CITY COUNCIL MEETING

Minutes

Tuesday, August 12, 2025

1:30 PM

LOCATION:
Council Chambers- 200 E. Santa Clara Street

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

- # Call to Order and Roll Call

9:33 a.m.- Closed Session. *See Pages 18-23 for Closed Session Minutes.*

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

Absent Councilmembers: None.

1:36 p.m. - Regular Session.

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

Absent Councilmembers: None.

EC Declaration and Recording a Statement of the Results of the June 24, 2025 Runoff Municipal Election and Oath of Office.

(a) Adopt a resolution declaring and recording a statement of the results of the June 24, 2025 Runoff Municipal Election per Elections Code Sections 10263, 10264, and 15400; and
(b) Administer the Oath of Office for newly elected District 3 Councilmember Anthony Tordillos.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) **Resolution No. RES2025-266** was adopted, regarding the Declaration and Recording of the statement of results for the June 24, 2025 Runoff Municipal Election and; (b) administration of the Oath of Office for newly elected District 3 Councilmember. (11-0-0)

- # Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

- # Invocation (District 7)

Father Andrew Nguyen, St. Maria Goretti Parish offered a speech for the invocation.

- # Orders of the Day

None provided.

- **Adjournment**

None provided.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Michael Mulcahy presented a commendation to James Allen Lafferty for his extraordinary 57-year career in aviation and his profound contributions to the City of San José. From pioneering business aviation in Silicon Valley to mentoring generations of pilots and transforming the San José Jet Center into a one-stop shop for private aviation needs at San José Mineta International Airport and a world-class gateway, Jim's leadership has shaped both the industry and our community. His legacy is one of integrity, innovation, and unwavering dedication to service.

1.2 Councilmember Domingo Candelas presented proclamation declaring August 15, 2025 as the 78th anniversary of Indian Independence Day to honor and celebrate the contributions of Indian Americans to the cultural, social, and economic fabric of the City of San José.

1.3 Councilmember Peter Ortiz presented a commendation to Stanley Cao Ly Sâm in honor of 16 years of exemplary leadership and visionary service in social media and television broadcasting for the Vietnamese diaspora in the City of San José.

City Council recessed from 2:00 p.m. to 2:04 p.m.

2. CONSENT CALENDAR

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

Vice Mayor Pam Foley pulled Item 2.6 to offer a report.

Mayor Matt Mahan pulled Item 2.7 for comment.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Pam Foley, 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 5, 2024.
(b) Regular City Council Meeting Minutes of March 19, 2024.
(c) Regular City Council Meeting Minutes of April 16, 2024.
(d) Regular City Council Meeting Minutes of April 23, 2024.
(e) Regular City Council Meeting Minutes of August 13, 2024.
(f) Regular City Council Meeting Minutes of August 20, 2024.
(g) Regular City Council Meeting Minutes of August 27, 2024.

(h) Regular City Council Meeting Minutes of September 10, 2024.
(i) Regular City Council Meeting Minutes of September 24, 2024.
(j) Regular City Council Meeting Minutes of October 1, 2024.
(k) Regular City Council Meeting Minutes of October 8, 2024.
(l) Regular City Council Meeting Minutes of October 22, 2024.
(m) Regular City Council Meeting Minutes of October 29, 2024.
(n) Regular City Council Meeting Minutes of November 5, 2024.
(o) Regular City Council Meeting Minutes of November 19, 2024.
(p) Regular City Council Meeting Minutes of December 3, 2024.
(q) Regular City Council Meeting Minutes of December 10, 2024.
(r) Regular City Council Meeting Minutes of January 14, 2025.
(s) Regular City Council Meeting Minutes of February 25, 2025.
(t) Regular City Council Meeting Minutes of March 18, 2025.
(u) City Council Study Session Meeting Minutes of February 13, 2024.
(v) City Council Study Session Meeting Minutes of October 25, 2024.
(w) City Council Study Session Meeting Minutes of January 21, 2025.
(x) City Council Study Session Meeting Minutes of May 8, 2025.
(y) City Council Final Public Hearing Meeting Minutes of June 9, 2025. 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: Various Regular City Council Meeting Minutes and City Council Study Session Meeting Minutes were approved. (11-0-0)

2.2

Final Adoption of Ordinances.

(a) Ordinance No. 31227 - An Ordinance of the City of San José Amending Sections 4.04.020 and 4.04.055 of Chapter 4.04, Sections 4.12.018, 4.12.028, 4.12.055, and 4.12.410 of Chapter 4.12, and Sections 4.24.010 and 4.24.020 of Chapter 4.24 of Title 4 of the San José Municipal Code to Streamline City Processes in the Areas of Procurement, Contract Authority, and Settlement Authority. [Passed for Publication on 6/17/2025 - Item 2.10 (25-676)]
(b) Ordinance No. 31231 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add a New Part Related to the Establishment of the Alameda Community Benefit Improvement District Fund. [Passed for Publication on 6/17/2025 - Item 8.5(c) (25-722)]
(c) Ordinance No. 31233 - An Uncodified Ordinance of the City of San José to Designate Specified Areas of the City of San José as a Major Event Zone to Prohibit Certain Activities on Public Property Including Peddling, Distribution of Merchandise, Goods or Coupons for a Commercial Purpose, and the Sale of Counterfeit Merchandise to Facilitate the Optimum Use these Areas in Conjunction with the Major Events and Related Activities During the Following Time Periods: Beginning at Six O'clock (6:00) A.M. on Friday January 23, 2026 through Six O'clock (6:00) P.M. on Tuesday February 10, 2026 for National Football League Super Bowl LX; Beginning at Six O'clock (6:00) A.M. on Friday March 13, 2026 through Six O'clock (6:00) P.M. on Tuesday March 31, 2026 for Potential National Technology Conference and the National Collegiate Athletic Association Men's Basketball West Regional Games; and Beginning Six O'clock (6:00) A.M. on Friday June 5, 2026 through Six O'clock (6:00) P.M. on Sunday July 21, 2026 for Federation Internationale De Football Association World Cup 26. [Passed for Publication on 6/17/2025 - Item 8.6 (25-723)]
(d) Ordinance No. 31235 - An Ordinance of the City of San José Rezoning Certain

Real Property of Approximately 0.81 Gross Acre Situated on the West Side of Evergreen Village Square, between Ruby Avenue and Classico Avenue (APN: 659-57-015 & 659-84-093) from the A(PD) Planned Development Zoning District to the MUN(PD) Planned Development Zoning District. [Passed for Publication on 6/17/2025 - Item 10.1(a)(2) (25-728)]

Action: **Ordinance No. 31227; Ordinance No. 31231; Ordinance No. 31233;** and **Ordinance No. 31235** were adopted. (11-0-0)

2.3 Approval of Council Committee Minutes.

(a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 24, 2024.
(b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 15, 2024.
(c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 29, 2024.
(d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of June 5, 2024.
(e) Regular Joint Meeting for the Rules and Open Government Committee Minutes of June 12, 2024.
(f) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 7, 2024.
(g) Regular Neighborhood Services and Education Committee Minutes of October 10, 2024.
(h) Regular Neighborhood Services and Education Committee Minutes of May 8, 2025.
(i) Regular Community and Economic Development Committee Minutes of January 27, 2025.
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: Various Council Committee Minutes were approved. (11-0-0)

2.4 Mayor and Council Excused Absence Requests.

(a) Request for an excused absence for Councilmember Kamei from the regular meeting of Rules and Open Government Committee and Committee of the Whole on August 6, 2025 due to authorized City business to attend the Local Agency Formation Commission of Santa Clara County (Santa Clara LAFCO) meeting on August 6, 2025.
(b) As recommended by the Rules and Open Government Committee on August 6, 2025, request for excused absences for Councilmember Campos from the regular meetings of the Neighborhood Services and Education on October 9, 2025, the ABAG Housing Committee on October 8, 2025, and the Joint MTC ABAG Legislation Committee on October 10, 2025 due to authorized City business to attend the League of California Cities 2025 Annual Conference and Expo in Long Beach, California on October 8-10, 2025.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Kamei & Campos)

[Rules Committee referral 8/6/2025 - Item B.9 for (b)]

Action: The excused absence requests for Councilmember Rosemary Kamei and Councilmember Pamela Campos were approved. (11-0-0)

2.5 City Council Travel Reports

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

Vice Mayor Pam Foley reported the return percentages for various Retirement Boards.

2.7 City Council Appointments to Committees, Boards, and Commissions.

Appoint Councilmember Anthony Tordillos to the:
(a) Transportation & Environment Committee.
(b) Public Safety, Finance & Strategic Support Committee.
(c) ABAG - Executive Board as an Alternate.
(d) Appeals Hearing Board as the Liaison.
(e) Deferred Compensation Advisory Committee as the Liaison.
(f) Downtown Parking Board as the Liaison.
(g) Santa Clara Valley Habitat Agency Governing Board as an Alternate.
(h) Santa Clara VTA Steering Committee - Diridon Station.
(i) Silicon Valley Regional Interoperability Project as an Alternate. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Mayor Matt Mahan commented on the Item.

Action: The appointments for Councilmember Anthony Tordillos for the various Committees, Boards, and Commissions noted above were approved. (11-0-0)

2.8 Funding Agreement Between the City of San José and Valley Transportation Authority.

Adopt a resolution ratifying the City Manager's or her designee execution of a retroactive funding agreement with the Santa Clara Valley Transportation Authority (VTA) for staffing support for the Vice Chair of the VTA Board for a term beginning on February 2, 2025 and expiring on December 31, 2026, in an amount not to exceed $526,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Mayor)

Action: **Resolution No. RES2025-267** was adopted, regarding the funding agreement between the City of San Jose and Valley Transportation Authority. (11-0-0)

2.9 Third Amendment to the CALeVIP Grant Agreement with the Center for Sustainable Energy to Extend Through 2025.

Adopt a resolution authorizing the Director of Energy or her designee to execute a Third Amendment to the Services Agreement by and between the City of San José and the Center for Sustainable Energy, extending the term dated July 8, 2020 through December 31, 2025, with no additional funds.

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

Action: **Resolution No. RES2025-268** was adopted, regarding the third amendment to the CALeVIP Grant Agreement with the Center for Sustainable Energy to Extend through 2025. (11-0-0)

2.10 First Amendment to the Agreement with Q-Free TCS Inc. for Ongoing Services and Maintenance of a Garage Level Space Counting System.

Adopt a resolution authorizing the City Manager or her designee to:
(a) Negotiate and execute the First Amendment to the agreement for the purchase and maintenance of a Garage Level Space Counting System with Q-Free TCS, Inc. to extend the term by adding up to five additional one-year option periods from November 1, 2025 through October 31, 2030, under the same terms and conditions as the original agreement; and
(b) Increase the not-to-exceed amount by $294,625 to cover the compensation for the option periods beginning November 1, 2025 and ending October 31, 2030, for a new not-to-exceed amount of $675,849, 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. RES2025-269** was adopted, regarding the First Amendments to the agreement with Q-Free TCS Inc. for Ongoing Services and Maintenance for Garage Level Space Counting System. (11-0-0)

2.11 Approval of Free Use of the Janet Gray Hayes Rotunda, Wing Conference Rooms, and Council Chambers for the Graphic Novel Making Contest Event.

Adopt a resolution authorizing "Free Use" for the Graphic Novel Making Contest Event held at the City Hall Rotunda, Wing Conference Rooms, and Council Chambers on Saturday, September 13, 2025, hosted by the Library Department.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to physical environment. (Library)

Action: **Resolution No. RES2025-270** was adopted, regarding the approval of the Free Use of the Janet Gray Hayes Rotunda, Wing Conference Rooms, and Council Chambers for the Graphic Novel Making Contest Event. (11-0-0)

2.12 Agreement with Healthview Preventive Medical Center, Inc. for Services Related to Health Screenings of Law Enforcement Employees.

Adopt a resolution authorizing the City Manager or her designee to:
(a) Negotiate and execute an agreement with HealthView Preventive Medical Center, Inc. for the cost of services relating to health screenings for San José Police Department employees, for a maximum compensation of $381,205;
(b) Negotiate and execute amendments as required for any unanticipated changes, consistent with the procurement and the City's standard terms and conditions, without further City Council action, subject to the appropriation of funds; and
(c) Exercise up to four one-year renewal options to extend the term of the agreement, 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. (Police)

Action: **Resolution No. RES2025-271** was adopted, regarding the agreement with Healthview Preventative Medical Center, Inc. for services related to health screenings of law enforcement employees. (11-0-0)

2.13 Amendment to the Schedule of Parking Penalties.

Adopt a resolution setting forth the Schedule of Parking Penalties to establish a fine amount of $63 ($50.50 base penalty plus $12.50 State Law Surcharges) for the violation of California Vehicle Code section 4000(a), also known as Expired Registration, and to repeal Resolution No. RES2024-264.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273 - Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Transportation)

Action: **Resolution No. RES2025-272** was adopted, regarding the Amendment to the schedule of Parking Penalties. (11-0-0)

2.14 Retroactive Approval of the Purchase of District 4 Stars Gala Award.

As recommended by the Rules and Open Government Committee on August 6, 2025, retroactively approve the purchase of awards for the District 4 Stars Gala.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Cohen)

Action: The District 4 Stars Gala Award purchase was retroactively approved. (11-0-0)

2.15 Request for Travel and Excused Absence.

As recommended by the Rules and Open Government Committee on August 6, 2025:
(a) Authorize travel for Councilmember Cohen to attend the League of California Cities 2025 Annual Conference and Expo in Long Beach, California on October 8-10, 2025. Source of Fund: Mayor/Council Travel Budget.
(b) Request for excused absences from the regular meetings of the Rules and Open Government Committee and Committee of the Whole on October 8, 2025, the Caltrain Joint Powers Board of Directors on October 9, 2025, and the Treatment Plant Advisory Committee on October 9, 2025.
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 8/6/2025 - Item B.8

Action: The request for travel and excused absence request for Councilmember David Cohen was approved. (11-0-0)

2.16 Request for Travel and Excused Absence.

As recommended by the Rules and Open Government Committee on August 6, 2025:
(a) Authorize travel for Vice Mayor Foley to attend the 2025 U.S.
-Japan Sister Cities Summit in Izumisano, Japan and visit the sister city, Okayama, Japan on September 10-20, 2025. Source of Fund: Personal Funds.
(b) Request for excused absences from the regular meetings of the Rules and Open

Government Committee and Committee of the Whole on September 10, 2025 and September 17, 2025, and the City Council
on September 16, 2025.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 8/6/2025 - Item B.4]

Action: The request for travel and excused absence request for Vice Mayor Pam Foley was approved. (11-0-0)

2.17 Retroactive Approval of the Dumpster Day 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 August 6, 2025:
(a) Retroactively approve the Dumpster Day scheduled on June 7, 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 8/6/2025 - Item B.5]

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

2.18 Approval and Retroactive Approval of Indian Flag Raising and Tower Lighting Sponsored by Council Districts 8 and 10 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 August 6, 2025:
(a) Approve the Indian Flag Raising event scheduled on August 15, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Retroactively approve the Indian Independence Day Tower and Rotunda Lighting from August 11-17, 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. (Candelas and Casey)
[Rules Committee referral 8/6/2025 - Item B.10]

Action: The special events sponsored by Council Districts 8 and 10 were approved and retroactively 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 **Actions Related to Travel to Atlanta, Georgia for the September 2025 San José Chamber of Commerce Annual Study Mission.**

(a) Approve the receipt of gifts received by City Officials in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.120.B.
(b) Approve travel to Atlanta, Georgia and request for an excused absence for the following Councilmembers from the following meetings due to Authorized City Business: San José Chamber of Commerce Annual Study Mission:
(1) Mayor Mahan and Mayor's Office staff Vince Rocha (Source of Funds: Mayor - Mayor/Council Travel Budget; Mayor's Office staff - Mayor's Office Budget; Travel Dates: September 23, 2025 to September 26, 2025; Meeting: none).
(2) Councilmember Campos (Source of Funds: District 2 Council Office Budget; Travel Dates: September 23, 2025 to September 26, 2025; Meeting: September 23, 2025 San José City Council).
(3) Councilmember Tordillos (Source of Funds: District 3 Council Office Budget; Travel Dates: September 23, 2025 to September 26, 2025; Meeting: September 23, 2025 San José City Council).
(4) Councilmember Cohen (Source of Funds: District 4 Council Office Budget; Travel Dates: September 23, 2025 to September 26, 2025; Meetings: September 23, 2025 San José City Council and September 24, 2025 Rules and Open Government Committee).
(5) Councilmember Mulcahy (Source of Funds: District 6 Council Office Budget; Travel Dates: September 23, 2025 to September 26, 2025; Meeting: September 23, 2025 San José City Council).
(6) Councilmember Doan (Source of Funds: District 7 Council Office Budget; Travel Dates: September 23, 2025 to September 26, 2025; Meetings: September 23, 2025 San José City Council, September 24, 2025 Rules and Open Government Committee, and September 25, 2025 Silicon Valley Regional Interoperability Authority Committee).
(7) Councilmember Casey (Source of Funds: District 10 Council Office Budget; Travel Dates: September 23, 2025 to September 26, 2025; Meeting: September 23, 2025 San José City Council).
CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk

Public Comment: None provided.

Councilmember Bien Doan removed his request of travel due to a family member's health.

Councilmember Pamela Campos requested to attend the San José Chamber of Commerce Annual Study Mission.

Councilmember George Casey requested to attend the San José Chamber of Commerce Annual Study Mission.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember George Casey, and carried unanimously, the joint memorandum co-authored by Mayor Matt

Mahan, Vice Mayor Pam Foley, Councilmember David Cohen, and Councilmember George Casey was approved , *as amended*, recommending the following:
Accept staff recommendation (a) and (b), (1), (3), (4), (5), (6) which includes Mayor Mahan, Councilmember Tordillos, Councilmember Cohen, Councilmember Mulcahy, and ~~Councilmember Doan~~ *Councilmember Casey*.
(11-0-0)

3.4

Actions Related to the Assembly Bill 339 (Ortega).

Adopt a resolution taking a position in opposition to Assembly Bill 339 (Ortega), Local Public Employee Organizations Noticing Requirements, authorizing the City Manager's Office to issue a letter of opposition in accordance with City Council direction.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Sarah Zarate, Director, City Manager's Office; and Aram Kouyoumdjian, Director, Employee Relations, Human Resources Office, offered the presentation and responded to questions.

John Tucker, MEF-AFSCME, responded to questions regarding the Item.

Public Comment: Krista DeLaTorre, John Tucker, and Jack McGovern offered public testimony regarding the Item.

Motion: Vice Mayor Pam Foley moved approval of the staff recommendation regarding all actions related to the Assembly Bill 339. Councilmember Michael Mulcahy seconded the motion.

Substitute Motion: Councilmember Peter Ortiz moved to reject the staff recommendation regarding all actions related to the Assembly Bill 339. Councilmember Pamela Campos seconded the motion.

Friendly Amendment to Original Motion: Councilmember David Cohen requested that the motion specify an exemption for cyber security contracts and renewals of existing contracts, and additionally requested that the administration provide more clarity on what is covered by the bill and what is not. The maker of the motion accepted the Friendly Amendment. The Friendly Amendment was *not* accepted by the seconder.

Friendly Amendment to Original Motion: Councilmember Rosemary Kamei requested that the 60-day timeline in place be removed, or that staff find a workable solution. The maker of the motion accepted the Friendly Amendment. The Friendly Amendment was *not* accepted by the seconder.

Friendly Amendment to the Original Motion: Councilmember Anthony Tordillos requested the administration provide more clarity regarding the emergency and exigent circumstances exemption. The maker of the motion accepted the Friendly Amendment. The Friendly Amendment was *not* accepted by the seconder.

Vote on the Substitute Motion: On call to question, the Substitute Motion *failed* due to a lack of yes votes. (3-8-0: Noes: Mahan, Kamei, Tordillos, Cohen, Mulcahy, Doan, Foley,

Casey)

Action: Upon motion by Vice Mayor Pam Foley, seconded Michael Mulcahy, and carried unanimously, **Resolution No. RES2025-273** was adopted, approving all actions related to Assembly Bill 339. (6-5-0; Noes: Kamei, Cohen, Ortiz, Campos, Candelas)

3.5

Public Hearing for the Fiscal Year 2025-2026 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments to be Placed on the 2025-2026 Santa Clara County Secured Property Tax Roll

(a) Conduct a public hearing on the Fiscal Year 2025-2026 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office.
(b) Adopt a resolution confirming the approval of the annual report and the placement of the charges as set forth therein on the 2025-2026 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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 Domingo Candelas, and carried unanimously, (b) **Resolution No. RES2025-274** was adopted, regarding the approval of the annual report and the placement of the charges as set forth therein on the 2025-2026 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony; (a) the public hearing for the fiscal year 2025-2026 annual report was conducted. (11-0-0)

3.6

Public Hearing for the Fiscal Year 2025-2026 Annual Residential Solid Waste Collection Service Charges to be Placed on the 2025-2026 Santa Clara County Secured Property Tax Roll.

(a) Conduct a public hearing on the Fiscal Year 2025-2026 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office.
(b) Adopt a resolution confirming the approval of the report and the placement of charges as set forth therein on the 2025-2026 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, (b) **Resolution No. RES2025-275** was adopted, regarding the approval of the report and the placement of charges as set forth therein on the 2025-2026 Santa Clara County Secured Property Tax Roll, with such modifications the

City Council may make based on public hearing testimony; (a) the public hearing for the Fiscal Year 2025-2026 annual residential solid waste collection service charges to be placed on the 2025-2026 Santa Clara County Secured Property Tax Roll was conducted. (11-0-0)

3.7

Fiscal Year 2025-2026 Property Tax Levy for General Obligation Bonds.

Adopt a resolution establishing the Fiscal Year 2025-2026 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and to pay the respective administration fee to the County of Santa Clara.

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 Councilmember David Cohen, seconded by Vice Mayor Pam Foley, and carried unanimously, **Resolution No. RES2025-276** was adopted, regarding the approval of the Fiscal Year 2025-2026 Property Tax Levy for General Obligation Bonds. (11-0-0)

3.8

Approval of the Issuance of Multifamily Housing Revenue Refunding Bonds and the Loan of the Proceeds Thereof for the Refinancing of the La Moraga Apartments Development and Approving Other Related Documents.

Adopt a resolution:

(a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Refunding Bonds (La Moraga Apartments), Series 2025C" in a principal amount not to exceed $44,856,000 (2025C Bonds);

(b) Approving the loan of 2025C Bond proceeds to La Moraga San José, L.P., a California limited partnership, to refinance the outstanding multifamily housing revenue bonds issued by the City in 2012 that financed acquisition, construction, and development of a 275-unit multifamily development known as La Moraga Apartments located at 5822 Charlotte Drive in the City of San José;

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

(d) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director of Finance - Debt and Treasury Management or their designees, to negotiate, execute and deliver the 2025C Bond Documents together with any documents ancillary to the 2025C Bond Documents for the issuance and sale of the 2025C Bonds and the loan of the proceeds thereof.

CEQA: Determination of Consistency with the Environmental Impact Report for the Hitachi Campus and Mixed-Use Transit Village Project, File No. PDC04-031 (Resolution No.

72772). Council District 2 (Finance/Housing)

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-277** was adopted, approving the Issuance of the Multifamily Housing Revenue Refunding Bonds and the Loan of the Proceeds Thereof for the Refinancing of the La Moraga Apartments Development and Approving Other Related Documents. (11-0-0)

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 Existing Single-Family Building Reach Code.

(a) Approve an ordinance amending various sections of Chapters 24.10 and 24.12 of Title 24 of the San José Municipal Code to modify provisions of the 2025 California Green Building Standards and Building Energy Efficiency Standards with certain exceptions, modifications, and additions which serve as a reach code to increase building efficiency, mandate electric- and solar-readiness, and incentivize all-electric development, and make findings related to the local geographical, topographical, climatic conditions and cost effectiveness, which are necessary to make modifications to the State of California's Green Building Standards and Building Energy Efficiency Standards.
(b) Authorize the City Manager to submit a reach code submittal package to the Building Standards Commission and California Energy Commission for its approval as required by law.
CEQA: Categorically Exempt, File No. ER25-147, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Energy)

DEFERRED TO 9/9/2025 PER RULES AND OPEN GOVERNMENT COMMITTEE)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

HEARD IMMEDIATELY AFTER CONSENT

Public Comment: Rigo Gallardo offered public testimony on Land Use Consent.

Councilmember Anthony Tordillos recused himself from Item 10.1(a) due to financial conflicts.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan, and carried unanimously, Land Use on Consent Calendar was approved as a whole, including acceptance of the memorandum authored by Councilmember David Cohen, dated August 12, 2025, *with amendments* to Item 10.1(a). (10-0-0-1; Recused: Tordillos)

(a) **DC25-016, T25-006, PD25-008 & ER25-080 - Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for Certain Real Property Located at 1655 Berryessa Road.**

(1) Adopt a resolution adopting an Addendum to the Berryessa Mixed-Use Development Project Final Environmental Impact Report
(Resolution No. RES2023-223), and the related Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act.
(2) Approve an ordinance rezoning certain real property of an approximately 13.05-gross-acre site situated on the north side of Berryessa Road, approximately 1,100 feet westerly of Lundy Avenue (1655 Berryessa Road) from the R-M(PD) and CP(PD) Planned Development Zoning Districts to the UR(PD) and CP(PD) Planned Development Zoning Districts.
(3) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge three parcels into one and subdivide the one parcel into 31 parcels and up to 362 condominium units on the Project Site.
(4) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the construction of a six-story multifamily residential building totaling 260 units, 100% of which are affordable, subject to the State Density Bonus Law, on an approximately 2.38-gross-acre portion of the Project Site.
CEQA: Addendum to the Berryessa Mixed-Use Development Project Final Environmental Impact Report (Resolution No. RES2023-223). Council District 4. (Planning, Building and Code Enforcement)

Councilmember Anthony Tordillos recused himself from the Item due to financial conflicts regarding campaign contributions.

Councilmember Rosemary Kamei confirmed the intention of language from "directing staff" to "directing administration."

Matt Loesch, Director, Public Works Department responded to questions regarding the Item.

Action: (1) **Resolution No. RES2025-278** was adopted; (2) **Ordinance No. 31236** was *passed for publication*; (3) **Resolution No. RES2025-279** was adopted; and (4) **Resolution No. RES2025-280** was adopted, regarding the approval of the Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for Certain Real Property Located at 1655 Berryessa Road; **And**,
Including acceptance of the *amended* memorandum authored by Councilmember David Cohen,

dated August 12, 2025, recommending the following:
Approve staff recommendation. Unless the City is able to negotiate an alternative wetland mitigation plan with the Regional Water Quality Control Board, Administration shall advance a process and bring forward to Council any needed approvals to achieve the following.
To achieve the plan and the timeline described above, we direct the Administration to advance a process and bring forward to Council any needed approvals to achieve the following:

1. The City will own in fee title all of Block E, which contains the wetland and the public recreation/ open space, as conceptually depicted in the exhibits below.
2. *Housing, Public Works,* ~~DPW~~ and Finance will work with the Facchino Master Developer to *study and then possibly* form a Community Facility District to assess all of the residential development on Blocks A, B, C, D, F & G (below) at a level that will provide adequate funding for ongoing maintenance and management of the wetlands area and public recreation/open space area. This ~~will~~ *would* be a second CFD for this area, in addition to CFD 15.
3. DOT will be responsible for oversight and management of the wetland area, utilizing the funds from the future CFD. DOT can decide whether to perform these maintenance functions in-house, require a third-party property manager to do the work, or a combination of approaches.
4. PNRS will be responsible for the oversight and management of the public recreation/open space area, utilizing funds from the CFD.PNRS can decide whether to perform these maintenance functions in-house, require a third-party property manager to do the work, or a combination of approaches. The project will enter into a Turnkey Park Agreement for the development of the public recreation areas of Block E. The project will get full park credit for the dedication and development of the public recreation area of Block E.
5. The Facchino Master Developer will fund and construct all of the improvements on Block E - both the wetland and the public recreation/open space.
6. If desired by City Departments, the property owner of Blocks F&G can be assigned the responsibility of coordinating and implementing the maintenance functions on Block E, utilizing the proceeds of the future CFD and under agreement with the City.

(10-0-0-1; Recused: Tordillos)

(b) C23-115, CP24-001 & ER23-250 - Conforming Rezoning and Conditional Use Permit for Property Located at 15 Cottle Road.

DROPPED

END OF CONSENT CALENDAR

10 Land Use– Regular Agenda

None provided.

- **Open Forum**

1. A Speaker (*who did not state their name at the podium*) requested that law enforcement be physically identifiable for the public and requested community education on participation in local government.
2. Emma discussed the Columbus Park eviction sweeps and lack of permanent affordable housing.
3. Cate Schroeder requested a postponement of the Columbus Park eviction sweeps.
4. Wendy G. discussed the Columbus Park sweeps and requested needs-based housing.
5. Vicki Harrison discussed the Columbus Park sweeps and disappointment at no alternative being offered.
6. Akos Szoboszlay spoke to police harassment he has encountered while bicycling.

- **Adjournment**

The Council of the City of San José adjourned at 3:52 pm.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Vanessa Velez, Deputy City Clerk
City of San José

Approved at Council on: 9/9/2025

# of Actions: 9

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

August 12, 2025

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

Absent Councilmembers: None.

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: In re: Claim of Carabarin

Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court

Case No: ADJ10063286 and ADJ9709727

Amount of Money or Other Relief Sought: Benefits

2. Case Name: In re: Claim of Fernandez

Name(s) of Party(ies)

Court: Worker's Compensation Appeals Court

Case No: ADJ18033505

Amount of Money or Other Relief Sought: Benefits

3. Case Name: In re: Claim of Harmount

Name(s) of Party(ies)

	Court:	Worker's Compensation Appeals Court
	Case No:	ADJ17658946
	Amount of Money or Other Relief Sought:	Benefits
4.	Case Name:	City of San Jose vs. The Globe Homeowners Association
	Name(s) of Party(ies)	City of San Jose, Globe Homeowners Association
	Court:	Santa Clara Superior Court
	Case No:	3:25-cv-01350-WHO
	Amount of Money or Other Relief Sought:	Damages according to proof
5.	Case Name:	City and County of San Francisco, et al. v. Donald J. Trump, et al.
	Name(s) of Party(ies)	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 Saint Paul, City of Santa Fe, County of Alameda, City of Albany, City of Albuquerque, County of Allegheny, City of Baltimore, City of Bend, City of Benicia, City of Berkeley, City of Boston, City of Cambridge, City of Cathedral City, City of Chicago, City of Columbus, City of Culver City, County of Dane, City and County of Denver, City of Healdsburg, County of Hennepin, City of Los Angeles, County of Marin, City of Menlo Park, Multnomah County, City of Pacifica, City of palo Alto, City of Petaluma, Pierce County, City of Richmond, City of Rochester, City of Rohnert Park, County of San Mateo, City of Santa Rosa, County of Sonoma, City of Watsonville, City of Wilsonville; Donald J. Trump, United States Department of Justice, Pamela Bondi, Emil Bove, Kristi Noem, United States of America, United States Office of Management and Budget, Russell Vought
	Court:	U.S. District Court, Northern District of California
	Case No:	3:25cv01350-WHO

Amount of Money or Other Relief Sought:	Declaratory and Injunctive relief.

6.

Case Name:	Culture of Life Family Services, Inc. v. Bonta
Name(s) of Party(ies)	Culture of Life Family Services, Inc., Bonta
Court:	Ninth Circuit Court of Appeals
Case No:	25-3828
Amount of Money or Other Relief Sought:	Declaratory and Injunctive relief.

7.

Case Name:	In Re: Purdue Pharma L.P., et al
Name(s) of Party(ies)	Purdue Pharma, LP, et al.
Court:	United States Bankruptcy Court, Southern District of New York
Case No:	19-23649
Amount of Money or Other Relief Sought:	Petition for Bankruptcy

8.

Case Name:	In Re: National Prescription Opiate Litigation
Name(s) of Party(ies)	City of San Jose, et al.; Defendants include, but are not limited to, defendants: Alvogen, Inc. Amneal Pharmaceuticals LLC; Apotex Corp., Hikma Pharmaceuticals USA Inc. f/k/a West-Ward Pharmaceuticals Corp.; Indivior Inc.; Viatris Inc. a/k/a Mylan N.V.; Sun Pharmaceutical Industries, Inc.; Zydus Pharmaceuticals (USA) Inc.; Kroger Co., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., Walgreen Co., Walmart Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Purdue Pharma L.P., Cardinal Health, Inc., Cencora, Inc. f/k/a AmerisourceBergen Corporation, McKesson Corporation, Dr. Richard S. Sackler, Beverly Sackler, Jonathan Sackler, David Sackler, Marianna Sackler, Theresa Sackler, Ilene Sackler Lefcourt, Dr. Kathe Sackler, and Mortimer D.A. Sackler which were named in a lawsuit seeking damages, abatement, or other remedies related to or caused by the opioid public health crisis in any lawsuit brought by any state or local government

	on or before October 1, 2020
Court:	U.S. District Court for the Northern District of Ohio
Case No:	1:17-md-02804-DAP
Amount of Money or Other Relief Sought:	Monetary damages and injunctive relief.
Case Name:	City of San Jose, California v. Amerisourcebergen Drug Corporation, et al
Name(s) of Party(ies)	City of San Jose, Amerisourcebergen Drug Corporation, et al.
Court:	U.S. District Court for the Northern District of Ohio
Case No:	1:19-op-45768-DAP
Amount of Money or Other Relief Sought:	Monetary damages and injunctive relief

9.

Case Name:	In Re: National Prescription Opiate Litigation
Name(s) of Party(ies)	City of San Jose, et al.; Defendants include, but are not limited to, defendants: Alvogen, Inc. Amneal Pharmaceuticals LLC; Apotex Corp., Hikma Pharmaceuticals USA Inc. f/k/a West-Ward Pharmaceuticals Corp.; Indivior Inc.; Viatris Inc. a/k/a Mylan N.V.; Sun Pharmaceutical Industries, Inc.; Zydus Pharmaceuticals (USA) Inc.; Kroger Co., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., Walgreen Co., Walmart Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Purdue Pharma L.P., Cardinal Health, Inc., Cencora, Inc. f/k/a AmerisourceBergen Corporation, McKesson Corporation, Dr. Richard S. Sackler, Beverly Sackler, Jonathan Sackler, David Sackler, Marianna Sackler, Theresa Sackler, Ilene Sackler Lefcourt, Dr. Kathe Sackler, and Mortimer D.A. Sackler which were named in a lawsuit seeking damages, abatement, or other remedies related to or caused by the opioid public health crisis in any lawsuit brought by any state or local government on or before October 1, 2020
Court:	U.S. District Court for the Northern District of Ohio

Case No:	1:17-md-02804-DAP
Amount of Money or Other Relief Sought:	Monetary damages and injunctive relief
Case Name:	City of San Jose, California v. Amerisourcebergen Drug Corporation, et al
Name(s) of Party(ies)	City of San Jose, Amerisourcebergen Drug Corporation, et al.
Court:	U.S. District Court for the Northern District of Ohio
Case No:	1:19-op-45768-DAP
Amount of Money or Other Relief Sought:	Monetary damages and injunctive relief

B. CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a):

Consultation with: Security

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: 2

D. 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:	**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