CITY COUNCIL MEETING

Minutes

Tuesday, February 11, 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**

9:29 a.m.- Closed Session. *See Pages 11-12 for Closed Session Minutes.*

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

Absent Councilmembers: Doan, Kamei.

11:08 a.m. - Regular Session.

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

Absent Councilmembers: None.

Council recessed from 11:53 a.m. -1:35 p.m.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 2)**

El Grito de la Cultura Academy offered a folklorico dance performance for the invocation.

- **Orders of the Day**

None provided.

- **Adjournment**

Mayor Matt Mahan presented the adjournment in memory of Mardonia Galeana Dionisio, who passed away on November 10, 2024. Mardonia was a pillar of her Eastside San José community, a fierce advocate for undocumented immigrants, and a shining example of resilience and grace. Her legacy lives on through cherished memories, as well as the art and stories inspired by her remarkable journey.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmembers Bien Doan presented a commendation to Staff Sergeant Ronkirby Deano of the United States Marine Corps for his instrumental role in fostering a partnership between Toys for Tots and the District 7 office, resulting in the distribution of toys to 500 children in the City of San José.

1.2 Councilmember Pamela Campos presented a proclamation recognizing February 11, 2025 as the International Day of Women and Girls in Science in the City of San José.

1.3 Mayor Matt Mahan presented a commendation to Groundwerx for their dedication towards keeping downtown San José clean, safe, and welcoming, while also providing employment opportunities that empower vulnerable populations to better their lives.

The Invocation, Adjournment, and Ceremonial Items were heard after the recess.

2. CONSENT CALENDAR

Public Comment: None provided.

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

2.1 Approval of City Council Minutes.

(a) Regular City Council Meeting Minutes of March 12, 2024.
(b) Regular City Council Meeting Minutes of March 26, 2024.
(c) Regular City Council Meeting Minutes of April 9, 2024.
(d) Regular City Council Meeting Minutes of April 30, 2024.
(e) Regular City Council Meeting Minutes of May 14, 2024.
(f) City Council Budget Study Session Meeting Minutes of May 8, 2024.
(g) City Council Budget Study Session Meeting Minutes of May 16, 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.

Action: The specified City Council Minutes were approved. (11-0-0)

2.2 Final Adoption of Ordinances.

None provided.

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 Actions Related to the Purchase Order with Braun Northwest, Inc. for Battalion Command Vehicles.

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

(a) Execute a purchase order with Braun Northwest, Inc. (Chehalis, WA), for battalion command vehicles beginning on or about February 17, 2025, and ending on or about February 16, 2026, for a not-to-exceed amount of $1,579,025;
(b) Approve a contingency of $160,000 for unanticipated modifications to battalion command vehicles; and
(c) Exercise up to six additional one-year options to extend the term of the purchase order, with the last option ending on or about February 16, 2032, subject to the appropriation of funds.

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

Action: **Resolution No. RES2025-21** was adopted, approving actions related to the purchase order with Braun Northwest, Inc. for Battalion Command Vehicles. (11-0-0)

2.8 Actions Related to the Purchase Order with Bayscape Management, Inc. for Landscape Maintenance 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 Bayscape Management, Inc. (Alviso, CA) for landscape maintenance services, with the last option ending on or about June 30, 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. RES2025-22** was adopted, approving actions related to the purchase order with Bayscape Management, Inc. for Landscape Maintenance Services. (11-0-0)

2.9 Actions Related to the Purchase Order with TMT Enterprises, Inc. for Construction and Landscape Materials.

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 TMT Enterprises, Inc. (San José, CA) for construction and landscape materials, with the last option ending on or about April 30, 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. RES2025-23** was adopted, approving actions related to the purchase order with TMT Enterprises, Inc. for Construction. (11-0-0)

2.10 Amendment to the Agreement with Passport Labs, Inc. for Mobile Parking Payment Services.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the agreement with Passport Labs, Inc. for mobile parking payment services to extend the term of the agreement for two additional years, from March 1, 2025 through February 28, 2027.
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. RES2025-24** was adopted, approving amendments to the agreement with Passport Labs, Inc. for mobile parking payment services. (11-0-0)

2.11 Amendment to Agreement with CH2M Hill, Inc. for the 8087-Trail: Coyote Creek (Mabury Road to Empire Street) Project-Rebid.

Approve the fourth amendment to the standard consultant agreement to retroactively extend the agreement expiration date for the 8087 - Trail: Coyote Creek (Mabury Road to Empire Street) Project-Rebid from December 31, 2024 to December 31, 2025. CEQA: Determination of Consistency with the Mitigated Negative Declaration for the Coyote Creek Trail Master Plan, File No. PP09-218. (Public Works)

Action: The amendment to the agreement with CH2M Hill, Inc. for the 8087-Trail: Coyote Creek (Mabury Road to Empire Street) Project – Rebid was approved. (11-0-0)

2.12 Acceptance of the Retirement Plans' Annual Comprehensive Financial Reports for Fiscal Years Ending June 30, 2024 and June 30, 2023.

(a) Accept the Police and Fire Department Retirement Plan Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2024 and June 30, 2023.
(b) Accept the Federated City Employees' Retirement System Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2024 and June 30, 2023.

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

Action: The acceptance of the Retirement Plans' Annual Comprehensive Financial Reports for Fiscal Years Ending June 30, 2024 and June 30, 2023 were approved. (11-0-0)

2.13 Request for Travel Authorization for Mayor Mahan and Mayor's Staff.

As recommended by the Rules and Open Government Committee on February 5, 2025, authorize travel, accept travel payments to the City of San José, and designate Mayor Mahan and Stephen Caines as the City representatives to participate in a Knight Media Forum organized and funded by the Knight Foundation from February 18, 2025 to February 20, 2025 in Miami, Florida. Source of Fund: The Knight Foundation and Mayor's Office Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 2/5/2025 - Item B.7]

Action: The request for travel authorization for Mayor Mahan and Mayor's staff was approved. (11-0-0)

2.14 Request for Travel Authorization for Councilmember Cohen.

(a) As recommended by the Rules and Open Government Committee on February 5, 2025, authorize travel for Councilmember Cohen to attend the League of California Cities Policy Committee meeting in Burbank, California on March 28, 2025. Source of Fund: Mayor/Council Travel Budget. (b) Authorize travel for Councilmember Cohen to attend the League of California Cities Board of Directors meeting in Rancho Cucamonga, California from February 20, 2025 to February 21, 2025. Source of Fund: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 2/5/2025 - (a) Item B.6 & (b) Item A.1.a]

Action: Councilmember David Cohen's request for travel authorization was approved. (11-0-0)

2.15 Retroactive Approval of Multiple Special Events Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on February 5, 2025: (a) Retroactively approve the Mayfair Community Center Dia de Muertos Health Fair scheduled on November 1, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Lobue Neighborhood Association Safety Community Meeting scheduled on November 7, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; (c) Retroactively approve Alum Rock Village Business Association Free Camera Pilot Program Camera Distribution Event scheduled on November 12, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; (d) Retroactively approve the Lobue Neighborhood Association Dumpster Day scheduled on November 16, 2024 as a City Council sponsored Special Event and approve the expenditure of funds; and (e) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Ortiz) [Rules Committee referral 2/5/2025 - Item B.5]

Action: Multiple Special Events sponsored by Council District 5 were retroactively approved. (11-0-0)

2.16 Approval of Tower Lighting for American Heart Month 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 February 5, 2025: (a) Approve the American Heart Month Tower Lighting scheduled on February 17-23, 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 2/5/2025 - Item B.4]

Action: The Tower Lighting for American Heart Month, 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 2024-2025 Mid-Year Budget Review Report.

(a) Approve the 2024-2025 Mid-Year Budget Review Report.
(b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2024-2025 Mid-Year Budget Review Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Jim Shannon, Budget Director, Office of the City Manager; Bonny Duong, Assistant Budget Director, Office of the City Manager; Claudia Chang, Deputy Budget Director, Office of the City Manager; Selena Ubando, Financial Status Coordinator, Office of the City Manager; Bryce Ball, Operating Budget Coordinator, Office of the City Manager; William Yu, Operating Budget Coordinator, Office of the City Manager; and Jennifer Tell, Capital Budget Coordinator, Office of the City Manager, offered the presentation and responded to questions.

Public Comment: Krista DeLaTorre and Riley Knight offered public testimony regarding the item.

Motion: Councilmember Rosemary Kamei moved approval of the staff recommendation, *including* withholding $150,000 from the Budget Stabilization fund in abeyance contingent on History Park's ability to raise $600,000. If funds are successfully raised, then the $150,000 in abeyance would return to the Budget Stabilization fund.
Mayor Matt Mahan requested clarification of the motion.
Councilmember Rosemary Kamei withdrew her motion.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the 2024-2025 Mid-Year Budget Review Report was approved, and (b) **Ordinance No. 31176** and (b) **Resolution No. RES2025-25** were adopted. (10-1-0; Noes: Kamei)

Council recessed from 11:53 a.m. -1:35 p.m.

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Public Hearing on the 2025 Weed Abatement Commencement Report and Removal of Weeds or Refuse. - NOT HEARD BEFORE 1:30 P.M.

Conduct a public hearing and adopt a resolution:
(a) Overruling any and all objections to the 2025 Weed Abatement Commencement Report; and
(b) Directing the County of Santa Clara's Consumer and Environmental Protection Agency - Weed Abatement Program to abate the seasonal and/or recurrent public nuisances on those properties identified in the 2025 Weed Abatement Commencement Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Program Agreement between the City of San José and the County of Santa Clara.

CEQA: Categorically Exempt, File No. PP18-094, CEQA Guidelines Section 15301(h) Existing Facilities. (Planning, Building, and Code Enforcement)

Garik Losilevsky, SCC Weed Abatement Manager (*ADA accommodation, virtually attended*) and Lee Wilcox, Assistant City Manager, Office of the City Manager, responded to questions regarding the item.

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, the public hearing on the 2025 Weed Abatement Commencement Report and Removal of Weeds or Refuse was conducted, and **Resolution No. RES2025-26** was adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

Public Comment: Alex S., Lori Ramos Chavez, Rose Amador, Julie Dominguez, Gary Dillabough, Adolfo Gomez, and one Speaker (*name not provided at the podium for the record*) offered public testimony regarding the item.

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

10.1(a) CP24-030 & ER24-231 – Conditional Use Permit for Certain Real Property Located at 439 South 1st Street. - NOT HEARD BEFORE 1:30 P.M.

Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the conversion of an existing approximately 10,220-square-foot building to a music venue with the addition of two mezzanines totaling approximately 1,454 square feet and to allow entertainment and on-site alcohol sales and consumption (for more than 250 people), and late-night operation until 2:00 a.m. on an approximately 0.24-gross acre site.
CEQA: Categorically exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. Council District 3. (Planning, Building, and Code Enforcement)

Action: **Resolution No. RES2025-27** was adopted, regarding the approval of the Conditional Use Permit for certain Real Property located at 439 South 1st Street. (11-0-0)

10.1(b) CP24-027 & ER24-192 - Conditional Use Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 1915 West San Carlos Street (Cha Cha ENTs LLC, Owner). - NOT HEARD BEFORE 1:30 P.M.

Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 20 - Off-Sale Beer & Wine) within an existing 14,000-square-foot grocery store on an approximately 0.87-acre site.
CEQA: Categorically exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities. Planning Commission recommends approval (8-0-1; Rosario absent) (Item 4.d on the 1/22/2025 Planning Commission agenda). Council District 6. (Planning, Building, and Code Enforcement)

Action: **Resolution No. RES2025-28** was adopted, regarding the approval of the Conditional use Permit and determination of public convenience or necessity for certain Real Property located at 1915 West San Carlos Street. (11-0-0)

10. Land Use– Regular Agenda

None provided.

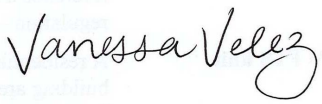
• Open Forum

1. Gary Cooper, a District 7 resident, discussed the homeless population and urged Council to make unhoused issues a priority.

- **Adjournment**

The Council of the City of San José adjourned at 2:30 pm, in memory of Mardonia Galeana Dionisio, who passed away on November 10, 2024. Mardonia was a pillar of her Eastside San José community, a fierce advocate for undocumented immigrants, and a shining example of resilience and grace. Her legacy lives on through cherished memories, as well as the art and stories inspired by her remarkable journey.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Vanessa Velez , Deputy City Clerk
City of San José

Approved at Council on:

# of Actions: 4

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

February 11, 2025

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

Absent Councilmembers: Kamei, Doan.

Place: City Hall Conference Room W-133

Time: 9:29 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:	Sutter's Place, Inc. v. City of San Jose.
Name(s) of Party(ies)	SUTTER'S PLACE, INC. DBA BAY 101, CITY OF SAN JOSE
Court:	Superior Court of California, County of Santa Clara
Case No:	1-14-CV-267311, consolidated with 16CV298883
Amount of Money or Other Relief Sought:	Damages according to proof

2.

Case Name:	Sutter's Place, Inc., dba Bay 101 v. City of San Jose
Name(s) of Party(ies)	SUTTER'S PLACE, INC., CITY OF SAN JOSE ET AL.

Court:	Superior Court of California, County of Santa Clara
Case No:	1-13-CV-258057
Amount of Money or Other Relief Sought:	Refund, declaratory relief, injunctive relief

3.

Case Name:	Sutter's Place, Inc., dba Bay 101 v. City of San
Name(s) of Party(ies)	SUTTER'S PLACE, INC., CITY OF SAN JOSE ET AL.
Court:	Superior Court of Santa Clara County
Case No:	2016-1-CV-298883
Amount of Money or Other Relief Sought:	Damages according to proof

4.

Case Name:	City of San Jose v. Sutter's Place, Inc., dba Bay 101 v.
Name(s) of Party(ies)	CITY OF SAN JOSE ET AL., SUTTER'S PLACE, INC.
Court:	Superior Court of California, County of Santa Clara
Case No:	23CV418952
Amount of Money or Other Relief Sought:	Damages according to proof

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 2