



City Council Meeting Minutes

Tuesday, February 10, 2026

1:30 PM

Council Chambers

Closed Session at 9:30 a.m.

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
PAMELA CAMPOS, DISTRICT 2
ANTHONY TORDILLOS, 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 Page 15-18 for the Closed Session Minutes.*

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

Absent Councilmembers: All present.

1:33 p.m.- Regular Session.

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

Absent Councilmembers: All present.

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

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 2)**

Jahmal Williams, representing the Sawubona Collective, offered the invocation with a speech.

- **Orders of the Day**

None provided.

- **Adjournment Recognition**

Councilmember Bien Doan announced that the meeting was adjourned in memory of Ken Heredia who passed away on December 2, 2025. Ken was a devoted husband, father, and grandfather who proudly served the San José Fire Department for 30 years. Ken also served as San José IAFF Union President and Battalion Chief, where he was widely respected for his compassion, professionalism, and calm leadership. He will be remembered for his strength, warmth, quiet humor, and lasting impact on the fire service community in San José.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Bien Doan presented a proclamation declaring February 17, 2026 as Vietnamese New Year (Tết Celebration) to recognize the Vietnamese population in San José and welcome the Lunar New Year.
- 1.2 Councilmember Domingo Candelas presented a proclamation recognizing February 2026 as American Heart Month, raising awareness on heart health and the prevention of heart disease and stroke in the City of San José.
- 1.3 Councilmember Rosemary Kamei presented a proclamation recognizing February as Black History Month in the City of San Jose, honoring the history, culture, and contributions of African Americans.

2. CONSENT CALENDAR

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember David Cohen, and carried unanimously, the Consent Calendar was approved *as a whole*. The actions below were taken as indicated. (11-0-0)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

(a) Ordinance No. 31301 - An Ordinance of the City of San José Amending Section 4.46.036 of Chapter 4.46 and Section 4.47.089 of Chapter 4.47 of Title 4 of the San José Municipal Code to Provide for Conversion Projects Eligible Under the Downtown Residential Incentive Program that Waive: (1) 100% of the Building and Structure Construction Tax and the Commercial-Residential-Mobilehome Park Building Tax for Up to 500 Units in Projects that Obtain Building Permits by December 31, 2027, and Pass First Inspection within 12 Months of Obtaining a Building Permit; and (2) 50% of the Taxes for the Next 1,000 Units in Projects that Pass First Inspection within 12 Months of Obtaining a Building Permit; Increasing the Eligibility for Tax Reductions to 7,000 Units in Phase 1 and 3,000 Units in Phase 2 and Removing Deadlines to Obtaining Building Permits. [Passed for Publication on 1/27/2026 - Item 8.2(b) (26-074)]

(b) Ordinance No. 31302 - An Ordinance of the City of San José Amending Section 4.46.039.13 of Chapter 4.46 and Amending Section 4.47.098 to Chapter 4.47 of Title 4 of the San José Municipal Code to Provide: (1) a 50% Reduction of the Commercial, Residential, and Mobile Home Park Construction Tax and a 50% Reduction of the Building and Structure Construction Tax to the First 3,600 Units in Projects Eligible for the Temporary Multifamily Housing Incentive that Also Obtain a City Building Permit by February 28, 2027; and (2) a 25% Reduction of

the Building and Structure Construction Tax for Any Additional Units Beyond the First 3,600 for Eligible Multifamily Housing Incentive Program Projects.

[Passed for Publication on 1/27/2026 - Item 8.3(b) (26-076)]

(c) Ordinance No. 31303 - An Ordinance of the City of San José Amending Chapter 5.08 of the San José Municipal Code to (1) Update Affordability Levels; (2) Refine Compliance Options (Including Surplus Credits); (3) Align the Affordability Term for Inclusionary Units with State Practice; and (4) Clarify Treatment of 100% Affordable Developments. [Passed for Publication on 1/27/2026 - Item 8.4 (26-073)]

(d) Ordinance No. 31305 - An Ordinance of the City of San José Repealing Section 17.22.370 and Subsection B. of 17.22.490 Of Chapter 17.22 of Title 17 of the San José Municipal Code Related to the One-Year Exception to the Mobilehome Rent Ordinance. [Passed for Publication on 1/27/2026 - Item 8.6 (26-075)]

Action: (a) **Ordinance No. 31301**; (b) **Ordinance No. 31302**; (c) **Ordinance No. 31303**; and (d) **Ordinance No. 31305** were adopted. (11-0-0)

2.3 Approval of Council Committee Minutes.

(a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of January 21, 2026.

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. (11-0-0)

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Kamei from the regular meeting of Rules and Open Government Committee and Committee of the Whole on February 4, 2026, for authorized City business related to attending the regular meeting of the Local Agency Formation Commission of Santa Clara County (Santa Clara LAFCO). CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Kamei)
[Rules Committee referral 2/4/2026 - Item A.1.a]

Action: Councilmember Kamei's excused absence request from the regular meeting of the Rules and Open Government Committee and Committee of the Whole on February 4, 2026 was approved. (11-0-0)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Amicus Curie Brief Authority.

Authorize the City Attorney to join Amicus Curiae briefs filed on behalf of public agencies arising from federal actions that impact:

- (a) Funding to the City of San José;
 - (b) City operations, programs and services; or
 - (c) Directly conflict with City policies and City Council authority to establish policy.
- CEQA: Not a Project, File No. PP17-010 City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Attorney)

Action: The City Attorney was authorized to join the Amicus Curiae briefs filed on behalf of public agencies arising from federal actions that impact: (a) Funding to the City of San José; (b) City operations, programs and services; or (c) Directly conflict with City policies and City Council authority to establish policy. (11-0-0)

2.8 Acceptance of the Retirement Plans' Annual Comprehensive Financial Reports for Fiscal Years Ended June 30, 2025 and June 30, 2024.

- (a) Accept the Police and Fire Department Retirement Plan Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2025 and June 30, 2024; and
 - (b) Accept the Federated City Employees' Retirement System Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2025 and June 30, 2024.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Retirement Services)

Action: (a) The Police and Fire Department Retirement Plan Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2025 and June 30, 2024 was accepted; and (b) the Federated City Employees' Retirement System Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2025 and June 30, 2024 was accepted. (11-0-0)

2.9 Approval of the Community Leaders Networking Breakfast Event Sponsored by Council District 9 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 January 28, 2026:

- (a) Approve the Community Leaders Networking Breakfast Event scheduled on February 12, 2026, 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: Exempt, File No. PP17-011, Events that are temporary in nature (typically not more than 48 hours), generally take place within existing venues, and will have negligible or no permanent effects on the environment. (Foley)

[Rules Committee referral 1/28/2026 - Item B.5]

Action: The City Council special event sponsored by District 9 was approved. (11-0-0)

2.10 Retroactive Approval of the SJ26 and Bay Area Host Committee Flag Raising Sponsored by the Office of Mayor Mahan 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 February 4, 2026:

(a) Retroactively approve the SJ26 and Bay Area Host Committee Flag Raising scheduled on February 3, 2026, as a City Council sponsored Special Event and approve the expenditure of funds.

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

CEQA: Exempt, File No. PP17-011, Events that are temporary in nature (typically not more than 48 hours), generally take place within existing venues, and will have negligible or no permanent effects on the environment. (Mayor)

[Rules Committee referral 2/4/2026 - Item B.2]

Action: The City Council special event sponsored by the Office of Mayor Mahan was retroactively approved. (11-0-0)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire recognized and thanked the City of San José employees who came together as one team to prepare for the 2026 major sports events series, including the Super Bowl, the 2026 NCAA Division I Men's Basketball Tournament, March Madness, and FIFA World Cup.

3.2 Labor Negotiations Update.

None provided.

3.3 2025-2026 Mid-Year Budget Review.

(a) Approve the 2025-2026 Mid-Year Budget Review Report.

(b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2025-2026 Mid-Year Budget Review Report.

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

Jim Shannon, Budget Director, City Manager's Office, offered the presentation and responded to questions.

Lee Wilcox, Assistant City Manager, City Manager's Office; and Robert Sapien, Fire Chief, Fire Department, responded to questions from Council.

Public Comment: None provided.

Motion: Councilmember Bien Doan moved approval of the February 6, 2026 joint memorandum he co-authored with Councilmember Pamela Campos, Councilmember Domingo Candelas, and Councilmember Peter Ortiz, with the staff direction *amended* to provide the information memorandum in “*up to 60 days*,” also including approval of the February 10, 2026 memorandum he authored. Councilmember Pamela Campos seconded the motion.

Friendly Amendment: Vice Mayor Pam Foley requested a friendly amendment to include approval of the staff recommendation and to further amend staff direction related to the February 6, 2026 joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, Councilmember Domingo Candelas, and Councilmember Peter Ortiz to: direct staff to only include recommendations 1 (b), (d), (e), (f), and (h), looking back over two years, in a study session in May 2026. Staff is also directed to work with the County to ascertain the information for all remaining items in the joint memorandum, and include that information in the budget study session as available. The friendly amendment was accepted by the maker of the motion and seconder.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Pamela Campos, and carried unanimously, (a) the 2025-2026 Mid-Year Budget Review Report was approved; and (b) Appropriation **Ordinance No. 31308** and (b) Funding Sources **Resolution No. RES2026-32** were adopted, regarding the amendments in various funds as detailed in Section III of the 2025-2026 Mid-Year Budget Review Report.

AND

Including approval of the February 10, 2026 memorandum authored by Councilmember Bien Doan, recommending the following:

Approve a change to the \$15,000 funds originally allocated for “Celebrating Our Vietnamese Culture with a Têt Parade” within the budget for Council District #07 to broaden and repurpose the use of these funds for other cultural events in District 7, including the Moon Festival, Black April, and other cultural events.

AND

Also including acceptance of the February 6, 2026 *amended* joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, Councilmember Domingo Candelas, and Councilmember Peter Ortiz, *including the following amendments:* staff is directed to include *only* recommendations 1 (b), (d), (e), (f), and (h), *looking back over two years*, in a budget study session in May 2026. Staff is also directed to work with the County to ascertain the information for all remaining items in the joint memorandum, and include that information in the budget study session as available.

The February 6, 2026 *amended* joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, Councilmember Domingo Candelas, and Councilmember Peter Ortiz recommends the following:

- (1) Direct the City Manager’s Office and related departments to *include recommendations 1 (b), (d), (e), (f), and (h), looking back over two years, in a budget study session in May 2026* ~~prepare, by February 24, 2026, an information memorandum, covering the past five fiscal years,~~ that gives an overview of how our region has addressed homeless, including

but not limited to:

- a.) The total number of housing and shelter units produced by Santa Clara County, including permanent supportive housing, interim housing, emergency shelter, and other.
- b.) The total number of housing and shelter units produced by the City of San José, including permanent supportive housing, interim housing, emergency shelter, and other.
- c.) The total amount of Santa Clara County funding expended on housing and shelter production efforts.
- d.) The total amount of City of San José funding expended on housing and shelter program production efforts.
- e.) Identification of jointly funded projects and an explanation of how units and expenditures are attribute between the City of San José and Santa Clara County.
- f.) The total amount of City of San José funds spent on homelessness service delivery.
- g.) The total amount of Santa Clara County funds spent on homelessness service delivery.
- h.) The total amount of City of San José funds spent on homelessness response, separated into categories including but not limited to cleanups, fire and law enforcement response, towing, and abatements.
- i.) During the joint City/County meeting, request information from the County of Santa Clara regarding funds spent on homelessness response. This should include as discrete categories: cleanups, fire and law enforcement response, towing and abatements
- j.) Based on the City's Charter, clearly define the City's obligations regarding addressing homelessness, including the provision of services and the production of interim shelter and permanent supportive housing. Similarly, based on the County's Charter, identify County obligations regarding homelessness, including the provision of services and production of interim shelter and permanent supportive housing.
- k.) Consistent with current Council direction, provide outcomes associated with these investments.
- 2.) Direct the City administration to prioritize funding for Emergency Medical Services Field Coordination and a Mobile Integrated Health Care and Community Paramedicine pilot as part of the City's legislative advocacy program.

(11-0-0)

3.4 Potential Ballot Measure Increasing Transient Occupancy Tax.

Adopt a resolution:

(a) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the statewide direct primary election occurring in the County of Santa Clara on June 2, 2026, to submit to the electors of the City of San José a measure to amend the San José Municipal Code to increase the City's General Fund portion of the Transient Occupancy (hotel) Tax from 4% to 6%, with the following statement of the measure to be printed in the ballot:

To fund essential city services including police and fire emergency response; address homeless encampments impacting parks, neighborhoods, and waterways; remove trash, illegal dumping, and graffiti; and maintain trails, playgrounds, recreational facilities, and park restrooms, shall an ordinance be adopted increasing the general fund transient occupancy (hotel) tax from 4% to 6%, generating approximately \$10 million annually, and paid by hotel/motel guests, until repealed by voters?

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

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

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

(e) Directing the City Attorney to prepare an Impartial Analysis, where, as authorized under Elections Code Section 9280, the following statement will be printed in the Impartial Analysis to be prepared by the City Attorney: "If you would like to read the full text of the measure, see [web address to be determined] or call 408-535-1260 and a copy will be sent at no cost to you"; and

(f) Directing the City Clerk to take all actions necessary to place this measure on the June 2, 2026 ballot.

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

Lee Wilcox, Assistant City Manager, City Manager's Office; Jim Shannon, Budgeting Director, City Manager's Budget Office; and Rosalynn Hughey, Deputy City Manager, City Manager's Office, offered the presentation and responded to questions.

Public Comment: Sarah Corneileo (Bay Area Glass Institute), Jonathan Francisco Borea, Julian Lake (Bay Area Council), Jeremiah Matthew Davis (San José Museum Art), Karen Kienzle, Anil Babbar, Leah Toeniskoetter, Huascar Castro, Krista De La Torre (IFPTE 21), Shawna Lucy (Open San José), Emily Ann Ramos (SV@Home), and Peter Allen (San José Arts Advocates) provided public testimony regarding the item.

Motion: Councilmember Pamela Campos moved approval of the staff recommendations and the February 5, 2026 joint memorandum she co-authored with Councilmember David Cohen, Councilmember Peter Ortiz, and Councilmember Domingo Candelas. Councilmember Peter Ortiz seconded the motion.

Substitute Motion: Councilmember Michael Mulcahy moved approval of only the staff recommendation. Vice Mayor Pam Foley seconded the substitute motion.

Lee Wilcox clarified that staff could not commit to providing Council with the impact to the City's economy but could commit to providing Council a status update on the work that staff was directed to complete two years ago.

Jennifer Maguire recommended that the status update should be delivered with a Manager's Budget Addendum (MBA) in May, instead of being included in a Budget Study Session.

Friendly Amendment: Councilmember Pamela Campos requested that the substitute motion also include approval of *recommendation 2* of the February 5, 2026 joint memorandum, with direction for the City Manager's office amended to *return to Council in May 2026 with analysis in the form of a Manager's Budget Addendum (MBA)*. The maker of the motion and seconder accepted the friendly amendment.

Action: Upon motion by Councilmember Michael Mulcahy and seconded by Vice Mayor Pam Foley, the substitute motion carried unanimously, the staff recommendation was approved and **Resolution No. RES2026-33** was adopted, regarding the Potential Ballot Measure Increasing Transient Occupancy Tax.

AND

Also including approval of *recommendation 2* of the February 5, 2026 joint memorandum co-authored by Councilmember Pamela Campos, Councilmember David Cohen, Councilmember Peter Ortiz, and Councilmember Domingo Candelas, with direction for the City Manager's office amended to *return to Council in May 2026 with analysis in the form of a Manager's Budget Addendum (MBA)*, recommending the following:

1. Approve the staff recommendations.
2. Direct the City Manager to bring back to the City Council a status update on modernizing the City's Business Tax, in line with the FY 24-25 June Budget Message, to help close the projected budget deficits and return to Council by May 2026. This analysis should include but not be limited to the following:
 - a.) Comparison of annual business tax receipts in large cities in the Bay Area and California.
 - b.) The use and variations of gross receipts models versus head tax-based models, and any risks related to remote and hybrid work or other business trends.
 - c.) The use or exclusion of tax caps; and
 - d.) How the current business tax burdens small businesses compared to other models, and what could be done to help small businesses in future options.

(11-0-0)

3.5 Support and Collaboration on Assembly Bill 1633 (Private Detention Facility Tax Law).

As recommended by the Rules and Open Government Committee on February 4, 2026, adopt a position of support for the intent and policy direction of Assembly Bill 1633 (Haney), as introduced on January 26, 2026, as well as similar legislation that advances the same goals, and authorize City staff to take advocacy actions consistent with that intent, including drafting and submitting letters of support and coordinating with the author's office regarding a potential City sponsorship role.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Ortiz, Campos, Candelas & Cohen) [Rules Committee referral 2/4/2026 - Item C.2]

No presentation provided.

Public Comment: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Rosemary Kamei, and carried unanimously, Council adopted a position of support for the intent and policy direction of Assembly Bill 1633 (Haney), as introduced on January 26, 2026, as well as similar legislation that advances the same goals, and City staff was authorized to take advocacy actions consistent with that intent, including drafting and submitting letters of support and coordinating with the author's office regarding a potential City sponsorship role. (11-0-0)

4. PUBLIC SAFETY SERVICES

None provided.

5. TRANSPORTATION & AVIATION SERVICES

None provided.

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 2026 Power Content and Rates.

Adopt a resolution:

(a) Maintaining the renewable energy content of GreenSource at 62% renewable and set rates according to the rate schedule in Attachment A of the staff memorandum, effective March 1, 2026;

(b) Continuing to set the rate for TotalGreen to \$0.01 per kilowatt-hour above GreenSource for all rate schedules according to the rate schedule in Attachment B of the staff memorandum, effective March 1, 2026, and maintain the renewable energy content of TotalGreen at 100% renewable; and

(c) Maintaining the renewable energy content of SJ Cares at 62% renewable and set rates at a 10% discount to GreenSource rates, according to the rate schedule in Attachment C of the staff memorandum, effective March 1, 2026.

CEQA: Statutorily Exempt, File No. PP17-005, Adjustment to Fees, Rates and Fares, resulting in no changes to the physical environment. (Energy)

Lori Mitchell, Director, Energy Department; and Zach Struyk, Assistant Director, Energy Department, offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2026-34** was adopted, regarding the 2026 power content and rates. (11-0-0)

7. NEIGHBORHOOD SERVICES

None provided.

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Public Hearing on the 2026 Weed Abatement Commencement Report and the Removal of Weeds or Refuse.

Conduct a Public Hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2026 Weed Abatement Commencement Report; and
- (b) Directing the County of Santa Clara's Consumer and Environmental Protection Agency - Weed Abatement Program to abate the seasonal and/or recurrent public nuisances on those properties identified in the 2026 Weed Abatement Commencement Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Program Agreement between the City of San José and the County of Santa Clara. CEQA: Categorically Exempt, File No. ER25-245, CEQA Guidelines Section 15301(h) Existing Facilities. (Planning, Building and Code Enforcement)

No presentation provided.

Public Comment: James Aguilar (spoke on behalf of his parents) and Alan (Cupertino De Anza Hospitality) provided public testimony regarding the item.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Vice Mayor Pam Foley, and carried unanimously, the public hearing on the 2026 Weed Abatement Commencement Report and the removal of weeds or refuse was conducted and **Resolution No. RES2026-35** was adopted, (a) overruling any and all objections to the 2026 Weed Abatement Commencement Report; and (b) directing the County of Santa Clara's Consumer and Environmental Protection Agency - Weed Abatement Program to abate the seasonal and/or recurrent public nuisances on those properties identified in the 2026 Weed Abatement Commencement Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Program Agreement between the City of San José and the County of Santa Clara. (11-0-0)

9. DEDEVELOPMENT – SUCCESSOR AGENCY

None provided.

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 CP24-036 & ER24-304 - Administrative Hearing on the Appeal of the Planning Commission's Denial of a Conditional Use Permit Located at 1692 Story Road.

(a) Conduct an Administrative Hearing to consider the appeal of the Planning Commission's denial of a Conditional Use Permit to allow late-night use (until 2:00 a.m. Friday through Sunday) for an existing public eating establishment within an existing approximately 7,442-square-foot tenant space on an approximately 3.34-gross-acre site, located on the southwestern side of South King Road approximately 150 feet northwest of the South King Road and Marsh Street intersection, (1692 Story Road Suite #100).

(b) Adopt a resolution denying the permit appeal and denying a Conditional Use Permit to allow late-night use (until 2:00 a.m. Friday through Sunday) for an existing public eating establishment within an existing approximately 7,442-square-foot tenant space on an approximately 3.34-gross-acre site, located on the southwestern side of South King Road approximately 150 feet northwest of the South King Road and Marsh Street intersection, (1692 Story Road Suite #100). CEQA: If denied: Exempt, File No. ER24-304, per CEQA Guidelines Section 15270 for projects which are denied. If approved: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. Council District 7.
(Planning, Building, and Code Enforcement)

Manira Sandhir, Deputy Director, Planning, Building and Code Enforcement Department (PBCE), offered the presentation and responded to questions.

Jerry Strangis, representative for the applicant, After Bar and Grill, was allotted five minutes to speak to the appeal.

Public Comment: Dennis Fong (Tropicana Shopping Center) and Jennie Koski (Tropicana Shopping Center) provided public testimony regarding the item.

Motion: Councilmember Bien Doan moved approval of the Conditional Use Permit, with the following suggestions:

- That the business moves forward in forming a business association.
- If possible, that the business use off duty San José police officers, or hire armed security officers.
- The business is to improve coordination with police and City departments.
- Give the community a place to meet monthly to discuss issues and work towards ongoing compliance with a commitment to public safety.

Councilmember Peter Ortiz seconded the motion.

Johnny Phan, Chief Deputy City Attorney, City Attorney's Office, responded to the Mayor's question.

Applicant, Elmer Orianna, responded to questions from Council.

Chau Pham, Sergeant, San José Police Department, responded to questions from Council.

Substitute Motion: Councilmember Anthony Tordillos moved approval of the staff recommendation to deny both the permit appeal and Conditional Use Permit. Councilmember Michael Mulcahy seconded the substitute motion.

Friendly Amendment: Councilmember Domingo Candelas requested that the substitute motion defer the item for six months to allow the business to continue their good will and efforts. *The friendly amendment was retracted after further discussion.*

Action: Upon motion by Councilmember Anthony Tordillos, seconded by Councilmember Michael Mulcahy, the substitute motion carried: (a) an administrative hearing was conducted to consider the appeal of the Planning Commission's denial of a Conditional Use Permit to allow late-night use (until 2:00 a.m. Friday through Sunday) for an existing public eating establishment within an existing approximately 7,442-square-foot tenant space; and (b) **Resolution No. RES2026-36** was adopted, denying the permit appeal and denying a Conditional Use Permit to allow late-night use (until 2:00 a.m. Friday through Sunday) for an existing public eating establishment within an existing approximately 7,442-square-foot tenant space. (7-4-0 Noes: Cohen, Ortiz, Doan, and Casey)

Open Forum

1. Ted S. addressed concerns related to the owner of the property where he resides.

Adjournment

The Council of the City of San José adjourned the meeting at 5:47 p.m., in memory and honor of Ken Heredia.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson,
Deputy City Clerk City of San José

Approved at Council on:

of Actions: 7



Toni Taber, MMC
City Clerk, City of San José



Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

February 10, 2026

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

Absent Councilmembers: All present.

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: | <u>In re: Claim of Garrison</u> |
| | Name(s) of Party(ies): | |
| | Court: | Worker's Compensation Appeals Court |
| | Case No: | ADJ13940024; ADJ13966446 |
| | Amount of Money or Other Relief Sought: | Benefits |
| 2. | Case Name: | <u>City of San Jose v. Smith, Jeffrey A, et al.</u> |
| | Name(s) of Party(ies): | CITY OF SAN JOSE, JEFFREY A. SMITH, ET AL. |
| | Court: | Superior Court of Santa Clara, County of Santa Clara |
| | Case No: | 24cv446781 |
| | Amount of Money or Other Relief Sought: | Damages according to proof |

B. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: Aram Kouyoumdjian, Director of Employee Relations
Employee Organizations:

1. Organization or Name and **Association of Building, Mechanical and Electrical**
 Title of Unrepresented **Inspectors (ABMEI)**
 Employees:
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract Memorandum of Agreement – City of San José and
 or MOA: Association of Building, Mechanical and Electrical
 Inspectors (ABMEI)
 How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/abmei)
 Existing Contract or MOA: [government/departments-offices/office-of-the-city-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/abmei)
 [manager/employee-relations/labor-relations-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/abmei)
 [information/bargaining-units-labor-contract-info/abmei](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/abmei)
 Telephone – Employee Relations: (408) 535-8150

2. Organization or Name and **Association of Engineers & Architects (AEA)**
 Title of Unrepresented
 Employees:
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract Memorandum of Agreement — City of San José and
 or MOA: Association of Engineers & Architects (AEA)
 How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea)
 Existing Contract or MOA: [government/departments-offices/office-of-the-city-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea)
 [manager/employee-relations/labor-relations-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea)
 [information/bargaining-units-labor-contract-info/aea](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/aea)
 Telephone – Employee Relations: (408) 535-8150

3. Organization or Name and **Association of Legal Professionals of San José (ALP)**
 Title of Unrepresented
 Employees:
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract Memorandum of Agreement – City of San José and
 or MOA: Association of Legal Professionals of San José
 How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/alp)
 Existing Contract or MOA: [government/departments-offices/office-of-the-city-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/alp)
 [manager/employee-relations/labor-relations-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/alp)
 [information/bargaining-units-labor-contract-info/alp](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/alp)
 Telephone – Employee Relations: (408) 535-8150

4. Organization or Name and **Association of Maintenance Supervisory Personnel**
 Title of Unrepresented **(AMSP)**
 Employees:
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract City of San José - Association of Maintenance
 or MOA: Supervisory Personnel (AMSP) Benefit &
 Compensation Summary
 How to Obtain a copy of Web: [https://www.sanjoseca.gov/your-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ama)
 Existing Contract or MOA: [government/departments-offices/office-of-the-city-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ama)
 [manager/employee-relations/labor-relations-](https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/ama)

- [information/bargaining-units-labor-contract-info/amsp](https://www.sanjoseca.gov/information/bargaining-units-labor-contract-info/amsp)
Telephone – Employee Relations: (408) 535-8150
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/camp>
Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/camp>
Telephone – Employee Relations: (408) 535-8150
6. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/mef>
Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Peace Officer Park Ranger Association
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/popra>
Telephone – Employee Relations: (408) 535-8150

8. Organization or Name and Title of Unrepresented Employees: **San José Police Dispatchers' Association (SJPDA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Municipal Employees' Federation (MEF), AFSCME, Local 101
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/sjpda>
Telephone – Employee Relations: (408) 535-8150