

# City of Santa Clara

Draft



## Meeting Minutes Council and Authorities Concurrent and Call and Notice of Special Meeting Santa Clara Stadium Authority

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12/07/2021

4:30 PM

Virtual Meeting  
4:30 PM Closed Session  
6:00 PM Open Session

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Pursuant to California Government Code Section 54953(e) and City of Santa Clara Resolution 21-9023, the City Council meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara continues to have 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.

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 Governing Board of the Stadium Authority, to commence and convene on December 7, 2021, at 4:30 PM for a Special Meeting to be held virtually via zoom, to consider the following matter(s) and to potentially take action with respect to them.

### **4:30 PM CLOSED SESSION**

#### **Call to Order**

**Mayor/Chair Gillmor** called the meeting to order at 4:33 PM.

#### **Roll Call**

**Present:** 7 - Council/Boardmember Kathy Watanabe, Vice Mayor/Chair Raj Chahal, Council/Boardmember Karen Hardy, Council/Boardmember Kevin Park, Council/Boardmember Suds Jain, Council/Boardmember Anthony Becker, and Mayor/Chair Lisa M. Gillmor

## Public Comment

**City Manager Santana** read statement into the record regarding the City Attorney Recruitment.

**Outside Legal Counsel Jenica Maldonado** provided a statement on the City Attorney Recruitment.

- 1.A**     [21-1631](#)     Conference with Labor Negotiators (CC)  
Pursuant to Gov. Code § 54957.6  
City representative: Deanna J. Santana, City Manager (or designee)  
Employee Organization(s):  
Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171  
Unit #2-Santa Clara Police Officer's Association  
Unit #3-IBEW Local 1245 (International Brotherhood of Electrical Workers)  
Unit #4-City of Santa Clara Professional Engineers  
Units #5, 7 & 8-City of Santa Clara Employees Association  
Unit #6-AFSCME Local 101 (American Federation of State, County and Municipal Employees)  
Unit #9-Miscellaneous Unclassified Management Employees  
Unit #9A-Unclassified Police Management Employees  
Unit #9B-Unclassified Fire Management Employees  
Unit #10-PSNSEA (Public Safety Non-Sworn Employees Association)
- 1.B**     [21-1671](#)     Public Employee Appointment (Gov. Code §§ 54957, 54954.5, subd. (e).)  
Title: Interim City Attorney
- 1.C**     [21-1684](#)     Public Employee Appointment (Gov. Code §§ 54957, 54954.5, subd. (e).)  
Title: Executive Recruiter for City Attorney
- 1.D**     [21-1714](#)     Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
Omar Gomez v. City of Santa Clara, et al., United States District Court,  
Northern District of California Case No. 5:19-cv-05266-LHK

## Convene to Closed Session

**Council** convened to Closed Session at 4:38 PM and reconvened at 7:02 PM.

## 6:00 PM COUNCIL REGULAR AND SPECIAL STADIUM AUTHORITY MEETING

## **Pledge of Allegiance and Statement of Values**

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

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

**Assistant City Clerk/Secretary Pimentel** recited the AB23 announcement and Statement of Behavioral Standards and reminded any registered Lobbyist providing testimony to identify themselves as a Lobbyist.

**Mayor Gillmor** expressed comments in honor of the 80th Anniversary on the attack of Pearl Harbor.

**Mayor Gillmor** expressed heartfelt condolences on behalf of the **Council** for those who lost their lives at the Oxford High School shooting in Oxford, Michigan and asked for a moment of silence.

[21-1728](#)

Moment of Silence - December 7, 2021 Council Meeting Post Meeting Material

## **REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**Mayor Gillmor** reported the **Council** voted (Item 1.B) to amend and reissue RFP for interim City Attorney position and candidates who have already applied are encouraged to apply to the amended RFP.

**Chief Assistant City Attorney** reported that there was no reportable action from Items 1.A and 1.D.

## **CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

**Mayor Gillmor** requested to move up Item 10.A prior to the Consent Calendar.

**Councilmember Becker** requested to move all written petitions to be heard prior to the Consent Calendar (Items 10.A, 10.B, and 10.C).

**City Manager Santana** noted the following items that are time sensitive and must be heard this evening:

Items 2.A, 4.E, 4.F, 4.M, 4.N, 4.T, 4.U, 8 and 9.

## **SPECIAL ORDER OF BUSINESS**

2.A [21-1664](#) Santa Clara Valley Water District Presentation - (Valley Water) Update on the Purified Water Project

**Recommendation:** Receive information on the Santa Clara Valley Water District (Valley Water) Purified Water Project and Note and File.

**Santa Clara Valley Water District Director Santos, Chief Operating Officer Baker, and Assistant Officer of Water Supply Division Struve** gave a PowerPoint presentation on the Purified Water Project.

**Council** questions and comments followed.

**Chief Operating Officer Baker and Assistant Officer of Water Supply Division Struve** addressed **Council** questions.

**A motion was made by Councilmember Watanabe, seconded by Councilmember Hardy, to note and file the presentation.**

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

2.B [21-1689](#) Action on the Task Force on Diversity, Equity, and Inclusion's Recommendation on the Observance of Indigenous Peoples' Day

**Recommendation:** Alternative 1: Accept the Task Force on Diversity, Equity, and Inclusion's recommendation to observe Indigenous Peoples' Day on the 2nd Monday of October instead of Columbus Day and direct the City Manager to take actions necessary to designate Indigenous Peoples' Day as a City-recognized holiday.

**Mayor and Council Offices Management Analyst Yip** gave a PowerPoint presentation on the Task Force on Diversity, Equity and Inclusion's recommendation on the observation of Indigenous Peoples' Day.

**Council** questions and comments followed.

**City Manager Santana** addressed **Council** questions.

**Public Speaker(s):** Nancy

**A motion was made by Councilmember Watanabe, seconded by Councilmember Jain, to approve Alternative 1: accept the Task Force on Diversity, Equity, and Inclusion's recommendation to observe Indigenous Peoples' Day on the 2nd Monday of October instead of Columbus Day and direct the City Manager to take actions necessary to designate Indigenous Peoples' Day as a City-recognized holiday.**



**10. WRITTEN PETITION (POLICY 030) SUBMITTED BY THE PUBLIC/COUNCIL**

- A. [21-1628](#) Action on a Written Petition (Council Policy 030) Submitted by Jared Peters Requesting to Place an Agenda Item at a Future Council Meeting to Consider making a Policy Decision Regarding the City Assuming Responsibility of an Unstable and Dangerous Sound Wall in the Laurel Park East Neighborhood

**Recommendation:** Staff makes no recommendation.

**Mayor Gillmor** recused herself from discussion on this item at 9:27 PM due a potential conflict of interest as her house is within 1,000 ft. of this item.

**Vice Mayor Chahal** presided over this item.

**Written Petitioner Jared Peters** gave an overview on his request regarding the City assuming responsibility of an unstable and dangerous sound wall in the Laurel Park East Neighborhood.

**Councilmember Jain** and **Councilmember Becker** noted that they have spoken with **Written Petitioner Jared Peters**.

**Council** comments and questions followed.

**Public Speaker(s):** Eric  
Sabi Grewal

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to agendize this Written Petition request to a future meeting.**

**Aye:** 6 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmeber Jain, and Councilmember Becker

**Recused:** 1 - Mayor Gillmor

**Mayor Gillmor** returned to the meeting and presided over the meeting.

- B. [21-1690](#) Action on a Written Petition (Council Policy 030) Submitted by Travis L. Flora Requesting to Place an Agenda Item at a Future Council Meeting to Consider Admonition or Censure of Councilmember Becker for his Retaliation Against a Member of the Public on at Least Two Separate Occasions During the Council and Authorities Concurrent Meeting on November 16, 2021

**Recommendation:** Staff makes no recommendation.

**Written Petitioner Travis Flora** gave an overview to consider Admonition or Censure of Councilmember Becker for his retaliation against a member of the Public on at least two separate occasions during the Council and Authorities Concurrent Meeting on November 16, 2021.

**Councilmember Becker** comments followed in response to the Written Petition.

A motion was made by **Councilmember Becker**, seconded by **Councilmember Hardy**, to deny the Written Petition request.

**Council** comments followed.

A substitute motion was made by **Councilmember Park**, seconded by **Mayor Gillmor**, to request **Councilmember Becker** meet with the Written Petitioner to discuss his concerns and report back to **Council** on the discussion.

**Councilmember Becker** withdrew his original motion.

**Councilmember Hardy** volunteered to attend the meeting with **Councilmember Becker**.

**Councilmember Park** amended his motion to have **Councilmember Hardy** or another **Councilmember** attend the meeting with **Councilmember Becker**.

**A motion was made by Councilmember Park, seconded by Mayor Gillmor, to request Councilmember Becker and Councilmember Hardy (or substitute Councilmember) meet with the Written Petitioner to discuss his concerns and report back to Council.**

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- C. [21-1694](#) Action on a Council Written Request (Council Policy 030) Submitted by Councilmember Jain Requesting to Place an Agenda Item at a Future Council Meeting to Consider a Neighborhood Stadium Relations Committee

**Recommendation:** Staff makes no recommendation.

**Councilmember Jain** gave an overview regarding his Written Petition request to consider a Neighborhood Stadium Relations Committee.

**Council** comments followed.

**City Manager Santana** addressed **Council** comments.

**Public Speaker(s):** Nancy Biagini  
Ron Patrick

**Council** comments followed.

**A motion was made by Councilmember Becker, seconded by Councilmember Park, to agendaize this Written Petition request to February 8, 2022 Council Priority Setting Session.**

**Aye:** 5 - Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Councilmember Becker

**Nay:** 2 - Councilmember Watanabe and Mayor Gillmor



## **CONSENT CALENDAR**

**Mayor Gillmor** expressed regarding public emails received on Item 4.U about removal of trees.

**City Manager Santana** addressed the public concerns regarding tree removal.

**Councilmember Jain** recused himself from Item 4.C due to a potential conflict of interest due to his spouse's employment with Santa Clara University.

**Councilmember Jain** also pulled Item 4.W.

**Councilmember Becker** recused himself from Item 4.L due to potential conflict of interest item as it is close proximity of his residence.

**Vice Mayor Chahal** pulled Item 4.J.

**A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Jain, to approve the balance of the Consent Calendar (except Items 4.J and 4.W).**

**Aye:** 7 - Council/Boardmember Watanabe, Vice Mayor/Chair Chahal, Council/Boardmember Hardy, Councilmember Park, Council/Boardmember Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

**4.A**     [21-24](#)     Board, Commissions and Committee Minutes

**Recommendation:** Note and file the Minutes of:  
Board of Library Trustees - October 4, 2021  
Parks & Recreation Commission - October 19, 2021  
Downtown Community Task Force - March 18, 2021  
Downtown Community Task Force - March 31, 2021  
Downtown Community Task Force - April 15, 2021  
Planning Commission - October 27, 2021  
Senior Advisory Commission - September 27, 2021  
Senior Advisory Commission - October 25, 2021

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.B [21-1457](#) Action on Monthly Financial Status and Investment Report for September 2021

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for September 2021 as Presented.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.C [21-1075](#) Preparation of the Santa Clara Station Area Plan and Related Budget Amendment

**Recommendation:**

1. Accept and approve the \$400,000 in grant funding from the MTC for the preparation of the Santa Clara Area Plan; and
2. Consistent with City Charter Section 1305, *“At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,”* approve the related FY 2021/22 budget amendment in the Engineering Operating Grant Trust Fund to recognize grant revenue in the amount of \$400,000 and establish a Santa Clara Station Area Plan appropriation in the amount of \$400,000 (**five affirmative Council votes required to appropriate additional revenue**).

**Councilmember Jain** recused himself from Item 4.C due to a potential conflict of interest due to his spouse's employment with Santa Clara University.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

**Aye:** 6 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Becker, and Mayor Gillmor

**Recused:** 1 - Councilmember Jain

- 4.D [21-1456](#) Action on the Santa Clara Convention Center FY 2021/22 1st Quarter Financial Status Report

**Recommendation:** Note and file the Santa Clara Convention Center Financial Status Report for the 1st Quarter ending September 30, 2021, as submitted by Spectra.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.E [21-1139](#) Action on Award of Purchase Orders with Guerra Construction Group and SpenCon Construction for As-Needed Asphalt and Concrete Repair and Replacement Services

**Recommendation:**

1. Authorize the City Manager to execute purchase orders with Guerra Construction Group in the amount of \$316,606 and SpenCon Construction in the amount of \$57,302 to provide as-needed asphalt and concrete repair and replacement services for a one-year term starting on January 1, 2022 and ending on December 31, 2022;
2. Authorize the City Manager to execute change orders to increase aggregate compensation in the event demand for services exceeds the Department's forecast, not to exceed an aggregate amount of \$900,000 and subject to the appropriation of funds; and
3. Authorize the City Manager to adjust compensation amounts between the two vendors during the term, provided the aggregate compensation does not exceed \$900,000.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.F [21-1479](#) Action on Historic Preservation Agreement (Mills Act Contract) for 1390 Madison Street

**Recommendation:** Authorize the City Manager to execute a Historic Preservation Agreement (Mills Act Contract) including a 10-Year Restoration and Maintenance Plan for the property at 1390 Madison Street with property owner Giacomo Russo.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.G [21-1471](#) Urgency Declaration and Action to Approve Expenditures and Ratify an Agreement with SAK Construction, LLC for the Sanitary Sewer Repair Project on Lafayette Street North of Calle Del Mundo

**Recommendation:** Deem the Sanitary Sewer Repair Project at UPRR and Lafayette Street North of Calle Del Mundo an urgent necessity under section 1310 of the City Charter, because the pipelines serve as the primary conveyances of wastewater from the City to the Regional Wastewater Facility and a failure in either pipeline would pose severe public health consequences and a threat to safety of residents and property, and ratify the agreement with SAK Construction, LLC in the amount of \$393,300 plus 15% contingency in the amount of \$59,000 for a total not-to-exceed amount of \$452,300.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.H [21-1556](#) Action on an Agreement with The Lew Edwards Group for Voter Research, Strategic Consulting, and Community Outreach Services Related to Potential Revenue Measures for the November 2022 Ballot and Related Budget Amendment

- Recommendation:**
1. Authorize the City Manager to execute an agreement with The Lew Edwards Group to provide voter research, strategic consulting, and community outreach services, with maximum compensation not-to-exceed \$217,700, subject to the appropriation of funds;
  2. Authorize the City Manager to execute amendments to the Agreement with The Lew Edwards Group for additional related services that may be required, subject to the appropriation of funds; and
  3. Consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*" approve the FY 2021/22 budget amendment in the General Fund to allocate funds from the Budget Stabilization Reserve to the Finance Department appropriation in the amount of \$217,700 (**five affirmative Council votes required for the use of unused balances**).

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.I [21-838](#) Action Authorizing the City Manager to Execute an Agreement with ADT Commercial, LLC to Upgrade the Existing Fire Panel and System at the Central Park Library and Related Budget Amendment

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with ADT Commercial, LLC to upgrade the fire system inclusive of all labor, hardware and components, for a not-to-exceed amount of \$139,503 that includes a 20% contingency of the final negotiated not-to-exceed amount to cover any unanticipated costs that may result due to changes in final configuration or issues encountered during the implementation phase; and
  2. Consistent with City Charter Section 1305, *“At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,”* approve the FY 2021/22 budget amendment in the Library Department Capital Fund to decrease the Public Spaces capital project appropriation by \$140,000 and establish a new Central Library Fire Panel Upgrade Capital Project appropriation in the amount of \$140,000 **(five affirmative Council votes required for the use of unused balances)**.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.K [21-1506](#) Action on Amendment No. 1 to the Agreement with Cascadia Consulting Group, Inc. to Assist the City in updating the Climate Action Plan and Preparation of the Related Environment Documents and Related Budget Amendment

**Recommendation:** 1. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with Cascadia Consulting Group, Inc., to assist the City in updating the Climate Action Plan and preparation of the related environment documents and increase the maximum compensation by \$20,000 for a revised not to exceed amount of \$231,684; and

2. Consistent with City Charter Section 1305, *“At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,”* approve the related FY 2021/22 budget amendment in the General Fund to increase the Community Development Department appropriation by \$20,000 and decrease Advanced Planning Reserve by \$20,000. (**five affirmative Council votes required for the use of unused balances**).

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

- 4.L [21-1621](#) Action on Amendment No. 2 to the Billboard Banking Agreement with Outfront Media, LLC to Allow a Banked Credit for the Removal of a Two-Sided Static Billboard Located at 4545 Stevens Creek Boulevard Until June 30, 2022

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 2 to the Billboard Banking Agreement with Outfront Media, LLC to extend the termination date from December 31, 2021 to June 30, 2022.

**Councilmember Becker** recused himself from Item 4.L due to potential conflict of interest item as it is in close proximity of his residence.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

**Aye:** 6 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, and Mayor Gillmor

**Recused:** 1 - Councilmember Becker

- 4.M [21-999](#) Action on a Resolution to Comply with the Surplus Land Act for Purposes for Participation in the One Bay Area Grant Program

**Recommendation:** Adopt a Resolution to Comply with the Surplus Land Act for Purposes for Participation in the One Bay Area Grant Program.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution No. 21-9025 to Comply with the Surplus Land Act for Purposes for Participation in the One Bay Area Grant Program.**

- 4.N [21-1519](#) Action to Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Consortium Agreement with the County of Santa Clara (County), that Authorizes the County to Submit Funding Applications to the State of California on the City's Behalf for the City's allocation of State Permanent Local Housing Allocation (PLHA) Program Funds, and Authorizes the County to Administer the Funds in Accordance with State Requirements and in Accordance with the Consortium Agreement

**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate and execute a Consortium Agreement with the County of Santa Clara (County), that authorizes the County to submit funding applications to the State of California on the City's behalf for the City's allocation of State Permanent Local Housing Allocation (PLHA) program funds, and authorizes the County to administer the funds in accordance with State requirements and in accordance with the Consortium Agreement.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution No. 21-9026 authorizing the City Manager to negotiate and execute a Consortium Agreement with the County of Santa Clara (County), that authorizes the County to submit funding applications to the State of California on the City's behalf for the City's allocation of State Permanent Local Housing Allocation (PLHA) program funds, and authorizes the County to administer the funds in accordance with State requirements and in accordance with the Consortium Agreement.**

- 4.O [21-1569](#) Action to Adopt Resolutions to Set the Regular Meeting Schedules and Dates for the Cultural Commission, Parks & Recreation Commission, Senior Advisory Commission, and Youth Commission for Calendar Year 2022

**Recommendation:** Adopt the proposed resolutions to set each of the 2022 Calendar of Regular Meetings for the Cultural Commission, Youth Commission, Parks & Recreation Commission, and Senior Advisory Commission.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt 1) Resolution No. 21-9027 setting the 2022 calendar of regular meetings for the Cultural Commission; 2) Resolution No. 21-9028 setting the 2022 calendar of regular meetings for the Youth Commission; 3) Resolution No. 21-9029 setting the 2022 calendar of regular meetings for the Parks & Recreation Commission; and 4) Resolution No. 21-9030 setting the 2022 calendar of regular meetings for the Senior Advisory Commission.**

- 4.P [21-1555](#) Actions to Approve the New Classification of Senior Electric Crew Foreperson; Reclassify 1.0 Underground Crew Leader to 1.0 Senior Electric Crew Foreperson; Approve Salary Adjustments to Plans Examiner and Senior Plans Examiner; and Approve the As-Needed Salary Plan

**Recommendation:**

1. Approve the creation of Senior Electric Crew Foreperson (Job Code 551) and the Reclassification of 1.0 Underground Crew Leader (Job Code 887) position to the newly created classification of Senior Electric Crew Foreperson (Job Code 551);
2. Approve salary adjustments for Plans Examiner (Job Code 630) and Senior Plans Examiner (Job Code 730);
3. Approve salary adjustments for various As-Needed classifications in compliance with the Minimum Wage Ordinance; and
4. Adopt a Resolution to approve the revised salary plans for various classified and as-needed positions to satisfy the requirements of California Code of Regulations Section 570.5 effective December 12, 2021.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to (1) approve the creation of Senior Electric Crew Foreperson (Job Code 551) and the Reclassification of 1.0 Underground Crew Leader (Job Code 887) position to the newly created classification of Senior Electric Crew Foreperson (Job Code 551); (2) approve salary adjustments for Plans Examiner (Job Code 630) and Senior Plans Examiner (Job Code 730); (3) approve salary adjustments for various As-Needed classifications in compliance with the Minimum Wage Ordinance; and (4) adopt Resolution Nos. 21-9031 and 21-9032 to approve the revised salary plans for various classified and as-needed positions to satisfy the requirements of California Code of Regulations Section 570.5 effective December 12, 2021.**



4.Q [21-1581](#) Action on 2021 Q3 Legislative Update

**Recommendation:** Note and file the 2021 Q3 Legislative Update.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

4.R [21-1605](#) Informational Report Regarding Bi-Yearly Project Status Report of the GIS Services Program

**Recommendation:** Note and file the Informational Report regarding the Bi-Yearly Project Status Report of the GIS Services Program.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve staff recommendation.**

4.S [21-1683](#) Action on Resolution Authorizing the City Manager to Execute Agreements and Other Necessary Documents for Participation in the National Prescription Opiate Litigation Settlement; Action to Authorize the City Manager to Negotiate and Execute Future Agreement(s) with the State or County for Use of Settlement Proceeds Without Further Council Action

**Recommendation:** 1. Adopt a Resolution Authorizing the City Manager to Execute Agreements and Other Necessary Documents for Participation in the National Prescription Opiate Litigation Settlement; and  
2. Authorize the City Manager to Negotiate and Execute Future Agreement(s) with the State or County for Use of Settlement Proceeds Without Further Council Action.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to (1) adopt Resolution No. 21-9033 authorizing the City Manager to Execute Agreements and Other Necessary Documents for Participation in the National Prescription Opiate Litigation Settlement; and (2) authorize the City Manager to Negotiate and Execute Future Agreement(s) with the State or County for Use of Settlement Proceeds Without Further Council Action.**

4.T [21-1679](#) Action to Waive Second Reading and Adopt Ordinance No. 2035 to add Chapter 8.26, Entitled Edible Food Recovery, to Implement Edible Food Recovery Programs and Require Certain Businesses to Arrange for the Donation of Edible Food That Would Otherwise Go to Waste

**Recommendation:** Waive Second Reading and Adopt Ordinance No. 2035 to add Chapter 8.26, entitled Edible Food Recovery, to Implement Edible Food Recovery Programs and Require Certain Businesses to Arrange for the Donation of Edible Food That Would Otherwise Go to Waste.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Ordinance No. 2035 adding Chapter 8.26, entitled Edible Food Recovery, to Implement Edible Food Recovery Programs and Require Certain Businesses to Arrange for the Donation of Edible Food That Would Otherwise Go to Waste.**

- 4.U**     [21-1680](#)     Action to Waive Second Reading and Adopt Ordinance No. 2036 Amending Chapter 12.35 “Trees and Shrubs” of Title 12 Streets, Sidewalks and Public Places of the Code of the City of Santa Clara to Incorporate New Best Practices and Regulations to Preserve the Urban Forest

**Recommendation:** Waive Second Reading and Adopt Ordinance No. 2036 amending Chapter 12.35, entitled “Trees and Shrubs” to incorporate new best practices and regulations to preserve the urban forest.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Ordinance No. 2036 amending Chapter 12.35, entitled “Trees and Shrubs” to incorporate new best practices and regulations to preserve the urban forest.**

- 4.V**     [21-1681](#)     Action to Waive Second Reading and Adopt Ordinance No. 2037 to Amend Chapter 2.120, Entitled Boards and Commissions, to Create the City’s Housing Commission and Establish the Powers, Functions, and Duties of the Commission

**Recommendation:** 1. Waive Second Reading and Adopt Ordinance No. 2037 to amend Chapter 2.120, entitled Boards and Commissions, to add the City’s Housing Commission and establish the powers, functions, and duties of the commission with the Commission to begin activity after conclusion of the Ad Hoc Homelessness Taskforce.

**A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Ordinance No. 2037 amending Chapter 2.120, entitled Boards and Commissions, to add the City’s Housing Commission and establish the powers, functions, and duties of the commission with the Commission to begin activity after conclusion of the Ad Hoc Homelessness Taskforce.**

**SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR**

- 5.A [21-1637](#) Action to Award Purchase Order to ECS Imaging, Inc. for Stadium Builder License Laserfiche Integration Support Services, Transact Office Supplies and Equipment Purchases, and Approve Expenses Incurred Between November 23-30, 2021

**Recommendation:**

1. Authorize the Executive Director to award a retroactive purchase order to ECS Imaging, Inc., in an amount not to exceed \$10,238, for Laserfiche integration and support services for DocuSign SBLs;
2. Authorize the Executive Director to transact purchases for the office supplies and equipment described in the report, in an aggregate amount not to exceed \$4,988 plus any associated subsequent monthly service, tax, shipping, and environmental fees; and
3. Approve the office supplies and equipment expenses detailed in Attachment 2 totaling \$2,647 plus any associated subsequent monthly service, tax, shipping and environmental fees that were incurred by Stadium Authority between November 23-30, 2021.

**A motion was made by Boardmember Becker, seconded by Boardmember Jain, to approve staff recommendation.**

- 5.B [21-1126](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending June 30, 2021

**Recommendation:**

1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending June 30, 2021.

**A motion was made by Boardmember Becker, seconded by Boardmember Jain, to approve staff recommendation.**

**5.C Action on Request submitted by Stadium Manager for Retroactive Approval for Incurred Charges Related to the November 9-11, 2021 IMEX Conference**

1. [21-1591](#) Request from Stadium Manager for Retroactive Approval for Incurred Charges Related to the November 9-11, 2021 IMEX Conference
2. [21-1592](#) Report from the Stadium Authority Regarding Stadium Manager's Request for Retroactive Approval for Incurred Charges Related to the November 9-11, 2021 IMEX Conference

**Recommendation:**

1. Approve the Stadium Manager's retroactive request to incur charges up to \$2,030 to cover travel expenses, potential client entertainment, and reception fees, including the purchase of alcohol with public funds, for Stadium Manager employee(s) for the November 9-11, 2021 IMEX Conference in Las Vegas, NV.

**A motion was made by Boardmember Becker, seconded by Boardmember Jain, to approve staff recommendation.**

## **PUBLIC PRESENTATIONS**

**Carolyn McAllister (E-Mail)** expressed comments of concern regarding the action to extend the curfew at Levi's Stadium.

**Alma Goldchain (E-Mail)** expressed comments of concern regarding the action to extend the curfew at Levi's Stadium.

**Debbie Tryforos (E-Mail)** expressed comments of concern regarding her perception of the City Council.

**Nate Cid (E-Mail)** expressed comments of concern regarding the action to extend the curfew at Levi's Stadium.

**Sri Cha (E-Mail)** expressed comments of concern regarding the action to extend the curfew at Levi's Stadium.

**Robert Sherman (E-Mail)** expressed comments of concern regarding the action to extend the curfew at Levi's Stadium.

**Ana Segovia (E-Mail)** expressed comments of concern regarding the action to extend the curfew at Levi's Stadium.

**Debbie Algeri (E-Mail)** expressed comments of concern regarding the action to extend the curfew at Levi's Stadium.

**Mayor Gillmor** called for a recess at 10:36 PM and reconvened the meeting at 10:50 PM.

**Council** addressed public comment concerns.

[21-1729](#)

Public Presentations Post Meeting Material

8. [21-1138](#) Public Hearing: Adoption of a Resolution Granting Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables and Approval of Related Budget Amendment (Five Affirmative Votes Required)

- Recommendation:**
1. Adopt a Resolution to Grant Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables;
  2. Approve and Authorize the City Manager to Execute Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables with 11 applicants; and
  3. Consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*" approve the FY 2021/22 budget amendment in the Solid Waste Fund to recognize revenue in the amount of \$154,000 and increase the Materials, Services, and Supplies appropriation in the amount of \$154,000 (**five affirmative Council votes required to appropriate additional revenue**).

**Deputy Director of Public Works Staub** gave a PowerPoint presentation.

**A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to close the Public Hearing.**

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

A motion was then made by Councilmember Hardy, seconded by Councilmember Watanabe, to (1) adopt Resolution No. 21-9034 to Grant Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables; (2) approve and authorize the City Manager to Execute Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables with 11 applicants; and (3) consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve the FY 2021/22 budget amendment in the Solid Waste Fund to recognize revenue in the amount of \$154,000 and increase the Materials, Services, and Supplies appropriation in the amount of \$154,000 (five affirmative Council votes required to appropriate additional revenue).

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

9. [21-1554](#) Approve CalPERS' Annual Requirement of the 2022 Salary Plans for Classified and Unclassified Employees Pursuant to Current Labor Contracts base on Council's Former Approved Cost of Living Increases, Including the Classifications of City Manager, and Approval of a Second Amendment to the City Manager Employment Agreement to Memorialize the Past Two Years of 0% and 4.5% COLAs effective December 26, 2021

- Recommendation:**
1. Adopt a Resolution to approve the administrative changes based on former Council action for the annual filing of salary plans for various classified and unclassified positions to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021; and
  2. Adopt a Resolution approving the Second Amendment to the City Manager's Employment Agreement by and between the City of Santa Clara and Deanna J. Santana to memorialize two years of 0% cost of living adjustment and to adjust the City Manager's base salary to \$468,673.97 effective December 26, 2021.

**City Manager Santana** left the meeting as she participated in the Labor negotiations and her contract amendment is under consideration.

**Director of Human Resources Azevedo** provided a verbal report.

**Council** comments and questions followed.

**Director of Human Resources Azevedo** and **Chief Assistant City Attorney Reuter** addressed **Council** questions.

A motion was made by **Vice Mayor Chahal**, seconded by **Councilmember Jain**, to (1) adopt a Resolution to approve the administrative changes based on former Council action for the annual filing of salary plans for various classified and unclassified positions to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021.

**Chief Assistant City Attorney Reuter** recommended continuing the entire item to the next Council and Authorities Concurrent Meeting.

**Vice Mayor Chahal** agreed to drop the motion on the floor.

**A motion was made by Councilmember Watanabe, seconded by Councilmember Hardy, to continue item to the December 14, 2021 Council and Authorities Concurrent Meeting.**

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- 4.J [21-1484](#) Action on Amendment No. 1 for the Agreement with Accela, Inc. for Land Management Software and Related Budget Amendment

**Recommendation:**

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement and order documents with Accela, Inc. to purchase additional software licenses for Land Management Software and increase the maximum compensation by \$1,420,640 for a total maximum contract compensation of \$2,639,300, subject to the appropriation of funds; and
2. Consistent with City Charter Section 1305, “*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*” approve a FY 2021/22 budget amendment in the General Fund to increase the Non-Departmental Citywide Programs Budget by \$48,197 and decrease the technology fee reserve by \$48,197 (**five affirmative Council votes required for use of unused balances**).

**Vice Mayor Chahal** pulled this item for further clarification on the costs of the user licenses.

**Council** questions and comments followed.

**Director of Community Development Crabtree** addressed **Council** questions.

A motion was made by **Vice Mayor Chahal**, seconded by **Councilmember Park**, to approve staff recommendation with modification to approve up to 50 licenses instead of 100, and have staff re-negotiate with Accela and inquire about floating licenses.

**Council** comments and questions followed.

**Director of Community Development Crabtree** and **City Manager Santana** addressed **Council** questions.

**Vice Mayor Chahal** withdrew his original motion on the floor.

**A motion was made Vice Mayor Chahal, seconded by Councilmember Jain, to continue item this item to the December 14, 2021 Council and Authorities Concurrent Meeting.**



**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

**4.W**     [21-1179](#)     Action to Waive First Reading and Introduce Ordinance for the Regulation of Shared Mobility Devices (Bicycles and Motorized Scooters), and Adopt a Resolution to Establish Shared Mobility Permit and Impound Fees

**Recommendation:** Alternatives 1 and 2

1. Waive First Reading and Introduce an Ordinance establishing Chapter 10.35 of the Santa Clara Municipal Code instituting Shared Mobility Regulations; and
2. Adopt the Resolution establishing the Shared Mobility Permit and Impound Fees and integrate these fees into the Municipal Fee Schedule.

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

**Council** questions followed.

**Assistant Director of Public Works Liw** addressed **Council** questions.

**A motion was made by Councilmember Jain, seconded by Vice Mayor Chahal, to approve Alternatives 1 and 2: (1) waive the First Reading and Introduce Ordinance No. 2038 establishing Chapter 10.35 of the Santa Clara Municipal Code instituting Shared Mobility Regulations; and (2) adopt Resolution No. 21-9035 establishing the Shared Mobility Permit and Impound Fees and integrate these fees into the Municipal Fee Schedule.**

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

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

**A motion was made by Vice Mayor Chahal, seconded by Councilmember Park, to continue Items 6.A, 6.B, 6.C, and 7 to the December 14, 2021 Council and Authorities Concurrent Meeting.**

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

#### **6. Action on Approval of Various Board, Commissions and Committees Governance Items**

- A. [21-1661](#) Information and Update on the Ad Hoc Committee on the Apology Letter Relating to the City's California Voting Rights Act Litigation (Deferred from November 9 and 16, 2021)

**Recommendation:** 1. Review expanded scope and provide direction on staff resources to support the committee; and  
2. Review the provided history and background and provide feedback on what should be posted on the Open City Hall survey as a history.

**Items 6.A, 6.B, 6.C, and 7 were continued to the December 14, 2021 Council and Authorities Concurrent Meeting.**

- B. [21-1662](#) Action on Formalization of the Bicycle and Pedestrian Advisory Committee (Deferred from November 9 and 16, 2021)

**Recommendation:** Alternatives 1, 3, 5, 8 and 9:  
1. Modify BPAC membership eligibility to require that applicants must be at least 18 years of age and live or work in the City;  
3. Reduce the number of BPAC members from the current maximum of nine members to seven members and phase in this change so no current member loses their position during the current term;  
5. Modify how BPAC members are interviewed and appointed similar to other Boards and Commissions by having Council interview applicants and make selections;  
8. Remove the requirement that a Councilmember chair the BPAC and allow the BPAC to select its own chair in July 2025 once all members of the BPAC are comprised of those who were interviewed by Council; and  
9. Direct staff to bring an ordinance and revised BPAC Policy Guidelines formalizing the BPAC for Council consideration.

**Items 6.A, 6.B, 6.C, and 7 were continued to the December 14, 2021 Council and Authorities Concurrent Meeting.**

- C. [21-1663](#) Waive First Reading and take Action on the Introduction of Ordinance to Amend Chapter 2.120, Entitled Boards and Commissions, to Update Boards and Commission Members Qualifications (Deferred from November 9 and 16, 2021)

**Recommendation:** Waive First Reading and Approve the Introduction of an Ordinance to amend Chapter 2.120, entitled Boards and Commissions, to update Boards and Commissions qualifications to be residents of the City instead of qualified electors.

**Items 6.A, 6.B, 6.C, and 7 were continued to the December 14, 2021 Council and Authorities Concurrent Meeting.**

7. [21-1147](#) Update on Sustainability Program and Provide Feedback on 2022 Program Focus Areas

**Recommendation:** Note and file the Update on Sustainability Program and Provide Feedback on 2022 Program Focus Areas.

**Items 6.A, 6.B, 6.C, and 7 were continued to the December 14, 2021 Council and Authorities Concurrent Meeting.**

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

None.

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

None.

[21-1505](#) Update on City Council and Stadium Authority Staff Referrals

[21-1709](#) Tentative Meeting Agenda Calendar (TMAC)

#### **ADJOURNMENT**

The meeting was adjourned at 12:08 AM.

**A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Park, to adjourn the meeting.**

**Aye:** 7 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

[21-1727](#) Adjournment of the December 7, 2021 City Council and Stadium Authority Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday, December 14, 2021.

## **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); Bayshore North Project Enhancement Authority (BNPEA); Public Facilities Financing Corporation (PFFC)

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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."

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