies):

Court: Worker's Compensation Appeals Court

Case No: ADJ9307851, ADJ15021665

Amount of Money or Other Relief Sought: Benefits

5.

Case Name: City and County of San Francisco, et al. v. Donald J. Trump, et al.

CITY AND COUNTY OF SAN FRANCISCO,
COUNTY OF SANTA CLARA, CITY OF
PORTLAND, MARTIN LUTHER KING, JR.
COUNTY, CITY OF NEW HAVEN, CITY
OF OAKLAND, CITY OF EMERYVILLE,
CITY OF SAN JOSÉ, CITY OF SAN DIEGO,
CITY OF SACRAMENTO, CITY OF SANTA
CRUZ, COUNTY OF MONTEREY, CITY OF
SEATTLE, CITY OF MINNEAPOLIS, CITY
OF ST. PAUL, CITY OF SANTA FE,
DONALD J. TRUMP, UNITED STATES OF
AMERICA, PAMELA BONDI, EMIL BOVE,
UNITED STATES DEPARTMENT OF
JUSTICE, KRISTI NOEM, UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY

Name(s) of Party(ies):

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

Case No: 3:25cv01350-WHO

Amount of Money or Other Relief Sought: Declaratory Relief and Injunctive Relief

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government code:

Number of matter(s) to be discussed: 2

City Negotiator: Aram Kouyoumdjian, Director of Employee Relations

1.	<p>Organization or Name and Title of Unrepresented Employees: <u>San José Police Officers' Association (SJPOA)</u></p> <p>Nature of negotiations: wages/salaries, hours, working conditions, etc</p> <p>Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association</p> <p>Web: https://www.sanjoseca.gov/yourgovernment/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/poa</p> <p>How to Obtain a copy of Existing Contract or MOA: Telephone – Employee Relations: (408) 535-8150</p>
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