City Council Meeting Minutes

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

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session. - ***Cancelled***.

1:33 p.m.- Regular Session.

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

Absent Councilmembers: None.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 3)**

Cassie Kifer, local author, offered the invocation with reading an excerpt from her book, *Secret San José.*

- **Orders of the Day**

None provided.

- **Adjournment Recognition**

The San José City Council meeting was 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**

Nora Frimann, City Attorney, City Attorney's Office announced that the Closed Session meeting on March 4,2025 was cancelled.

1. CEREMONIAL ITEMS

1.1 Mayor Matt Mahan presented a proclamation recognizing the brave San José firefighters who aided the County of Los Angeles in their moment of crisis.

1.2 Vice Mayor Pam Foley presented a proclamation recognizing March 8, 2025 as International Women's Day in the City of San José.

1.3 Councilmember Peter Ortiz presented 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.

2. CONSENT CALENDAR

Public Comment: Brian Darby offered public comment regarding the Consent Calendar.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Domingo Candelas, and carried unanimously, the Consent Calendar was approved a whole. The following actions were taken as indicated. (11-0-0)

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.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Actions Related to the 8087 - TRAIL: Coyote Creek (Mabury Road to Empire Street) Project -Rebid.

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)

Action: The increase to the construction contingency from 23% to 26% for the 8087 - TRAIL: Coyote Creek (Mabury Road to Empire Street) Project – Rebid was approved. (11-0-0)

2.8 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.

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]

Action: The Multiple Special Events Sponsored by Council District 5 were retroactively approved. (11-0-0)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire

None provided.

3.2 Labor Negotiations Update.

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

3.3 Board of Fair Campaign and Political Practices Interviews.

(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)

City Clerk, Toni Taber spoke to the application and interview process regarding the *two* full-term vacancies for the Board of Fair Campaign and Political Practices.

Tom Pavel and Manu Sharma were given up to two minutes to provide an opening statement.
The Council asked the candidates a series of questions, and the two candidates were allotted up to two minutes to respond to each question.

Public Comment: None provided.

Action: Upon motion by Councilmember Carl Salas, seconded by Councilmember George Casey, and carried unanimously, Tom Pavel and Manu Sharma were interviewed and appointed to the Board of Fair Campaign and Political Practices for terms ending March 1, 2029. The City Clerk is directed to continue recruitment efforts and bring forward additional applicants for consideration in the future. (11-0-0)

3.4 Cooperation Agreement Between Pacific Gas and Electric Company and the City of San José for Electric Infrastructure Development.

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)]

Kip Harkness, Deputy City Manager, City Manager's Office; Erica Garaffo, Assistant to the City Manager, City Manager's Office; and Lori Mitchell, Director, Community Energy Department, provided the presentation and responded to questions.

Christina Ramos, Senior Government Affairs for PG&E; and Mike Medeiros, Vice President of South Bay Delivery at PG&E, responded to questions from Council.

Public Comment: Brian Darby, Ruth Merino, and Dennis Randall offered public comment.

Motion: Councilmember David Cohen moved approval of the Cooperation Agreement Between Pacific Gas and Electric Company and the City of San José for Electric Infrastructure Development; including the *two* joint memorandums co-authored by Mayor Matt Mahan, Vice Mayor Pam Foley, Councilmember David Cohen, Councilmember Domingo Candelas, and Councilmember Rosemary Kamei, both dated February 28, 2025. Councilmember Domingo Candelas seconded the motion.

Friendly Amendment: Vice Mayor Pam Foley requested that the March 21, 2025 Study Session include information regarding the LS Power project, how it impacts Coyote Valley, and the potential of co-location for the high voltage terminal with Metcalf. The friendly amendment was accepted by the maker of the motion and seconder.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Domingo Candelas, and carried unanimously, **Resolution No. RES2025-36** was adopted, 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; and (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.

Including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Vice Mayor Pam Foley, Councilmember David Cohen, Councilmember Domingo Candelas, and Councilmember Rosemary Kamei, dated February 28, 2025, recommending the following:
1. Approve the framework for the cooperative agreement between Pacific Gas and Electric Company and the City of San Jose along with the memo submitted by Mayor Mahan and Councilmembers Cohen, etc.
2. Include information regarding the power needs and the risks around power availability as the 159-acre development in Regional Wastewater Facility owned lands moves forward as part of the study session on San Jose Municipal Power on March 21.
3. In the March 21 study session, provide additional information about the risks and benefits of retaining the option of a Municipal Utility in case the PG&E agreement doesn't result in expected outcomes and how the LS Power timeline of completion in 2028 affects San Jose's flexibility.

Also including acceptance of the joint memorandum co-authored by Mayor Matt Mahan, Vice Mayor Pam Foley, Councilmember Rosemary Kamei, Councilmember David Cohen, and Councilmember Domingo Candelas, dated February 28, 2025, recommending the following:
Accept staff's recommendations and direct the City Manager or her designee to include the following provisions in a binding Implementation Agreement with Pacific Gas and Electric Company (PG&E):
1. A City Energy Development Team funded by PG&E to coordinate and accelerate large load projects, consisting of:
   a. At least two City positions associated with Economic Development and Oversight
   b. At least four positions within Public Works funded by upfront fees paid for by and credited back to PG&E as projects progress, ensuring a dedicated team with the right non-personal equipment and ability to focus on large load projects
   c. Funding for Innovation & Process Improvements, including collaboration with innovation partners to streamline permitting, joint trenching, and digital tracking.
2. Clear and enforceable Objectives and Key Results (OKRs) for large load interconnections, including commitments to meet customer's needs and potential consequences when OKRs aren't met.
3. Flexibility in Design & Delivery that may include changes to PG&E's processes to allow: a. Emerging power solutions for data centers; and b. Streamlined build out of infrastructure (e.g., switching & substations)
4. Potential expansion of PG&E's annual permit with measurable success metrics to track and improve day-to-day service delivery for San José's regular PG&E customers.
5. Commitments to proactively partner with the City to achieve approximately 250MW capacity in the first phase of developing the 159 acres of Regional Wastewater Facility economic lands.
6. Deepened investment in San José-based workforce programs, ensuring local residents benefit from new energy jobs created through this partnership.
7. An immediate surge of resources while PG&E transforms its processes to meet the needs of large load and heartbeat customers. (11-0-0)

3.5 Annual Report on the Measure T Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond Program Proceeds and Allocations for Fiscal Year 2023-2024.

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)]

Sal Kumar, Deputy Director, Public Works; Gary Cunningham, Chair, Community Oversight Committee; Shruti Chandrasekhar, Vice Chair, Community Oversight Committee; and Nicholas Cochran, District 6 Seat, Community Oversight Committee, offered the presentation and responded to questions.

PublComment: Elena Churchill and Brian Darby offered public comment.

Qianyu Sun, Deputy Director, Debt and Treasury Management, Finance Department, responded to questions from Council.

Action: Upon motion by Councilmember Rosemary Kamei, seconded by Councilmember Bien Doan, 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 were accepted. (11-0-0)

4. PUBLIC SAFETY SERVICES

No items provided.

5. TRANSPORTATION & AVIATION SERVICES

No items provided.

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 Amended and Restated Storage Services Agreement with Yellow Pine Solar III for Battery Storage Facility.

Adopt a resolution authorizing the 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)

Zachary Struyk, Acting Director, Community Energy Department; and Paul Innamorato, Deputy Director, Community Energy Department, offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Pam Foley, and carried unanimously, **Resolution No. RES2025-37** was adopted, authorizing the 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. (11-0-0)

7. NEIGHBORHOOD SERVICES

No items provided.

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Lease Extension and Improvements Agreement with DBH San José, LLC, for the San José Municipal Stadium.

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 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)
Kevin Ice, Assistant to the City Manager, City Manager's Office; and Nanci Klein, Director, Economic Development and Cultural Affairs, offered the presentation and responded to questions.

Ben Taylor, General Manager of the San José Giants, offered a verbal presentation and responded to questions from Council.

Public Comment: Bruce Halen offered public comment.

Action: Upon motion by Councilmember Bien Doan, seconded by Vice Mayor Pam Foley, and carried unanimously, **Resolution No. RES2025-38** was adopted, (a) authorizing 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) allowing 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) authorizing 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) approving the assignment of all stadium naming rights and collection of associated income to DBH San José, LLC for the duration of the lease. (11-0-0)

8.2 Proposed Economic Strategy Work Plan for Fiscal Year 2025-2026 and Fiscal Year 2026-2027.

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

No items provided.

10. LAND USE

10.1 Land Use on Consent Calendar

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

(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: Exemption 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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

No items provided.

• Open Forum

1. Brian Darby spoke in opposition of individuals who deny the Holocaust and the toll it has taken on individuals.

• Adjournment

The Council of the City of San José adjourned at 4:30 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar,
Deputy City Clerk City of San José

Approved at Council on:

# of Actions: 6

Attest By:

Toni Taber, MMC
City Clerk, City of San José