



CITY COUNCIL MEETING

Minutes

Tuesday, October 08, 2024

1:30 PM

LOCATION:

Council Chambers- 200 E. Santa Clara Street

MATT MAHAN, MAYOR
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
OMAR TORRES, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
DEV DAVIS, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, DISTRICT 10

- **Call to Order and Roll Call**

9:32 a.m.- Closed Session. *See Pages 14-15 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Foley, Ortiz, Candelas,
Batra, Cohen, Doan, Jimenez.

Absent Councilmembers: Davis, Torres.

1:34 p.m. – Regular Session.

Present Councilmembers: Mahan, Kamei, Davis, Foley, Jimenez,
Cohen, Ortiz, Candelas, Doan, Batra.

Absent Councilmembers: Torres.

6:05 p.m. – Evening Session.

Present Councilmembers: Mahan, Kamei, Davis, Foley, Jimenez,
Cohen, Ortiz, Candelas, Doan, Batra.

Absent Councilmembers: Torres.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 9)**

Mighty Mike McGee, San Jose Native, offered the invocation with a spoken word poem.

- **Orders of the Day**

None provided.

- **Closed Session Report**

None provided.

1. **CEREMONIAL ITEMS**

1.1 Mayor Matt Mahan presented a proclamation recognizing October 16, 2024, as Tommie Smith and John Carlos Day, in conjunction with San José State University's recognized day of the same name, celebrating their accomplishments in the 1968 Olympics as members of SJSU's Speed City Track Team, acknowledging the great adversity they faced upon their return, and their courage as leaders in the Civil Rights Movement.

1.2 On behalf of Councilmember Omar Torres, Councilmember Peter Ortiz presented a

commendation to Stemmable Inc., for their incredible work in hosting STEM lessons, workshops, and events throughout San José Public Libraries and for teaching the students and future leaders of San José.

- 1.3 Councilmember Domingo Candelas presented a commendation recognizing off-duty San Jose firefighter Antonio Lopez for his heroic acts in helping save the lives of a family trapped in their submerged vehicle.

2. CONSENT CALENDAR

Councilmember Pam Foley pulled item 2.8 for comment.

Councilmember Dev Davis pulled item 2.11 for comment.

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Bien Doan, and carried unanimously, the Consent Calendar was approved as a whole, including the joint memorandum for item 2.11, co-authored by Mayor Matt Mahan, Councilmember Dev Davis, and Councilmember David Cohen. The below actions were taken as indicated. (10-0-1; Absent: Torres)

2.1 Approval of City Council Minutes.

None provided.

2.2

Final Adoption of Ordinances.

- (a) Ordinance No. 31123 - An Ordinance of the City of San José Adding Chapter 17.41 to Title 17 of the San José Municipal Code to Require Mandatory Seismic Retrofit of Certain Wood-Frame Target Story (Soft Story) Residential Buildings. [Passed for Publication on 9/24/2024 - Item 8.3 (24-197279)]
- (b) Ordinance No. 31124 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.38 Gross Acre Situated on the North Side of Minnesota Avenue Approximately 200 Feet Northeast of the Intersection of Minnesota Avenue and Meridian Avenue (1581 Minnesota Avenue) (APN 429-50-052) from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District. [Passed for Publication on 9/24/2024 - Item 10.1(a)(1) (24-197280)]
- (c) Ordinance No. 31125 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 9.8 Gross Acres Situated on the Westerly Side of South King Road, Approximately 250 Feet South of the Intersection of South King Road and Barberry Lane (2905-2919 South King Road) (APNS 670-12-014 and 670-12-015) from the LI(PD) Planned Development Zoning District to a New LI(PD) Planned Development Zoning District. [Passed for Publication on 9/24/2024 - Item 10.2(a) (24-197282)]
- (d) Ordinance No. 31126 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.07 Gross Acres Situated Easterly of the Intersection of Miller Avenue and Tucker Drive (1334 and 1348 Miller Avenue)

(APNS 377-25-053 and 377-25-055) from the R-1-8 Single-Family Residential Zoning District to the R-1-8(PD) Planned Development Zoning District.
[Passed for Publication on 9/24/2024 - Item 10.3(b) (24-197283)]

Action: **Ordinance No. 31123, Ordinance No. 31124, Ordinance No. 31125, and Ordinance No. 31126** were adopted. (10-0-1; Absent: Torres)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for Vice Mayor Kamei from the regular meeting of Rules and Open Government Committee and Committee of the Whole on October 16, 2024 due to out of town for personal business.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Kamei)
[Rules Committee referral 10/2/2024 - Item A.1.a]

Action: The excused absence request for Vice Mayor Kamei from the Rules and Open Government Committee and Committee of the Whole on October 16, 2024 was approved. (10-0-1; Absent: Torres)

2.5 City Council Travel Reports

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Amendment to Voluntary Employees Beneficiary Association (VEBA) Advisory Committee Quorum and Voting.

Approve an ordinance amending Sections 2.08.090 and 2.08.095 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise the quorum and voting requirements relating to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources).

Action: **Ordinance No. 31128** was passed for publication amending Sections 2.08.090 and 2.08.095 of Chapter 2.08 of Title 2 of the San Jose Municipal Code was approved. (10-0-1; Absent: Torres)

2.8 2024 Grant Application to County of Santa Clara All-Inclusive Playgrounds Grant Program Round 3 – Camden Community Center/Camden Park All-Inclusive Playground.

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

- (a) Prepare and submit a grant application to the County of Santa Clara All-Inclusive Grant Program for the design and development of an all-inclusive playground at Camden Community Center/Camden Park (3369 Union Avenue); and

- (b) If awarded, negotiate, execute, and submit all documents, including but not limited to agreements, amendments, and payment requests between the City of San José and the County of Santa Clara All-Inclusive Grant Program for up to \$1,513,000.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. Council District 9. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. RES2024-347** was adopted regarding the 2024 grant application to County of Santa Clara All-Inclusive Playgrounds Grant Program Round 3 – Camden Community Center/Camden Park All-Inclusive Playground. (10-0-1; Absent: Torres)

2.9

On-Call Engineering Services for Bridge Maintenance and Rehabilitation.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute individual consulting service agreements with ARC Engineering Consultants, Inc., Biggs Cardosa Associates, Inc., and MNS Engineers, Inc. to provide engineering and technical support services for bridge maintenance and rehabilitation from the date of execution with an initial one-year term, and two additional one-year options to extend, for an amount not to exceed \$740,000 per consultant.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

Action: **Resolution No. RES2024-348** was adopted authorizing the negotiation and execution of individual consulting service agreements with ARC Engineering Consultants, Inc. Biggs Cardosa Associates, Inc., and MNS Engineers, Inc. (10-0-1; Absent: Torres)

2.10 **Grant Acceptance of Caltrans Sustainable Transportation Planning Grant.**

Adopt a “Resolution of Local Support” to receive grant funds from the California Department of Transportation Sustainable Transportation Planning Grant program that indicates the City will:

- (a) Follow all grant program requirements; and
- (b) Authorize the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements administered by the California Department of Transportation, in an amount not to exceed \$221,325 for the reimbursement for the “San José Travel Models Big Data Update.”

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Transportation)

Action: **Resolution No. RES2024-349** was adopted to receive grant funds of Caltrans Sustainable Transportation Planning Grant. (10-0-1; Absent: Torres)

2.11 **Amended Cooperative Agreement for the Diridon Station Project.**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Cooperative Agreement between Peninsula Corridor Joint Powers Board, City of San José, Metropolitan Transportation Commission, California High Speed Rail Authority, and Santa Clara Valley Transportation Authority on the pre-environmental and environmental phases of the Diridon Station Redevelopment Project.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. Council Districts 3 and 6. (Transportation)

Action: **Resolution No. RES2024-350** was adopted regarding the amended Cooperative Agreement for the Diridon Station Project.

Including the approval of the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Dev Davis, and Councilmember David Cohen, dated October 4th, 2024, recommending the following:

Accept staff recommendation with the following direction to the City Manager: This memorandum outlines proposed additions to the current draft of the Diridon Cooperative Agreement. These changes are based on recent discussions at the VTA Administration and Finance Committee and the Caltrain JPB Advocacy and Major Projects Committee meetings. The objective of these additions is to improve governance, ensure accountability, and establish a clear process for dispute resolution in the Diridon Station Redevelopment Project. (10-0-1; Absent: Torres)

2.12 **Proposed Revisions to Council Expenditure Policy 0-38.**

As recommended by the Rules and Open Government Committee on October 2, 2024, adopt a resolution approving revisions to City Council Policy 0-38, City Council Expenditure and Reimbursement Policy, to provide updates for clarification and language consistency; to provide substantive updates to sections entitled Admission to Events, Training and Professional Development (formerly Membership Dues), Employee Recognition, and Unauthorized Expenditure of Public Funds; and to reorganize information for grants, monetary contributions, and in-kind contributions.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)

[Rules Committee referral 10/2/2024 - Item C.4]

Action: **Resolution No. RES2024-351** was adopted approving proposed revisions to Council Expenditure Policy 0-38. (10-0-1; Absent: Torres)

2.13 **Retroactive Approval of the Lowrider and El Grito Events Sponsored by Council District 3 and Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations for Materials and Services for the Events.**

As recommended by the Rules and Open Government Committee on October 2, 2024:

- (a) Retroactively approve the Lowrider Event scheduled on September 1, 2024 and the El Grito Event scheduled on September 15, 2024 as City Council sponsored Special Events and approve the expenditure of funds; and
- (b) 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. (Torres and Ortiz)

[Rules Committee referral 10/2/2024 - Item B.2]

Action: The Lowrider and El Grito Events sponsored by Council District 3 and Council District 5 were approved and retroactively approved. (10-0-1; Absent: Torres)

3. **STRATEGIC SUPPORT**

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

City Manager, Jennifer Maguire offered a report on the 20th anniversary of the San José Animal Care and Services Center. She highlighted the center's impact since 2004, serving San José, Milpitas, Cupertino, and Saratoga, and supporting over 200,000 pets through adoptions and rescue partnerships. She noted specialized services like the neonatal nursery for kittens, recognized the contributions of 77 full-time staff, 19 part-time staff, and 193 volunteers. She announced that in honor of the anniversary celebration, pet adoption fees are now reduced to \$20 throughout October.

3.2 Labor Negotiations Update.

None provided.

3.3 Approval of the Power Supply Contract and Certain Other Documents in Connection with the Issuance and Sale of One or More Series of California Community Choice Financing Authority Clean Energy Revenue Bonds (Green Bonds).

Adopt a resolution to approve, in connection with the issuance and sale of the California Community Choice Financing Authority Clean Energy Project Revenue Bonds (Green Bonds) in the not-to-exceed principal amount of \$1,250,000,000 to finance the acquisition of a long-term supply of electricity on a prepaid basis for the City of San José, in substantially final forms, Appendix A to the Official Statement, a Power Supply Contract, a Custodial Agreement, a Letter Agreement, and a Prepaid Energy Project Administration Agreement; and to authorize the City Manager and other authorized officers of the City, to execute and deliver these documents and any other related documents in connection therewith.

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/Energy)

Drew Corbett, Acting Director of Finance; Qianyu Sun, Deputy Director of Finance, Debt and Treasury Management; and Zach Struyk, Acting Director of Energy offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2024-352** was adopted approving the Power Supply Contract and certain other documents in connection with the issuance and sale of one or more series of California Community Choice Financing Authority Clean Energy Revenue Bonds (Green Bonds). (10-0-1; Absent: Torres)

3.4 City Council Focus Area Semi-Annual Status Report for Fiscal Year 2023-2024 Third and Fourth Quarters.

- (a) Accept the semi-annual status report on the implementation of the City Council Focus Areas.
- (b) Approve the use of the outcome and performance measures identified for each City Council Focus Area.

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 Manager)

Dolan Beckel, Chief of Staff for the City Manager; Erik Solivan, Housing Director; Rachel Roberts, Deputy Director of Code Enforcement; Erik Jensen, Assistant to the City Manager; and Deputy City Managers: Jennifer Schembri, Omar Passons, Kip Harkness, Angel Rios, and Rosalynn Hughey offered the presentation and responded to questions.

Public Comment: None provided.

Motion: Mayor Matt Mahan moved approval of the staff recommendation, including staff direction to provide an informational memorandum along with the request for additional information before the priority setting. Councilmember Pam Foley seconded the motion.

Friendly Amendment: Councilmember Pam Foley requested that pedestrian deaths and automobile deaths be separated in the staff report. The friendly amendment was accepted by the maker of the motion.

Action: Upon motion by Mayor Matt Mahan, seconded by Councilmember Pam Foley, and carried unanimously, the semi-annual status report on the implementation of the City Council Focus Areas was accepted and the use of the outcome performances measures identified for each City Council Focus Area was approved, including staff direction to provide an informational memorandum along with the request for additional information the priority setting, also including the request to separate pedestrian deaths and automobile deaths in the staff report.
(10-0-1; Absent: Torres)

4. **PUBLIC SAFETY**

5. **TRANSPORTATION & AVIATION SERVICES**

5.1 **Airport Baggage Handling Conveyor System Services.**

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

- (a) Negotiate and execute the fourth amendment to the existing agreement with Vanderlande Industries Inc. (Wilmington, DE) for an additional two years, extending the agreement to October 31, 2026, for the operation, maintenance, and repair of the Airport Baggage Handling Conveyor System in Terminals A and B, including all spare and replacement parts;
- (b) Increase the maximum compensation by \$9,550,000 resulting in an increase of the total not to exceed amount from \$27,597,652 to \$37,147,652, subject to the annual appropriation of funds; and
- (c) Exercise an additional two one-year options during the two-year extension period, subject to the annual appropriation of funds.

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

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, **Resolution No. RES2024-353** was adopted, regarding airport baggage handling conveyor system services. (10-0-1; Absent: Torres)

6. **ENVIRONMENTAL & UTILITY SERVICES**

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Preliminary Actions Required for the Creation of the Monterey Corridor Business Improvement District and Levy Assessments for Fiscal Year 2024-2025.

- (a) Adopt a resolution:
- (1) Declaring the City Council's intention to establish the Monterey Corridor Business Improvement District;
 - (2) Setting a public meeting for October 29, 2024 at 1:30 p.m. and a public hearing for December 10, 2024 at 1:30 p.m.;
 - (3) Directing the City Clerk to publish the required notice of the public meeting and public hearings; and
 - (4) Appointing an Advisory Board to advise the City Council on all issues related to the Monterey Corridor Business Improvement District.
- (b) Subject to the establishment of the Monterey Corridor Business Improvement District:
- (1) Preliminarily approve the budget report of the Advisory Board for Fiscal Year 2024-2025; and
 - (2) Adopt a resolution of intention to levy an assessment for Fiscal Year 2024-2025 and set a public hearing for December 10, 2024, at 1:30 p.m. on the levy of assessments for Fiscal Year 2024-2025.

CEQA: Not a Project, File No PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project, which may result in a potentially significant impact on the environment. Council District 7. (Economic Development and Cultural Affairs)

Nanci Klein, Director, Office of Economic Development and Cultural Affairs; Blage Zellich, Deputy Director, Office of Economic Development and Cultural Affairs; and Victor Farlie, Assistant to the City Manager, Office of Economic Development and Cultural Affairs offered the presentation and responded to questions.

Public Comment: Eire Stewart and Beth Seibert offered public testimony regarding the item.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) **Resolution No. RES2024-354** and (b)(2) **Resolution No. RES2024-355** were adopted regarding the preliminary actions required for the creation of the Monterey Corridor Business Improvement District and Levy Assessments for fiscal year 2024-2025.

Including the approval of the joint memorandum co-authored by Mayor Matt Mahan and Councilmember Bien Doan, dated October 8th, 2024, recommending the following:

1. Accept the staff recommendation.
 2. Direct staff to develop an amnesty program for businesses located in the Monterey Corridor Business Improvement District that are not current with their business license.
 3. Direct staff to add a sunset provision to the amnesty program.
- (9-0-2; Absent: Torres, Batra)

8.2 Request for Proposal for Consultant Services for the Eastside Alum Rock Urban Village to Implement Envision San José 2040 General Plan.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a contract for consultants to assist with the development of the City's Eastside Alum Rock Urban Village Plan for a maximum aggregate compensation not to exceed \$360,393, contingent upon the appropriation of the remaining grant funds during the Fiscal Year 2024-2025 Annual Report.

CEQA: Exempt pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 5. (Planning, Building and Code Enforcement)

[Deferred from 9/24/2024 – Item 8.2]

Martina Davis, Planning, Building & Code Enforcement Department (PBCE), Division Manager and Jose Ruano, PBCE, Supervising Planner offered the presentation and responded to questions.

Appellant Paul Breucop spoke to the item on behalf of Arcadis U.S., Inc.

Public Comment: None provided.

Action: Upon motion by Councilmember Peter Ortiz, seconded by Councilmember Bien Doan, and carried unanimously, **Resolution No. RES2024-356** was adopted, authorizing a request for proposal for consultant services for the Eastside Alum Rock Urban Village to implement Envision San Jose 2040 General Plan. (10-0-1; Absent: Torres)

Council recessed from 4:38 p.m. - 6:05 p.m.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE on Consent Calendar

10.1 No items provided

10. LAND USE – Regular Agenda

10.2 PDC22-008, T22-034, PD22-021 & ER22-237 - Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for Certain Real Property Located at 3464 Ambum Avenue.

- (a) Adopt a resolution adopting the 3464 Ambum Avenue Residential Subdivision Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.
- (b) Approve an ordinance rezoning that certain real property of an approximately 2.59-gross acre site located on the south side of Ambum Avenue, approximately 250 feet westerly from Mitton Drive (3464 Ambum Avenue), from the R-1-5 Single Family Residence Zoning District to the R-1-5(PD) Planned Development Zoning District.

- (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge two existing parcels into one parcel and subdivide that parcel into four single-family residential parcels on an approximately 2.59-gross-acre site.
- (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of one single-family residence, one accessory dwelling unit, and five accessory buildings, the removal of 23 ordinance-size and 16 non-ordinance-size trees, and the construction of four detached-single-family residences on an approximately 2.59-gross-acre site.

CEQA: Mitigated Negative Declaration for 3464 Ambum Avenue Residential Project, File No. ER22-237. Planning Commission recommends approval (9-0) (Item 5.a on the 9/11/2024 Planning Commission agenda.) Council District 8. (Planning, Building and Code Enforcement)

DEFERRED TO 10/22/2024 PER ADMINISTRATION

10.3 PDC23-006, PD23-002, H24-008 & ER23-005 - Planned Development Rezoning, Planned Development Permit, and Site Development Permit on those Certain Real Properties Located at 250 Hospital Parkway and 6120 Liska Lane (Kaiser Permanente San Jose Medical Center). – TO BE HEARD AT 6:00 P.M.

- (a) Adopt a resolution certifying the Environmental Impact Report (EIR) for the Kaiser Permanente San Jose Medical Center (File No. ER23-005), make certain findings concerning significant impacts, mitigation measures, alternatives, and adopt a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
- (b) Approve an ordinance rezoning that certain real property of an approximately 39.2-gross-acre campus site situated on the easterly side of Cottle Road, south of Highway 85 (250 Hospital Parkway) from the A(PD) Planned Development Zoning District to a new A(PD) Planned Development Zoning District.
- (c) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Rezoning (File No. PDC23-006) to allow the demolition of the existing approximately 250,000-square-foot hospital at 250 Hospital Parkway (APN 706-05-037), the removal of temporary structures and 59 trees including 32 ordinance-size trees on an approximately 8.45-acre site (APN 706-05-011) located on the northwest corner of Santa Teresa Boulevard and Camino Verde Drive for the construction of a 303-bed, six-story, approximately 685,000-square-foot hospital including a basement, and a new 35,000-square-foot energy center/service yard, and to allow the removal of 56 trees including 14 ordinance-size trees on an approximately 2.46-acre site (APN 706-05-025) located on the northeast corner of Santa Teresa Boulevard and Camino Verde Drive for the construction of a five-level, approximately 350,000-square-foot parking structure, and to allow extended construction hours from 6:00 a.m. to 7:00 p.m., Monday to Friday and on Saturdays between 8:00 a.m. and 5:00 p.m., and certain nighttime construction activities such as concrete pours on an as-needed basis during the construction period.
- (d) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the removal of 16 trees, including seven ordinance-size trees, for the installation of an approximately 18,543-square-foot temporary construction office trailer complex with necessary site improvements within the 0.9-acre area of a 3.96-acre site located on the northeast of Liska Lane, approximately 91 feet north from Cheryl Beck Court (6120 Liska Lane) to support the hospital construction, and to allow the extended construction hours for installing the trailer complex from 6:00

a.m. to 7:00 p.m., Monday to Friday and 8:00 a.m. to 5:00 p.m. on Saturdays for a three-to-four month period.

CEQA: Environmental Impact Report for Kaiser Permanente San Jose Medical Center Project. Planning Commission recommends approval (9-0) (Item 5.b on the 9/11/2024 Planning Commission agenda.). Council District 10. (Planning, Building, Code Enforcement)

Christopher Burton, PBCE Director offered the presentation and responded to questions.

Applicant Eric Henry, Senior Vice President, Area Manager for Greater San José and Tina Wehrmeister, Senior Land Use Manager offered the presentation and responded to questions.

Public Comment: Joseph Lopez, Luis Arguello, and Winston Ashby offered public testimony regarding the item.

Vice Mayor Rosemary Kamei recused herself due to a potential conflict of interest as advised by City Attorney Nora Frimann.

Action: Upon motion by Councilmember Arjun Batra, seconded by Councilmember Bien Doan, and carried unanimously, (a) **Resolution No. RES2024-357** was adopted, regarding the Environmental Impact Report (EIR) for the Kaiser Permanente San Jose Medical Center; (b) **Ordinance No. 31129** was *passed for publication*, regarding the rezoning that certain real property of an approximately 39.2-gross-acre campus site situated on the easterly side of Cottle Road, south of Highway 85 (250 Hospital Parkway) from the A(PD) Planned Development Zoning District to a new A(PD) Planned Development Zoning District; (c) **Resolution No. RES2024-358** was adopted, approving the Planned Development Permit to effectuate the Planned Development Rezoning; (d) **Resolution No. RES2024-359** was adopted, regarding the Site Development Permit to allow the removal of 16 trees, including seven ordinance-size trees. (9-0-1-1; Absent: Torres; Recused: Kamei)

10.4 **PP24-002 – Pleasant Hills Golf Course Guiding Principles. – TO BE HEARD AT 6:00 P.M.**

Consider and accept the community informed Pleasant Hills Golf Course Guiding Principles that will be used in the review of a future development proposal.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Planning Commission recommends approval (6-3-0; Tordillos, Cantrell and Lardinois opposed) (Item 5.c on the 9/11/2024 Planning Commission agenda). Council District 8. (Planning, Building and Code Enforcement)

Michelle Flores, Supervising Planner, Project Manager and Jerad Ferguson, Principal Planner offered the presentation and responded to questions.

Public Comment: Judge Dora Padilla, Jonathan Padilla, Trudy, Jake Wilde, Rigo Gallardo, Robert Reese, Michael Gabler, Melissa Got-Lopez, and Alex Shoor offered public testimony regarding the item.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Peter Ortiz, and carried unanimously, the Pleasant Hills Golf Course Guiding Principles was accepted.

Including the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Domingo Candelas, Councilmember Peter Ortiz, Councilmember Pam Foley, and Councilmember Sergio Jimenez, dated October 4th, 2024, recommending the following:

- (1) Approve the staff recommendation.
- (2) Upon submittal of a completed application, the administration should consider:
 - a. Fiscal Analysis of the impacts of various land uses and densities on the site, specifically comparing projected new General Fund revenue with the cost of providing services to the site.
 - b. Analysis from the City Manager in coordination with the City Attorney that outlines options for the creation of a special assessment district, such as a Mello-Roos Community Facilities District or other fiscal options, for this site and allowable uses of related revenues, including ongoing city services and maintenance of infrastructure.

(10-0-1; Absent: Torres)

- **Open Forum**

None provided.

- **Adjournment**

The meeting was adjourned at 7:22 p.m. by Mayor Matt Mahan.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar, Deputy City Clerk
City of San José

Approved at Council on:

of Actions: 8

Attest By:

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

vv:citycouncilmin20241008



Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

October 08, 2024

Present Councilmembers: Mahan, Kamei, Cohen, Foley, Ortiz
Candelas, Jimenez,, Doan, Batra.

Absent Councilmembers: Torres, Davis.

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: Montello, Ernesto v. City of San Jose Greenwaste Recovery, Inc., et al.,

Name(s) of Party(ies) ERNESTO MONTELLANO, CITY OF SAN JOSE, GREENWASTE RECOVERY, INC. AND DOES 1-20

Court: Santa Clara County Superior Court

Case No: 20CV367890

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

2. Case Name: Lucas Lee v. City of San Jose, et al.

Name(s) of Party(ies) LUCAS LEE, A MINOR BY AND THROUGH GUARDIAN AD LITEM, BRANDON LEE, CITY OF SAN JOSE

Court: Santa Clara County Superior Court

Case No: 22CV404173

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

3.

Case Name: Ricardo Colorado Jr. v. City of San Jose, et al.

Name(s) of Party(ies) RICARDO COLORADO, A MINOR BY AND THROUGH GUARDIAN AD LITEM RICARDO COLORADO SR., CITY OF SAN JOSE

Court: Santa Clara County Superior Court

Case No: 22CV407936

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

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of matter(s) to be discussed: 1

D. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Department or Agency: City Manager

Title: City Manager

Name: Jennifer Maguire