



# **City Council Meeting Draft Minutes**

**Tuesday, November 5, 2024  
1:30 PM  
Council Chambers**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10

- **Call to Order and Roll Call**

**9:30 a.m. - Closed Session.** *See Pages 17-19 for Closed Session Minutes.*

**Present Councilmembers:** Mahan, Kamei, Jimenez, Cohen,  
Ortiz, Candelas, Foley, Batra.

**Absent Councilmembers:** Torres, Davis, Doan.

**1:37 p.m. - Regular Session.**

**Present Councilmembers:** Mahan, Kamei, Jimenez, Cohen, Ortiz,  
Davis, Doan, Candelas, Foley, Batra.

**Absent Councilmembers:** Torres.

*After Item 8.3, Council adjourned into Closed Session to continue the discussion of Item D from the Closed Session Agenda.*

*Council were in Closed Session from 4:30-4:44 p.m.*

**4:45 p.m. – Continued Regular Session.**

**Present Councilmembers:** Mahan, Kamei, Jimenez, Cohen, Ortiz,  
Davis, Doan, Candelas, Foley, Batra.

**Absent Councilmembers:** Torres.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 10)**

Pastor Mario Cañas, from Victory Outreach San José offered the invocation with a prayer.

- **Orders of the Day**

None provided.

- **Closed Session Report**

None provided.

## 1. CEREMONIAL ITEMS

- 1.1 Councilmember Pam Foley and Councilmember Bien Doan presented the proclamation declaring November 17, 2024 as World Day of Remembrance in the City of San José to commemorate the victims of traffic violence and their families.
- 1.2 Councilmember Dev Davis presented the proclamation declaring November 2024 as National Adoption Month in the City of San José to raise awareness of adoption issues, highlight the need for adoptive families for teens and youth in the foster care system, and emphasize the importance of youth engagement.
- 1.3 Councilmember Peter Ortiz presented the proclamation declaring November 2024 as International Democracy Month to celebrate the legacy and work of San José activists for free and fair elections around the world.

## 2. CONSENT CALENDAR

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Peter Ortiz, and carried unanimously, the Consent Calendar was approved *as a whole*, the below actions were taken as indicated. (10-0-1; Absent: Torres)

### 2.1 Approval of City Council Minutes.

None provided.

### 2.2 24-2162 Final Adoption of Ordinances.

(a) Ordinance No. 31134 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.59 Gross Acres Situated on the South Side of Ambum Avenue, Approximately 250 Feet Westerly from Mitton Drive (3464 Ambum Avenue) (APN 654-55-015) from the R-1-5 Single-Family Residence Zoning District to the R-1-5(PD) Planned Development Zoning District.  
[Passed for Publication on 10/22/2024 - Item 10.3 (24-2113)]

Action: (a) **Ordinance No. 31134** was adopted, regarding the rezoning of certain real property of approximately 2.59 gross acres situated on the South Side of Ambum Avenue. (10-0-1; Absent: Torres)

### 2.3 24-2186 Approval of Council Committee Minutes.

(a) Regular Transportation and Environment Committee Minutes of October 2, 2023.  
(b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 4, 2023.

- (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 11, 2023.
  - (d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 18, 2023.
  - (e) Regular Neighborhood Services and Education Committee Minutes of October 12, 2023.
  - (f) Regular Public Safety, Finance and Strategic Support Committee Minutes of October 19, 2023.
  - (g) Regular Community and Economic Development Committee Minutes of October 23, 2023.
- 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. (10-0-1; Absent: Torres)

**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 24-2152 Adoption of an Ordinance Ratifying Final Expenditures in Various Appropriations for 2023-2024 and Adoption of the Associated Appropriation Ordinance and Funding Sources Resolution Amendments in 2023-2024.**

- (a) Adopt an ordinance ratifying final 2023-2024 expenditures in various appropriations as detailed in the report.
- (b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Home Investment Partnership Program Fund:
  - (1) Increase the Housing Loans and Grants appropriation to the Housing Department by \$5,625,000; and
  - (2) Decrease the Ending Fund Balance by \$5,625,000.
- (c) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
  - (1) Increase the Construction and Conveyance Tax revenue estimate by \$2,066,909;
  - (2) Increase the Revenue from the Use of Money/Property estimate by \$31,230;
  - (3) Increase the Needs-Based Allocation Transfer to District 1 by \$175,376;

- (4) Increase the Needs-Based Allocation Transfer to District 2 by \$99,292;
  - (5) Increase the Needs-Based Allocation Transfer to District 3 by \$87,066;
  - (6) Increase the Needs-Based Allocation Transfer to District 4 by \$56,638;
  - (7) Increase the Needs-Based Allocation Transfer to District 5 by \$178,054;
  - (8) Increase the Needs-Based Allocation Transfer to District 6 by \$98,832;
  - (9) Increase the Needs-Based Allocation Transfer to District 7 by \$169,318;
  - (10) Increase the Needs-Based Allocation Transfer to District 8 by \$133,533;
  - (11) Increase the Needs-Based Allocation Transfer to District 9 by \$104,864;
  - (12) Increase the Needs-Based Allocation Transfer to District 10 by \$67,944;
  - (13) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$585,956;
  - (14) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$310,036; and
  - (15) Increase the Transfer to the General Fund - Interest Income appropriation by \$31,230.
- (d) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Water Utility Fund:
- (1) Increase the Non-Personal/Equipment appropriation to the Environmental Services Department by \$1,230,957; and
  - (2) Decrease Ending Fund Balance by \$1,230,957.
- (e) Adopt the following 2023-2024 Appropriation Ordinance amendments in the General Fund:
- (1) Increase the Workers' Compensation Claims - Police appropriation to the Police Department by \$786,344;
  - (2) Increase the Workers' Compensation Claims - Fire appropriation to the Fire Department by \$217,969;
  - (3) Decrease the General Liability Claims appropriation to the Office of the City Attorney by \$813,633;
  - (4) Decrease the Workers' Compensation Claims - Other Departments appropriation to the Human Services Department by \$114,225;
  - (5) Decrease the Workers' Compensation Claims - PRNS appropriation to the Parks, Recreation, and Neighborhood Services Department by \$55,067;
  - (6) Decrease the Workers' Compensation Claims - Transportation appropriation to the Transportation Department by \$15,641; and
  - (7) Decrease the Workers' Compensation Claims - Public Works appropriation to the Public Works Department by \$5,747.
- (f) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund:

- (1) Increase the Health Plans appropriation to the Human Resources Department by \$93,418; and
- (2) Increase Transfers and Reimbursements estimate by \$93,418.
- (g) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
- (1) Increase the Revenue from the Use of Money/Property estimate by \$12,843; and
- (2) Increase the Transfer to the General Fund - Interest Income appropriation by \$12,843.
- (h) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
- (1) Increase the Construction and Conveyance Tax revenue estimate by \$5,814; and
- (2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$5,814.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Action:

- (a) **Ordinance No. 31135** was adopted, ratifying the final 2023-2024 expenditures in various appropriations as detailed in the report.
- (b) Appropriation **Ordinance No. 31136** was adopted, regarding the amendments in the Home Investment Partnership Program Fund:
- (c) Appropriation **Ordinance No. 31137**, and (c) Funding Sources **Resolution No. RES2024-382** were adopted, regarding the amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund.
- (d) Appropriation **Ordinance No. 31138** was adopted, regarding the amendments in the Water Utility Fund.
- (e) Appropriation **Ordinance No. 31139** was adopted, regarding the amendments in the General Fund.
- (f) Appropriation **Ordinance No. 31140** and (f) Funding Sources **Resolution No. RES2024-383** were adopted, regarding the amendments in the Benefit Fund.
- (g) Appropriation **Ordinance No. 31141** and (g) Funding Sources **Resolution No. RES2024-384** were adopted, regarding the amendments in the Construction Tax and Property Conveyance Tax Fund.
- (h) Appropriation **Ordinance No. 31142** and (h) Funding Sources **Resolution No. RES2024-385** were adopted, regarding amendments in the Construction Tax and Property Conveyance Tax Fund. (10-0-1; Absent: Torres)

**2.8 24-2153 Amendment to Chapter 6.88.840 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program.**

Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to allow Notice of Completed Registration transfers.

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

Action: **Ordinance No. 31143** was passed for publication, amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to allow Notice of Completed Registration transfers. (10-0-1; Absent: Torres)

**2.9 24-2166 Request for Travel Authorization for Mayor's Staff.**

Authorize travel, accept travel payments to the City of San José, and designate Mayor's Staff, Stephen Caines, as the City representative to attend the Project on Municipal Innovation Fall 2024 Convening in Cambridge, MA from November 7-9, 2024. Source of Funds: Harvard University through the Kresge Foundation (Travel and Lodging).

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

[Rules Committee referral 10/30/2024 - Item A.1.a]

Action: The request for travel for Mayor's Staff was authorized. (10-0-1; Absent: Torres)

**2.10 24-2173 Approval of Thanksgiving Dinner at Evans Lane Interim Housing Sponsored by Council District 6 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 October 30, 2024:

(a) Approve the Thanksgiving Dinner at Evans Lane Interim Housing scheduled on November 22, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; and

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

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

[Rules Committee referral 10/30/2024 - Item B.2]

Action: The City Council Sponsored Special Event was approved. (10-0-1; Absent: Torres)

**2.11 24-2179 Retroactive Approval of Multiple Special Events Sponsored by Council District 5 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 October 30, 2024:

- (a) Retroactively approve the Latinos for a New America (LUNA) Pachanga del Barrio scheduled on September 5, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
  - (b) Retroactively approve the Latino Heritage Month Celebration in Partnership with the Office of Assemblymember Alex Lee scheduled on September 23, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
  - (c) Retroactively approve the Dobern Neighborhood Association Halloween Block Party scheduled on October 26, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
  - (d) Retroactively approve the Pleasant Ridge Neighborhood Association Halloween Bash and Block Party scheduled on October 27, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
  - (e) 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. (Ortiz)  
 [Rules Committee referral 10/30/2024 - Item B.3]

Action: The City Council Sponsored Special Events were retroactively approved. (10-0-1; Absent: Torres)

**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 24-2154 Retirement Plan’s Comprehensive Annual Investment Fee Reports for Calendar Year 2023.**

Accept the following reports:

- (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2023.
- (b) Federated City Employees’ Retirement System Comprehensive Annual Fee report for calendar year 2023.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments,



Annual Reports, and Informational Memorandums that involve no approvals of any City action. (Retirement Services)

John Flynn, Director, Retirement Services and Jay Quan, Head of Public Markets, Senior Investment Officer offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2023 and (b) Federated City Employees’ Retirement System Comprehensive Annual Fee report for calendar year 2023 were accepted. (10-0-1; Absent: Torres)

**4. PUBLIC SAFETY SERVICES**

**5. TRANSPORTATION & AVIATION SERVICES**

**6. ENVIRONMENTAL & UTILITY SERVICES**

**7. NEIGHBORHOOD SERVICES**

**7.1 24-2155 Consolidated Annual Homelessness Report and Implementation Plan Update.**

As recommended by the Neighborhood Services and Education Committee on October 10, 2024, accept the Fiscal Year 2023-2024 City of San José’s Consolidated Annual Homelessness Report and the Annual Implementation Plan Update.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager/Economic Development and Cultural Affairs/Housing/Library/Parks, Recreation and Neighborhood Services) [Neighborhood Services and Education Committee referral 10/10/2024 - Item (d)1]

Erik L. Soliván, Housing Director; Jon Cicirelli, Director, Parks, Recreation Neighborhood Services (PRNS); John Ristow, Director, Department of Transportation; and Omar Passons, Deputy City Manager offered the presentation and responded to questions.

Public Comment: James Campbell, Gail Osmer, and Michelle M. provided public testimony regarding the item.

Councilmember Arjun Batra requested that staff bring back recommendation 4 of his blue memorandum, dated, November 5, 2024, for further discussion (*not a part of the motion*) during the Budget Process, which reads as follows: Add to the requested February 2025 Information Memorandum potential options to expand workforce development programs to residents of oversized vehicles and corresponding required budget supplements to implement these options.

Erik Solivan, Director, Housing Department confirmed that was feasible.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, the Fiscal Year 2023-2024 City of San José's Consolidated Annual Homelessness Report and the Annual Implementation Plan Update were accepted.

Including acceptance of the *amended* joint memorandum co-authored by Mayor Matt Mahan, Vice Mayor Rosemary Kamei, Councilmember David Cohen, Councilmember Dev Davis, and Councilmember Pam Foley, dated, November 5, 2024, recommending the following:

Accept the Consolidated Annual Homelessness Report and Implementation Plan Update

- 1.) Publish and disseminate the updated Code of Conduct to encampments in December 2024 and include the following considerations that could trigger an escalated cleanup or abatement:
  - a.) Fire risk or damage, as assessed by the Fire Department;
  - b.) Damage to public infrastructure, utilities, and vegetation;
  - c.) Accumulation and use of building materials; and
  - d.) Extended length of stay at a single location.
- 2.) Direct staff to produce an Information Memo by ~~February~~ *April* 2025 assessing:
  - a.) The impact of increased abatement capacity and Code of Conduct enforcement, such as
    - i.) The reduction or increase in the number of Tier 1, Tier 2, and Tier 3 encampments
    - ii.) The number of encampments where Code of Conduct enforcement led to an escalated clean-up, abatement, or cooperative behavior change
    - iii.) Average response times for reviewing, responding to, and resolving Code of Conduct violations
  - b.) Initial outcomes and metrics associated with the Oversized Vehicle Regulation Pilot Program, such as
    - i.) Number of tows conducted during the pilot
    - ii.) Locations designated as permanent tow away zones
    - iii.) Criteria for selecting enhanced street sweeping locations
  - c.) Progress towards implementing the Homeward Bound program
  - d.) Progress on the Homelessness Data Consolidation Project and the development of a Public Data Dashboard

Also including acceptance of *only recommendation 3* of the blue memorandum authored by Councilmember Arjun Batra, dated, November 5, 2024, recommending the following:

Direct City staff to:

- 1.) ~~Accept the Consolidated Annual Homelessness Report and Implementation Plan Update.~~
- 2.) ~~Accept the memorandum from Mayor Mahan, Vice Mayor Rosemary Kamei,~~

~~Councilmembers David Cohen, Dev Davis, and Pam Foley.~~

- 3.) Expand the Good Neighbor Guidelines for encampments to include oversized and lived-in vehicles and add to the updated Code of Conduct to be disseminated in December 2024.
  - 4.) ~~Add to the requested February 2025 Information Memorandum potential options to expand workforce development programs to residents of oversized vehicles and corresponding required budget supplements to implement these options.~~
- (10-0-1; Absent: Torres)

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

### **8.1 24-2156 Resolution of Intention to Establish a Pedestrian Mall on Post Street.**

(a) Adopt a Resolution of Intention to establish a pedestrian mall on Post Street between South First Street and Lightston Alley pursuant to the Pedestrian Mall Law of 1960.

(b) Set a public hearing date for Tuesday, February 25, 2025, at 1:30 p.m. in accordance with the Pedestrian Mall Law of 1960.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(c) Existing Facilities, File No. ER24-259. Council District 3. (Economic Development and Cultural Affairs)

Nathan Donato-Weinstein, Downtown Manager, Office of Economic Development and Cultural Affairs and Chris Arkley, Downtown Coordinator, Office of Economic Development and Cultural Affairs offered the presentation and responded to questions.

Public Comment: Ryan Brown (SJ Evergreen Community College District), Nathan S., Erik Nielson (55 South), Blair Carson (Pageboy), and Nate Leblanc (SJ Downtown Association) provided public testimony regarding the item.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Dev Davis, and carried unanimously, (a) **Resolution No. RES2024-386** of Intention was adopted, establishing a pedestrian mall on Post Street between South First Street and Lightston Alley pursuant to the Pedestrian Mall Law of 1960; and (b) a public hearing date was set for Tuesday, February 25, 2025, at 1:30 p.m. in accordance with the Pedestrian Mall Law of 1960.

Including the blue memorandum authored by Mayor Matt Mahan, dated, November 5, 2024, recommending the following: Approve staff recommendations and direct the Administration to extend the Post Street Traffic Closure Pilot Program through March 2025. (10-0-1; Absent: Torres)

**8.2 24-2157 Establishment of the Tully Road Eastridge Business Improvement District and Approval to Levy Assessments in the Tully Road Eastridge Business Improvement District for the Remainder of Fiscal Year 2024-2025.**

- (a) Conduct a public hearing and approve an ordinance to establish the Tully Road Eastridge Business Improvement District.
  - (b) Conduct a public hearing and adopt a resolution approving the budget and the levy of assessments for the Tully Road Eastridge Business Improvement District for the remainder of Fiscal Year 2024-2025.
  - (c) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement with Tully Road Eastridge Business Association for the administration of the Tully Road Eastridge Business Improvement District.
- 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 impact on the environment. Council Districts 7 and 8. (Economic Development and Cultural Affairs)

Mayor Mahan requested to know if any written protests were received from affected businesses in the proposed Business Improvement District (BID). Joy Rodriguez, Assistant City Clerk notified that no written protests were received from the businesses in the proposed BID.

Mayor Mahan opened the public hearing.

There was no public testimony.

Mayor Mahan closed the public hearing.

Public Comment: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Bien Doan, and carried unanimously, (a) a public hearing was conducted, and (a) **Ordinance No. 31144** was *passed for publication*, to establish the Tully Road Eastridge Business Improvement District; (b) a public hearing was conducted and (b) **Resolution No. RES2024-387** was adopted, approving the budget and the levy of assessments for the Tully Road Eastridge Business Improvement District for the remainder of Fiscal Year 2024 2025; and (c) **Resolution No. RES2024-388** was adopted, authorizing the City Manager or her designee to negotiate and execute an agreement with Tully Road Eastridge Business Association for the administration of the Tully Road Eastridge Business Improvement District. (10-0-1; Absent: Torres)

**8.3 24-2187 Memorandum of Agreement with County of Santa Clara and the San José Earthquakes for Public Soccer Fields at the San José Earthquakes Sports Complex at the County of Santa Clara Fairgrounds.**

- (a) Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Memorandum of Agreement and related

documents with the County of Santa Clara and the San José Earthquakes for the City to contribute a total of \$6,000,000, subject to the appropriation of funds, for the development of public soccer fields at the County of Santa Clara Fairgrounds.

(b) Consistent with City Council's approval of Manager's Budget Addendum #20, San José Earthquakes Sports Complex, that was incorporated into the Mayor's June Budget Message for Fiscal Year 2024-2025, prioritize the allocation of one-time funding of \$6,000,000 during a future budget process, with \$1,000,000 anticipated to be available by July 1, 2025.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, feasibility and planning studies with no commitment to future actions. Council District 7. (Economic Development and Cultural Affairs/Public Works/City Manager)

[Rules Committee referral 10/30/2024 - Item A.1.a]

Lee Wilcox, Assistant City Manager; Nanci Klein, Economic Development Director ; Jim Shannon, Budget Director; Matt Loesch, Public Works Director; and Kevin Ice, Assistant to the City Manager offered the presentation and responded to questions.

Public Comment: Susan Butler-Graham (on behalf of Linda Hutchins-Knowles & Mothers Out Front) provided public testimony regarding the item.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Dev Davis, and carried unanimously, (a) **Resolution No. RES2024-389** was adopted, authorizing the City Manager, or her designee, to negotiate and execute a Memorandum of Agreement and related documents with the County of Santa Clara and the San José Earthquakes for the City to contribute a total of \$6,000,000, and (b) the allocation of one-time funding of \$6,000,000 during a future budget process, with \$1,000,000 anticipated to be available by July 1, 2025 was prioritized.

Including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Dev Davis, Councilmember Peter Ortiz, and Councilmember Bien Doan, dated, November 1, 2025, recommending the following: Accept staff's recommendation authorizing the Administration to negotiate and execute an agreement and related documents with the County of Santa Clara and the San José Earthquakes for the development of public soccer fields at the Santa Clara County Fairgrounds.

(10-0-1; Absent: Torres)

*After Item 8.3, Mayor Mahan announced that Council needed to adjourn into Closed Session to continue the discussion of Item D from the Closed Session Agenda.*

*Council were in Closed Session from 4:30-4:44 p.m.*

*Council continued the Regular Session at 4:45 p.m.*

## 8.4 24-2191

**San José Innovative Project Pathway Program.**

As recommended by the Rules and Open Government Committee on October 30, 2024, create the San José Innovative Project Pathway Program (Pathway Program) to streamline the approval of development projects that provide an extraordinary benefit to the City of San José.

The Pathway Program will provide a clear policy route for securing approval of innovative investment projects. The Pathway Program will:

(a) Accept project applications that meaningfully advance city goals and require amendments to general plan text, zoning code allowed uses, or development standards or regulations.

(b) Establish objective criteria for evaluating Pathway Program applications, ensuring alignment with city goals such as the city's fiscal health, job creation potential, housing production, and sustainability.

(c) Delineate a clear submission process and minimum criteria for applicants, including required documentation and fees.

(d) Restrict the initial geographical scope of this new program to the boundaries of the Downtown Growth Area.

(e) Establish an early consideration review process at City Council for Pathway Program applications that meet pre-established criteria, enabling the Council to provide clear, timely direction to staff on whether to proceed with processing the application further.

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

(Mayor, Davis and Foley)

[Rules Committee referral 10/30/2024 - Item C.1]

Public Comment: Doug Bloch (Silicon Valley MEPS) and Harry Neil provided public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the San José Innovative Project Pathway Program (Pathway Program) was created to streamline the approval of development projects that provide an extraordinary benefit to the City of San José.

Including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Dev Davis, Councilmember Pam Foley, Councilmember David Cohen, and Councilmember Domingo Candelas, dated, November 1, 2024, recommending the following: Approve the October 30, 2024, Rules Committee Memorandum regarding the San José Innovative Project Pathway Program, co-authored by the Mayor, Davis, and Foley.

Also including acceptance of the Rules Committee Memorandum (Item C.1), regarding the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Dev Davis, and Councilmember Pam Foley, dated, October 24, 2024, recommending the following:

- 1.) Create the San Jose Innovative Project Pathway Program (Pathway Program) to streamline the approval of development projects that provide an extraordinary benefit to the City of San Jose. The Pathway Program will provide a clear policy route for securing approval of innovative investment projects. The Pathway Program will:

- a.) Accept project applications that meaningfully advance city goals and require amendments to general plan text, zoning code allowed uses, or development standards or regulations.
- b. Establish objective criteria for evaluating Pathway Program applications, ensuring alignment with city goals such as the city's fiscal health, job creation potential, housing production, and sustainability.
- c. Delineate a clear submission process and minimum criteria for applicants, including required documentation and fees.
- d. Restrict the initial geographical scope of this new program to the boundaries of the Downtown Growth Area.
- e. Establish an early consideration review process at City Council for Pathway Program applications that meet pre-established criteria, enabling the Council to provide clear, timely direction to staff on whether to proceed with processing the application further.

(10-0-1; Absent: Torres)

## **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**

##### **• Open Forum**

*Members from (United Sovereign Americans) spoke collectively regarding a packet submitted to Council for review.*

1. Joanie (United Sovereign Americans) addressed concerns with the findings from the official 2022 voter rules provided by the California Secretary of State, regarding voter registration records and inaccuracies.
2. Jean (United Sovereign Americans) urged for Council support and action regarding the resolution in the packet provided City Council, regarding the 2024 general election.
3. Jo (United Sovereign Americans) addressed the second portion of the USA resolution, regarding voting violations in excess of the legal standard of system accuracy for valid federal election.
4. Alicia (United Sovereign Americans) spoke to the last section of the USA resolution, stating that the election operations and systems must maintain end to end chain of custody from voter to vote count including auditability and witness transfer, with paper records, and spoke to the 14th amendment.
5. Sue (United Sovereign Americans) urged the Santa Clara Board of Supervisors, California Legislature, federal legislatures, law enforcement, federal and state prosecutors, judges in both California Secretary of State and County Registrar of Voters to cooperate and fulfill the firm requests of the people.

6. Brian B. (United Sovereign Americans) spoke to his experience and concerns with his observations serving as an election observer at a volunteer capacity in Santa Clara County, witnessing firsthand a number of violations with the California Elections Code, the California Code of Regulations, and the voting system use procedures.
7. Dennis (Election Integrity Project California) spoke in support of the previous speakers and his concerns with nobody wanting to listen regarding people’s trust in the election voting process.
8. Steve Bennett spoke to the Cities decision to put tar and gravel on the road in his neighborhood and the concerns and frustrations of the neighborhood’s residents due to tracking tar and gravel into their homes.

• **Adjournment**

The Council of the City of San José adjourned at 5:12 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

***DRAFT***

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Yasmin Johnson,  
Deputy City Clerk City of San José

Approved at Council on:

# of Actions: 7

Attest By:

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





**SAN JOSÉ CITY COUNCIL CLOSEDSESSIONMINUTES**

**November 5, 2024**

**Present Councilmembers:** Mahan, Kamei, Jimenez, Cohen, Ortiz, Candelas, Foley, Batra.

**Absent Councilmembers:** Torres, Davis, Doan.

**Place:** City Hall Conference Room W-133

**Time:** 9:30 a.m.

**CLOSEDSESSIONITEM(S) DISCUSSED:**

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

City Negotiator: Jennifer Schembri, Director of Employee Relations  
Employee Organizations:

- 1. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**  
 Nature of negotiations: wages/salaries, hours, working conditions, etc.  
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230  
 How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/iaff>  
 Telephone – Employee Relations: (408) 535-8150

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

- 1. Case Name: In re: Claim of Wong  
 Name(s) of Party(ies)

Court: Worker’s Compensation Appeals Court  
Case No: ADJ17276539, ADJ19801127

Amount of Money or Other Benefits  
Relief Sought:

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

2. Case Name: In re: Claim of Ureta  
Name(s) of Party(ies)

Court: Worker’s Compensation Appeals Court  
Case No: ADJ17340202, ADJ19880265  
Amount of Money or Other Benefits  
Relief Sought:

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

3. Case Name: In re: Claim of Mathews  
Name(s) of Party(ies)

Court: Worker’s Compensation Appeals Court  
Case No: ADJ17328915  
Amount of Money or Other Benefits  
Relief Sought:

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

4. Case Name: Jill Buckley v. City of San Jose  
Name(s) of Party(ies) JILL BUCKLEY, CITY OF SAN JOSE

Court: Superior Court, Santa Clara County  
Case No: 22CV409206  
Amount of Money or Other Damages according to proof  
Relief Sought:

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

5. Case Name: Dolce International/San Jose, LLC v. City of San Jose  
Name(s) of Party(ies) DOLCE INTERNATIONAL/SAN JOSE, LLC, CITY OF SAN JOSE, CALIFORNIA, JOHN DOE ENTITIES 1-10,

Court: United States District Court of Northern District of California  
Case No: 5:20-CV-03774-EJD  
Amount of Money or Other Damages according to proof

Relief Sought:

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

Initiation of litigation pursuant to Sections 54956.9(d)(4) of the Government code:

Number of matter(s) to be discussed: 1

**D. 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: 1

**E. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:**

Department or Agency: City Clerk  
Title: City Clerk

Department or Agency: City Attorney  
Title: City Attorney

Department or Agency: City Auditor  
Title: City Auditor

Department or Agency: City Clerk  
Title: City Clerk