



# **City Council Meeting Amended Agenda**

**Tuesday, March 4, 2025**

**1:30 PM**

**Council Chambers**

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

*Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.*

### **Public Comment in Person Only**

**For live translations in over 50 languages, please go to <https://attend.wordly.ai/join/FAYU-7105>**

### **American Disability Act**

To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

### **Accommodations**

Any member of the public who needs accommodations should email the ADA Coordinator at [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov) or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Gọi (408) 535-8430

### **THE LEVINE ACT**

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$500 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. For more information:

<https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act/-fsiteid-1#!/>

### **How to observe the Meeting (no public comment):**

- 1) Cable Channel 26.
- 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>
- 3) <https://youtube.com/CityofSanJoseCalifornia>
- 4) By Phone: (888) 475 4499. Webinar ID is 915 5718 2016. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
- 5) Online at: <https://sanjoseca.zoom.us/j/91557182016>

Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.

**How to submit written Public Comment before the City Council Meeting:**

By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 8:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

**How to provide spoken Public Comment during the City Council Meeting:**

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor’s discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)

Fill out a Yellow Speaker’s Card and submit it to boxes at the bottom of the Chambers. Do this before the meeting or before the item is heard. This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner. You may remain anonymous, but please fill out a card so we may call you. You can put “anonymous speaker” or “no name” on the card. When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk’s table. To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers - Cancelled

1:30 p.m.- Regular Session, Council Chambers, City Hall

- **Pledge of Allegiance**

- **Invocation (District 3)**

Cassie Kifer, local author

- **Orders of the Day**

To be heard after Ceremonial Items

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Adjournment Recognition**

This meeting will be adjourned in memory of Mignon Gibson, who passed away on November 23, 2024. Mignon was a lover of the Villages open space, public historian, and spiritual seeker, Mignon leaves a legacy in her “baby,” History Park, known originally as the San Jose Historical Museum. Mignon worked at the museum for 23 years and served as Museum Director from 1982-1997.

- **Closed Session Report**

The Closed Session for 3/4/2025 was cancelled

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a commendation recognizing the brave San José firefighters who aided the County of Los Angeles in their moment of crisis. (Mayor and Doan)

1.2 Presentation of a proclamation recognizing March 8, 2025 as International Women’s Day in the City of San José. (Foley)

1.3 Presentation of a commendation to Dr. Dong Ta Vo, M.D. to honor over 40 years of medical field leadership and model practices for the East San José community. (Ortiz)

## **2. CONSENT CALENDAR**

**Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.**

### **2.1 Approval of City Council Minutes.**

### **2.2 Final Adoption of Ordinances.**

### **2.3 Approval of Council Committee Minutes.**

### **2.4 Mayor and Council Excused Absence Requests.**

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 [25-177](#) Actions Related to the 8087 - TRAIL: Coyote Creek (Mabury Road to Empire Street) Project - Rebid.**

**Recommendation:** Approve an increase to the construction contingency from 23% to 26% for the 8087 - TRAIL: Coyote Creek (Mabury Road to Empire Street) Project - Rebid in the amount of \$160,000 for a total contingency of \$1,908,363.

CEQA: Addendum to the Coyote Creek Trail Master Plan Mitigated Negative Declaration (Resolution No. 75982), File No. ER20-145. Council Districts 3 and 4. (Public Works/Parks, Recreation, and Neighborhood Services)

**Attachments** [Memorandum](#)

**2.8**     [25-230](#)     **Retroactive Approval of Multiple Special Events Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

**Recommendation:**     As recommended by the Rules and Open Government Committee on February 26, 2025:

- (a) Retroactively approve the First Cinco de Mayo Celebration Planning Committee Meeting scheduled on November 27, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the International Democracy Day scheduled on December 8, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Dobern Neighborhood Association Dumpster Day scheduled on December 14, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Vietnamese Mural Unveiling Ribbon Cutting scheduled on December 19, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Mt. Pleasant School District Lunar New Year Event scheduled on January 30, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the District 5 Lunar New Year Event scheduled on February 15, 2025 as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Ortiz)  
[Rules Committee referral 2/26/2025 - Item B.3]

**Attachments**     [Memorandum](#)

### **3. STRATEGIC SUPPORT**

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

#### **3.2 Labor Negotiations Update.**

The Closed Session for 3/4/2025 was cancelled.

**3.3**    [25-178](#)            **Board of Fair Campaign and Political Practices Interviews.****Recommendation:**

- (a) Interview applicants for appointments to the Board of Fair Campaign and Political Practices.
- (b) Appoint up to two (2) applicants to a term ending March 1, 2029.  
PLEASE NOTE: APPROVAL OF THIS ITEM REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. San José Municipal Code Section 2.08.1610.
- (c) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**Attachments**    [Memorandum](#)  
[Memorandum - Conflicts of Interest](#)  
[Applications](#)

**3.4**    [25-183](#)            **Cooperation Agreement Between Pacific Gas and Electric Company and the City of San José for Electric Infrastructure Development.****Recommendation:**

- Adopt a resolution authorizing the City Manager or her designee to:
- (a) Negotiate and execute the non-binding Cooperation Agreement between Pacific Gas and Electric Company and the City of San José to support the timely development of electric transmission and distribution infrastructure necessary for economic growth and decarbonization goals in North San José and Downtown San José.
- (b) Negotiate a binding Implementation Agreement consistent with the Cooperation Agreement's objectives that the parties expect will be brought before City Council in the spring of 2025.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
- [Deferred from 2/25/2025 - Item 3.4 (25-148)]

**Attachments**    [Memorandum](#)  
[Memorandum from Mayor, Foley, Cohen, Candelas, Kamei, 2/28](#)  
[Memorandum from Mayor, Foley, Kamei, Cohen & Candelas, 2/28](#)  
[Presentation - est. 10 minutes](#)  
[Letter from the Public](#)

**3.5**    [25-184](#)            **Annual Report on the Measure T Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond Program Proceeds and Allocations for Fiscal Year 2023-2024.**

**Recommendation:**    Accept the Measure T Community Oversight Committee Annual Report on the Measure T - The Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond Program proceeds and allocations for Fiscal Year 2023-2024.

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

[Deferred from 2/25/2025 - Item 3.5 (25-149)]

**Attachments**    [Memorandum](#)  
[Presentation - est. 5 minutes](#)  
[Letter from the Public](#)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**



**6.1**     [25-179](#)            **Amended and Restated Storage Services Agreement with Yellow Pine Solar III for Battery Storage Facility.**

**Recommendation:**

Adopt a resolution authorizing the Director of the Energy Department, the Acting Director of the Energy Department, or their designee to:

(a) Negotiate and execute an amended and restated Storage Services agreement with Yellow Pine Solar III, LLC, a subsidiary of NextEra Energy Resources Development, LLC, to purchase resource adequacy and battery tolling rights associated with a battery storage facility for a maximum term of 23 years beginning 2027 through 2050, in an amount not to exceed \$3,756,000 annually and up to \$78,675,000 in aggregate; and

(b) If appropriate, negotiate and execute a further agreement or amendment with Yellow Pine Solar III, LLC to increase the volume from the same battery storage facility without otherwise changing the material terms, in an amount not to exceed \$1,503,000 annually and up to \$31,482,000 in aggregate.

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

**Attachments**    [Memorandum](#)  
[Presentation - est. 5 minutes](#)

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1**     [25-180](#)     **Lease Extension and Improvements Agreement with DBH San José, LLC, for the San José Municipal Stadium.**

**Recommendation:**

Adopt a resolution to:

(a) Authorize the City Manager or her designee to negotiate and execute an amended and restated use, operation, and management agreement between the City of San José and DBH San José, LLC, for the property commonly known as the San José Municipal Stadium located at 588 E. Alma Avenue, San José, California including all ancillary documents necessitated to execute the agreement, for a term of 25 years, at a rent of \$40,000 per year for the duration of the agreement and subject to the terms contained in the staff memorandum;

(b) Allow for capital improvements to Excite Ballpark funded by DBH San José, LLC, subject to City review as a property owner as well as its permitting processes as a regulatory authority, that are required to bring the stadium in compliance with Major League Baseball's Professional Development League standards, as they may change from time to time;

(c) Authorize the reimbursement by the City to DBH San José, LLC for expenses incurred to renovate the playing field and dugouts totaling up to \$5,000,000 to be paid annually as \$714,285 for seven years beginning in Fiscal Year 2027-2028 and ending in Fiscal Year 2033-2034; and

(d) Approve the assignment of all stadium naming rights and collection of associated income to DBH San José, LLC, and collection of any telecommunications revenues under a potential lease to be arranged by the City of San José, for the duration of the lease.

CEQA: Categorically Exempt, File No. ER25-014, CEQA Guidelines Section 15323 - Normal Operations of Facilities for Public Gatherings. Council District 7. (Economic Development and Cultural Affairs)

**Attachments**

[Memorandum](#)

[Resolution](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

**8.2**     [25-181](#)            **Proposed Economic Strategy Work Plan for Fiscal Year 2025-2026 and Fiscal Year 2026-2027. - DEFERRED**

**Recommendation:**     As recommended by the Community and Economic Development Committee on January 27, 2025, approve the City Manager’s Office of Economic Development and Cultural Affairs’ proposed Economic Strategy Work Plan for Fiscal Year 2025-2026 and Fiscal Year 2026-2027.

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

(Economic Development and Cultural Affairs)

[Community and Economic Development Committee referral 1/27/2025 - Item (d)1]

DEFERRED TO 3/18/2025 PER ADMINISTRATION

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

#### **10.1 Land Use on Consent Calendar**

- (a) [25-182](#) C23-115, CP24-001 & ER23-250 - Conforming Rezoning and Conditional Use Permit for Certain Real Property Located at 15 Cottle Road. - DEFERRED

**Recommendation:**

(1) Approve an ordinance rezoning certain real property of an approximately 0.94-gross-acre site situated on the northwesterly corner of Hayes Avenue and Endicott Boulevard (15 Cottle Road) from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the demolition of an existing approximately 1,638-square-foot building for the construction of an approximately 5,000-square-foot building to support construction equipment sale and lease use on site, and the reconfiguration of the layout of the approximately 0.94-gross-acre site.

CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. Council District 2. (Planning, Building, and Code Enforcement)

DEFERRED TO 3/11/2025 PER APPLICANT

**Attachments** [Memorandum](#)  
[Ordinance](#)  
[Resolution](#)

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

• **Open Forum**

**Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council. Members of the public may only speak at Open Forum once.**

• **Adjournment**

This meeting will be adjourned in memory of Mignon Gibson, who passed away on November 23, 2024. Mignon was a lover of the Villages open space, public historian, and spiritual seeker, Mignon leaves a legacy in her "baby," History Park, known originally as the San Jose Historical Museum. Mignon worked at the museum for 23 years and served as Museum Director from 1982-1997.

**All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection online at <https://sanjose.legistar.com/Calendar.aspx> or at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).**

## ABOUT THE AGENDA

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

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**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- (a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- (b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- (c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- (d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- (e) Persons in the audience will not place their feet on the seats in front of them.
- (f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- (g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- (a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- (b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- (c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Committee, Board or Commission:
- (a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - (b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
  - (c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
  - (d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - (e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.'
  - (f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - (g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.