



CITY COUNCIL MEETING

Draft Minutes

Tuesday, December 10, 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
VACANT, 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
GEORGE CASEY, DISTRICT 10

- **Call to Order and Roll Call**

9:33 a.m.- Closed Session. *See Pages 17-19 for Closed Session Minutes.*

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

Absent Councilmembers: None.

1:36 p.m. - Regular Session.

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

Absent Councilmembers: None.

6:01 p.m. - Evening Session.

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

Absent Councilmembers: Jimenez.

EC Declaration and Recording a Statement of the Results of the November 5, 2024 Primary Municipal Election and Appointments of District 8 and 10 Councilmembers.

- (a) Adopt a resolution declaring and recording a statement of the results of the November 5, 2024 Primary Municipal Election per Elections Code Sections 10263, 10264, and 15400; and
- (b) Appoint Domingo Candelas as the interim representative for the anticipated vacancy in Council District 8 to serve until the remaining term of office expires on December 31, 2024; and
- (c) Appoint George Casey as the interim representative for the anticipated vacancy in Council District 10 to serve until the remaining term of office expires on December 31, 2024.

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 Councilmember Sergio Jimenez, seconded by Councilmember David Cohen, and carried unanimously, **Resolution No. RES2024-411** was adopted and the Declaration and Recording Statement of the results of the November 5, 2024, Primary Municipal Election and Appointments of District 8 and 10 Councilmembers was approved. (10-0-0)

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (Mayor)**

Aubrey Merriman the Chief Executive Officer of LifeMoves offered a speech for this invocation.

- **Orders of the Day**

None provided.

- **Adjournment Recognition**

None provided.

- **Closed Session Report**

City Manager, Jennifer Maguire, offered a report on the unanimous council confirmation of Maria Oberg as the new Finance Director, effective January 5, 2025. Maria brings 23 years of government finance experience, including roles in San Jose, Emeryville, and Santa Clara County, where she managed significant budgets and financial operations.

1. **CEREMONIAL ITEMS**

- 1.1 Councilmember Bien Doan presented a commendation Mary Pollett for her exceptional leadership, dedication to student success, and lasting impact to Yerba Buena High School and our entire community.
- 1.2 Councilmember David Cohen presented a proclamation declaring December 2024 as National Cat Lovers' Month in celebration of the bonds we have with our feline friends as well as bringing awareness to the many cats in shelters looking for their fur-ever homes in the City of San José.
- 1.3 Councilmember Domingo Candelas and Councilmember David Cohen presented a proclamation declaring December 25, 2024 as the beginning of Hanukkah, a time for families to celebrate culture and heritage in the City of San José.

2. **CONSENT CALENDAR**

Councilmember George Casey pulled item 2.14 for clarification.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, the Consent Calendar was approved *as a whole*, and the below actions were taken as indicated. (10-0-0)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for excused absences for Vice Mayor Kamei from the regular meeting of Rules and Open Government Committee on December 4, 2024 due to attendance at Local Agency Formation Commission of Santa Clara County (Santa Clara LAFCO) regular meeting for authorized City business. [Rules Committee referral 12/4/2024 - Item A.1.a] CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Kamei)

Action: The excused absence request for Vice Mayor Rosemary Kamei was approved. (10-0-0)

2.5 City Council Travel Reports

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Actions Related to the Purchase Order with The BGR Group, LLC for Fire and Life Safety System Inspections, Testing, Maintenance, and Repair Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to one additional one-year option to extend the term of the purchase order with The BGR Group, LLC (Santa Clara, CA) for fire and life safety systems inspections, testing, maintenance, and repair services with the last option ending on or about December 31, 2025, 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. RES2024-412** was adopted and authorized actions related to the Purchase Order with The BGR Group, LLC for Fire and Life Safety System Inspections, Testing, Maintenance, and Repair Services. (10-0-0)

2.8 Proposed Accounts Receivable Amnesty Program Ordinance.

Approve an ordinance authorizing the Director of Finance or his designee to administer an accounts receivable amnesty program that forgives unpaid penalties, interest, and collection expenses accruing to the City's General Fund and other funds for certain specified accounts. 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)

Action: **Ordinance No. 31157** was passed for publication authorizing the proposed accounts receivable Amnesty Program ordinance. (10-0-0)

2.9 Fiscal Year 2023-2024 Affordable Housing Impact Fee and Commercial Linkage Fee Annual Report.

Accept the Fiscal Year 2023-2024 Affordable Housing Impact Fee and Commercial Linkage Fee Annual Report prepared in accordance with the California Mitigation Fee Act (Government Code section 66000 et seq.) on the status and expenditure plans for the City's Affordable Housing Impact Fee and Commercial Linkage Fee. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Action: The Fiscal Year 2023-2024 Affordable Housing Impact Fee and Commercial Linkage Fee Annual Report was accepted. (10-0-0)

2.10 First Amendment to the Master Consultant Agreement with Gravity Learning LLC.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a First Amendment to the Master Consultant Agreement with Gravity Learning LLC, for training and organizational development services, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$570,000 with each service order, subject to appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)

Action: **Resolution No. RES2024-413** was adopted authorizing the First Amendment to the Master Consultant Agreement with Gravity Learning LLC. (10-0-0)

2.11 Actions Related to the 2025 Weed Abatement Program Commencement Report.

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

- (a) Accepting the 2025 Weed Abatement Program Commencement Report compiled by the County of Santa Clara's Consumer and Environmental Protection Agency - Weed Abatement Program;
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the 2025 Weed Abatement Program Commencement Report are a public nuisance; and
- (c) Directing the County of Santa Clara's Consumer and Environmental Protection Agency -Weed Abatement Program to mail a Notice of Public Hearing to be held on February 11, 2025, at 1:30 p.m. before the City Council to property owners of affected real properties on the 2025 Weed Abatement Program Commencement Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara. CEQA:

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

Action: **Resolution No. RES2024-414** was adopted authorizing actions related to the 2025 Weed Abatement Program Commencement Report. (10-0-0)

2.12 Envision San José 2040 General Plan 2024 Annual Performance Review Report.

Accept the Envision San José 2040 General Plan 2024 Annual Performance Review report. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Planning, Building and Code Enforcement)

Action: The Envision San Jose 2040 General Plan 2024 Annual Performance Review Report was accepted. (10-0-0)

2.13 Agreement with the City and County of San Francisco to Allocate 2024 Urban Areas Security Initiative Grant Funds.

- (a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2024 Urban Areas Security Initiative grant allocation in the amount of \$1,573,585 and to negotiate and execute additional amendments and related documents without further City Council action.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
 - (1) Establish the Urban Areas Security Initiative Grant - Police 2024 City-Wide Expenses appropriation to the Police Department in the amount of \$748,766;
 - (2) Establish the Urban Areas Security Initiative Grant - Fire 2024 City-Wide Expenses appropriation to the Fire Department in the amount of \$619,627;
 - (3) Increase the City Manager Office's Personal Service appropriation by \$104,000; and
 - (4) Increase the estimate for Revenue from Federal Government by \$1,472,393.

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. (Police/Fire/City Manager)

Action: (a) **Resolution No. RES2024-415**, (b) **Ordinance No. 31158**, and (b) **Resolution No. RES2024-416** were adopted regarding actions related to the agreement with the City and County of San Francisco to Allocate 2024 Urban Areas Security Initiative Grant Funds. (10-0-0)

2.14 Second Amendment to the Master Consultant Agreement with Schaaf & Wheeler Consultant Civil Engineers for Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Large Trash Capture Projects.

Approve the second amendment to the master consultant agreement with Schaaf & Wheeler Consultant Civil Engineers to extend the term of the agreement from December 31, 2024 to December 31, 2027, with no change to the maximum compensation. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The second amendment to the Master Consultant Agreement with Schaaf & Wheeler Consultant Civil Engineers for engineering analysis, design, construction management, and environmental consulting services for large trash capture projects was approved. (10-0-0)

2.15 Second Amendment to the Master Consultant Agreement with BKF Engineers for Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Large Trash Capture Projects.

Approve the second amendment to the master consultant agreement with BKF Engineers to extend the term of the agreement from December 31, 2024 to December 31, 2027 with no change to the maximum compensation. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The second amendment to the Master Consultant Agreement with BFK Engineers for engineering analysis, design, construction management, and environmental consulting services for large trash capture projects was approved. (10-0-0)

2.16 Master Agreements for Trail Development Consulting Services for the Coyote Creek and Guadalupe River Santa Clara Valley Transportation Authority Measure B Trail Projects.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute master consulting agreements with GHD, Inc. and RRM Design Group for trail development consulting services for Coyote Creek and Guadalupe River Santa Clara Valley Transportation Authority Measure B Trail Projects from the date of execution through December 31, 2026, and in amount not to exceed \$1,600,000 for each master consulting agreement, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 3, 9. (Public Works)

Action: **Resolution No. RES2024-417** was adopted authorizing Master Agreements for Trail Development Consulting Services for the Coyote Creek and Guadalupe River Santa Clara Valley Transportation Authority Measure B Trail Projects. (10-0-0)

2.17 Second Amendment to Master Consultant Agreement with Woodard & Curran for Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Various Storm and Sanitary Sewer System Improvement Projects.

Approve the second amendment to the master consultant agreement with Woodard & Curran to extend the term of the agreement from January 31, 2025 to January 31, 2028, with no change to the maximum compensation. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The second amendment to Master Consultant Agreement with Woodard & Curran for engineering analysis, design, construction management, and environmental consulting services for various storm and sanitary sewer system improvement projects was approved. (10-0-0)

2.18 City Council Appointments.

As recommended by the Rules and Open Government Committee on December 4, 2024, appoint Councilmember Casey to the:

- (a) Public Safety, Finance & Strategic Support Committee;
 - (b) Community & Economic Development Committee;
 - (c) Neighborhood Services & Education Committee;
 - (d) ABAG - Executive Board as an Alternate;
 - (e) Appeals Hearing Board as the Liaison; (f) Climate Advisory Commission as the Liaison;
 - (f) Human Services Commission as the Liaison;
 - (g) Santa Clara County Emergency Operational Area Council;
 - (h) Santa Clara County Health Benefits Coalition;
 - (i) Santa Clara Valley Habitat Agency Implementation Board as the Alternate;
 - (j) Santa Clara VTA Policy Advisory Board - El Camino Real Rapid Transit as the Alternate;
 - (k) Santa Clara VTA Policy Advisory Board - SR 85 Corridor;
 - (l) Silicon Valley Regional Interoperability Project as the Alternate; and
 - (m) San José/Santa Clara Treatment Plant Advisory Committee as the Alternate.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 12/4/2024 - Item B.3]

Action: The City Council Appointment for Councilmember George Casey was approved for the City Organizational and Administrative Activities noted above. (10-0-0)

2.19 Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on December 4, 2024:

- (a) Retroactively approve the Santa Visits Alviso Event scheduled on December 7, 2024 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the District 4 Annual Pajama Giveaway scheduled on December 13, 2024 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. (Cohen) [Rules Committee referral 12/4/2024 - Item B.4]

Action: Multiple Special Events sponsored by Council District 4 were approved and retroactively approved for placement on the City Council Agenda. (10-0-0)

2.20 Retroactive Approval of Holiday Children Book Drive by Council District 1 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 December 4, 2024:

- (a) Retroactively approve the Holiday Children Book Drive scheduled from December 2 to December 20, 2024 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. (Kamei)
[Rules Committee referral 12/4/2024 - Item B.5]

Action: The Holiday Children Book Drive sponsored by Council District 1 was retroactively approved for placement on the City Council Agenda. (10-0-0)

2.21 Approval of District 6 Community Outreach Funds for Service Organization.

As recommended by the Rules and Open Government Committee on December 4, 2024, approve a \$400 grant from District 6 Community Outreach funds to the Rotary Club of San José Foundation. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 12/4/2024 - Item B.6]

Action: The District 6 Community Outreach Funds for Service Organization was approved. (10-0-0)

3. STRATEGIC SUPPORT

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

City Manager, Jennifer Maguire, offered a report on the GovAI Coalition Summit, held December 4-5 at the San Jose Convention Center, which brought over 600 attendees from 160 agencies nationwide. The event showcased San Jose's leadership in ethical AI practices, emphasizing transparency, equity, and security, while benefiting local businesses through the Holiday Shop Local campaign. Khalid Tawfik, on behalf of the Information Technology Department, was commended for their role in advancing technology to solve real-world problems and improve public services.

3.2 Labor Negotiations Update.

None provided.

3.3 Team San José and Convention and Visitors Annual Performance Audit.

As recommended by the Community and Economic Development Committee on November 18, 2024, accept the report on the annual performance of Team San José and Convention and Visitors audit. 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) [Community and Economic Development Committee referral 11/18/2024 - Item (d)1]

Joe Rios, City Auditor and Adrian Perez, Program Performance Auditor II offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Bien Doan, and carried unanimously the Team San Jose and Convention and Visitors Annual Performance Audit was accepted. (10-0-0)

**3.4 Annual Comprehensive Financial Report for Fiscal Year ended June 30, 2024.
HEARD CONCURRENTLY WITH ITEMS. 3.5 AND 9.1.**

Accept the Fiscal Year 2023-2024 Annual Comprehensive Financial Report for the City of San José. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

The presentations for items 3.4, 3.5 and 9.1 were heard concurrently and one public comment opportunity was provided.

Drew Corbett, Acting Director of Finance; Victor Lo, CPA, Deputy Director of Accounting; and Ben Lau, CPA, Partner at Macias, Gini & O'Connell LLP offered the presentation for items 3.4, 3.5 and 9.1 concurrently and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Annual Comprehensive Financial Report for Fiscal Year ended June 30, 2024, was accepted. (10-0-0)

**3.5 External Auditor's Report: Report to Those Charged with Governance for the Year Ended June 30, 2024.
HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1**

Accept the external auditor's report to those charged with Governance for the year ended June 30, 2024, as issued by Macias Gini & O'Connell LLP, the City's external auditor. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

The presentations for items 3.4, 3.5 and 9.1 were heard concurrently and one public comment opportunity was provided.

Drew Corbett, Acting Director of Finance; Victor Lo, CPA, Deputy Director of Accounting; and Ben Lau, CPA, Partner at Macias, Gini & O'Connell LLP offered the presentation for items 3.4, 3.5 and 9.1 concurrently and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously the External Auditor's Report: Report to those charge with governance for the year ended June 30, 2024, was accepted. (10-0-0)

3.6 Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2024.

Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2023-2024. CEQA: Not a Project, File No. PP17-003, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

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

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Comprehensive Annual Debt Report for Fiscal Year ended June 30, 2024 was accepted. (9-0-1; Absent: Kamei)

4. **PUBLIC SAFETY**

5. **TRANSPORTATION & AVIATION SERVICES**

6. **ENVIRONMENTAL & UTILITY SERVICES**

7. **NEIGHBORHOOD SERVICES**

8. **COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 **Establishment of the Monterey Corridor Business Improvement District and Approval to Levy Assessments in the Monterey Corridor Business Improvement District for the Remainder of Fiscal Year 2024-2025.**

- (a) Conduct a public hearing and approve an ordinance to establish the Monterey Corridor Business Improvement District.
- (b) Conduct a public hearing and adopt a resolution approving the budget and the levy of assessments for the Monterey Corridor Business Improvement District for the remainder of Fiscal Year 2024-2025.
- (c) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement with Monterey Corridor Business Association for the administration of the Monterey Corridor Business Improvement District.

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)

Mayor Matt Mahan inquired as to how many protests were received. City Clerk Toni Taber reported that two protest letters were received.

Mayor Matt Mahan opened the public hearing.

Public Comment: Jill Rodby, Eire Stewart, and Dave Lujan offered public testimony regarding the item.

Mayor Matt Mahan closed the public hearing.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, actions related to the Establishment of the Monterey corridor Business Improvement District and Approval to Levy Assessments in the Monterey Corridor Business Improvement District for the Remainder of Fiscal Year 2024-2025 was approved, (a) **Ordinance No. 31159** was *passed for publication*, and including the *adoption* of (b) **Resolution No. RES2024-418** and (c) **Resolution No. RES2024-419**. (10-0-0)

8.2 Multifamily Housing Incentive Program and North San José Parks Fee Realignment.

- (a) Accept the following recommendations to create a temporary Multifamily Housing Incentive Program to a specified set of development proposals:
- (1) Adopt a resolution listing those projects eligible for the temporary Multifamily Housing Incentive Program as outlined in Attachment A of the staff memorandum.
 - (2) Adopt a resolution reducing the Inclusionary Housing Ordinance in-lieu fees to \$0 for projects eligible for the temporary Multifamily Housing Incentive Program that include at least 5% of units onsite at up to 100% area median income, and excluding projects otherwise eligible for the incentive that have an existing Affordable Housing Compliance Plan that includes onsite affordable units unless the Housing Director approves an alternative in accordance with the provisions of the temporary Multifamily Housing Incentive Program.
 - (3) Approve an ordinance adding Section 4.46.039.13 to Chapter 4.46 and adding Section 4.47.098 to Chapter 4.47 of Title 4 of the San José Municipal Code to provide:
 - i. A 50% reduction of the Commercial, Residential, and Mobile Home Park Construction Tax and a 50% reduction of the Building and Structure Construction Tax to the first 1,500 units in projects eligible for the temporary Multifamily Housing Incentive that also obtain a City building permit by December 31, 2025; and
 - ii. A 25% reduction of the Building and Structure Construction Tax for up to 8,539 additional units in projects eligible for the temporary Multifamily Housing Incentive Program.
- (b) Adopt a resolution amending Exhibit A of Resolution No. 78733, adopted on August 7, 2018, which sets forth the Schedule of Parkland Fees charged pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code, to establish a new permanent per unit Parkland In-Lieu Fee for multi-family residential projects that have five units (or more) in Multiple Listing Service District 7B (North San José - south of State Route 237) at \$22,600 per unit.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Economic Development and Cultural Affairs/Housing/Parks, Recreation, and Neighborhood Services/Planning, Building, and Code Enforcement/Transportation

Nanci Klein, Director of the Office of Economic Development and Cultural Affairs; Chris Burton, Director of Planning, Building and Code Enforcement; Jon Cicirelli, Director of Parks, Recreation and Neighborhood Services; Erik Solivan, Director of the Housing Department; and John Ristow, Director of the Department of Transportation offered the presentation and responded to questions.

Public Comment: Armando Murillo, Matt Bernardis, Harvey, Francisco Salcedo, Rigo Gallardo, Oscar Mazariegos, Eli Robles, Alison Cingolani, Manuel Salazar, Humberto Nava, Erik Schoennauer, Jaime Vasquez, Genaro Diaz, Kat Angelou, Scott Youdall, Reyad L'atwan, Dolores Rodriguez, Steve Lynch, Anthony Montes, Kenneth Do, Mark Jones, Harry Neil, and Michael Lerner offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously;

- (a) The following recommendations to create a temporary Multifamily Housing Incentive Program to a specified set of development proposals were accepted:

- (1) **Resolution No. RES2024-420** was adopted listing those projects eligible for the temporary Multifamily Housing Incentive Program as outlined in Attachment A of the staff memorandum.
- (2) **Resolution No. RES2024-421** was adopted reducing the Inclusionary Housing Ordinance in-lieu fees to \$0 for projects eligible for the temporary Multifamily Housing Incentive Program that include at least 5% of units onsite at up to 100% area median income, and excluding projects otherwise eligible for the incentive that have an existing Affordable Housing Compliance Plan that includes onsite affordable units unless the Housing Director approves an alternative in accordance with the provisions of the temporary Multifamily Housing Incentive Program.
- (3) **Ordinance No. 31160** was passed for publication adding Section 4.46.039.13 to Chapter 4.46 and adding Section 4.47.098 to Chapter 4.47 of Title 4 of the San José Municipal Code.
 - (b) **Resolution No. RES2024-422** was adopted amending Exhibit A of Resolution No. 78733.

Also including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Councilmember Dev Davis, and Councilmember Domingo Candelas dated December 6th, 2024, recommending the following:

1. Accept the staff recommendation.
2. Direct staff to brief the Council on the progress of projects under this incentive program during the regularly scheduled cost of development reports and/or study sessions.
3. Direct staff to issue an informational memo by August 2025 on the progress of the projects under this incentive program.

(9-1-0; Noes: Ortiz)

Council recessed from 4:47 p.m. to 6:01 p.m.

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE.

9.1 Successor Agency to The Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2024. HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5.

Accept the Fiscal Year 2023-2024 Independent Auditor's Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

The presentations for items 3.4, 3.5 and 9.1 were heard concurrently and one public comment opportunity was provided.

Drew Corbett, Acting Director of Finance; Victor Lo, CPA, Deputy Director of Accounting; and Ben Lau, CPA, Partner at Macias, Gini & O'Connell LLP offered the presentation for items 3.4, 3.5 and 9.1 concurrently and responded to questions.

Mayor Matt Mahan convened the Successor Agency to the Redevelopment Agency of the City of San Jose.

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Domingo Candelas, and carried unanimously, the Successor Agency to the Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2024, was accepted. (10-0-0)

Mayor Matt Mahan adjourned the Successor Agency to the Redevelopment Agency of the City of San Jose.

10. LAND USE on Consent Calendar

10.1 C24-049 - Conforming Rezoning for Certain Real Property Located at 545 Hillsdale Avenue.

(a)

HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

Approve an ordinance rezoning certain real property of an approximately 5.1-gross-acre site situated on the northerly side of Hillsdale Avenue, approximately 127 feet west of Regency Avenue (545 Hillsdale Avenue) from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 7. (Planning, Building and Code Enforcement)

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Dev Davis, and carried unanimously, **Ordinance No. 31161** was *passed for publication* regarding conforming rezoning for Certain Real Property located at 545 Hillsdale Avenue. (10-0-0)

10. LAND USE – Regular Agenda

10.2 PDA20-006-02, T24-010 & ER23-267 - Planned Development Permit Amendment and Vesting Tentative Map for Mixed-Use Village Final Environmental Impact Report on Certain Real Property Located at 1312 El Paseo de Saratoga and 1777 Saratoga Avenue (El Paseo Property Owner LLC, Owner). **HEARD AFTER 6:00 P.M.**

- (a) Adopt a resolution adopting an Addendum to the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to reconfigure six parcels into four parcels and to allow up to 20 commercial condominium units on an approximately 10.76-gross acre site located east of the

intersection of Saratoga Avenue and Quito Road and north of the intersection of Saratoga Avenue and Lawrence Expressway (1312 El Paseo de Saratoga and 1777 Saratoga Avenue).

- (c) Adopt a resolution approving, subject to conditions, a Planned Development Permit Amendment to amend the Affordable Housing Compliance Plan in accordance with the Inclusionary Housing Ordinance and allow modifications to Buildings 1, 2, and 4 within the previously approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project, including the construction of two mixed-use buildings consisting of 772 multifamily residential units (39 affordable) and approximately 31,586 square feet of commercial retail space and the construction of a seven-story, approximately 230,305-square foot, 263-bed residential care facility with up to 20 commercial condominium units on an approximately 10.76-gross-acre site.

CEQA: Addendum to the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report (Resolution No. 80605). Planning Commission recommends approval (8-0-1; Cantrell absent) (Item 5.a. on the 11/20/2024 Planning Commission agenda). Council District 1. (Planning, Building and Code Enforcement.

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

Public Comment: Chappie Jones and Jake Wild offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the below actions were taken as indicated;

- (a) **Resolution No. RES2024-423** was adopted regarding the Addendum to the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, in accordance with the California Environmental Quality Act, as amended.
- (b) **Resolution No. RES2024-424** was adopted approving, subject to conditions, a Vesting Tentative Map to reconfigure six parcels into four parcels and to allow up to 20 commercial condominium units on an approximately 10.76-gross acre site located east of the intersection of Saratoga Avenue and Quito Road and north of the intersection of Saratoga Avenue and Lawrence Expressway (1312 El Paseo de Saratoga and 1777 Saratoga Avenue).
- (c) **Resolution No. RES2024-425** was adopted approving, subject to conditions, a Planned Development Permit Amendment to amend the Affordable Housing Compliance Plan in accordance with the Inclusionary Housing Ordinance and allow modifications to Buildings 1, 2, and 4 within the previously approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project, including the construction of two mixed-use buildings consisting of 772 multifamily residential units (39 affordable) and approximately 31,586 square feet of commercial retail space and the construction of a seven-story, approximately 230,305-square foot, 263-bed residential care facility with up to 20 commercial condominium units on an approximately 10.76-gross-acre site. (10-0-1; Absent: Jimenez)

• Open Forum

1. Mark Trout discussed communism, God, terrorism, and freedom of speech.

- **Adjournment**

The Council of the City of San José adjourned the meeting at 6:39 pm by Mayor Matt Mahan.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Vanessa Velez, Deputy City Clerk
City of San José

Approved at Council on:

of Actions: 11

Attest By:

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

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

FOR RECEIPT: Tract: 10646 Location: N/E Corner of Montague Expressway and Seely Avenue
District: 4 Lots/Units: 8/1,318 Type: Commercial Condos/MFA Developer: The Hanover
Company.



SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

December 10, 2024

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

Absent Councilmembers: None.

Place: City Hall Conference Room W-133

Time: 9:33 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 Lowrimore

Name(s) of Party(ies):

Court: Worker’s Compensation Appeals Court

Case No: ADJ14197002, ADJ8759045

Amount of Money or Other Relief Sought: Benefits

2. Case Name: In re: Claim of Adams

Name(s) of Party(ies):

Court: Worker’s Compensation Appeals Court

Case No: ADJ15975438 and ADJ20097032

Amount of Money or Other Relief Sought: Benefits

3. Case Name: In re: Claim of Diehl
 Name(s) of Party(ies):
 Court: Worker's Compensation Appeals Court
 Case No: ADJ15539221, ADJ15539222, ADJ15539223, ADJ15539224, and ADJ15539225
 Amount of Money or Other Relief Sought: Benefits
4. Case Name: Ryoga Vee vs. City of San Jose
 Name(s) of Party(ies): RYOGA VEE, CITY OF SAN JOSE
 Court: Santa Clara Superior Court
 Case No: 21CV385105
 Amount of Money or Other Relief Sought: Damages according to Proof
5. Case Name: Preservation of Benefit Plan Retirees Association, et al. v. City of San Jose, et al.
 PRESERVATION OF BENEFIT PLAN RETIREES ASSOCIATION; JOSEPH BASS; LAWRENCE JAY CASTELLANO; RICHARD COCO; LESLYE CORSIGLIA; HARRY FREITAS; LINDA HORWEDEL; WILLIAM HUGHES; DANNY JORDAN; DAVID MAAS; BARRY NG; ANITA PHAGAN; GEORGE RIOS; EVET LOEWEN; GARY SCHOENNAUER; KEN TANASE; WAYNE TANDA; NONA TOBIN; RANDAL TURNER; STEVEN TURNER; ROBERT WILSON; CITY OF SAN JOSE; BOARD OF ADMINISTRATION OF THE FEDERATED CITY EMPLOYEES' RETIREMENT SYSTEM.
 Name(s) of Party(ies):
 Court: Santa Clara County Superior Court
 Case No: 17CV312610
 Amount of Money or Other Relief Sought: Damages according to Proof

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

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

1. Claimants(s): Claim of CSAA aso Wentong Chen

City Department: Planning, Building, and Code Enforcement

2. Claimants(s): California River Watch

City Department: Environmental Services

C. CONFERENCE WITH REAL PROPERTY DESIGNATED REPRESENTATIVES PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

1. Property Street Address, Parcel Number, or Other Unique Reference of Property: Excite Ballpark, 588 East Alma Avenue., San José, California.

Negotiating Parties: Nanci Klein for the City of San José; Ben Taylor for San José Giants.

Under Negotiation: The direction will concern price and terms of payment.

Likely Range of Value of Property: Negotiated price based use of the property, expected improvements to the facility, and comparable rental values

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

Department or Agency: Finance

Title: Finance Director