CITY COUNCIL MEETING

Minutes

Tuesday, April 8, 2025

1:30 PM

LOCATION:
Council Chambers- 200 E. Santa Clara Street

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

- # Call to Order and Roll Call

9:30 a.m.- Closed Session. *See Pages 14-20 for Closed Session Minutes.*

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

Absent Councilmembers: Kamei, Campos, Salas.

1:33 p.m. - Regular Session.

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

Absent Councilmembers: Campos, Salas.

- # Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

- # Invocation (District 4)

Piedmont Hills High School's Jazz Band offered a performance for the invocation.

- # Orders of the Day

None provided.

- # Adjournment

Councilmember David Cohen presented the adjournment in memory of David "Mike" Michael Flaugher, who passed away on February 22, 2025. Mike's life was a testament to dedication, not only to his family but also to his community. He held leadership roles in numerous organizations, including Santa Clara County Open Space Authority, Bay Area Ridge Trail Council, Berryessa Citizens Advisory Council, Berryessa Business Association, and many others. Mike's legacy of public service, family love, and dedication to his passions will be remembered by all who knew him.

- # Closed Session Report

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Bien Doan presented a proclamation declaring April 2025 as Displaced Vietnamese American Heritage Month in the City of San José to honor the resilience and contributions of Vietnamese Americans who were displaced by the Vietnam War and resettled in the United States.

1.2 Councilmember Peter Ortiz presented a proclamation declaring April 2025 as Cambodian Genocide Remembrance Month in honor of San José residents affected by the Cambodian Genocide on its 50th anniversary.

1.3 Councilmember Rosemary Kamei presented a proclamation recognizing April 6 - 12, 2025 as National Library Week in the City of San José to highlight the valuable role libraries, librarians and library workers play in transforming lives and strengthening our communities.

2. CONSENT CALENDAR

Public Comment: Chris offered public testimony regarding the Consent Calendar.

Councilmember Rosemary Kamei pulled Item 2.2 for comment.

Vice Mayor Pam Foley pulled Item 2.6 for comment.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Consent Calendar was approved *as a whole,* and the below actions were taken as indicated. (9-0-2; Absent: Campos, Salas)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

(a) Ordinance No. 31180 - An Ordinance of the City of San José Establishing a Pedestrian Mall on Post Street between South First Street and Lightston Alley. [Passed for Publication on 2/25/2025 - Item 8.1(c) (25-153)]
(b) Ordinance No. 31183 - An Ordinance of the City of San José Amending Sections 6.54.215, 6.54.265, 6.54.270, and Adding a New Section 6.54.405, of Chapter 6.54 of Title 6 of the San José Municipal Code Related to the City of San José Peddler Ordinance. [Passed for Publication on 3/25/2025 - Item 8.1 (25-293)]

Action: **Ordinance No. 31180** and **Ordinance No. 31183** were adopted. (9-0-2; Absent: Campos, Salas)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Board of Administration for Federated City Employees' Retirement System Appointment.

Appoint Nathan Nakagawa to the Employee Representative Seat on the Board of Administration for the Federated City Employees' Retirement System for an unexpired term ending November 30, 2027. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: Nathan Nakagawa was appointed to the Employee Representative Seat on the Board of Administration for the Federated City Employees' Retirement System for an unexpired term ending November 30, 2027. (9-0-2; Absent: Campos, Salas)

2.8 Actions Related to the Purchase Order with Santa Cruz Mountains Trail Stewardship for Bike Park Repairs, Maintenance, and Training Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Santa Cruz Mountains Trail Stewardship (Santa Cruz, CA) for bike park repairs, maintenance, and training services, with the last option ending on or about August 11, 2031, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2025-63** was adopted, authorizing actions related to the purchase order with Santa Crus Mountains Trail Stewardship for Bike Park repairs, maintenance, and training services. (9-0-2; Absent: Campos, Salas)

2.9 Actions Related to the Purchase Order with Owen Equipment Sales for Elgin Sweeper Parts and Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with Owen Equipment Sales (Fairfield, CA) for Elgin sweeper parts and services with the last option ending on or about November 13, 2031, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2025-64** was adopted, authorizing actions related to the purchase order with Owen Equipment Sales for Elgin Sweeper Parts and Services. (9-0-2; Absent: Campos, Salas)

2.10 Actions Related to the Purchase Order with Future Flooring Group for Flooring Repair and Replacement Services.

Adopt a resolution authorizing the City Manager or her designee to:
(a) Amend purchase order OP 66068 with Future Flooring Group, (San José, CA) for flooring repair and replacement services to increase the total compensation by $100,000 for a maximum compensation not-to-exceed $450,000 for the period ending December 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 December 12, 2031, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2025-65** was adopted, authorizing actions related to the purchase order with Future Flooring Group for Flooring Repair and Replacement Services. (9-0-2; Absent: Campos, Salas)

2.11 Approval of Music in the Valley Festival Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on March 19, 2025:
(a) Approve the Music in the Valley Festival scheduled on May 10, 2025 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. (Foley) [Rules Committee referral 3/19/2025 - Item B.5]

Action: The Music in the Valley Festival sponsored by Council District 9 was approved. (9-0-2; Absent: Campos, Salas)

2.12 AB 554 (M. González): Health Care Coverage: Antiretroviral Drugs, Drug Devices, and Drug Products.

As recommended by the Rules and Open Government Committee on March 19, 2025, adopt a position of support for AB 554 (M. González) to expand Californians' access to HIV/AIDS prevention medications. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Foley, Campos, and Mulcahy)
[Rules Committee referral 3/19/2025 - C.1]

Action: A position of support for AB 554 (M. Gonzalez), regarding health care coverage: antiretroviral drugs, drug devices, and drug products, was adopted. (9-0-2; Absent: Campos, Salas)

2.13 Approval of Proclamation of Portugal Day, Portuguese Flag Raising, and Tower Lighting 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 March 26, 2025:
(a) Approve the Proclamation of Portugal Day in San José scheduled on June 10, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the Portuguese Flag Raising scheduled on June 10, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
(c) Approve the Portugal Day Tower Lighting scheduled on June 10, 2025 as a City Council sponsored Special Event and approve the expenditure of funds; and
(d) 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 3/26/2025 - Item B.3]

Action: The Proclamation of Portugal Day, Portuguese Flag Raising, and Tower Lighting sponsored by Council District 5 was approved. (9-0-2; Absent: Campos, Salas)

2.14 Retroactive Approval and Approval of Various Special Events Sponsored by Council District 4 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 March 26, 2025:
(a) Retroactively approve the District 4 Litter Pickup scheduled on March 29, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Approve the District 4 Leadership Forum and Budget Townhall scheduled on May 17, 2025 as a City Council sponsored Special Event and approve the expenditure of funds; and
(c) 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. (Cohen) [Rules Committee referral 3/26/2025 - Item B.4]

Action: Various special events sponsored by Council District 4 were approved and retroactively approved. (9-0-2; Absent: Campos, Salas)

2.15 Approval of the Fourth of July Fireworks at Lake Cunningham 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 March 26, 2025:
(a) Approve the Fourth of July Fireworks at Lake Cunningham scheduled on July 4, 2025 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. (Candelas)
[Rules Committee referral 3/26/2025 - Item B.5]

Action: The Fourth of July Fireworks event at Lake Cunningham sponsored by Council District 8 was approved. (9-0-2; Absent: Campos, Salas)

2.16 Retroactive Approval and Approval of Various Special Events Sponsored by Council District 7 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 April 2, 2025:

(a) Retroactively approve the Toy Distribution at the Vietnamese Heritage Garden scheduled on December 13, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Retroactively approve the Dumpster Day in the Lone Bluff Neighborhood scheduled on December 14, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
(c) Retroactively approve the District 7 Memorial for San José Unhoused Residents scheduled on December 20, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
(d) Retroactively approve the Dumpster Day in the Lone Bluff Neighborhood scheduled on February 18, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
(e) Retroactively approve the Ribbon-Cutting at the Vietnamese American Cultural Center scheduled on March 28, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
(f) Retroactively approve the Dumpster Day in the Seven Trees Neighborhood scheduled on March 29, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
(g) Retroactively approve the Dumpster Day in the Alma-Goodyear Neighborhood scheduled on April 5, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
(h) Retroactively approve the Tropicana Community Event scheduled on April 6, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
(i) Approve the Dumpster Day in the McLaughlin-Corridor Neighborhood scheduled on April 26, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
(j) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan) [Rules Committee referral 4/2/2025- Item B.5]

Action: Various special events sponsored by Council District 7 were approved and retroactively approved. (9-0-2; Absent: Campos, Salas)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire offered a report on “No Encampment Zones” that were expanded to provide more options for unhoused community members. No Encampment Zones will also be implemented in multiple locations across the City of San Jose. City Manager Maguire recognized the work of the Housing Department, the San José Police Department, the City Manager's Office, and the Beautify SJ team within the Parks, Recreation, and Neighborhood Services Department.

3.2 Labor Negotiations Update.

None provided.

3.3

Appeals Hearing Board Interview.

(a) Interview applicants and consider appointment to fill one (1) Member-at-Large seat with a term ending December 31, 2025 on the Appeals Hearing Board.

(b) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

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

Toni Taber, City Clerk, spoke to the interview process regarding the vacant position on the Appeals Hearing Board, and stated that the appointee would need to re-interview in the fall. She also announced that there are two upcoming vacancies for terms ending in December.

Candidates Genevieve Altwer and Samantha Keh were given up to two minutes to provide their opening statements.

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, Genevieve Altwer was appointed to the Appeals Hearing Board, for a term ending December 31, 2025. (9-0-2; Absent: Campos, Salas)

3.4

Review of the Retirement Plans' Pension and Postemployment Healthcare Plan Actuarial Valuations as of June 30, 2024.

Review the following actuarial valuation reports:

(a) Federated City Employees' Retirement System Actuarial Valuation (Pension) as of June 30, 2024.

(b) Federated City Employees' Retirement System Postemployment Healthcare Plan Actuarial Valuation (OPEB) as of June 30, 2024.

(c) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2024; and

(d) Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2024.

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

John Flynn, Director, Office of Retirement Services, offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember George Casey, and carried unanimously, the Retirement Plans' Pension and Postemployment Healthcare Plan Actuarial Valuations report as of June 30, 2024 was accepted. (9-0-2; Absent: Campos, Salas)

3.5 **Settlement of Lawsuit Filed by Unite Here Retirement Fund, et al.**

Approve the settlement of a lawsuit brought by Plaintiffs Unite Here Retirement Fund and Trustees of the Unite Here Retirement Fund in the total amount of $1,550,000 to be paid in two (2) installment payments of $775,000 each and authorize the City Attorney to execute both the Settlement Agreement and a Side Letter to the Settlement Agreement that allows the City to pay the first installment payment by May 9, 2025. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney) [Rules Committee referral 4/2/2025- Item A.1.a]

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, the settlement of Lawsuit filed by Unite Here Retirement Fund, et al. was approved. (8-0-3; Absent: Campos, Salas, Ortiz)

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 **Actions Related to the Agreements with MRP Pacifica Marketing III, LLC for San José Clean Energy Resource Adequacy.**

Adopt a resolution authorizing the Director of the Energy Department to negotiate and execute a Cover Sheet agreement with MRP Pacifica Marketing III, LLC setting forth common terms for the following four transactions:

(a) Negotiate and execute an agreement with MRP Pacifica Marketing III, LLC to purchase resource adequacy associated with the Tracy Combined Cycle Gas facility for a maximum term of 12 years beginning in 2027, in an amount not to exceed $10,700,000 annually and up to $128,400,000 in aggregate;
(b) Negotiate and execute a further agreement with MRP Pacifica Marketing III, LLC to purchase resource adequacy associated with the Tracy Long-Duration Energy Storage facility for a maximum term of 14 years beginning in 2027, in an amount not to exceed $1,500,000 annually and up to $21,000,000 in aggregate;
(c) Negotiate and execute a further agreement with MRP Pacifica Marketing III, LLC for financial settlements associated with the Tracy Combined Cycle Gas facility for a maximum term of 12 years beginning in 2027, in an amount not to exceed $11,300,000 annually and up to $135,600,000 in aggregate; and
(d) Negotiate and execute a further agreement with MRP Pacifica Marketing III, LLC for financial settlements associated with the Tracy Long-Duration Energy Storage facility for a maximum term of 14 years beginning in 2027, in an amount not to exceed $1,600,000 annually and up to $22,400,000 in aggregate; to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP17-003. Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Energy)

Zach Struyk, Assistant Director, Community Energy Departent; and Paul Innamorato, Deputy Director of Power Resources, Community Energy Departent, offered the

presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-66** was adopted, approving actions related to the agreements with MRP Pacifica Marketing III, LLC for San Jose Clean Energy Resource Adequacy. (8-0-3; Absent: Campos, Salas, Doan)

6.2 San José Clean Energy Programs Roadmap Status Report.

As recommended by the Transportation and Environment Committee on March 3, 2025, accept the status report on the San José Clean Energy Programs Roadmap. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Energy) [Transportation and Environment Committee referral 3/3/2025 - (d)1]

DEFERRED TO APRIL 22, 2025 PER ADMINISTRATION

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 First-Time Homebuyer Loan Program: Equity Share Reduction.

Adopt a resolution:
(a) Approving the reduction of the City's Equity Share payment from 30% to 15% for the City's single-family housing portfolio's First-Time Homebuyer Loan Program in accordance with applicable laws and funding source requirements; and
(b) Authorizing the Housing Director, or his designee, to renegotiate the Equity Sharing provision and negotiate and execute homebuyer-r loan documents and all other documents, including any amendments thereto, related to the City's single-family housing portfolio's First-Time Homebuyer Loan Program in accordance with applicable laws and funding source requirements.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)
[Deferred from 3/25/2025 - Item 8.2 (25-301)]

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

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-67** was adopted, approving actions related to the First-Time Homebuyer Loan Program: Equity Share Reduction. (9-0-2; Absent: Campos, Salas)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10. LAND USE – Regular Agenda

The presentations and public comments for Items 10.2 and Item 10.3 were heard concurrently.

Chris Burton, Director, Planning, Building, and Code Enforcement; and John Tu, Division Manager for Development and Review, Planning Building, and Code Enforcement, offered the presentation and responded to questions.

The Applicant, Andrew (*last name not provided*), spoke to the items and responded to questions.

Public Comment: Brian Darby and Dennis Randall offered public testimony regarding the items.

10.2 San José Innovative Project Pathway Program Early Consideration Review Process for a Project Located at 323 Terraine Street.

Accept the report and provide direction for the early consideration of projects as part of the San José Innovative Project Pathway Program process for a project located at 323 Terraine Street. CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. Council District 3. (Planning, Building and Code Enforcement)

Action: Upon motion by Vice Mayor Foley, seconded by Councilmember Bien Doan, and carried unanimously, the San Jose Innovative Project Pathway Program early consideration review process for a project located at 323 Terraine Street was approved.
And,
The joint memorandum co-authored by Mayor Matt Mahan, Vice Mayor Foley, Councilmembers Carl Salas, Councilmember David Cohen, and Councilmember Domingo Candelas, dated April 4, 2025, was approved, recommending the following:
Accept the San José Innovative Project Pathway Program (Pathway Program) application and direct staff to:

1. Prioritize the Terraine Pathway Program application to move through the city's planning and permitting processes as quickly as possible.
2. Ensure that vertical residential construction begins before allowing the Terraine data center to operate.
3. Explore allocating a small percentage (5%, 10%, or 15%) of net new revenue from all downtown data centers to arts, entertainment, and cultural programming initiatives.
    a. Return to Council through the budget process before the data centers become operational with a plan to invest some of the net new data center revenue into arts, entertainment, and cultural programming efforts.
4. Require the data center's ground floor to include street-level activation beyond just public art, such as inviting landscaping, open space, retail, office space, or other appropriate uses that create a dynamic and welcoming environment.
    a. The applicant must consider designing additional ways to engage pedestrians

into the project, such as incorporating micro-commercial spaces, pet-friendly areas, or public gathering spaces, and consider using setbacks, sidewalks, or parklets for these purposes outside of the building envelope.

(9-0-2; Absent: Campos, Salas)

10.3 San José Innovative Project Pathway Program Early Consideration Review Process for a Project Located at 300 South 1st Street.

Accept the report and provide direction for the early consideration of projects as part of the San José Innovative Project Pathway Program process for a project located at 300 South 1st Street. CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. Council District 3. (Planning, Building and Code Enforcement)

Action: Upon motion by Vice Mayor Foley, seconded by Councilmember Bien Doan, and carried unanimously, the San Jose Innovative Project Pathway Program early consideration review process for a project located at 300 South 1st Street was approved.
And,
Including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Vice Mayor Foley, Councilmembers Carl Salas, Councilmember David Cohen, and Councilmember Domingo Candelas, dated April 4, 2025 recommending the following: Accept the San José Innovative Project Pathway Program (Pathway Program) application and direct staff to:

1. Prioritize the 300 South 1st Street Pathway Program application to move through the city's planning and permitting processes as quickly as possible.
2. Ensure that vertical residential construction begins before allowing the 300 South 1st Street data center to operate.
3. Explore allocating a small percentage (5%, 10%, or 15%) of net new revenue from all downtown data centers to arts, entertainment, and cultural programming initiatives.
    a. Return to Council through the budget process before the data centers become operational with a plan to invest some of the net new data center revenue into arts, entertainment, and cultural programming efforts.
4. Require the data center's ground floor to include street-level activation beyond just public art, such as inviting landscaping, open space, retail, office space, or other appropriate uses that create a dynamic and welcoming environment.
    a. The applicant must consider designing additional ways to engage pedestrians into the project, such as incorporating micro-commercial spaces, pet-friendly areas, or public gathering spaces, and consider using setbacks, sidewalks, or parklets for these purposes outside of the building envelope.

(9-0-2; Absent: Campos, Salas)

• Open Forum

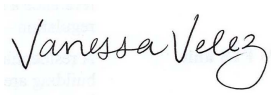
1. Brian Darby spoke to the fear people currently have in America.
2. Mike S. announced that Pack SJ's 35th anniversary celebration is taking place at De Anza Hotel on June 27th.
3. Cedric Garcia spoke to his family life as a child, homelessness, and his concerns with VTA and San José.

4. Fernando Reyes demanded that Mayor Mahan promote accountability by requiring that Councilmembers wear body worn cameras, and addressed non-disclosure Agreements.

• Adjournment

The Council of the City of San José adjourned at 4:19 pm, in memory of David"Mike" Michael Flaugher, who passed away on February 22, 2025. Mike's life was a testament to dedication, not only to his family but also to his community. He held leadership roles in numerous organizations, including Santa Clara County Open Space Authority, Bay Area Ridge Trail Council, Berryessa Citizens Advisory Council, Berryessa Business Association, and many others. Mike's legacy of public service, family love, and dedication to his passions will be remembered by all who knew him.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Vanessa Velez , Deputy City Clerk
City of San José

Approved at Council on:

# of Actions: 8

Attest By:

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

CITY OF SAN JOSE CAPITAL OF SILICON VALLEY

Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

April 8, 2025

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

Absent Councilmembers: Kamei, Campos, Salas.

Place: City Hall Conference Room W-133

Time: 9:30 a.m.

CLOSED SESSION ITEM(S) DISCUSSED:

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

City Negotiator: Aram Kouyoumdjian, Director of Employee Relations

Employee Organizations:

1.

Organization or Name and Title of Unrepresented Employees:	**Association of Building, Mechanical and Electrical Inspectors (ABMEI)**
Nature of negotiations:	wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA:	Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)
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/abmei Telephone – Employee Relations: (408) 535-8150

2.

Organization or Name and Title of Unrepresented Employees:	**Association of Engineers & Architects** (AEA)
Nature of negotiations:	wages/salaries, hours, working conditions, etc.

	Name of Existing Contract or MOA:	Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
	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/aea Telephone – Employee Relations: (408) 535-8150
3.	Organization or Name and Title of Unrepresented Employees:	**Association of Legal Professionals of San José** (ALP)
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
	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/alp Telephone – Employee Relations: (408) 535-8150
4.	Organization or Name and Title of Unrepresented Employees:	**Association of Maintenance Supervisory Personnel** (AMSP)
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
	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/amsp Telephone – Employee Relations: (408) 535-8150
5.	Organization or Name and Title of Unrepresented Employees:	**City Association of Management Personnel Agreement** (CAMP)

	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
	How to Obtain a copy of Existing Contract or MOA:	Web: https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/camp Telephone – Employee Relations: (408) 535-8150
6.	Organization or Name and Title of Unrepresented Employees:	**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
7.	Organization or Name and Title of Unrepresented Employees:	**International Brotherhood of Electrical Workers, Local 332** (IBEW)
	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 Brotherhood of Electrical Workers, Local 332 (IBEW)
	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/ibew Telephone – Employee Relations: (408) 535-8150

8.

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

9.

Organization or Name and Title of Unrepresented Employees:	**International Union of Operating Engineers, Local No. 3** (OE#3**)**
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 Union of Operating Engineers, Local No. 3 (OE#3)
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/oe-3 Telephone – Employee Relations: (408) 535-8150

10.

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

information/bargaining-units-labor-contract-info/sjpda

Telephone – Employee Relations: (408) 535-8150

11. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association** (SJPOA)

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association

How to Obtain a copy of Existing Contract or MOA: Web: https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/poa

Telephone – Employee Relations: (408) 535-8150

12. Organization or Name and Title of Unrepresented Employees: **Peace Officer Park Ranger Association (POPRA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement – City of San Jose and Peace Officer Park Ranger Association

How to Obtain a copy of Existing Contract or MOA: Web: https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/labor-relations-information/bargaining-units-labor-contract-info/popra

Telephone – Employee Relations: (408) 535-8150

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

1. Case Name: Vanderstok v. Garland

Name(s) of Party(ies): MERRICK GARLAND; US DEPARTMENT OF JUSTICE; BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES; JENNIFER VANDERSTOK; FIREARMS POLICY COALITION; BLACKHAWK MANUFACTURING GROUP, INC.; DEFENSE DISTRIBUTED; SECOND AMENDMENT

FOUNDATION, INC., POLYMER80, INC, ET. AL

Court: United States Supreme Court

Case No: 23-852

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

2.

Case Name: Santa Clara Valley Transportation Authority v. Lenzen Associates et al.

Name(s) of Party(ies): SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, LENZEN ASSOCIATES, CITY OF SAN JOSE

Court: Superior Court of California, County of Santa Clara

Case No: 23-852

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

3.

Case Name: Santa Clara Valley Transportation Authority v. Lenzen Square Community Partners, LP et al.

Name(s) of Party(ies): SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, LENZEN SQUARE COMMUNITY PARTNERS, LP, CITY OF SAN JOSE

Court: Superior Court of California, County of Santa Clara

Case No: 23-852

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

4.

Case Name: Barnett, David; et al. v. City of San Jose

Name(s) of Party(ies): See attachment A

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

Case No: 23-852

Amount of Money or Other Relief Sought: Damages according to proof, liquidated damages, declaratory relief

C. 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: 4