



# **CITY COUNCIL MEETING**

## **Draft Minutes**

**Tuesday, June 10, 2025**

**11:00 AM**

**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**

**9:30 a.m.- Closed Session.** *See Pages 27-28 for Closed Session Minutes.*

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

Absent Councilmembers: All present.

**11:02 a.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 6)**

The Vivace Chorus offered a performance for this invocation.

- **Orders of the Day**

None provided.

- **Adjournment Recognition**

None provided.

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Michael Mulcahy presented a commendation honoring Voyager Craft Coffee for their ongoing dedication as a locally grown business that exemplifies San José's entrepreneurial spirit, craftsmanship, and commitment to community.
- 1.2 Councilmember Peter Ortiz presented a proclamation declaring June 2025 as Portuguese Heritage Month honoring the contributions of the Portuguese-American community to the City of San José.
- 1.3 Councilmember Domingo Candelas presented a proclamation declaring June 12, 2025 as Philippines Independence Day honoring the rich cultural heritage, resilience, and contributions

of the Filipino community in San José.

## 2. **CONSENT CALENDAR**

Public Comment: Roland and Betsy offered public testimony regarding the Consent Calendar.

Councilmember Michael Mulcahy recused himself from Item 2.22 due to a family member's association with the Willow Glen Community Benefit Improvement District.

Per the City Attorney's recommendation, Mayor Matt Mahan pulled Item 2.26 for a separate vote.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously, the Consent Calendar was approved as a whole, *excluding item 2.26*, and the below actions were taken as indicated. (11-0-0)

*Mayor Matt Mahan announced that public comment would be limited to 1-minute for the entirety of the City Council Meeting.*

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

None provided.

### 2.2 **Final Adoption of Ordinances.**

- (a) Ordinance No. 31207 - An Ordinance of the City of San José Amending Chapter 13.16 of Title 13 of the San José Municipal Code Related to the Establishment and Regulation of Entertainment Zones Pursuant to SB 969 to Allow for the Sale of Certain Alcoholic Beverages by Licensed Establishments for Consumption Outside in Designated Plazas, Public Streets, Sidewalks, or Public Rights-of-Way Subject to a Special Events Permit; and Making Other Conforming Changes to Section 10.10.030 of Chapter 10.10 of the San José Municipal Code.  
[Passed for Publication on 6/3/2025 - Item 2.14 (25-614)]

Action: **Ordinance No. 31207** was adopted. (11-0-0)

### 2.3 **Approval of Council Committee Minutes.**

None provided.

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

- (a) Councilmember Ortiz from the regular meeting of Transportation and Environment Committee on June 2, 2025 due to illness.
- (b) Councilmember Kamei from the regular meeting of Rules and Open Government Committee and Committee of the Whole on June 4, 2025 due to authorized City business - attendance of the June 4, 2025 Santa Clara County Local Agency Formation Commission (LAFCO) meeting.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Ortiz & Kamei)  
[Rules Committee referral 6/4/2025 - Item A.1.a]

Action: The requests for the excused absences for Councilmember Peter Ortiz and Councilmember Rosemary Kamei were 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 Amendment to the Lease of Airport Premises with MAC Cargo Handling, LLC for Air Cargo Operations.**

Approve the settlement in the case Derrick Sanderlin, et al. v. City of San José, et al. in the total amount of \$620,000 to resolve claims brought by the seven plaintiffs with pending claims and authorize the City Attorney to execute settlement agreements with those plaintiffs.

Action: **Resolution No. RES2025-186** was adopted, regarding the amendment to the lease of Airport Premises with MAC Cargo Handling, LLC was approved. (11-0-0)

**2.8 Amendment to the Agreement with Richards, Watson & Gershon for Legal Services Related to Complex Real Estate Development and Planning.**

Adopt a resolution authorizing the City Attorney to negotiate and execute a Tenth Amendment to the Agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term of the Agreement from June 30, 2025 to June 30, 2026, with no increase in the maximum amount of compensation. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: **Resolution No. RES2025-187** was adopted, regarding the amendment to the agreement with Richards, Watson & Gershon for Legal Services related to Complex Real Estate development and planning was approved. (11-0-0)

**2.9 Fifth Amendment to Legal Services Agreement with Ashurst LLP Related to the Mass Transit Airport Connector Project at the San José Mineta International Airport.**

Adopt a resolution authorizing the City Attorney to negotiate and execute:

- (a) A Fifth Amendment to the Agreement with Ashurst LLP for legal services related to the mass transit airport connector project at the San José Mineta International Airport, extending the term of the Agreement from June 30, 2025 to June 30, 2026, with no increase in the maximum amount of compensation; and
- (b) Future amendments to the Agreement to extend the term of the Agreement during the project implementation phase of the airport connector project.

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

Action: **Resolution No. RES2025-188** was adopted, regarding the fifth amendment to the Legal Services agreement with Ashurst LLP related to the Mass Transit Airport Connector Project at the San Jose Mineta International Airport was approved. (11-0-0)

**2.10 City Manager's Travel to Austin, Texas.**

Authorize travel for City Manager Jennifer Maguire to Austin, Texas, from July 24 - 26, 2025, to participate in the Large Cities Executive Forum. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: City Manager Jennifer Maguire's travel to Austin Texas was approved. (11-0-0)

**2.11 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for Fiscal Year 2025-2026.**

Adopt an annual resolution authorizing the City Manager or her designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act Program and projects:

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the Workforce Innovation and Opportunity Act Program and workforce programs funded by other sources, including, but not limited to, novation or assignments, case management contracts, and consultant contracts, for the period July 1, 2025 to June 30, 2026 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2022 to June 30, 2026 in accordance with Section 121 of the Workforce Innovation and Opportunity Act, including, but not limited to, memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of California<sup>SM</sup>, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement;
- (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (d) All grant applications, grant agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed

and approved, as required, by the work2future Board, for the period from July 1, 2025, to June 30, 2026, subject to annual appropriation of funds by the Workforce Development Board;

- (f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2026), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement; and
- (g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2026). CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Economic Development and Cultural Affairs)

Action: **Resolution No. RES2025-189** was adopted, regarding the annual authorization for Workforce Innovation and Opportunity Act Program and projects for the fiscal year 2025-2026 were approved. (11-0-0)

## **2.12 Actions Related to the Tully Road Eastridge Business Improvement District 2025-2026 Budget Report, 2025-2026 Annual Assessments, and Setting a Public Hearing on the Levy of Assessments.**

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

- (a) Amend purchase order OP 65992 with Freon Free, Inc. (Fairfield, CA) for appliance, tire, and e-waste disposal services, to increase the total compensation by \$250,000 for a maximum compensation not-to-exceed \$550,000 for the one-year period ending November 12, 2025; and
- (b) Exercise up to six one-year options to extend the term of the purchase order with the last option ending on or about November 12, 2031, subject to the appropriation of funds. CEQA: Categorically Exempt, File No. PP16-011, CEQA Guidelines Section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. (Finance)

Action: **Resolution No. RES2025-190** was adopted, regarding all actions related to the Tully Road Eastridge Business Improvement District 2025-2026 Budget Report, 2025-2026 Annual Assessments, and setting of a public hearing on the Levy of Assessments was approved. (11-0-0)

## **2.13 Approval to Increase the Library Parcel Tax Rates for Fiscal Year 2025-2026.**

Adopt a resolution increasing the Library Parcel Tax rates for Fiscal Year 2025-2026 by 2.69% over the Fiscal Year 2024-2025 rates and approving the placement of the Library Parcel Tax on the Fiscal Year 2025-2026 Santa Clara County Property Tax Roll. CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/Library)

Action: **Resolution No. RES2025-191** was adopted, regarding the approval to increase the Library Parcel Tax Rates for fiscal year 2025-2026. (11-0-0)

## **2.14 Fire Department First Responder Fee Program Ordinance.**

Approve an ordinance amending Title 10 of the San José Municipal Code to add Chapter 10.44 to establish the First Responder Fee Program effective January 1, 2026, and provide procedures for its operation and management. CEQA: Not a Project, File No. PP17-008, General procedure and policy making resulting in no changes to the physical environment.

(Fire)

Action: The Fire Department First Responder Fee Program **Ordinance No. 31212** was *passed for publication*. (11-0-0)

## 2.15 Fire Hazard Severity Zone Map Ordinance and Community Wildfire Protection Plan.

- (a) Approve an ordinance amending Section 17.12.875 of Chapter 17.12 of Title 17 of the San José Municipal Code to adopt the updated Fire Hazard Severity Zone maps as established by the California Department of Forestry and Fire Protection (CAL FIRE) State Fire Marshal, as mandated by Senate Bill 63.
- (b) Accept the 2024 Santa Clara County Community Wildfire Protection Plan: Annex 10 City of San José. CEQA: Not a Project, File No. PP17-008, General procedure and policy making resulting in no changes to the physical environment. (Fire)

Action: (a) **Ordinance No. 31213** was *passed for publication* and, (b) the Fire Hazard Severity Zone Map Ordinance and Community Wildfire Protection Plan was approved. (11-0-0)

## 2.16 Amendment to the Mobilehome Rent Ordinance.

Approve an ordinance amending the Mobilehome Rent Ordinance Sections 17.22.160 and 17.22.270, add a new Section 17.22.235, and add a new Part 10 to Chapter 17.22 of Title 17 of the San José Municipal Code to make technical clarifying revisions to the definitions of the Mobilehome Rent Ordinance. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

Action: **Ordinance No. 31214** was *passed for publication*, regarding the amendment to the Mobilehome Rent Ordinance was approved. (11-0-0)

## 2.17 San José Municipal Water System's Water Supply Assessment for the 211-281 River Oaks Parkway Project.

- (a) Adopt a resolution:
  - (1) Approving a grant award to Habitat for Humanity East Bay/Silicon Valley Inc. in an amount of \$250,000 in Measure E Funds for downpayment assistance to decrease the sale price of four very-low to low-income for-sale affordable units located at the corner of East Reed Street and South 4th Street; and
  - (2) Authorizing the Housing Director, or his designee, to negotiate and execute grant documents, any amendments thereto, and all other documents related to the sale of the four affordable units and any underlying documents required for the closing of the construction financing.
- (b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Real Property Transfer Tax Fund:
  - (1) Increase the Measure E - 5% Moderate-Income Households appropriation to the Housing Department by \$250,000; and
  - (2) Decrease the Measure E - 5% Moderate-Income Households Reserve by \$250,000.
- (c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Affordable Housing Impact Fee Fund:
  - (1) Decrease the Housing Loans and Grants appropriation to the Housing Department by \$250,000; and
  - (2) Increase the Unrestricted Ending Fund Balance appropriation by \$250,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Housing/City Manager)

Action: (a) **Resolution No. RES2025-192** was adopted, (b) **Ordinance No. 31215** was adopted, (c) **Ordinance No. 31216** was adopted, regarding the San Jose Municipal Water System's Water Supply Assessment for the 211-281 River Oaks Parkway Project.(11-0-0)

**2.18 Amendment to the Joint Use Agreement with Archbishop Mitty High School for Use and Maintenance of John Mise Park.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the existing joint use agreement with the Roman Catholic Welfare Corporation of San José (operating as Archbishop Mitty High School) for the continued shared use and maintenance of John Mise Park. CEQA: Categorically Exempt, File No. ER25-100, CEQA Guidelines Section 15301, Existing Facilities. Council District 1. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. RES2025-193** was adopted, regarding the amendment to the Joint Use Agreement with Archbishop Mitty High School for use and maintenance of John Mise Park was approved. (11-0-0)

**2.19 Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services Fiscal Year 2025-2026 Agreements.**

Adopt a resolution, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager authorizing the Director of Parks, Recreation, and Neighborhood Services, or his designee, to apply for, accept funds, negotiate, and execute Fiscal Year 2025-2026 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation, and Neighborhood Services Director" consistent with Adopted Budget amounts for the following programs and/or services:

- (a) Afterschool Education and Safety;
- (b) BeautifySJ Grant Program Fiscal Agent Agreement;
- (c) BeautifySJ Initiative:
  - (1) Encampment Trash Program
  - (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
  - (3) Interagency Agreements;
  - (4) Memoranda of Understanding;
- (d) Capital Improvement Program Master Consultant Projects;
- (e) Citywide Aquatics Program;
- (f) Community Beautification and Park Maintenance Services Provider Agreements;
- (g) Facility Rental Agreements at Non-City Owned Sites for Department or Staff Needs;
- (h) Facility Use Agreements:
  - (1) Leisure and Recreation Fee Class Vendor Agreements;
  - (2) Family Camp;
  - (3) Neighborhood Center Partner Program;
  - (4) Recreation of City Kids (R.O.C.K.) Program;
  - (5) San José Youth Empowerment Alliance;
  - (6) Therapeutic Services; and
  - (7) Training and Development Program;
- (i) "Friends of" PRNS Non-Profit Organization Partners;
- (j) Golf Course Agreement;
- (k) Grantmaking Programs;



- (1) Bringing Everyone's Strengths Together;
- (2) BeautifySJ Neighborhood Associations Grants Program;
- (3) Franklin-McKinley Children's Initiative
- (4) Safe Summer Initiative Grant;
- (5) Saint James/Urban Park Activation;
- (6) Older Adult Health and Wellness (formerly Senior Health and Wellness);
- (7) Opioid Overdose Prevention Grant Program; and
- (8) Trauma to Triumph;
- (l) Grant Revenue Agreements;
- (m) Happy Hollow Park & Zoo:
  - (1) Education Programs; and
  - (2) Private Events;
- (n) Joint Use Agreements with School Districts
- (o) Leisure and Recreation Fee Class Vendor Service Agreements;
- (p) Little League Agreements;
- (q) Mitigation Monitoring and Maintenance Support Services;
- (r) Neighborhood Center Partner Program;
- (s) Park Concessionaires Agreements;
- (t) Reimbursement Agreements;
- (u) Right-of-Entry Agreements;
- (v) San José Police Activities League Agreement;
- (w) San José Youth Empowerment Alliance:
  - (1) Agreements with subcontracted agencies to implement Alliance programs;
  - (2) Memoranda of Understanding; and
  - (3) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph);
- (x) County of Santa Clara Agreement for Senior Nutrition Program;
- (y) Sponsorship Agreements;
- (z) Standard Consultant Agreements for Non-Capital Projects;
- (aa) Summer Food Service Program;
- (ab) Revenue Agreements;
- (ac) Agreements as Directed and approved in the Mayor's Budget Messages;
- (ad) Memoranda of Understanding at Community Centers, Regional Parks, and Other Facilities;
- (ae) Agreements Related to Employment Training and Fieldwork Opportunities; and
- (af) Outdoor Recreation Legacy Partnership Grant Agreement for the Brickyard Park Project.

CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions; File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in potentially significant physical impact on the environment; File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application; and Categorically Exempt, File No. ER22-245. CEQA Guidelines Section 15332, Infill Development Projects. (Spartan Keyes Park). (Parks, Recreation and Neighborhood Services)

**Action:** **Resolution No. RES2025-194** was adopted, regarding the authorization to negotiate and execute Parks, Recreation and Neighborhood Services fiscal year 2025-2026 agreements was approved. (11-0-0)

**2.20 Report on Bids and Award of Contract for the 5983 - Almaden Supplement Sewer Rehabilitation (North) Project.**

- (a) Report on bids and award of contract for the construction of 5983 - Almaden Supplement Sewer Rehabilitation (North) Project to the lowest responsive, responsible bidder, Insituform Technologies, Inc., in the amount of \$4,444,845; and
- (b) Approve a 10% contingency in the amount of \$444,485. CEQA: Exempt, File No. ER24-261, CEQA Guidelines Sections 15301 (b) Existing Facilities. Council District 3 and 7. (Public Works)

Action: The report on bids and award of contract for the 5983 – Almaden Supplement Sewer Rehabilitation (North) Project were accepted. (11-0-0)

**2.21 Report on Bids and Award of Contract for the 10505 - Sanitary Sewer Repairs Fiscal Year 2024-2025 Package VI Project.**

- (a) Report on bids and award of contract for the construction of 10505 - Sanitary Sewer Repairs Fiscal Year 2024-2025 Package VI Project to the lowest responsive, responsible bidder, SubTerra Construction, Inc., in the amount of \$1,338,796; and
- (b) Approve a 10% contingency in the amount of \$133,880. CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities, and 15302(c) Replacement or Reconstruction. (Public Works)

Action: The report on bids and award of contract for the 10505 – Sanitary Sewer Repairs Fiscal Year 2024-2025 Package VI Project were accepted. (11-0-0)

**2.22 Willow Glen Community Benefit Improvement District Annual Report for Fiscal Year 2025-2026.**

Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2025-2026 as filed or modified by City Council; and to confirm and levy the individual assessments as filed or modified by the City Council; and
- (b) Directing the Director of Public Works to deliver the assessment roll to County of Santa Clara for collection with the property taxes.

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 District 6. (Public Works)

Councilmember Michael Mulcahy recused himself from the Item.

Action: **Resolution No. RES2025-195** was adopted, regarding the Willow Glen Community Benefit Improvement District Annual Report for fiscal year 2025-2026. (10-0-0-1; Recused: Mulcahy)

**2.23 Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.**

Approve the proposed Fiscal Year 2024/2025 - 2029/2030 Work Plan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. 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. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Public Works)

Action: All actions related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility program were approved. (11-0-0)

**2.24 Amendment to the Cooperative Agreement with Santa Clara Valley Transportation Authority for the I-880/Montague Expressway Interchange and McCarthy/O'Toole Intersection Improvement Projects.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority to initiate preliminary engineering and obtain environmental clearance for the I-880/Montague Expressway Interchange and McCarthy/O'Toole Intersection Improvement Project, with an increase of the total not to exceed amount by \$7,500,000 from \$2,000,000 to \$9,500,000 and an extension term of the agreement to December 31, 2027. CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. Council District 4. (Transportation)

Action: **Resolution No. RES2025-196** was adopted, regarding the amendment to the cooperative agreement with Santa Clara Valley Transportation Authority for the I-880/Montague Expressway Interchange and McCarthy/O'Toole Intersection Improvement Project was approved. (11-0-0)

**2.25 Delegation of Authority to Award 10491 - 2025 Local Streets Resurfacing East Pavement Project (Measure T).**

Adopt a resolution authorizing the Director of Public Works or his designee to:

- (a) Award and execute a contract for the construction of the 10491 - 2025 Local Streets Resurfacing East Pavement Project (Measure T) to the lowest responsive, responsible bidder in an amount not to exceed \$13,500,000;
- (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the projects; and
- (c) Approve a construction contingency of 10% of the amount of the construction contract for the project. CEQA: Categorically Exempt, File No. ER24-313, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 3, 4, 5, 10. (Transportation/Public Works)

Action: **Resolution No. RES2025-197** was adopted, regarding the delegation of authority to award 10491 – 2025 Local Streets Resurfacing East Pavement Project (Measure T) was approved. (11-0-0)

**2.26 Option Agreement for Amendment to Ground Lease and Property Use Agreement for the Advanced Water Treatment Facility. - RENUMBERED - PULLED FROM CONSENT PER CITY ATTORNEY.**

Adopt a resolution:

- (a) Declaring the City-owned property located on the east side of Zanker Road, north of State Route 237 in San José, consisting of 1 parcel of land totaling approximately 2 acres, further identified as Assessor's Parcel Number 015-31-063 as "exempt surplus land" pursuant to California Government Code Section 54221(f)(1)(D) and in accordance with San José Municipal Code Section 4.20.080(B)(2) as a transfer of surplus property to another local, state, or federal agency for that agency's use; and
- (b) Authorizing the City Manager or her designee to:
  - (1) Negotiate and execute the Option Agreement for First Amendment to Ground Lease and Property Use Agreement; and

- (2) Negotiate and execute the First Amended Ground Lease and Property Use Agreement for the Advanced Water Treatment Facility between City of San José, City of Santa Clara, and the Santa Clara Valley Water District, and the First Amended Recycled Water Facilities and Programs Integration Agreement, and the Amended and Restated Agreement for Operation and Maintenance of the Silicon Valley Advanced Water Purification Center between the City of San José and the Santa Clara Valley Water District, upon satisfaction of the conditions to exercise the option including the completion and approval of environmental review for the proposed direct potable reuse demonstration facility in compliance with California Environmental Quality Act.

CEQA: Not a Project, File No. PP17-003, Agreements Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services) [RENUMBERED FROM ITEM 6.1 (25-652)]

Mayor Matt Mahan pulled the Item for a separate vote.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-198** was adopted, regarding the option agreement for amendment to Ground Lease and Property Use Agreement for the Advanced Water Treatment Facility was approved. (11-0-0)

## 2.27 **At-Grade Station Alternative and Diridon Program. - RENUMBERED.**

As recommended by the Transportation and Environment Committee on June 2, 2025 and the Diridon Station Steering Committee on May 21, 2025, accept the At-Grade Station Alternative and Diridon Program for environmental review, which includes the following:

- (a) At-Grade Station Alternative (platforms, tracks, historic station, concourse, plazas, bus facility, light rail station, other affected improvements);
- (b) West Virginia Street closure at the rail crossing with new pedestrian and bike undercrossing;
- (c) Auzerais Avenue grade separation;
- (d) San Carlos Street bridge replacement;
- (e) Park Avenue reconfiguration;
- (f) Noise/sound barriers at select crossings/locations; and
- (g) Stockton Avenue/The Alameda reconfiguration.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. Council District 6. (Transportation) [Transportation and Environment Committee referral 6/2/2025 - Item (d)3] [RENUMBERED FROM ITEM 5.1 (25-651)]

Action: The At-Grade Station Alternative and Diridon Program was approved. (11-0-0)

## 2.28 **Approval of Tower Lighting for Philippines Independence Day Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on June 4, 2025:

- (a) Approve the Tower Lighting for Philippines Independence Day scheduled on June 12-14, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment.(Candelas) [Rules Committee referral 6/4/2025 - Item B.5]

Action: The Tower Lighting for Philippines Independence Day sponsored by Council District 8 was approved. (11-0-0)

### **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 Amendments to San José Municipal Code. - RENUMBERED.**

[RENUMBERED TO ITEM 3.11 (25-740)]

#### **3.4 Code of Conduct for Encampments. - RENUMBERED.**

[RENUMBERED TO ITEM 3.12 (25-741)]

#### **3.5 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Notes and the Loan of Proceeds Thereof and Approving Related Documents for the Kooser Apartments.**

Adopt a resolution:

(a) Authorizing the issuance of:

- (1) Tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Fannie Mae MBS Secured) (Arcade), Series 2025A-1”; and
- (2) Tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Arcade), Series 2025A-2, collectively referred to as the “2025A Bonds,” in an aggregate principal amount not to exceed \$73,708,167;

(b) Approving the loan of 2025A Bond proceeds to Kooser Apartments, L.P., a California limited partnership, to finance the acquisition, construction and development of a 191-unit multifamily development known as Arcade located at 1371 Kooser Road in San José;

(c) Approving in substantially final form an Indenture of Trust, a Financing Agreement, a Regulatory Agreement and Declaration of Restrictive Covenants, a Bond Purchase Agreement, and a Preliminary Official Statement, and related documents collectively, the 2025A Bond Documents; and

(d) Authorizing and directing the City Manager, Housing Director, Director of Finance, Assistant Director of Finance, Deputy Director - Debt and Treasury Management or their designees, to negotiate, execute, and deliver the 2025A Bond Documents, together with any document ancillary to the 2025A Bond Documents or necessary or convenient

for issuance and sale of the 2025A Bonds and loan of the proceeds thereof.  
 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 9. (Housing/Finance)

No presentation was offered on the item.

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-199** was adopted, regarding the Issuance of Tax-Exempt Multifamily Housing Revenue Notes and the Loan of Proceeds Thereof and Approving Related Documents for the Kooser Apartments was approved. (11-0-0)

### 3.6 Pay for Performance. – RENUMBERED

[RENUMBERED TO ITEM 3.10 (25-742)]

### 3.7 Proposed Changes to City Council Policy 1-18, Section 22 and the Spending Priorities and Percentage Allocation of Measure E Real Property Transfer Taxes. -

**HEARD CONCURRENTLY WITH ITEM 3.8 AND NOT BEFORE 1:30 P.M.**

*Public Comment for Item 3.7 and 3.8 was heard concurrently.*

- (a) Adopt a resolution approving by two-thirds (2/3rds) affirmative vote revisions to the spending priorities under City Council Policy 1-18, Section 22, Real Property Transfer Tax Revenues to change the spending allocation as follows:
  - (1) 5% for administrative costs, with the remaining revenues allocated as follows:
    - i. 10% for homeless prevention, gender-based violence programs, legal services and rental assistance;
    - ii. Up to 90% of anticipated revenues for homeless sheltering and support programs that may include, but are not limited to, case management, outreach teams, encampment services, safe or supportive parking, homeless shelters, and interim housing construction and operations; and
    - iii. Any remaining revenue for the creation of new or the preservation of existing affordable housing.
- (b) In the alternative to (a)(1) adopt a resolution approving by two-thirds (2/3rds) affirmative vote an alternative allocation for Measure E spending priorities under City Council Policy 1-18, Section 22, Real Property Transfer Tax Revenues and for the 2025-2026 Proposed Budget spending of Measure E revenue totaling \$55.0 million anticipated to be received in Fiscal Year 2025-2026.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager) PLEASE NOTE: APPROVAL OF RESOLUTIONS UNDER RECOMMENDATIONS A AND B REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. (Council Policy 1-18, Section 22(c)(2))

No presentation was offered on the Item.

Public Comment (for Items 3.7 & 3.8): Isela, Eugene Torres, Kylie Clark, Kat A., Eric,

Sandy Perry, Jeremy, Darcy Green, Christopher Andrade, Batman, Danny, Amanda Flores, Emily A. Ramos, Gia P., and 4 Speakers (*who did not intelligibly state their name at the podium*) offered public testimony regarding the item.

Erik Solivan, Director, Housing; and Jim Shannon, Budget Director, City Manager's Office responded to questions regarding the Item.

Motion: Councilmember Bien Doan moved approval of the joint memorandum co-authored by Councilmember Pamela Campos, Councilmember Carl Salas, and Councilmember Bien Doan, dated June 6, 2025. Councilmember Pamela Campos seconded the motion.

Upon a call to question, the motion failed due to a lack of yes votes. (6-5-0; Noes: Mahan, Kamei, Foley, Casey, Mulcahy)

Substitute Motion: Councilmember David Cohen moved approval of the staff recommendation. Vice Mayor Pam Foley seconded the motion.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Pam Foley, and carried unanimously, (a) **Resolution No. RES2025- 200** was adopted, regarding(a) the City Council Policy 1-18, Section 22, Real Property Transfer Tax Revenues change. (8-3-0; Noes: Ortiz, Doan, Campos)

### 3.8 Mayor's June Budget Message for Fiscal Year 2025-2026.

#### HEARD CONCURRENTLY WITH ITEM 3.7 AND NOT BEFORE 1:30 P.M.

*Public Comment for Item 3.7 and 3.8 was heard concurrently.*

- (a) Review, discuss, and approve the Mayor's June Budget Message for Fiscal Year 2025-2026.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message, which are for amounts that exceed the City Manager's contract authority, subject to applicable procurement and provided that any required environmental review has been completed. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

No presentation was offered on the Item.

Jerry May, San Jose Firefighters Local 230; Chief Robert Sapien, San Jose Fire; Jim Shannon, Budget Director, City Manager's Office; and Jon Cicirelli, Director, Parks, Recreation & Neighborhood Services responded to questions regarding the Item.

Motion: Vice Mayor Pam Foley moved approval of the staff recommendation; the Mayors June Budget Message for Fiscal Year 2025-2026; the joint memorandum co-authored by Councilmember David Cohen, Vice Mayor Pam Foley, and Councilmember Rosemary Kamei, dated June 10, 2025; *amended pieces* of the memorandum authored by Councilmember Peter Ortiz, dated June 6, 2025; and Items 1, 2, 3, and *part* of Item 4 (*not including Items 4(a), 4(b), and 5*) of the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, Councilmember George Casey, and Councilmember Michael Mulcahy, dated June 6, 2025. Councilmember Rosemary Kamei seconded the motion.

Mayor Matt Mahan asked for clarification on the motion.

Vice Mayor Pam Foley clarified her motion.

Substitute Motion: Councilmember Bien Doan moved approval of the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, Councilmember George Casey, and Councilmember Michael Mulcahy, dated June 6, 2025; the amended memorandum authored by Councilmember Peter Ortiz, dated June 6, 2025, with the *addition of a \$500,000 allocation for immigration services and emergency support for undocumented residents*; and the amended joint memorandum co-authored by Councilmember David Cohen, Vice Mayor Pam Foley, and Councilmember Rosemary Kamei, dated June 10, 2025, *with the condition that all funding external to the City and/or remainder is paid from District 4 Park Trust Fund and/or C&C Fund*. Councilmember Pamela Campos seconded the Substitute Motion.

Amended Substitute Motion: Councilmember Bien Doan amended his motion to clarify the external funding would not come from the General Fund. The seconder accepted the Amended Substitute Motion.

Friendly Amendment to Substitute Motion: Councilmember Pamela Campos requested that in addition to \$500,000 now, an additional \$500,000 be considered if the fiscal budget allows for it in the annual report. Councilmember Bien Doan accepted the Friendly Amendment.

Vote on the Substitute Motion: On a call to question, the Substitute Motion failed, due to a lack of yes votes. (5-6-0; Noes: Mahan, Kamei, Cohen, Candelas, Foley, Salas)

Friendly Amendment to Original Motion: Councilmember David Cohen requested that implementation of the Met 30 Program be delayed by five months, to run through June, to determine if the program will be ongoing as part of next year's budget process in full context of the entire budget. The maker of the motion and seconder accepted the Friendly Amendment.

Friendly Amendment (Motion): Councilmember Pamela Campos requested that Item 5 of the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, Councilmember George Casey, and Councilmember Michael Mulcahy, dated June 6, 2025, be included in the motion. The maker of the motion *denied* the Friendly Amendment.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-201** was adopted, the Mayor's June Budget Message for Fiscal Year 2025-2026 was approved;

**And**

The joint memorandum co-authored by Councilmember David Cohen, Vice Mayor Pam Foley, and Councilmember Rosemary Kamei, dated June 10, 2025, was approved, recommending the following:

1. Reallocate General Fund Resources:
  - a. Direct staff to redirect \$90,000 in one-time funds proposed to be allocated to eucalyptus tree removal at Alum Rock Park in order to continue drop-in programs at the Alviso and Berryessa Youth Centers during the RFQ process that is underway to find providers to continue the programs.



2. Pursue Alternative Funding for Tree Mitigation:
  - a. Direct the Capital Parks Team to explore and identify alternative funding sources to support eucalyptus tree mitigation efforts at Alum Rock Park. Potential sources include partnerships with local service organizations, state and forestry and fire service grants, Proposition 4 funding and other applicable environmental stewardship programs.
3. Utilize District 4 Capital Funds if Needed
  - a. If a funding shortfall remains after external funding efforts, utilize District 4 Park Trust Fund and C&C Fund to ensure eucalyptus tree removal can proceed in Alum Rock Park.

**And**

Including the approval of the memorandum authored by Councilmember Peter Ortiz, dated June 6, 2025, recommending the following:

Accept the Mayor's June Budget Message for Fiscal Year 2025-2026 and:

1. Allocate ~~\$1,000,000~~ \$500,000 from the Budget Stabilization Reserve for immigration services and emergency support for undocumented residents; ~~OR~~
2. Should additional funding become available later in the fiscal year, direct the City Manager to bring forward recommendations for City Council consideration as part of the 2024-2025 Annual Report, the 2025-2026 Mid-Year Budget, or other appropriate time, to increase by ~~\$1,000,000~~ \$500,000 for immigration services and emergency support for undocumented residents.

**And**

*Also including* Items 1, 2, 3, and *part* of Item 4 of the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, Councilmember George Casey, and Councilmember Michael Mulcahy, dated June 6, 2025, recommending the following:

Adopt the Mayor's June Budget Message with the following amendments to the FY 2025–2026 Proposed Operating Budget:

1. Decline the \$250,000 rebudget in MBA #32 for the ERP Feasibility Project City-Wide Expenses allocation.
2. Decline the \$175,000 rebudget in MBA #32 for the Virtual Accelerator Program for Small Businesses City-Wide Expenses allocation.
3. Decline the following allocations from Manager's Budget Addendum #26 (MBA #26):
  - a. EMS Temporary Fire Captain: \$200,000
  - b. EMS Standby Pay: \$123,000 (ongoing)
4. Increase the Fire Department's Personal Services appropriation by \$748,000 to fund a seven-month reinstatement of the Emergency Medical Services Field Coordinator Program (MedXX) to support EMS delivery. *With the seven-month period to begin December 1, 2025, delayed by five months.*
  - ~~a. After seven months make the MedXX program permanent by allocating \$489,000 from additional Ambulance Transport and User Fees that may be collected in excess of the \$1,700,000 revenue estimate for the remainder of this fiscal year and \$1,271,000 ongoing from additional Ambulance Transport and User Fees, or~~
  - ~~b. Should the additional Ambulance Transport and User Fees be insufficient, direct the City Manager to identify potential offsets for the City Council to consider prior to the end of the seven-month period.~~
- ~~5. Defer elimination of the Family, Friend and Neighbor (FFN) Early Childhood Education Program for FY 2026/27, incorporate the direction in BD #45 (Campos), and offset costs by the ongoing savings from item 3b above and decreasing the 2026-2027 future deficit reserve by \$375,106.~~ *Emergency Medical Services Field Coordinator Program (MedXX) to support EMS delivery.*

(11-0-0)

### 3.9 **Approval of the 2025-2026 Operating Budget and the 2025-2027 Biennial Capital Budget for the City of San José and Schedule of Fees and Charges.**

#### **NOT HEARD BEFORE 1:30 P.M.**

- (a) Adopt resolutions approving the Operating Budget for 2025-2026 for the City of San José, the Biennial Capital Budget for 2025-2027 for the City of San José, and the Five-Year Capital Improvement Program for 2026-2030 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.
- (b) Adopt a resolution establishing the Schedule of Fees and Charges for 2025-2026.
- (c) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to:
  - (1) Add a new Part 85 to establish the Evergreen Benefit Assessment District Fund.
  - (2) Add a new Part 86 to establish the Evergreen Creek Assessment District Fund.
  - (3) Add a new Part 87 to establish the Shea Homes Advance Assessment District Fund.
  - (4) Add a new Part 88 to establish the Silicon Valley Bridge Assessment District Fund.
  - (5) Add a new Part 89 to establish the Silver Creek Assessment District Fund.
  - (6) Add a new Part 90 to establish the Willow Glen Community Benefit Improvement District Fund.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Sean Kelly Rye, Consultant; Paul Joseph, Chief, San José Police Department; and Jim Shannon, Budget Director, City Manager's Office responded to questions regarding the Item.

Motion: Vice Mayor Pam Foley moved approval of the item and the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, and Councilmember George Casey, dated June 6, 2025. Councilmember George Casey seconded the motion.

City Manager, Jennifer Maguire requested that the language in recommendation 2(a) of the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, and Councilmember George Casey, dated June 6, 2025, be amended to state "employees" instead of "positions."

Mayor Matt Mahan requested that recommendations 2 and 3 from the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, and Councilmember George Casey, dated June 6, 2025, be delayed and come back to the full City Council for approval in August.

Friendly Amendment: Councilmember George Casey requested that the implementation of recommendation in 2(a) from the joint memorandum co-authored by Councilmember Bien

Doan, Councilmember Pamela Campos, and Councilmember George Casey, dated June 6, 2025, be delayed by one quarter. The maker of the motion accepted the Friendly Amendment.

Mayor Matt Mahan clarified the Motion and Friendly Amendment to be voted on. He further clarified the delay of recommendations 2 and 3.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember George Casey, and carried unanimously, (a)(1) **Resolution No. RES2025-202** was adopted, (a)(2) **Resolution No. RES2025-203** was adopted, (a)(3) **Resolution No. RES2025-204** was adopted, (b) **Resolution No. RES2025-205** was adopted, (c) **Ordinance No. 31217** was adopted, all of which are regarding the 2025-2026 Operating Budget and the 2025-2027 Biennial Capital Budget for the City of San José and Schedule of Fees and Charges; including the approval of the joint memorandum co-authored by Councilmember Bien Doan, Councilmember Pamela Campos, and Councilmember George Casey, dated June 6, 2025, recommending the following:

1. Instruct the City Manager to work with the casinos and the Police Department to return in Fall 2025 with recommended amendments to Title 16 that remove municipal regulations already addressed by the California Gambling Control Commission and the State Attorney General's Office, while retaining:
  - a. The City Manager's authority to issue registrations and regulations;
  - b. Existing limits on the number of gaming tables; and
  - c. Provisions enabling enforcement against illegal gaming.
2. *TO DELAY ONE QUARTER (returning to Council):* Reduce 2.0 non-sworn positions in the division of gaming and coincide this with an equal reduction in Card Room Regulatory Fees charged to the casinos on an ongoing basis.
  - a. Transfer the ~~positions~~ employees to other departments if possible.
3. *TO DELAY (returning to Council):* Convene Bay 101 and Casino M8trix and for stakeholder engagement and to allocate a portion of the Card Room Regulatory Fee, as described above, (not to exceed 15 percent) dedicated to:
  - a. Targeted enforcement against unlicensed gaming;
  - b. Community education and treatment for gambling disorder, with emphasis on disproportionately impacted minority communities.

(11-0-0)

### 3.10 Pay for Performance. – RENUMBERED

As recommended by the Rules and Open Government Committee on May 14, 2025:

- (a) Approve an ordinance amending Title 12 of the San José Municipal Code to add Chapter 12.23 to establish an annual "Pay for Performance" evaluation process for the Mayor and City Councilmembers based on objective performance metrics, where the Council's collective performance will be evaluated annually, beginning in Fiscal Year 2026-2027, and if the Council attains less than 100 percent of the adopted metrics in full or in part, a proportional salary reduction of up to five percent will be applied for the remainder of that fiscal year.
- (b) Agendize one annual City Council Pay for Performance public hearing, starting in fall 2026 and continuing every Fall thereafter, to assess performance on the Council-adopted objective metrics and determine if a proportional salary reduction of up to five percent will be applied for the remainder of that fiscal year.
- (c) Given the new approach outlined in the recommendation above, direct the City Attorney and the City Manager to disregard the previous Pay for Performance Direction provided in the FY 2025-2026 March Budget Message related to amending the City

Charter.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mayor and Foley) [Rules Committee referral 5/14/2025 - Item C.1] [RENUMBERED FROM ITEM 3.6 (25-620)]

No presentation was offered on the Item.

Mayor Matt Mahan offered commentary on the Item.

Public Comment: None provided.

Motion: Vice Mayor Pam Foley moved approval of the Item. Councilmember George Casey seconded the motion.

Substitute Motion: Councilmember Rosemary Kamei moved approval of the joint memorandum co-authored by Councilmember Rosemary Kamei, Councilmember David Cohen, and Councilmember Domingo Candelas, dated June 6, 2025; *and* the joint memorandum co-authored by Councilmember Bien Doan, and Councilmember Pamela Campos, dated June 6, 2025. Councilmember Bien Doan seconded the motion.

Mayor Matt Mahan clarified that Council would be voting on the Substitute Motion.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously, the Pay for Performance was *rejected*; the following joint memorandums were approved:

The joint memorandum co-authored by Councilmember Rosemary Kamei, Councilmember David Cohen, and Councilmember Domingo Candelas, dated June 6, 2025, recommending the following:

1. Affirm the authority of the independent Salary Setting Commission and reaffirm the current process of setting Mayor and Council compensation independent of influence by the Mayor and Council.

**And**

The joint memorandum co-authored by Councilmember Bien Doan, and Councilmember Pamela Campos, dated June 6, 2025, recommending the following:

Reject the “Pay for Performance” evaluation process for Mayor and City Councilmembers. (7-4-0; Noes: Mahan, Foley, Mulcahy, Casey)

### **3.11 Amendments to San José Municipal Code. – RENUMBERED**

As recommended by the Mayor’s March Budget Message:

- (a) Approve an ordinance of the City of San José amending Section 10.20.140 of Chapter 10.20 of Title 10 of the San José Municipal Code related to trespass on private property to include a definition for “private property”, authorize police officers to give notice of “no trespassing”, clarify requirements for “no trespassing” signs, and to prohibit entry for up to six months.
- (b) Approve an ordinance of the City of San José amending Section 10.20.150 of Chapter 10.20 of Title 10 of the San José Municipal Code related to trespass on City property to include technical clarifications.
- (c) Approve an ordinance of the City of San José amending Section 9.10.410 of Chapter 9.10 of Title 9 of the San José Municipal Code related to solid waste and trash accumulation.
- (d) Approve an ordinance of the City of San José amending Section 11.36.220 of Chapter

- 11.36 of Title 11 of the San José Municipal Code requiring vehicles left standing for seventy-two (72) consecutive hours to be moved at least one thousand (1,000) feet (approximately two-tenths [2/10] of a mile) from its current location.
- (e) Approve an ordinance of the City of San José amending Title 11 of the San José Municipal Code to add a new Chapter 11.58 authorizing the removal of vehicles that illegally dump solid waste or hazardous material on the public right-of-way.
  - (f) Approve an ordinance of the City of San José amending Title 6 of the San José Municipal Code to add Chapter 6.48 prohibiting the rental of recreational vehicles to be used for lodging within the public right-of-way.
  - (g) Approve an ordinance of the City of San José amending Title 10 of the San José Municipal Code to add a new Chapter 10.52 pertaining to the illegal possession and transportation of commercial copper wire.
  - (h) Approve an ordinance of the City of San José amending Title 17 of the San José Municipal Code to add Chapter 17.39 relating to the maintenance of vacant lots.
- CEQA: Not a Project, File No. File No. PP-17-008 (General Procedure and Policy Making resulting in no changes to the physical environment). (City Attorney) [RENUMBERED FROM ITEM 3.3 (25-659)]

City Attorney, Nora Frimann offered commentary on the Item.

Paul Joseph, Chief, San Jose Police Department; and Johnny Phan, Chief Deputy City Attorney, City Attorney's Office responded to questions regarding the Item.

Public Comment: Betsy and Kiara offered public testimony regarding the item.

Motion: Councilmember Pamela Campos moved approval of her memorandum dated June 6, 2025. The motion failed due to a lack of a seconder.

Substitute Motion: Vice Mayor Pam Foley moved approval of the staff recommendation and the Supplemental Memorandum, dated June 4, 2025. Councilmember Rosemary Kamei seconded the motion.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, (a) **Ordinance No. 31218** was passed for publication (b) **Ordinance No 31219** was passed for publication; (c) **Ordinance No 31220** was passed for publication; (d) **Ordinance No 31221** was passed for publication; (e) **Ordinance No 31222** was passed for publication; (f) **Ordinance No 31223** was passed for publication; (g) **Ordinance No 31224** was passed for publication; (h) **Ordinance No 31225** was passed for publication, all of which are regarding the amendments to the San Jose Municipal Code; including the approval of the Supplemental Memorandum, dated June 4, 2025. (11-0-0)

### 3.12 Code of Conduct for Encampments. – RENUMBERED

Accept the report on the implementation of the City of San Jose's Code of Conduct for Encampments. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Housing/Police) [RENUMBERED FROM ITEM 3.4 (25-661)]

No presentation was offered on the Item.

Paul Joseph, Chief, San Jose Police Department; and Erik Solivan, Director, Housing responded to questions regarding the Item.

Public Comment: Kiara K., Eugene Torres, Betsy, Kat A., Isela, Cassandra, and 2 Speakers (*who did not intelligibly state their name at the podium*) offered public testimony regarding the Item.

Motion: Vice Mayor Pam Foley moved approval of the Item. Councilmember Rosemary Kamei seconded the motion.

Friendly Amendment: Councilmember Rosemary Kamei requested direction to the City Manager to track the performance and implementation of the Neighborhood Quality of Life Unit and the Enhance Engagement Program, and that the update be reported to the Public, Safety, Finance, and Strategic Support Committee. The Friendly Amendment was accepted by the maker of the motion.

Mayor Matt Mahan requested staff to provide the update report to the Public, Safety, Finance and Strategic Support Committee before the March 2026 Budget Message.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Code of Conduct for Encampments was approved, and an update regarding the performance and implementation of the Neighborhood Quality of Life Unit and the Enhance Engagement Program will be provided to the Public, Safety, Finance and Strategic Support Committee before the March 2026 Budget Message.  
(9-2-0; Noes: Ortiz, Campos)

#### **4. PUBLIC SAFETY**

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

##### **5.1 At-Grade Station Alternative and Diridon Program. – RENUMBERED**

[RENUMBERED TO ITEM 2.27 (25-651)]

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

##### **6.1 Option Agreement for Amendment to Ground Lease and Property Use Agreement for the Advanced Water Treatment Facility. - RENUMBERED**

[RENUMBERED TO ITEM 2.26 (25-673)]

#### **7. NEIGHBORHOOD SERVICES**

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

#### **9. REDEVELOPMENT – SUCCESSOR AGENCY**

**CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

**9.1 Successor Agency to the San José Redevelopment Agency Approval of the July 1, 2025 through June 30, 2026 Administrative Budget and Annual Recognized Obligation Payment Schedule for Fiscal Year 2025-2026.**

**HEARD IMMEDIATELY AFTER CONSENT**

Successor Agency Board to the San José Redevelopment Agency adopt resolutions approving the:

- (a) Administrative Budget for July 1, 2025 through June 30, 2026; and
- (b) Recognized Obligation Payment Schedule 2025-2026 and authorizing payment for items thereon, which details the obligations of the Successor Agency Board to the San José Redevelopment Agency for the period of July 1, 2025 through June 30, 2026.

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. (Finance)

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, (a) **Resolution No. RES2025-207** was adopted, (b) **Resolution No. RES2025-208** was adopted regarding the Successor Agency to the San José Redevelopment Agency Approval of the July 1, 2025 through June 30, 2026 Administrative Budget and Annual Recognized Obligation Payment Schedule for Fiscal Year 2025-2026. (11-0-0)

**ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

**10. LAND USE on Consent Calendar**

**10.1 Land Use on Consent Calendar**

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Domingo Candelas, and carried unanimously, Land Use on Consent Calendar was approved, as a whole, and the below actions were taken as indicated. (11-0-0)

Public Comment: Tom Peterson offered public testimony regarding the Land Use on Consent Calendar.

- (a) **PP25-002: Amendment to Chapter 20.80, Part 8.75, Conversions of an Existing Use to Another Use with a Different Transportation Demand Management (TDM) Designation. - NOT HEARD BEFORE 1:30 P.M.**

Approve an ordinance amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Chapter 20.80, Part 8.75, “Conversions of an existing use to another use with a different TDM designation” to exempt the conversion to residential uses from the Special Use Permit requirement; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through

Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building, and Code Enforcement)

Action: The Amendment to Chapter 20.80, Part 8.75, Conversions of an Existing Use to Another Use with a Different Transportation Demand Management (TDM) Designation was approved. (11-0-0)

*The Council recessed from 4:39 p.m. to 6:30 p.m.*

**10. LAND USE – Regular Agenda**

**10.2 GP24-010: Early Consideration for Denial for a Privately-Initiated General Plan Amendment to Change the Envision San José 2040 General Plan Land Use/Transportation Diagram from Lower Hillside to Rural Residential for Property Located at 3630 Kettmann Road. -HEARD AT 6:30 P.M.**

- (a) Staff and Planning Commission recommend: Adopt a resolution denying the request to amend the Envision San José 2040 General Plan Land Use/ Transportation Diagram designation from Lower Hillside to Rural Residential on an approximately 8.29-gross-acre site located at 3630 Kettmann Road.
- (b) In the alternative, direct staff to continue processing the application to amend the Envision San José 2040 General Plan Land Use/ Transportation Diagram designation from Lower Hillside to Rural Residential on an approximately 8.29-gross-acre site located at 3630 Kettmann Road, consider input from the City Council, complete the CEQA analysis, and return to the City Council with a complete development application for consideration.

CEQA: Exempt pursuant to CEQA Guidelines Section 15270 for Projects Which Are Disapproved. Council District 8. Planning Commission recommends denial of the General Plan Amendment (8-0-1; Bickford absent) (Item 7.a on the 5/14/2025 Planning Commission agenda). (Planning, Building and Code Enforcement)

Chris Burton, Director for Planning, Building and Code Enforcement; and Ruth Cueto, Principal Planner for Planning, Building and Code Enforcement offered the presentation and responded to questions.

The Applicant, Van T. H. spoke on the Item.

Public Comment: Amanda, Kirsten, Houn, Steven Doe, Brianna, John, Chris, Steven T., Jerry, Thomas, Rich D., Mario Sanchez, Amber, Maggie, Amir, Luiz Fernandez, Andy Pham, and 8 Speakers (*who did not intelligibly state their name at the podium*) offered public testimony regarding the Item.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember



Rosemary Kamei, and carried unanimously, (a) **Resolution No. RES2025-209** was adopted and (a) **Ordinance No. 31226** was passed for publication (a) *denying* the request to amend the Envision San José 2040 General Plan Land Use/ Transportation Diagram designation from Lower Hillside to Rural Residential on an approximately 8.29-gross-acre site located at 3630 Kettmann Road. (10-1-0; Noes: Doan)

**10.3 GP23-011: Early Consideration for Denial for a Privately-Initiated General Plan Amendment to Change the Envision San José 2040 General Plan Land Use/Transportation Diagram from Neighborhood/Community Commercial to Transit Residential for Property Located at 826 North Winchester Boulevard. HEARD AT 6:30 P.M.**

- (a) Staff recommend: Adopt a resolution denying the request to amend the Envision San José 2040 Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Transit Residential on an approximately 0.61-gross-acre site located at 826 North Winchester Boulevard.
- (b) In the alternative, direct staff to continue processing the application to amend the Envision San José 2040 General Plan Land Use/ Transportation Diagram designation from Neighborhood/Community Commercial to Transit Residential on an approximately 0.61 gross acre site located at 826 North Winchester Boulevard, consider input from the City Council, complete the CEQA analysis, and return to the City Council with a complete development application for consideration.

CEQA: Exempt pursuant to CEQA Guidelines Section 15270 for Projects Which Are Disapproved. Council District 6. Planning Commission made no recommendation (4-4-1; Bickford absent) (Item 7.b on the 5/14/2025 Planning Commission agenda). (Planning, Building and Code Enforcement)

Chris Burton, Director for Planning, Building and Code Enforcement; and Ruth Cueto, Principal Planner for Planning, Building and Code Enforcement offered the presentation and responded to questions.

The Applicant, Kelly Arati with VCI Companies, spoke on the Item.

Public Comment: Lisa Miller, Lindy Hayes, Kevin B., Chuck P., Liane Olive, Deborah, Michelle, Greg C., Anne V., Rigo, Daniel Alvarez, Ruben Galvan, Linda Becker, Lori, Delores Nelson, Jay Payne, Jeff, Jeff S., Leo, Theresa Doe, Noah, Matthew, Paul, Alice, Mateo L., Collin T., Deborah, Kiara, Bianca, Francesca, Brianna Morales, Melissa Miller, Dan Crop, Vivian, Art M., Chevon D., Kevin Golden, Eric, Mark Reynolds, David W., Jessica, Kelly M., Dimitri C., and 16 Speakers (*who did not intelligibly state their name at the podium*) offered public testimony regarding the Item.

Action: Upon motion by Councilmember Michael Mulcahy, seconded by Councilmember Bien Doan, and carried unanimously, (a) **Resolution No. RES2025-209** was adopted (a)

denying the request to amend the Envision San José 2040 Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Transit Residential on an approximately 0.61-gross-acre site located at 826 North Winchester Boulevard; *also including* the approval of the memorandum authored by Councilmember Michael Mulcahy, dated June 9, 2025, recommending the following:

1. Accept and approve the Staff's recommendation and deny the proposed General Plan Amendment.
2. As part of the General Plan Four Year Review, recommend that the Department of Planning, Building, and Code Enforcement evaluate 826 N. Winchester (APN: 275-50-061), in the context of evaluating the surrounding sites, as an area that would allow for residential or mixed-use development in the future.

(10-0-1; Absent: Candelas)

## • Open Forum

1. A Speaker (*who did not state their name at the podium*) discussed homelessness, displacement, and money.
2. Mark Trout spoke regarding the LA protests.
3. A Speaker (*who did not state their name at the podium*) discussed the community opposition to housing, and invited the Councilmembers to an event.

## • Adjournment

The Council of the City of San José adjourned at 9:23 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



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Vanessa Velez, Deputy City Clerk  
City of San José

Approved at Council on:

# of Actions: 13

Attest By:



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

*Office of the City Attorney***SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES****June 10, 2025**

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

**Absent Councilmembers:** All present.

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

**Time:** 9:30 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: 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

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: 5