



City Council Meeting Amended Minutes

Tuesday, September 9, 2025

1:30 PM

Council Chambers

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**

9:30 a.m.- Closed Session. *See Page 21-23 for the Closed Session Minutes.*

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

Absent Councilmembers: Mulcahy, Doan.

1:34 p.m. - Regular Session.

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

Absent Councilmembers: Mulcahy.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 8)**

The Art of Living Foundation offered a guided meditation and breathwork exercise for the invocation.

- **Orders of the Day**

Mayor Matt Mahan announced that the administration requested a *deferral* of Item 3.4 to the September 16, 2025 City Council meeting.

Jennifer Maguire, City Manager, City Manager's Office, thanked the Council for accommodating the request for further research to be completed.

Public Comment: None provided.

Action to defer Item 3.4: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, Item 3.4 was *deferred* to the September 16, 2025 City Council meeting, per the Administration, for further research to be completed. (10-0-1; Absent: Mulcahy)

- **Adjournment Recognition**

None provided.

- **Closed Session Report**

None provided.

1.CEREMONIAL ITEMS

- 1.1 Councilmember Pamela Campos and Vice Mayor Pam Foley presented a proclamation declaring September 2025 as Transit Month in the City of San José, celebrating public transportation and its role in promoting equitable and seamless access for all.
- 1.2 Mayor Mahan presented a commendation to PATH who are celebrating 10 years of working tirelessly in the City of San José and the County of Santa Clara to support individuals experiencing homelessness in finding permanent housing and rebuilding their lives.

2. CONSENT CALENDAR

Councilmember Peter Ortiz pulled Item 2.11 for further discussion; *the item was voted on separately.*

Councilmember Rosemary Kamei pulled Item 2.16 for further discussion; *the item was voted on separately.*

Public Comment: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Peter Ortiz, and carried unanimously, the Consent Calendar was approved, *excluding Items 2.11 and Item 2.16 which were voted on separately*, and the below actions were taken as indicated. (10-0-1; Absent: Mulcahy)

2.1 Approval of City Council Minutes.

- (a) Regular City Council Meeting Minutes of February 13, 2024.
 - (b) Regular City Council Meeting Minutes of January 28, 2025.
 - (c) Regular City Council Meeting Minutes of April 15, 2025.
 - (d) Regular City Council Meeting Minutes of April 22, 2025.
 - (e) Regular City Council Meeting Minutes of April 29, 2025.
 - (f) Regular City Council Meeting Minutes of May 6, 2025.
 - (g) Regular City Council Meeting Minutes of May 13, 2025.
 - (h) Regular City Council Meeting Minutes of May 20, 2025.
 - (i) Regular City Council Meeting Minutes of June 3, 2025.
 - (j) Regular City Council Meeting Minutes of June 10, 2025.
 - (k) Regular City Council Meeting Minutes of June 17, 2025.
 - (l) Regular City Council Meeting Minutes of August 12, 2025.
 - (m) Regular City Council Meeting Minutes of August 19, 2025.
 - (n) Regular City Council Meeting Minutes of August 26, 2025.
 - (o) Regular City Council Meeting Amended Minutes of September 26, 2023.
 - (p) Regular City Council Meeting Amended Minutes of December 5, 2023.
 - (q) Joint City Council Meeting Minutes of November 11, 2023.
 - (r) Special City Council Meeting Minutes of August 19, 2025.
 - (s) Special City Council Closed Session Minutes of September 2, 2025.
 - (t) City Council Study Session Meeting Minutes of April 15, 2025.
 - (u) City Council Study Session Meeting Minutes of May 20, 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: The City Council Minutes were approved. (10-0-1; Absent: Mulcahy)

2.2 Final Adoption of Ordinances.

- (a) Ordinance No. 31237 - An Ordinance of the City of San José Amending Title 27 of the San José Municipal Code Related to the Procurement Process. [Passed for Publication on 8/19/2025 - Item 2.13 (25-828)]
- (b) Ordinance No. 31238 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.17 Gross Acres Situated between North Fourth and Fifth Streets, Approximately 220 Feet Northerly of Jackson Street (639-645 North Fifth Street and 620-642 North Fourth Street) (APNS 249-41-075, -009, -022 through -025) from the PQP Public/Quasi-Public Zoning District and the R-M Multiple Residence District to the PQP(PD) Planned Development Zoning District. [Passed for Publication on 6/17/2025 - Item 10.1(a)(2) (25-841)]
- (c) Ordinance No. 31239 - An Ordinance of the City of San José Amending Section 1.13.150 of Chapter 1.13 of Title 1 and Section 1.14.090 of Chapter 1.14 of Title 1 of the San José Municipal Code to Increase the Per Day Maximum Administrative Penalty Amount from Two Thousand Five Hundred Dollars (\$2,500) to Ten Thousand Dollars (\$10,000) for Each Ongoing Violation; and Increase the Maximum Administrative Penalty from One Hundred Thousand Dollars (\$100,000) to Five Hundred Thousand Dollars (\$500,000) Exclusive of Administrative Costs, Interest and Restitution for Compliance Reinspections, for Any Related Series of Violations. [Passed for Publication on 8/26/2025 - Item 2.19 (25-890)]

Action: (a) **Ordinance No. 31237** and (b) **Ordinance No. 31238** were adopted. (10-0-1; Absent: Mulcahy)

*** (c) Ordinance No. 31239 did not include the corrected \$20,000 maximum administrative penalty amount for each ongoing violation, as passed by Council on August 26, 2025; 2.2(c) was not adopted on September 9, 2025. Ordinance No. 31239 returned to City Council for final adoption on October 21, 2025 with the corrected \$20,000 amount.**

2.3 Approval of Council Committee Minutes.

- (a) Regular Community and Economic Development Committee Minutes of March 25, 2024.
- (b) Regular Community and Economic Development Committee Minutes of April 22, 2024.
- (c) Regular Community and Economic Development Committee Minutes of May 20, 2024.
- (d) Regular Community and Economic Development Committee Minutes of June 24, 2024.
- (e) Regular Community and Economic Development Committee Minutes of August 26, 2024.
- (f) Regular Community and Economic Development Committee Minutes of September 23, 2024.
- (g) Regular Community and Economic Development Committee Minutes of October 28, 2024.
- (h) Special Community and Economic Development Committee Minutes of November 18, 2024.
- (i) Regular Community and Economic Development Committee Minutes of February 24, 2025.
- (j) Regular Community and Economic Development Committee Minutes of March 24, 2025.

- (k) Regular Community and Economic Development Committee Minutes of April 28, 2025.
- (l) Special Community and Economic Development Committee Minutes of May 19, 2025.
- (m) Regular Joint Meeting for the Rules and Open Government Committee Minutes of January 10, 2024.
- (n) Regular Joint Meeting for the Rules and Open Government Committee Minutes of January 17, 2024.
- (o) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 21, 2024.
- (p) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 28, 2024.
- (q) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 6, 2024.
- (r) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 13, 2024.
- (s) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 27, 2024.
- (t) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 3, 2024.
- (u) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 10, 2024.
- (v) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 17, 2024.
- (w) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 1, 2024.
- (x) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 22, 2024.
- (y) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 14, 2024.
- (z) Regular Joint Meeting for the Rules and Open Government Committee Minutes of September 4, 2024.
- (aa) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 2, 2024.
- (ab) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 16, 2024.
- (ac) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 23, 2024.
- (ad) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 30, 2024.
- (ae) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 13, 2024.
- (af) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 20, 2024.
- (ag) Regular Joint Meeting for the Rules and Open Government Committee Minutes of December 4, 2024.
- (ah) Regular Joint Meeting for the Rules and Open Government Committee Minutes of December 11, 2024.
- (ai) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 5, 2025.

- (aj) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 26, 2025.
- (ak) Regular Joint Meeting for the Rules and Open Government Committee Minutes of April 16, 2025.
- (al) Regular Joint Meeting for the Rules and Open Government Committee Minutes of May 21, 2025.
- (am) Regular Joint Meeting for the Rules and Open Government Committee Minutes of August 6, 2025.
- (an) Regular Neighborhood Services and Education Committee Minutes of January 11, 2024.
- (ao) Regular Neighborhood Services and Education Committee Minutes of April 11, 2024.
- (ap) Regular Neighborhood Services and Education Committee Minutes of May 9, 2024.
- (aq) Regular Neighborhood Services and Education Committee Minutes of June 13, 2024.
- (ar) Regular Neighborhood Services and Education Committee Minutes of August 8, 2024.
- (as) Regular Neighborhood Services and Education Committee Minutes of September 12, 2024.
- (at) Joint Special Neighborhood Services and Education Committee Minutes of September 16, 2024.
- (au) Regular Neighborhood Services and Education Committee Minutes of November 14, 2024.
- (av) Regular Neighborhood Services and Education Committee Minutes of December 12, 2024.
- (aw) Regular Neighborhood Services and Education Committee Minutes of February 13, 2025.
- (ax) Regular Neighborhood Services and Education Committee Minutes of March 13, 2025.
- (ay) Regular Neighborhood Services and Education Committee Minutes of April 10, 2025.
- (az) Regular Neighborhood Services and Education Committee Minutes of June 12, 2025.
- (ba) Regular Neighborhood Services and Education Committee Minutes of August 14, 2025.
- (bb) Regular Public Safety, Finance and Strategic Support Committee Minutes of April 18, 2024.
- (bc) Regular Public Safety, Finance and Strategic Support Committee Minutes of June 20, 2024.
- (bd) Regular Public Safety, Finance and Strategic Support Committee Minutes of August 15, 2024.
- (be) Regular Public Safety, Finance and Strategic Support Committee Minutes of September 19, 2024.
- (bf) Regular Public Safety, Finance and Strategic Support Committee Minutes of October 17, 2024.
- (bg) Regular Public Safety, Finance and Strategic Support Committee Minutes of November 21, 2024.
- (bh) Special Public Safety, Finance and Strategic Support Committee Minutes of December 5, 2024.
- (bi) Regular Public Safety, Finance and Strategic Support Committee Minutes of February 20, 2025.
- (bj) Regular Public Safety, Finance and Strategic Support Committee Minutes of March 20, 2025.
- (bk) Regular Public Safety, Finance and Strategic Support Committee Minutes of April 17, 2025.
- (bl) Regular Public Safety, Finance and Strategic Support Committee Minutes of May 15, 2025.

(bm) Regular Public Safety, Finance and Strategic Support Committee Minutes of August 21, 2025.
(bn) Regular Transportation and Environment Committee Minutes of May 6, 2024.
(bo) Special Transportation and Environment Committee Minutes of August 12, 2024.
(bp) Special Transportation and Environment Committee Minutes of September 9, 2024.
(bq) Regular Transportation and Environment Committee Minutes of October 7, 2024.
(br) Regular Transportation and Environment Committee Minutes of November 4, 2024.
(bs) Regular Transportation and Environment Committee Minutes of December 2, 2024.
(bt) Regular Transportation and Environment Committee Minutes of February 3, 2025.
(bu) Regular Transportation and Environment Committee Minutes of March 3, 2025.
(bv) Regular Transportation and Environment Committee Minutes of April 7, 2025.
(bw) Special Transportation and Environment Committee Minutes of May 19, 2025.
(bx) Regular Transportation and Environment Committee Minutes of August 11, 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: The Council Committee Minutes were approved. (10-0-1; Absent: Mulcahy)

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 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments:

(a) Arts Commission:

(1) District 8 Seat: Appoint Carman Gaines for term ending June 30, 2026.

(b) Planning Commission:

(1) District 1 Seat: Appoint Daniel Cao for term ending June 30, 2026.

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

[Rules Committee referral 9/3/2025 - Item A.1.a for (b)]

Action: The following Boards and Commissions appointments were approved:

(a) Carman Gaines, District 8 seat on the Arts Commission.

(b) Daniel Cao, District 1 seat on the Planning Commission.

(10-0-1; Absent: Mulcahy)

2.8 Appointment of Voting Delegate and Alternate for the 2025 League of California Cities General Assembly.

Appoint City Councilmember David Cohen as the voting delegate and City Councilmember Domingo Candelas as the alternate voting delegate to the General Assembly at the October 8 - 10, 2025 League of California Cities Annual Conference and Expo in Long Beach, California. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: Councilmember David Cohen was appointed as the voting delegate and Councilmember Domingo Candelas was appointed as the alternate voting delegate for the 2025 League of California Cities General Assembly. (10-0-1; Absent: Mulcahy)

2.9 Actions Related to the Purchase Orders with Motorola Solutions, Inc. for a Citywide Radio Upgrade Assurance Program.

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

(a) Amend purchase order OP 66965 with Motorola Solutions, Inc. (Chicago, IL) for a Citywide Radio Upgrade Assurance Program to increase the total compensation by \$174,679 for a maximum compensation not-to-exceed \$625,347 for the period ending June 30, 2026; and

(b) Exercise up to five additional annual purchase orders for ongoing purchases under the Citywide Radio Upgrade Assurance Program, with the last purchase order 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. RES2025-310** was adopted, regarding actions related to the purchase orders with Motorola Solutions, Inc. for a Citywide Radio Upgrade Assurance Program. (10-0-1; Absent: Mulcahy)

2.10 LexisNexis Risk Solutions Order Agreement for Airline Analytic Solutions.

(a) Approve the LexisNexis Risk Solutions Order Agreement to subscribe to the DIIO database suite of airline analytic solutions for a one-year term, and six additional one-year options to extend, subject to the appropriation of funds.

(b) Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute future agreements within the City Manager's contract authority, for LexisNexis Risk Solutions products that have comparable risk profiles to the DIIO solutions, under the same or substantially similar terms and conditions relating to limitation of liability as those in the Order 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. (Finance)

Action: (a) the LexisNexis Risk Solutions Order Agreement was approved; and (b) **Resolution No. RES2025-311** was adopted, authorizing the City Manager, or her designee, to negotiate and execute future agreements within the City Manager's contract authority, for LexisNexis Risk Solutions products that have comparable risk profiles to the DIIO solutions. (10-0-1; Absent: Mulcahy)

2.11 Fourth Quarter Financial Reports for Fiscal Year 2024-2025.

As recommended by the Public Safety, Finance and Strategic Support Committee on August 21, 2025:

(a) Accept the Fourth Quarter (period ended June 30, 2025) Financial Reports for Fiscal Year 2024-2025 for the following programs: (1) Debt Management; (2) Investment Management; (3) Revenue Management; and (4) Purchasing and Risk Management.

(b) Direct staff to return to City Council with an investment analysis with the annual review of the City Investment Policy 1-12 in March 2026.

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

[Public Safety, Finance and Strategic Support Committee referral 8/21/2025 Item (d)1]

Councilmember Peter Ortiz spoke to the memorandum he submitted, dated September 9, 2025.

Motion: Councilmember Peter Ortiz moved acceptance of his memorandum, dated September 9, 2025; including the staff recommendation. *The motion failed for a lack of seconder.*

Motion: Vice Mayor Pam Foley made a motion to *refer* Item 2.11 and Councilmember Ortiz' memorandum, dated September 9, 2025, to the Rules and Open Government Committee for the opportunity to request a workload analysis. Councilmember George Casey seconded the motion.

Councilmember Domingo Candelas requested the date of the Rules and Open Government Committee agenda on which this item would be agendized. City Clerk Toni Taber confirmed that it would be referred to the September 17, 2025 Rules and Open Government Committee meeting.

Friendly Amendment: Councilmember David Cohen requested that the motion include acceptance of the staff recommendation, and that *only* Councilmember Ortiz' September 9, 2025 memorandum be referred to the Rules and Open Government Committee. The friendly amendment was accepted by the maker of the motion and seconder.

Councilmember Anthony Tordillos provided a suggestion to incorporate the direction outlined in Councilmember Ortiz' memo into the existing workstream for investment analysis on other divestment investigations.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember George Casey, and carried unanimously, (a) the Fourth Quarter Financial Reports for Fiscal Year 2024-2025 were accepted; *including direction for Councilmember Ortiz' memorandum dated, September 9, 2025 to be referred to the Rules and Open Government Committee.* (10-0-1; Absent: Mulcahy)

2.12 Amendment to the Standard Consultant Agreement with CSG Advisors Incorporated for Consulting Services.

Adopt a resolution authorizing the Housing Director, or his designee, to negotiate and execute a second amendment to the agreement with CSG Advisors Incorporated to increase the maximum contract value to \$750,000 from \$250,000 for the period October 1, 2024, to June 30, 2026 to assist with cost of development study, feasibility analysis, and review of housing development proposals.

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

Actions: **Resolution No. RES2025-312** was adopted, regarding the second amendment to the agreement with CSG Advisors Incorporated for consulting services.
(10-0-1; Absent: Mulcahy)

2.13 Report on Bids and Award of Contract for the 10087 - Center for the Performing Arts Chiller, Cooling Tower, and Boiler Replacement Project.

(a) Report on bids and award of a contract for the construction of 10087 - Center for the Performing Arts Chiller, Cooling Tower, and Boiler Replacement Project to the lowest responsive, responsible bidder, Mesa Energy Systems Inc., for the base bid and Bid Alternate No. 1 in the amount of \$5,940,284; and

(b) Approve a 15% contingency in the amount of \$891,043.

CEQA: Categorically Exempt, File No. ER25-085, CEQA Guidelines Section 15302 – Replacement and Construction. Council District 3. (Public Works)

Action: (a) The report on bids and award of a contract for the construction of 10087 - Center for the Performing Arts Chiller, Cooling Tower, and Boiler Replacement Project was accepted; and (b) the 15% contingency in the amount of \$891,043 was approved. (10-0-1; Absent: Mulcahy)

2.14 Acceptance of Federal Grant Funds from the Metropolitan Transportation Commission.

Approve the following actions to accept and receive federal grant funds:

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the following four grant agreements with the Metropolitan Transportation Commission for the following grant awards:

(1) Two Transit-Oriented Communities Planning and Implementation Grants:

(i) Station Access and Circulation Project in an amount not to exceed

\$400,000, with no local match; and

(ii) Parking Management Project, in an amount not to exceed

\$300,000, with no local match.

(2) Two Climate Program Implementation Grants:

(i) Charging Infrastructure Program funds the ‘San José Community Electric Vehicle Charging Access Project’ in an amount not to exceed \$2,495,000 with a local match of \$323,247; and

(ii) Parking Management Program award for the ‘Advancing Curb Management Project’, in an amount not to exceed \$2,000,000, with a local match of \$259,121.

(b) Adopt a Federal Transportation Resolution of Local Support for the San José Community Electric Vehicle Charging Access Project, and the Advancing Curb Management Project that demonstrates the City of San José will take the necessary assurances to implement the Metropolitan Transportation Commission grant awards and will follow the Metropolitan Transportation Commission Funding Delivery Policy and the grant program requirements.

(c) Adopt a Transit Oriented Communities Resolution of Local Support for the Station Access and Circulation Project, and the Parking Management Project that demonstrates the City of San José will take steps toward achieving compliance with the Metropolitan Transportation Commission’s Transit-Oriented Communities Policies.

CEQA: Categorically Exempt, File No. ER24-313, CEQA Guidelines Section 15301(c) Existing Facilities. (Transportation)

[Deferred from 8/26/2025 - Item 2.24 (25-894)]

Action: (a) **Resolution No. RES2025-313** was adopted, authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate four grant agreements with the Metropolitan Transportation Commission for grant awards; (b) **Resolution No. RES2025-314** was adopted, regarding a Federal Transportation Resolution of Local Support for the San José Community Electric Vehicle Charging Access Project, and the Advancing Curb Management Project; (c) **Resolution No. RES2025-315** was adopted, regarding the Transit Oriented Communities Resolution of Local Support for the Station Access and Circulation Project, and the Parking Management Project. (10-0-1; Absent: Mulcahy)

2.15 Approval of Free Use of the Janet Gray Hayes Rotunda for the National Women’s Soccer League Championship Welcome Reception Co-hosted by Council District 9 and San José Sports Authority 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 27, 2025:

(a) Adopt a resolution authorizing “Free Use” for the private, invitation-only National Women’s Soccer League Championship Welcome Reception held at the Janet Gray Hayes Rotunda on November 20, 2025;

(b) Approve the National Women's Soccer League Championship Welcome Reception scheduled on November 20, 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 event.

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

[Rules Committee referral 8/27/2025 - Item B.2]

Action: (a) **Resolution No. RES2025-316** was adopted, authorizing "Free Use" for the private, invitation-only National Women's Soccer League Championship Welcome Reception held at the Janet Gray Hayes Rotunda on November 20, 2025; (b) the National Women's Soccer League Championship Welcome Reception sponsored Special Event by Council District 9 was approved; and (c) donations from various individuals, businesses, or community groups to support the event were approved and accepted.
(10-0-1; Absent: Mulcahy)

2.16 Amendment to San José Municipal Code Chapter 12.08 - Gift Limits.

As recommended by the Rules and Open Government Committee on August 27, 2025, approve an ordinance amending Section 12.08.110 of Chapter 12.08, Title 12 of the San José Municipal Code increasing the City's annual gift limit amount from \$50 to \$200. Approval of this item requires 8 or more affirmative votes (two-thirds) (City Charter Section 607).

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen and Foley) [Rules Committee referral 8/27/2025 – Item C.1; citation updated]

Councilmember Rosemary Kamei pulled Item 2.16, and spoke to her memorandum, dated September 8, 2025.

Public Comment: None provided.

During Council discussion, Nora Frimann, City Attorney, City Attorney's Office, noted that if the proposed ordinance is amended during the meeting, the ordinance will need to return, as amended, to the full City Council for adoption.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Councilmember David Cohen, and carried unanimously, the memorandum authored by Councilmember Rosemary Kamei, dated September 8, 2025, was approved, recommending the following:

- 1) As recommended by the Rules and Open Government Committee on August 27, 2025 and the August 20, 2025 Memorandum by Vice Mayor Foley and Councilmember Cohen, approve an ordinance amending Section 12.08.110 of Chapter 12.08, Title 12 of the San José Municipal Code increasing the City's annual gift limit amount from \$50 to \$200.
- 2) Maintain a \$50 limit on gifts from registered lobbyists.

**Approval of this memorandum requires that the item return to the City Council for approval, as amended.*

(8-2-1; Noes: Ortiz, Mahan; Absent: Mulcahy)

2.17 Retroactive Approval of Ethiopian Flag Raising Ceremony and Tower Lighting 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 September 3, 2025:

- (a) Retroactively approve the Ethiopian Flag Raising Event scheduled on September 5, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Tower Lighting on September 4, 2025 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve raising the Ethiopian flag without the emblem on the fourth flagpole; and
- (d) Retroactively 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. (Mayor) [Rules Committee referral 9/3/2025 - Item B.2]

Action: The Ethiopian Flag Raising Ceremony and Tower Lighting special events were retroactively approved. (10-0-1; Absent: Mulcahy)

2.18 Amicus Curiae Brief in Newsom v. Trump.

Retroactively authorize the City Attorney to join in an Amicus Curiae brief drafted by the Public Rights Project on behalf of local government entities in support of the State of California in its effort to protect the state against the federal government’s unlawful deployment of the National Guard in Los Angeles, and to oppose the federal government’s emergency motion to stay the district court’s temporary restraining order pending approval. Case No. 25-3727, U.S. Court of Appeals for the Ninth Circuit. CEQA: Not a Project, File No. PP17-010 City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Attorney) [Rules Committee referral 9/3/2025 - Item A.1.a]

Action: The City Attorney was retroactively authorized to join in an Amicus Curiae brief drafted by the Public Rights Project on behalf of local government entities in support of the State of California in its effort to protect the state against the federal government’s unlawful deployment of the National Guard in Los Angeles, and to oppose the federal government’s emergency motion to stay the district court’s temporary restraining order pending approval. Case No. 25-3727, U.S. Court of Appeals for the Ninth Circuit. (10-0-1; Absent: Mulcahy)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire highlighted efforts of Teerawatt Sirisak, Electrical Traffic Maintenance Project Supervisor, Department of Transportation. She expressed the City’s gratitude for his collaborative efforts with the Streetlight Maintenance Program, which focused on fixing the hundreds of streetlight outages caused by vandalism and copper wire theft.

3.2 Labor Negotiations Update.

None provided.

3.3 Procurement Audit Report.

As recommended by the Public Safety, Finance and Strategic Support Committee on August 21, 2025, accept the audit report on the City's procurement process for goods and services.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
[Public Safety, Finance and Strategic Support Committee referral 8/21/2025 - Item (d)2]

Joe Rois, City Auditor, Auditor's Office; Alison Pauly, Supervising Auditor, Auditor's Office; and Hiwad Haider, Program Performance Auditor II, Auditor's Office, offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Vice Mayor Pam Foley, and carried unanimously, the audit report on the City's procurement process for goods and services was accepted. (10-0-1; Absent: Mulcahy)

3.4 Report on Request for Proposal for General Banking, Lockbox, Merchant Card, and Investment Custodial Services.

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager or her designee to:

- (a) Negotiate and execute agreements with JPMorgan Chase Bank, N.A., for general banking and merchant card processing services with an initial term beginning on the date the agreements are executed by the parties through June 30, 2032, with a total compensation not to exceed \$13,000,000, and the annual compensation amount, subject to the appropriation of funds;
- (b) Negotiate and execute amendments to any of the agreements with JPMorgan Chase Bank, N.A., subject to appropriation of funds by the City Council to add new banking services, revise existing banking services, and adjust compensation based on the volume of services provided; and
- (c) Exercise up to two two-year options to extend the term of the agreements through June 30, 2036, 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)

Mayor Matt Mahan announced that Item 3.4 was deferred per the administration, to the September 16, 2025 City Council meeting, in accordance with the action taken during Orders of the Day.

Jennifer Maguire, City Manager, City Manager's Office, thanked the Council for accommodating the request for further research to be completed.

ITEM 3.4 DEFERRED TO SEPTEMBER 16, 2025 PER THE ADMINISTRATION

4. PUBLIC SAFETY SERVICES

4.1 Response to Santa Clara County Civil Grand Jury Report Entitled “Turning up the Heat: Time for Recruitment and Culture Change in the San José Fire Department.”

Approve the San José Fire Department’s response to the June 16, 2025, Santa Clara County Civil Grand Jury report entitled, “Turning up the Heat: Time for Recruitment and Culture Change in the San José Fire Department.”

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

Robert Sapien Jr., Fire Chief, Fire Department, responded to questions from Council.

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Pamela Campos, and carried unanimously, the San José Fire Department’s response to the June 16, 2025, Santa Clara County Civil Grand Jury report entitled, “Turning up the Heat: Time for Recruitment and Culture Change in the San José Fire Department,” was approved.
(9-0-1: Absent: Mulcahy)

Councilmember David Cohen registered a verbal yes vote on the item.

5. TRANSPORTATION & AVIATION SERVICES

5.1 Fourth Amendment to the Funding Agreement with Santa Clara Valley Transportation Authority for the U.S. 101/Zanker Road Project.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the fourth amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the U.S. 101/Zanker Road Project, with an increase of the total not to exceed amount from \$4,100,000 to \$14,100,000 and extend the term of the agreement to December 31, 2028.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3, 4. (Transportation)

John Ristow, Director, Department of Transportation, responded to Council questions.

Public Comment: Eamonn Gormley and Jordan Moldow provided public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Anthony Tordillos, and carried unanimously, **Resolution No. RES2025-317** was adopted, authorizing the City Manager or her designee to negotiate and execute the fourth amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the U.S. 101/Zanker Road Project.
(9-1-1; Noes: Doan; Absent: Mulcahy)

5.2 Transportation Development Fund Agreement with Resources for Community Development for Affordable Housing and Sustainable Communities Grant Funding.

Adopt a resolution:

- (a) Authorizing the City of San José to accept and expend Cycle 7 Affordable Housing and Sustainable Communities grant funding awarded to Resources for Community Development to implement transportation improvements as described in the Affordable Housing and Sustainable Communities grant application; and
- (b) Authorizing the City Manager or her designee to negotiate and execute a Transportation Development Fund Agreement and related documents and agreements with Resources for Community Development up to \$9,000,000 in Cycle 7 Affordable Housing and Sustainable Communities grant funding.

CEQA: Categorically Exempt, File No. ER24-313, CEQA Guidelines Section 15301(c) Existing Facilities. Council Districts 2, 3, 7. (Transportation)

No presentation provided.

Public Comment: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Vice Mayor Pam Foley, and carried unanimously, **Resolution No. RES2025-318** was adopted, regarding the Transportation Development Fund Agreement with resources for community development for Cycle 7 Affordable Housing and Sustainable Communities grant funding. (10-0-1; Absent: Mulcahy)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 Electrification Workforce Development Programs.

Adopt a resolution approving the proposed electrification workforce development programs.

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. (Energy)

Lori Mitchell, Director, Energy Department; and Kate Ziemba, Senior Environmental Program Manager, Energy Department, offered the presentation and responded to questions.

Public Comment: Louise Auerhahn (Working Partnerships), Vince Sugrue (Sheet Metal Worker's Local 104), and Linda Hutchins- Knowles (Mothers Out Front), provided public testimony regarding the item.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Rosemary Kamei, and carried unanimously, **Resolution No. RES2025-319** was adopted, approving the proposed electrification workforce development programs, *with the Item to return to Council in one year to review the outcome and performance of badges*. (10-0-1; Absent: Mulcahy)

6.2 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 from 8/12/2025 - Item 6.1 (25-803)]

Lori Mitchell, Director, Energy Department; Julie Benabente, Deputy Director, Energy Department; and Kate Ziemba, Senior Environmental Program Manager, Energy Department, offered the presentation and responded to questions.

Public Comment: Jocelyn Amaya G., Wendy Chou (Acterra), Colleen Corrigan (SPUR), Dash Leeds, Kim Troung, Grace Wang (SVYCA), Jordan Moldow, Ruth Merino (SJ Community Energy Adv.), Linda Hutchins-Knowles (Mothers Out Front), and a speaker (*name not provided on speaker card*), offered public comment regarding the item.

Motion: Councilmember David Cohen moved acceptance of the joint memorandum he co-authored with Mayor Matt Mahan, Councilmember Domingo Candelas, and Councilmember Anthony Tordillos, dated September 9, 2025. Councilmember Domingo Candelas seconded the motion. The joint memorandum recommends the following:

Approve staff recommendation alternative #1: Only adopt the AC to Heat Pump requirement as Reach Code and direct the City Manager to:

- 1.) Conduct community outreach in developing the San Jose Clean Energy (SJCE) roadmap programs for fiscal year 2026-2027 focused on limiting financial hardship in the implementation of reach code requirements.
- 2.) In Spring of 2026 bring an update to the Transportation and Environment Committee and the City Council as part of the annual San Jose Clean Energy roadmap discussions progress on efforts to
 - a.) Facilitate electric panel upgrades for those are exempt.
 - b.) Connect residents with resources to meet the reach code requirements.
- 3.) Ensure rebate and incentive information is made available to permit applicants to ensure that contractors, residents and applicants are aware of the promotion that SJCE provides.
- 4.) Return to council by Fall of 2026 with an analysis of
 - a.) Rebate and financing programs being able to cover the need for homeowners with a household income under 100% of AMI to determine if the exemption should be sunset.
 - b. With an analysis of rewiring requirements for renovations and entire home remodel projects; the analysis should include a recommended threshold for implementation of these rewiring requirements.

Councilmember George Casey addressed his concerns related to the ordinance.

Action: On a call to question, the motion *failed* due to a tie vote.

(5-5-1; Noes: Kamei, Ortiz, Doan, Foley, Casey; Absent: Mulcahy)

6.3 San José Municipal Water System's 2025 Public Health Goals Report on Water Quality.

(a) Conduct a public hearing regarding the San José Municipal Water System's 2025 Public Health Goals Report on water quality as required by the California Health and Safety Code.

(b) Approve the San José Municipal Water System's 2025 Public Health Goals Report and direct staff to file the report with the State Water Resources Control Board.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 2, 7, 8. (Environmental Services)

No presentation provided.

Public Comment: Dash Leeds provided public testimony regarding the item.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously, (a) the public hearing regarding the San José Municipal Water System's 2025 Public Health Goals Report on water quality as required by the California Health and Safety Code was conducted; and (b) the San José Municipal Water System's 2025 Public Health Goals Report was accepted, including staff direction to file the report with the State Water Resources Control Board. (10-0-1; Absent: Mulcahy)

7. NEIGHBORHOOD SERVICES

No items provided.

8. COMMUNITY & ECONOMIC DEVELOPMENT

No items provided.

9. REDEVELOPMENT – SUCCESSOR AGENCY

No items provided.

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None provided.

• Open Forum

1. Jordan Moldow thanked the Council for the Transit Month proclamation and encouraged them to attend a party on Saturday, September 20, 2025 celebrating the relationship between San José, Los Angeles, and the High Speed Rail Project; he also spoke to “the week without driving” pledge.
2. Akos Szoboszlai (past president for the Modern Transit Society) urged Council to repeal Ordinance 113270, which he stated prohibits pedestrians and transit patrons from expressways, with no exception for sidewalks, paths, or bus stops.

• Adjournment

The Council of the City of San José adjourned the meeting at 5:47 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson,
Deputy City Clerk City of San José

Approved at Council on:

of Actions: 11

Attest by:

A handwritten signature in blue ink, appearing to read 'Toni Taber', is positioned above a horizontal line.

Toni Taber, MMC
City Clerk, City of San José

- **Notice of City Engineer's Pending Decision on Final Maps**

FOR APPROVAL:

Tract: 10656

Location: 427 & 433 Page Street

District: 6

Lots/Units: 1/21

Type: MFA

Proposed Decision: Approved

Developer: Page 1 Estate LLC

**SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES
September 9, 2025**

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

Absent Councilmembers: Mulcahy, Doan.

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 Hodges
Name(s) of Party(ies):
Court: Worker's Compensation Appeals Court
Case No: ADJ18453540
Amount of Money or Benefits
Other Relief Sought:
2. Case Name: In re: Claim of Fontaine
Name(s) of Party(ies):
Court: Worker's Compensation Appeals Court
Case No: ADJ11250197, ADJ11248997, ADJ11250239,
ADJ1249120, ADJ11249122, ADJ11435149
Amount of Money or Benefits
Other Relief Sought:
3. Case Name: In re: Claim of Scocca
Name(s) of Party(ies):
Court: Worker's Compensation Appeals Court
Case No: ADJ18612787
Amount of Money or Benefits
Other Relief Sought:
4. Case Name: In re: Claim of Sivertsen
Name(s) of Party(ies):

Worker's Compensation Appeals Court

Court:

Case No:

ADJ12502102

Amount of Money or Other Benefits

Relief Sought:

5.

Case Name:

In re: Claim of Ardizzone

Name(s) of Party(ies):

Court:

Worker's Compensation Appeals Court

Case No:

ADJ14304025

Amount of Money or Other Benefits

Relief Sought:

6.

Case Name:

In re: Claim of Biersdorff

Name(s) of Party(ies):

Court:

Worker's Compensation Appeals Court

Case No:

ADJ14410844

Amount of Money or Other Benefits

Relief Sought:

7.

Case Name:

In re: Claim of Suarez

Name(s) of Party(ies):

Court:

Worker's Compensation Appeals Court

Case No:

ADJ17426961

Amount of Money or Other Benefits

Relief Sought:

8.

Case Name:

Johnson, Kyle v. City of San Jose, et al.

Name(s) of Party(ies):

KYLE JOHNSON; CITY OF SAN JOSE, OFFICER
JAMES ADGAR

Court:

US District Court – Northern District of CA – San Jose
Division

Case No:

5:21-cv-01849-BLF

9.

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 3:25cv01350-WHO
Case No: 3:25cv01350-WHO

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

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the
Government Code:

1. Claimants(s):
City Department:

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government code:
Number of matter(s) to be discussed: 1

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the
Government code:
Number of matter(s) to be discussed: 2