



# City of Santa Clara

Draft

## Meeting Minutes

### Council and Authorities Concurrent Meeting

### Call and Notice of Special Meeting

### Santa Clara Stadium Authority

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09/29/2020

3:30 PM

City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

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Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:
  - o <https://santaclaraca.zoom.us/j/99706759306>

Meeting ID: 997-0675-9306 or

- o Phone: 1(669) 900-6833
- Via the City's eComment (now available during the meeting)
- Via email to [PublicComment@santaclaraca.gov](mailto:PublicComment@santaclaraca.gov)

As always, the public may view the meetings on [SantaClaraCA.gov](http://SantaClaraCA.gov), Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

For those individuals that do not have the above access, the City Cafeteria has been set up to accommodate up to 10 people at a time and public comment will be given from that location.

The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. The Mayor will be present for the meeting with Councilmembers and department heads participating remotely. A limited number of staff will also be present.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the the Governing Board of the Stadium Authority to commence and convene on September 29, 2020, at 3:30 pm for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

#### **3:30 PM COUNCIL/STADIUM AUTHORITY MEETING**

#### **Call to Order**

**Mayor/Chair Gillmor** called the meeting to order at 3:51 PM.

## Pledge of Allegiance and Statement of Values

**Council/Board** recited the Pledge of Allegiance.

**Council/Boardmember Davis** recited the Statement of Values.

[20-972](#)

Moment of Silence at the September 29, 2020 City Council Meeting Post Meeting Material

**Mayor/Chair Gillmor** held a moment in silence in memory of **Ruth Bader Ginsburg** (Supreme Court Justice).

## Roll Call

**Present:** 6 - Vice Mayor/Vice Chair Karen Hardy, Council/Boardmember Teresa O'Neill, Council/Boardmember Debi Davis, Council/Boardmember Kathy Watanabe, Council/Boardmember Raj Chahal, and Mayor/Chair Lisa M. Gillmor

## CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

None.

## SPECIAL ORDER OF BUSINESS

- 1.A [20-785](#) Special Order of Business - Neighborhood Watch Program [Council Pillar - Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Chief of Police Nikolai** gave a PowerPoint Presentation.

**Public Speaker(s):** Suds Jain

- 1.B [20-888](#) Recognize City Librarian Hilary Keith for her Service to the City of Santa Clara

**Mayor Gillmor** and **Council** expressed gratitude to **City Librarian Keith** for her years of service to the City of Santa Clara.

- 1.C [20-937](#) Recognize October 3, 2020 as National Day of Korea

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to send the Special Mayoral Recognition to commemorate October 3, 2020 as National Day of Korea to Park Joon-yong Consul General of the Republic of Korea in San Francisco.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

- 1.E [20-877](#) Verbal Report from City Manager regarding COVID-19 Pandemic [Council Pillar: Enhance Community Engagement and Transparency]

**City Manager Santana** provided the following verbal updates:

- Due to the extreme heat, Cooling Centers were open on September 26 and 27, 2020;
- Played a video on the Santa Clara Responds - Small Business Grants Recipients;
- Have provided 63 grant awards, approximately \$1.75 million in financial grants to small businesses;
- Played a clip of the Mayor at Noon to highlight the activities occurring in the City of Santa Clara; and
- Silicon Valley Power's Communication Outreach receiving awards.

**Chief Emergency Services Officer Schoenthal** provided the following verbal update on the COVID-19 Pandemic.

**Public Speaker(s):** Danielle Holman (eComment)

## **CONSENT CALENDAR**

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the balance of the Consent Calendar (except Items 2.D, 2.E, 2.H, 2.M, 2.R, 2.T, 2.U, and 2.W).**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**2.A**     [20-696](#)     Action on Council and Authorities Concurrent Meeting Minutes [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** Approve the Council and Authorities Concurrent Meeting Minutes of June 23, 2020, July 7, 2020, and July 13, 2020 Special Meeting.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.B**     [20-18](#)     Board, Commissions and Committee Minutes [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** Note and file the Minutes of:

City-School Liaison Committee - August 19, 2020  
Historical and Landmarks Commission - June 4, 2020  
Youth Commission - March 10, 2020  
Parks & Recreation Commission - February 18, 2020  
Economic Development, Communications, and Marketing Committee Minutes - August 19, 2020  
Governance and Ethics Committee Meeting Minutes - February 10, 2020

Board of Library Trustees - March 2, 2020

Board of Library Trustees - March 9, 2020

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.C     [20-754](#)     Action on Bills and Claims Report (CC, SA) for the period August 8th, 2020 - September 4th, 2020 [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** Approve the list of Bills and Claims for August 8, 2020 - September 4, 2020.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.F     [20-771](#)     Approve City Position on Proposed League of California Cities' 2020 Annual Conference Resolution [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** Approve an "Oppose" position for the proposed League Annual Conference Resolution of the General Assembly of the League of California Cities calling for an amendment of Section 230 of the Communications Decency Act of 1996 to require social media companies to remove materials which promote criminal activities, and authorize the City's voting delegate/alternate to cast a vote consistent with the City Council's adopted position.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.G     [20-318](#)     Action on Designating a Voting Delegate and Alternate for the 2020 League of California Cities Annual Business Meeting [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** Designate Mayor Lisa M. Gillmor to serve as the voting delegate and Councilmember Kathy Watanabe as the alternate voting delegate to represent the City of Santa Clara at the 2020 League of California Cities Annual Business Meeting.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.I     [20-723](#)     Action on an Agreement with Bellecci & Associates, Inc. for Design Professional Services for the Public Right-of-Way ADA Improvements Project [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** 1. Approve and authorize the City Manager to execute an agreement with Bellecci & Associates, Inc., for the Public Right-of-Way ADA Improvements (Settlement Agreement) Project in the amount not-to-exceed \$917,534; and

2. Authorize the City Manager to make minor, non-substantive modifications, including time extensions, to the agreement, if needed.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.J**      [20-903](#)

Action on an Agreement for Services with Energy Project Solutions, LLC to Provide In-Line Inspection Services for Gas Pipeline Located in City of Santa Clara [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Authorize the City Manager to execute an Agreement for Services with Energy Project Services, LLC for In-Line Inspection of SVP's twelve-inch gas pipeline, for a term starting on or about October 1, 2020 and ending on June 30, 2021 for a total maximum amount not-to-exceed \$525,000, subject to the annual appropriation of funds; and
  2. Authorize the City Manager to execute amendments to add or delete services consistent with the scope of the agreement subject to request and justification by contractor or consultant and approval by the City, subject to the appropriation of funds.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.K**      [20-607](#)

Action on an Amended and Restated Agreement with ECS Imaging, Inc. for the Purchase, Implementation and Support of the Laserfiche Enterprise Document Management System [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Authorize the City Manager to negotiate and execute the Amended and Restated Agreement with ECS Imaging, Inc. for the Laserfiche Enterprise Document Management System for a term retroactive to May 1, 2020 and ending on April 30, 2023 with a not-to-exceed maximum compensation of \$400,000 for professional services, and execute up to seven (7) additional one-year options to extend the term through April 30, 2030, subject to the appropriation of funds.
  2. Authorize the City Manager to execute purchase orders and/or required order documents with ECS Imaging, Inc. for the purchase of up to 300 additional software licenses and annual software support and maintenance services through April 30, 2030, subject to the appropriation of funds and the terms and conditions of the Restated Agreement with ECS Imaging, Inc.
  3. Authorize the City Manager to negotiate and execute amendments to cover any unanticipated system and/or service requirements as required by the City, subject to the appropriation of funds.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.L     [20-772](#)     Action on Amendment No. 1 to the Professional Services Agreement Between Northern California Power Agency and the Cities of Palo Alto and Santa Clara [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement Between Northern California Power Agency and the Cities of Palo Alto and Santa Clara to extend the existing agreement through December 31, 2020.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.N     [20-781](#)     Action on a Resolution Considering the Information in the Final Environmental Impact Statement Prepared by the Federal Energy Regulatory Commission and Adopting and Certifying the CEQA Supplement Prepared for the Bucks Creek Hydroelectric License [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:**

1. Adopt a Resolution considering the information in the Final Environmental Impact Statement prepared by the Federal Energy Regulatory Commission and certifying and adopting the CEQA Supplement for the Bucks Creek Hydroelectric Project (SCH No. 2019069104) with the "FERC Staff Alternative With Mandatory Conditions" Selected as the Project;
2. Note and file the Notice of Determination for the Bucks Creek CEQA Supplement; and
3. Direct staff to proceed with the relicensing process for the Bucks Creek Hydroelectric Project by forwarding the CEQA supplement to the State Regional Water Quality Control Board for their use in the Clean Water certification process.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8888, considering the Information in the Final Environmental Impact Statement Prepared by the Federal Energy Regulatory Commission and Adopting and Certifying the CEQA Supplement Prepared for the Bucks Creek Hydroelectric License.**

- 2.O     [20-802](#)     Action on Amendment No. 2 to the Agreement with Raimi & Associates, Inc., for preparation of the El Camino Real Specific Plan [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for the Performance of Services with Raimi & Associates, Inc., for preparation of the El Camino Real Specific Plan to extend the term

of the Agreement.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.P**      [20-834](#)      Action on Council and Authorities Concurrent and Stadium Authority Meetings for 2021 [Council Pillar: Ensure Community Engagement and Transparency]

**Recommendation:** Set the 2021 calendar year Council and Authorities Concurrent and Stadium Authority as reflected on the attached calendar.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.Q**      [20-847](#)      Report on Actions Taken During City Council Recess from July 15, 2020 to August 14, 2020 [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** Note and file the Report on Actions Taken During City Council Recess from July 15, 2020 to August 14, 2020.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

- 2.S**      [20-307](#)      Action on a Resolution Ordering the Vacation of the General Purpose Easement at 3215 Victor Street [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** 1. Adopt a Resolution Ordering the Vacation of General Purpose Easement at 3215 Victor Street [APN 101-16-002 (2019-20); SC 19,247]; and  
2. Authorize the recordation of the Resolution.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8889, ordering the vacation of the General Purpose Easement at 3215 Victor Street.**

- 2.V**      [20-793](#)      Informational Report to Council on the Status and Schedule of the El Camino Real Specific Plan [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

**Recommendation:** Note and file the report on the status of the El Camino Real Specific Plan.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

## **PUBLIC PRESENTATIONS**

**Howard Gribbins** expressed comments of concern regarding non-permitted food vendors by Levi's Stadium.

## **CONSENT ITEMS PULLED FOR DISCUSSION**



- 2.D [20-939](#) Authorize the City Manager to Negotiate and Execute An Agreement with the Salvation Army Silicon Valley for the Distribution of Food Boxes through the End of Calendar Year 2020 [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** It is recommended that the City Council authorize the City Manager, and/or her designee, to negotiate and execute an agreement with the Salvation Army Silicon Valley for the distribution of food through December 31, 2020.

**Councilmember O'Neill** pulled this item to highlight this item for the Community.

**A motion was made by Councilmember O'Neill, seconded by Vice Mayor Hardy, to authorize the City Manager, and/or her designee, to negotiate and execute an agreement with the Salvation Army Silicon Valley for the distribution of food through December 31, 2020.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

- 2.E [20-283](#) Action on an Agreement with CSG Consultants, Inc. for Design Professional Services for the Santa Clara School Access Improvements Project [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** 1. Approve and authorize the City Manager to execute an agreement with CSG Consultants, Inc., for the Santa Clara School Access Improvements Project in the amount not-to-exceed \$195,712; and  
2. Authorize the City Manager to make minor, non-substantive modifications, including time extensions, to the agreement, if needed.

**Councilmember O'Neill** pulled this item to highlight for the Community that the City is working with Santa Clara Unified School District.

**A motion was made by Councilmember O'Neill, seconded by Councilmember Watanabe, to (1) approve and authorize the City Manager to execute an agreement with CSG Consultants, Inc., for the Santa Clara School Access Improvements Project in the amount not-to-exceed \$195,712; and (2) authorize the City Manager to make minor, non-substantive modifications, including time extensions, to the agreement, if needed.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

- 2.H [20-722](#) Action on Appointment of Youth Commissioners for the FY2020/21 Term [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** It is recommended that the City Council take the following actions related to



the FY2020/21 Youth Commission: a) reappoint Aarva Gupta, Ahmad Ismail, Jasmine Kelly-Tanti, Adrienne Krivokapic-Zhuo, Colin Lim, Kayla Phan, Kavya Sriram, Smrithi Suresh, Natasha Yen, Amy Zuo as Commission members; b) appoint Khadeejah Khan, Rajvi Khanjan Shroff, Riya Mehta, Palak Parikh, Sarah Zuo as Commission members and c) appoint Kaitlyn Butcher and Mitali Gaidhani as conditional alternates.

**Mayor Gillmor** pulled this item to recognize the appointment of the new Youth Commissioners.

**Youth Commission Staff Liaison Kawada** read into the record the newly appointed Youth Commissioners name.

**A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to take the following actions related to the FY2020/21 Youth Commission: a) reappoint Aarva Gupta, Ahmad Ismail, Jasmine Kelly-Tanti, Adrienne Krivokapic-Zhuo, Colin Lim, Kayla Phan, Kavya Sriram, Smrithi Suresh, Natasha Yen, Amy Zuo as Commission members; b) appoint Khadeejah Khan, Rajvi Khanjan Shroff, Riya Mehta, Palak Parikh, Sarah Zuo as Commission members and c) appoint Kaitlyn Butcher and Mitali Gaidhani as conditional alternates.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**2.M**     [20-774](#)

Action on a Proposed Electric Bicycle Rebate Pilot Program [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure and Sustainability]

**Recommendation:** Authorize the City Manager to launch and make changes to the proposed Electric Bicycle Rebate Pilot Program as necessary, including adjusting rebate amounts, within the overall designated funding amount of \$15,000.

**Councilmember O'Neill** pulled this item to highlight this item for the Community.

**A motion was made by Councilmember O'Neill, seconded by Councilmember Watanabe, to authorize the City Manager to launch and make changes to the proposed Electric Bicycle Rebate Pilot Program as necessary, including adjusting rebate amounts, within the overall designated funding amount of \$15,000.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

- 2.R**     [20-890](#)     Action on Referrals from the September 14, 2020 Governance and Ethics Committee Meeting as follows:
- a) Discussion and Possible Action on a Joint Meeting with West Valley-Mission Community College District Board of Trustees;
  - b) City's Early Consideration Policy for General Plan Amendment Applications; and
  - c) Review of Newly Added Planning Commission Policies and Procedures, and Direction Regarding Management of Agenda-Related Requests from Boards and Commissions
- [Council Pillar: Manage Strategically Our Workforce Capacity and Resources]

**Recommendation:** Approve the Governance and Ethics Committee's referrals:

- a) The scheduling of a joint meeting with the West Valley-Mission Community College District Board of Trustees;
- b) The elimination the City's Early Consideration of General Plan Amendments Policy and developing a new policy focused on community outreach and community benefits via the process outlined in this report; and
- c) The approval of an annual review process for Board and Commission workplans that allows City Council to review the proposed workplans at their Priority Setting Session on an annual basis as outlined in this report.

**Public Speaker(s):** Anthony Becker

Suds Jain

Harbir Bhatia

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to approve the Governance and Ethics Committee' referrals: (a) The scheduling of a joint meeting with the West Valley-Mission Community College District Board of Trustees; (b) The elimination the City's Early Consideration of General Plan Amendments Policy and developing a new policy focused on community outreach and community benefits via the process outlined in this report; and (c) refer the approval of an annual review process for Board and Commission workplans back to the Governance Committee to clarify the recommendation of aligning Commission workplans with City Council workplans and priorities.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**Mayor Gillmor** called a recess at 6:12 PM and reconvened the meeting at 6:23 PM.

- 1.D      [20-875](#)      Report from the Mayor and Police Chief on “Commit to Action” Initiative Efforts and Action on Establishing a Community-based Task Force on Diversity, Equity, and Inclusion and Council Appointment of Task Force Members [Not to be Heard Prior to 6:00 PM]

- Recommendation:**
1. Approve the establishment of the Task Force on Diversity, Equity, and Inclusion to support the development of a Santa Clara Plan to address the four (4) components of the “Commit to Action” Initiative to achieve equality for historically disenfranchised communities in our City; and
  2. Appoint Andrew Knaack, FY2019/20 Chair of the Parks and Recreation Commission; Darius Brown, Member of the HRLC; Neil Datar, Former Chair of Santa Clara University’s Student Senate for Associated Student Government; and Dianna Zamora-Marroquin, Political/Communications Director at the South Bay AFL-CIO Labor Council, to the Task Force on Diversity, Equity, and Inclusion.

**Mayor Gillmor and Chief of Police Nikolai** gave a PowerPoint Presentation.

**Public Speaker(s):** Anthony Becker  
Public Speaker (1)  
Angel Zamora Garcia  
Darius Brown

**A motion was made by Councilmember Davis, seconded by Councilmember O’Neill, (1) approve the establishment of the Task Force on Diversity, Equity, and Inclusion to support the development of a Santa Clara Plan to address the four (4) components of the “Commit to Action” Initiative to achieve equality for historically disenfranchised communities in our City; and (2) appoint Andrew Knaack, FY2019/20 Chair of the Parks and Recreation Commission; Darius Brown, Member of the HRLC; Neil Datar, Former Chair of Santa Clara University’s Student Senate for Associated Student Government; and Dianna Zamora-Marroquin, Political/Communications Director at the South Bay AFL-CIO Labor Council, to the Task Force on Diversity, Equity, and Inclusion.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O’Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**Mayor Gillmor** called a recess at 8:10 PM and reconvened the meeting at 8:20 PM.

- 2.T [20-669](#) Action on Award of Contract for the Lick Mill-East River Parkway Crosswalk Improvement Project (CE 19-20-02) [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** 1. Award the Public Works Contract for the Lick Mill-East River Parkway Crosswalk Improvement Project (CE 19-20-02) to the lowest responsive and responsible bidder, Golden Bay Construction, Inc. in the amount of \$515,961 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and  
2. Authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$51,600, for a total not to exceed amount of \$567,561.

**Councilmember Watanabe** pulled this item for further clarification.

**Director of Public Works Mobeck** addressed Council questions.

**A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to (1) award the Public Works Contract for the Lick Mill-East River Parkway Crosswalk Improvement Project (CE 19-20-02) to the lowest responsive and responsible bidder, Golden Bay Construction, Inc. in the amount of \$515,961 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and (2) authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$51,600, for a total not to exceed amount of \$567,561.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

- 2.U [20-923](#) Informational Report Regarding City's Eviction Moratorium and AB 3088 - COVID-19 Tenant Relief Act of 2020 [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

**Recommendation:** Note and file the Informational Report regarding the City's Eviction Moratorium Ordinance No. 2015 and AB 3088.

**Councilmember Chahal** pulled this item for further clarification.

**Assistant City Manager Shikada** gave a PowerPoint Presentation.

**Public Speaker(s):** #4907

**A motion was made by Councilmember Chahal, seconded by Vice Mayor Hardy, to note and file the Informational Report regarding the City's Eviction Moratorium Ordinance No. 2015 and AB 3088.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**2.W**     [20-922](#)     Information on Alternate Leasing Plan for Department Stores at Related Santa Clara Project [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

**Recommendation:** 1. Provide feedback, if any, on the August 14, 2020 Related Santa Clara letter to be relieved of best effort obligations related to department stores; and  
2. Receive and note and file the letter and the Report to Council.

**Councilmember Davis** pulled this item for further clarification.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to (1) provide feedback, if any, on the August 14, 2020 Related Santa Clara letter to be relieved of best effort obligations related to department stores; and (2) Receive and note and file the letter and the Report to Council.**

**Aye:** 5 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, and Mayor Gillmor

**Absent:** 1 - Councilmember Chahal

### **PUBLIC HEARING/GENERAL BUSINESS**

**3.**     [20-959](#)     1. Continuance of the hearings for proposed Amendments to the Tasman East Specific Plan (TESP) to modify the TESP land use plan and transportation policies; Amendments to the Transit Neighborhood zoning district; and for the adoption of a Specific Plan Infrastructure Impact Fee, including approval of a Nexus Study, setting rates for the Fee, introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to November 17, 2020 City Council meeting; [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]  
2. Direction to staff regarding an override of an ALUC determination of inconsistency

**Recommendation:** Alternatives 1 and 2:  
1. Direct staff to prepare a resolution to override the ALUC determination of inconsistency and continue consideration of the proposed amendment to the Tasman East Specific Plan and amendments to the Transit Neighborhood Zoning District to the November 17, 2020 City

- Council hearing; and
2. Continue consideration of a Resolution Approving the Findings from the Tasman East Specific Plan Infrastructure Impact Fee Nexus Study and Setting the Rates for the Infrastructure Impact Fee, Action on the Introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to the November 17, 2020 City Council hearing.

**A motion was made by Councilmember O'Neill, seconded by Councilmember Watanabe, to Alternatives 1 and 2: (1) direct staff to prepare a resolution to override the ALUC determination of inconsistency and continue consideration of the proposed amendment to the Tasman East Specific Plan and amendments to the Transit Neighborhood Zoning District to the November 17, 2020 City Council hearing; and (2) continue consideration of a Resolution Approving the Findings from the Tasman East Specific Plan Infrastructure Impact Fee Nexus Study and Setting the Rates for the Infrastructure Impact Fee, Action on the Introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to the November 17, 2020 City Council hearing.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

#### **4. Actions on FY 2019/20 Year End Report and FY 2020/2021 Budget Balancing Impacts**

**City Manager Santana** noted that the City received information from State and Federal Lobbyist that the House of Representatives will be considering a new Heroes Act which would include funding for local governments. **City Manager Santana** requested that we return with this item at a later time as this may impact City budget.

- A.**      [20-674](#)      Action on FY 2019/20 Budget Year-End Report, Approve the Related Budget Amendments, and Approve a Position Reallocation in the City Attorney's Office [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** 1. Note and file the FY 2019/20 Budget Year-End Report;  
2. Approve the FY 2019/20 Budget Amendments to address necessary budget ratifications as set forth in Attachment 1 of the Budget Year-End

Report (five affirmative Council votes required for revenue actions only);  
3. Approve the FY 2020/21 Budget Amendments as set forth in Attachment 2 of this report (five affirmative Council votes required for revenue actions only); and  
4. Approve the deletion of 1.0 Executive Assistant and addition of 1.0 Legal Executive Assistant in the City Attorney's Office.

**A motion was made by Vice Mayor Hardy, seconded by Councilmember O'Neill, to approve Item 4A.4: approve the deletion of 1.0 Executive Assistant and addition of 1.0 Legal Executive Assistant in the City Attorney's Office.**

**A motion was made by Vice Mayor Hardy, seconded by Councilmember O'Neill, to continue the 4A.1, 4A.2, 4A.3, and 4B.1, 4B.2, 4B.3 to a future meeting pending new information from possible State and Federal Funding.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**B.**      [20-704](#)      FY 2020/21 Budget Rebalancing Actions to Address COVID-19 Pandemic Impacts [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:**

1. Approve the FY 2020/21 budget amendments detailed in Attachment 1 for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, as recommended by the City Manager;
2. Consider and approve the FY 2020/21 budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees; and
3. Approve an exception to the Budget and Fiscal Policies and allow the Budget Stabilization Reserve to drop below 25% of the Operating Budget expenditures to 15%, or \$42,895,231, for consideration of future use of the Budget Stabilization Reserve for budget balancing purposes.

**A motion was made by Vice Mayor Hardy, seconded by Councilmember O'Neill, to continue the 4A.1, 4A.2, 4A.3, and 4B.1, 4B.2, 4B.3 to a future meeting pending new information from possible State and Federal Funding.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor



## **STADIUM AUTHORITY GENERAL BUSINESS ITEM**

5. [20-869](#) Informational Report on Stadium Authority Litigation [Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

**Recommendation:** Note and File Informational report on Stadium Authority Litigation.

**Stadium Authority Counsel Doyle** gave a PowerPoint Presentation and addressed **Board** questions.

**Public Speaker(s):** Harbir Bhatia

**A motion was made by Boardmember Davis, seconded by Boardmember Watanabe, to (1) note and file Informational Report on Stadium Authority Litigation and (2) direct staff to look into printing cost, distribute the litigation report through all avenues to residents including a utility bill insert, providing a link on the City's website and scan code.**

**Aye:** 6 - Vice Chair Hardy, Boardmember O'Neill, Boardmember Davis, Boardmember Watanabe, Boardmember Chahal, and Chair Gillmor

## **REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**Councilmember Watanabe** reported on her attendance with **Mayor Gillmor** at the River of Life Church on September 24, 2020 food distribution.

**Councilmember O'Neill** reported on her attendance at the Emergency Task Force on the Unhoused via Zoom coordinated by the County of Santa Clara.

**Vice Mayor Hardy** reported on her attendance at the Bicycle & Pedestrian Advisory Committee meeting, expressed concern about the scheduling conflict with the Neighborhood University Relations Committee being scheduled at 7:00 PM.

## **CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

**City Manager Santana** noted that the Virtual Parade of Champions will be held on October 10, 2020.

[20-836](#) Update on City Council and Stadium Authority Staff Referrals [Council Pillar: Enhance Community Engagement and Transparency]

## **ADJOURNMENT**

The meeting was adjourned at 9:43 PM in memory of **Richard James (Rick) Wittmayer**, (son of founder of Stan's Donut Shop and Long-Term Santa Clara resident), **Linda Jeanne Eserini**, (Long-Term Santa Clara resident and former member of the Santa Clara Sister Cities Association) and **Barbara Kolb**, (Long-Term Santa Clara Resident).

**A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to adjourn the meeting.**

**Aye:** 6 - Vice Mayor/Chair Hardy, Council/Boardmember O'Neill, Council/Boardmember Davis, Council/Boardmember Watanabe, Council/Boardmember Chahal, and Mayor/Chair Gillmor

[20-971](#)

Adjournment of the September 29, 2020 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, October 13, 2020 in the City Hall Council Chambers.

## **MEETING DISCLOSURES**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive \$30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA)

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."