



City of Santa Clara

Draft

Meeting Minutes

Joint Council and Authorities Concurrent & Stadium Authority Meeting

09/27/2022

5:00 PM

Hybrid Meeting
City Hall Council Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9142, Councilmembers may teleconference from remote locations and the City continues to provide 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 (Comments received after 2:00 PM on the day of the meeting will be made part of the public record but will not be read out loud during the meeting). This email address will be disabled after the October 4, 2022 meeting. Comments will continue to be accepted through City's eComment.

As always, the public may view the meetings on 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.

Closed Session - 5:00 PM | Regular Meeting - 7:00 PM

5:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor/Chairperson Gillmor called the meeting to order at 5:04 PM.

Roll Call

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

- 1.A** [22-1182](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(2) - Exposure to litigation
Number of potential cases: 1
Facts and Circumstances: Pursuant to Gov. Code § 54956.9(e)(1) - Not disclosed on agenda
(Deferred from September 13, 2022)
- 1.B** [22-1200](#) Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: City Manager's 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.C** [22-1203](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: East of Loyalton and West of Cold Springs in Sierra and Lassen Counties, APN: 147-040-02-11, 147-050-02-11, 147-050-03-11, 147-05-19-11, 147-070-04-11, 147-070-05-11, 147-080-01-11, 147-080-03-11, 147-080-11-11, 147-080-14-11, 147-080-15-11, 021-010-003, 021-020-001, 016-100-004, 016, 090, 059, 021-010-006, 021-010-012, 016-100-005, 016-080-008, 016-070-012, 016-090-011, 021-010-013, 016-100-001, 016-100-006 and 016-080-007
City/Authority Negotiator: Rajeev Batra, City Manager (or designee)
Negotiating Parties: California Department of Fish and Wildlife
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms)

Public Comment

Harold Lundt (eComment) expressed comments of concern regarding the sale of property being discussed under Item 1.C.

Convene to Closed Session (Council Conference Room)

Council convened to Closed Session at 5:06 PM.

7:00 PM JOINT COUNCIL/STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chairperson Gillmor called the meeting to order at 7:03 PM

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Chahal recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB 23
Announcement and Behavioral Standards.

Assistant City Clerk/Secretary Pimentel also noted that any registered
Lobbyist must identify themselves and whom they represent.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Interim City Attorney Ngo noted that there was no reportable action from
Closed Session.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

6. [22-1099](#) Public Hearing: Actions on the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP), General Plan Amendment from Community Commercial to High Density Residential, Rezone from General Office (OG) to Planned Development (PD), and density bonus agreement to allow a multifamily affordable housing development with 108 rental units at 1601 Civic Center Drive

Recommendation: Alternative: 1, 2, 3 and 4

1. Adopt a resolution to adopt the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the Civic Center Family Housing Project.
2. Adopt a resolution to approve a General Plan Amendment from Community Commercial to High Density Residential.
3. Adopt a resolution to approve a Rezone from General Office (OG) to Planned Development (PD) to allow a five-story affordable housing development with 108 rental units, on-site parking and amenities, landscaping, and off-site improvements.
4. Authorize the City Manager to negotiate and execute a density bonus agreement in a form approved by the City Attorney.

Councilmember Chahal requested to continue Item 6.

Council comments and questions followed.

Interim City Attorney Ngo addressed **Council** questions.

A motion was made by **Councilmember Chahal**, seconded by **Councilmember Becker**, to continue this item to November 15, 2022 Council and Authorities Concurrent Meeting.

Public Speaker(s): Public Speakers (9)	Mathew Reed
Ali Sapirman	Jaspreet Kaur
Anne	William Huang
Alexander Melendrez	Diana Crumedy
Sunil Bhagwani	LL
Sabina	#1713
Catalyze SV	Sneha
Kathryn Hedges	Ryan Globus
Ray Bramson	Jeff Houston
Paul Soto	#7952
Angus L	Rajan
Dontae Lartigue	Blair Bleekman
Eric Lee	Jacob Wu
Elizabeth Conlan	Usman Bhati
Erik Jensen	Ye Cao
Cytang7	

Council comments and questions followed.

Interim City Attorney Ngo and **City Manager Batra** addressed **Council** questions.

Councilmember Park requested a friendly amendment to the motion to return this Item on November 1, 2022.

City Manager Batra addressed **Council** comments.

Councilmember Chahal denied the friendly amendment.

Council comments followed.

By Consensus, **Council** requested the Written Petition for the Park related to the location of this item to be brought to **Council** on October 18, 2022.

A motion was made by Councilmember Chahal, seconded by Councilmember Becker, to continue this item to November 15, 2022 Council and Authorities Concurrent Meeting.

Aye: 4 - Councilmember Chahal, Councilmember Park, and Councilmember Becker, and Mayor Gillmor

Nay: 3 - Councilmember Watanabe, Councilmember Hardy, Vice Mayor Jain, and Mayor Gillmor

Mayor Gillmor called for a 5 minute recess at 8:23 PM and reconvened meeting at 8:28 PM.

Councilmember Becker requested to move up Item 7 after the Consent Calendar.

SPECIAL ORDER OF BUSINESS

2. [22-696](#) Recognition of Northern California Cricket Association (NCCA) USA National Interleague Tournament

Mayor Gillmor recognized the Northern California Cricket Association and celebrated their 2022 USA Interleague T20 tournament.

Ganesh Sanap (President, Northern California Cricket Association) expressed comments of gratitude.

Council comments followed.

CONSENT CALENDAR

Vice Mayor Jain pull Item 3.G.

Councilmember Becker pulled Item 3.N.

Chair Gillmor pulled Item 4.B.

Assistant City Clerk Pimentel noted that revised minutes for the Parks & Recreation Commission on Item 3.A was sent to the **Council** for consideration.

A motion was made by Council/Boardmember Chahal, seconded by Council/Boardmember Hardy, to approve the balance of the Consent Calendar (except Items 3.G, 3.N, and 4.B).

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

- 3.A [22-27](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Planning Commission - August 3, 2022 Special Meeting
Historical and Landmarks Commission - June 2, 2022
Youth Commission - May 10, 2022
Parks & Recreation Commission - August 16, 2022

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.B [22-1120](#) Action on Agreement with Dasher Technologies, Inc. to Provide and Implement an Enterprise Data Storage Solution

Recommendation: 1. Authorize the City Manager to execute an agreement with Dasher Technologies, Inc. to provide and implement an enterprise data storage solution for an initial five-year term, with maximum compensation not-to-exceed \$304,587.
2. Authorize the City Manager to exercise up to five one-year options to extend the term of the agreement after the initial term, subject to the appropriation of funds.

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.C [22-925](#) Action on a Proposed Agreement with HSQ Technology to Upgrade the Supervisory Control and Data Acquisition (SCADA) System to Enable Fiber Communication and to Implement Various System Enhancements

Recommendation: 1. Authorize the City Manager to execute an agreement with HSQ Technology to upgrade the SCADA system to enable fiber communication and to implement various system enhancements, with a five-year term starting on or around October 1, 2022 and ending on December 31, 2027, with an initial maximum compensation of \$500,000, subject to the appropriation of funds; and
2. Authorize the City Manager to execute amendments to increase compensation not-to-exceed \$1,029,330 for a total maximum contract compensation of \$1,529,330, subject to the appropriation of funds.

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

3.D [22-1061](#) Action on a Substation Agreement with Vantage Data Centers CA31, LLC for Bowers Avenue Junction Substation and Related Budget Amendment

- Recommendation:**
1. Approve the Substation Agreement (Agreement) with Vantage Data Centers CA31, LLC to allow SVP to design, procure equipment, and construct 60kV facilities to serve the Bowers Avenue Junction Substation for electric service to 2590 Walsh Avenue, subject to the appropriation of funds;
 2. Authorize the City Manager to execute the Agreement and related documents and to take such actions as reasonable or necessary to implement and administer the Agreement;
 3. Authorize the City Manager to make minor modifications to the attached Agreement subject to approval by City Attorney as to form; and
 4. Approve the following FY 2022/23 budget amendment in the Electric Utility Capital Fund to recognize developer contributions of \$2,641,105, and increase the Bowers Avenue Junction Project appropriation by \$2,641,105 (**five affirmative Council votes required to appropriate additional revenue**).

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.E [22-980](#) Action on Agreements with Woodard and Curran for the Sanitary Sewer Master Plan Update and Sanitary Sewer Hydraulic Model Maintenance and Support and Approve Related Budget Amendment

- Recommendation:**
1. Approve and authorize the City Manager to execute an agreement with Woodard and Curran for the Sanitary Sewer Master Plan Update in the amount not-to-exceed \$980,038;
 2. Authorize the City Manager to make minor modifications to the Sanitary Sewer Master Plan Update Agreement if needed and to extend the term;
 3. Approve and authorize the City Manager to execute an agreement with Woodard and Curran for the Sanitary Sewer Hydraulic Model Maintenance and Support Agreement in the amount not-to-exceed \$1,000,000;
 4. Authorize the City Manager to exercise up to two one-year extensions to the agreement and make minor modifications to the Sanitary Sewer Hydraulic Model Maintenance and Support Agreement if needed and to extend the term; and
 5. Approve the following FY 2022/23 budget amendment in the Sewer Utility Capital Fund to increase the Sanitary Sewer Master Plan Update Project appropriation by \$480,038 and decrease the Unallocated Sanitary Sewer Conveyance Fees fund balance by \$480,038 (**five affirmative Council votes required for the use of unused balances**).

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.F [22-1005](#) Action on Amendment No. 1 to the Agreement with NUVIS Landscape Architecture, Inc. for Design Professional Services for the Central Park New Entrance, Access, and Parking Improvements Project

- Recommendation:**
1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with NUVIS Landscape Architecture, Inc. in the amount of \$255,695 for the Central Park New Entrance, Access, and Parking Improvements Project for a total Agreement not-to-exceed amount of \$404,000; and
 2. Authorize the City Manager to make minor modifications to the agreement if needed and to extend the term.

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.H [22-1094](#) Consideration of the Silicon Valley Power 2021 Power Content Label

- Recommendation:** Note and file Silicon Valley Power's 2021 Power Content Label(s).

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.I [22-1125](#) Action on a Resolution Approving the 2023 Planning Commission Calendar of Meetings

Recommendation: Adopt a Resolution approving the 2023 Planning Commission Calendar of Meetings.

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to adopt Resolution No. 22-9143, approving the 2023 Planning Commission Calendar of Meetings.

- 3.J [22-1145](#) Action on Addition of Five Positions Funded by Silicon Valley Power and Two Fire Department Positions Funded by Developer Permit Fees and Related Budget Amendment

Recommendation:

1. Approve the addition of one Senior Management Analyst and two Management Analyst positions in the Electric Utility Department;
2. Approve the addition of one Senior Management Analyst position in the Finance Department;
3. Approve the addition of one Human Resources Technician position in the Human Resources Department;
4. Approve the addition of one Fire Protection Engineer position and one Permit Technician position in the Fire Department; and
5. Approve the following FY 2022/23 budget amendments:
 - a. In the Electric Utility Fund, increase the Electric Department Salaries and Benefits appropriation by \$407,000, increase the Transfer to the General Fund by \$243,000 and reduce the unrestricted ending fund balance by \$650,000 (**five affirmative Council votes required for the use of unused balances**);
 - b. In the General Fund, increase the Finance Department Salaries and Benefits appropriation by \$147,000, increase the Human Resources Salaries and Benefits appropriation by \$96,000, and increase the transfer from the Electric Utility Fund by \$243,000 (**five affirmative Council votes required to appropriate additional revenue**); and
 - c. In the General Fund, increase the Fire Department Salaries and Benefits appropriation by \$258,000 and increase the Fire Permits revenue estimate by \$258,000 (**five affirmative Council votes required to appropriate additional revenue**).

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.K [22-1184](#) Actions to Approve Various Modifications to Existing Classified Job Specifications, Including Recruit Police Officer (Job Code 689), Police Officer (Job Code 650), and Firefighter (Job Code 487)

Recommendation: Approve revisions to various classified job specifications including, Recruit Police Officer (Job Code 689), Police Officer (Job Code 650), and Firefighter (Job Code 487)

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.L [22-1126](#) Authorize the City Manager to execute the Side Letter Agreement that amends the 2019-2023 Memorandum of Understanding Between the City of Santa Clara and the City of Santa Clara Employees' Association (Units 5/7/8), that incorporates the terms of the Side Letter Agreement and Related Budget Amendments

Recommendation: 1. Authorize the City Manager to execute the Side Letter Agreement that amends the current Memorandum of Understanding with a term of December 15, 2019, through and including December 23, 2023, that incorporates the terms of the Side Letter Agreement reached between both parties; and
2. Approve the related FY 2022/23 Budget Amendments as detailed in Attachment 2 (**five affirmative votes required for the use of unused fund balances and to appropriate additional revenue**).

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

- 3.M** [22-1175](#) Authorize the City Manager to execute the Side Letter Agreement that amends the 2019-2024 Memorandum of Understanding Between the City of Santa Clara and the Miscellaneous Unclassified Management Employees (Unit 9), that incorporates the terms of the Side Letter Agreement

Recommendation: Authorize the City Manager to execute the Side Letter Agreement that amends the current Memorandum of Understanding with Miscellaneous Unclassified Management Employees (Unit 9) with a term of December 15, 2019 through and including December 31, 2024, that incorporates the terms of the Side Letter Agreement reached between both parties.

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

- 4.A** [22-1060](#) Action on Stadium Authority Bills and Claims for the Month of June 2022

Recommendation: Approve the list of Stadium Authority Bills and Claims for June 2022.

A motion was made by Boardmember Chahal, seconded by Boardmember Hardy, to approve staff recommendation.

4.C Action on Request Submitted by the Stadium Manager to Award Purchase Order to imageOne Uniforms for Guest Services Uniforms

- 4.C.1** [22-1177](#) Request from the Stadium Manager to Award Purchase Order to imageOne Uniforms for Guest Services Uniforms

- 4.C.2 [22-1178](#) Report from Stadium Authority Regarding Stadium Manager's Request to Award Purchase Orders to imageOne Uniforms for Guest Services Uniforms

Recommendation:

Approve the Stadium Manager's request to award a purchase order to imageOne Uniforms to procure Guest Services uniforms, in an amount not to exceed \$10,807.

A motion was made by Boardmember Chahal, seconded by Boardmember Hardy, to approve staff recommendation.

4.D Action on Request Submitted by the Stadium Manager to Utilize Cooperative Agreements to Leverage Discounted Pricing and Award Purchase Orders to EyeP Solutions, Inc. for Security Software Subscription Renewals and Security Cardkeys and Tags

- 4.D.1 [22-1186](#) Request from the Stadium Manager to Utilize Cooperative Agreements to Leverage Discounted Pricing and Award Purchase Orders to EyeP Solutions, Inc. for Security Software Subscription Renewals and Security Cardkeys and Tags

- 4.D.2 [22-1189](#) Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Utilize Cooperative Agreements to Leverage Discounted Pricing and Award Purchase Orders to EyeP Solutions, Inc. for Security Software Subscription Renewals and Security Cardkeys and Tags

Recommendation:

1. Approve the Stadium Manager's request to utilize a cooperative agreement to leverage discounted pricing and award a purchase order to EyeP Solutions, Inc. in the amount of \$40,126 to provide Genetec Advantage software license subscription renewals for a one-year period; and
2. Approve the Stadium Manager's request to utilize a cooperative agreement to leverage discounted pricing and award a purchase order to EyeP Solutions, Inc. in the amount of \$6,931 to procure Genetec proximity cardkeys and Microprox tags.

A motion was made by Boardmember Chahal, seconded by Boardmember Hardy, to approve staff recommendation.

WRITTEN PETITION (COUNCIL POLICY 030) REQUESTS FROM THE PUBLIC/COUNCIL

7. [22-1223](#) Action on a Council Written Request (Council Policy 030) Submitted by Councilmember Becker Requesting to Place an Agenda Item at a Future Council Meeting to Receive a Report Based on the Mayor's Request Concerning the Related Company and the Prevailing Wage Issues as well as a Report on the Claim from the Union of Painters made with the Department of Industrial Relations and that this Report and Discussion take place at the Council Meeting of October 4, 2022

Recommendation: Staff makes no recommendation.

Councilmember Becker provided a verbal report to receive a report based on the Mayor's Request concerning the Related Company and the Prevailing Wage Issues as well as a report on the Claim from the Union of Painters made with the Department of Industrial Relations and that this report and discussion take place at the Council Meeting of October 4, 2022.

Council comments followed.

Public Speaker(s): Public Speaker (1)
Kathryn Hedges
James Rowen (E-Mail)

A motion was made by Councilmember Becker, seconded by Vice Mayor Jain, to agendize this written petition for October 4, 2022 Council and Authorities Concurrent Meeting and include report from City Attorney and City Manager Offices.

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

PUBLIC PRESENTATIONS

Sylvia Abboud expressed gratitude for the City recognizing the passing of Heart of the Valley Executive Director Glenda and provided comments on the services provided by Heart of the Valley and the needs for funding.

Public Speaker expressed comments of concern the regarding the lack of affordable housing available.

CONSENT ITEMS PULLED FOR DISCUSSION

3.G [22-1071](#) Action on Amendment No. 5 to the Agreement for Professional Services with Perkins + Will for the Tasman East Specific Plan

Recommendation: Authorize the City Manager to execute Amendment No. 5 to the Agreement with Perkins + Will for professional services to prepare the Amendment to the Tasman East Specific Plan to allow up to 1,500 additional units in the Tasman East area, along with preparation of the associated environmental clearance, by extending the term of the agreement through December 2023.

Vice Mayor Jain pulled this item for further clarification.

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

Public Speaker: Catalyze SV

A motion was made by Vice Mayor Jain, seconded by Councilmember Park, to authorize the City Manager to execute Amendment No. 5 to the Agreement with Perkins + Will for professional services to prepare the Amendment to the Tasman East Specific Plan to allow up to 1,500 additional units in the Tasman East area, along with preparation of the associated environmental clearance, by extending the term of the agreement through December 2023 and direct staff to notice the public within a quarter mile radius regarding the meeting.

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

- 3.N [22-1003](#) Action on the Waiver of the First Reading and Introduction of an Ordinance Approving the Schematic Design for the Central Park Entrance, Accessibility, and Parking Improvements Project, in Accordance with City Charter Section 714.1

Recommendation: Waive first reading and introduce an ordinance approving the Schematic Design for the Central Park Entrance, Accessibility, and Parking Improvements Project in accordance with City Charter Section 714.

Councilmember Becker pulled this item for further discussion.

A motion was made by **Councilmember Becker**, seconded by **Councilmember Chahal**, to deny waiving the first reading and introduce an ordinance approving the Schematic Design for the Central Park Entrance, Accessibility, and Parking Improvements Project in accordance with City Charter Section 714.

Council comments followed.

Councilmember Becker withdrew his motion and proposed a new motion.

A motion was made by **Councilmember Becker**, seconded by **Councilmember Hardy**, to Waive first reading and introduce an ordinance approving the Schematic Design for the Central Park Entrance, Accessibility, and Parking Improvements Project in accordance with City Charter Section 714; and refer to staff the following suggested additions: include speed bumps along the length of the driveway and parking lot, flare the third pedestrian entrance (as in the sketched image), small amount of additional paving will be more inviting, more secure electric bicycle parking near the Community Recreation Center, pedestrian scaled lighting, and preserve some existing and mature trees.

City Manager Batra addressed **Council** comments.

Public Speaker(s): Betsy Megas

Council comments and questions followed.

Director of Public Works Mobeck, Deputy Director of Public Works Staub, and **City Manager Batra** addressed Council comments.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to Waive first reading and introduce Ordinance No. 2051 approving the Schematic Design for the Central Park Entrance, Accessibility, and Parking Improvements Project in

accordance with City Charter Section 714; and refer to staff the following requested additions: include speed bumps along the length of the driveway and parking lot, flare the third pedestrian entrance (as in the sketched image), small amount of additional paving will be more inviting, more secure electric bicycle parking near the Community Recreation Center, pedestrian scaled lighting, and preserve some existing and mature trees.

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

4.B [22-1092](#) Delegation of Authority to Executive Director and Stadium Authority Counsel to Negotiate and Execute Allocation Agreement with Various 49ers Entities and Insurance Carriers Relating to Proceeds from Their Settlement with Howard Needles Tammen & Bergendoff

Recommendation: Approve delegation of authority to the Executive Director and Stadium Authority Counsel to negotiate and execute an Allocation Agreement regarding proceeds from a settlement with HNTB that would include the following parties: Forty Niners Football Company LLC, Forty Niners Stadium Management Company LLC, Forty Niners SC Stadium Company LLC, Forty Niners Stadium LLC, Indian Harbor Insurance Company, North American Capacity Insurance Company, and Starr Indemnity & Liability Company.

Chair Gillmor pulled this item for further discussion from the public.

Secretary Pimentel read into the record Kirk Vartan's public comment email.

Board comments and questions followed.

Interim Counsel Ngo and **Chief Assistant City Attorney Reuter** responded to **Board** comments and questions.

A motion was made by Boardmember Watanabe, seconded by Boardmember Park, to Approve delegation of authority to the Executive Director and Stadium Authority Counsel to negotiate and execute an Allocation Agreement regarding proceeds from a settlement with HNTB that would include the following parties: Forty Niners Football Company LLC, Forty Niners Stadium Management Company LLC, Forty Niners SC Stadium Company LLC, Forty Niners Stadium LLC, Indian Harbor Insurance Company, North American Capacity Insurance Company, and Starr Indemnity & Liability Company.

Aye: 7 - Boardmember Watanabe, Boardmember Chahal, Boardmember Hardy, Boardmember Park, Vice Chair Jain, Boardmember Becker, and Chair Gillmor

PUBLIC HEARING/GENERAL BUSINESS

5. [22-953](#) Public Hearing: 2021-2022 Consolidated Annual Performance and Evaluation Report (CAPER)

Recommendation: 1. Approve the 2021-2022 Consolidated Annual Performance and Evaluation Report (Attachment 1) and authorize the City Manager, or his designee, to execute the documents for submission to the U.S. Department of Housing and Urban Development (HUD) by September 30, 2022 unless otherwise directed by HUD.
2. Direct staff to incorporate all public comments into the final version to be submitted to HUD on or before September 30, 2022.

Housing Manager Marcus and Housing Development Officer Calleja presented a Powerpoint presentation.

Council comments and questions followed.

Housing Manager Marcus addressed **Council** questions.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to close the Public Hearing.

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

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to approve the 2021-2022 Consolidated Annual Performance and Evaluation Report (CAPER).

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor announced the Parade of Champions will be held on Saturday, October 1, 2022 and encouraged the public to attend.

Councilmember Park reported on his attendance at the Triton Museum of Art Board meeting and announced the many upcoming events.

Vice Mayor Jain reported on his attendance at the Annual Conference of the Northern California Power Agency and provided overview on some of the sessions he attended.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Batra reported that there were no actions taken by City Manager during the recess.

City Manger Batra also recognized the various departments who assisted with the successful 40th Art & Wine Festival.

Councilmember Park reported on the Art and Wine Festival and acknowledged the Fire Department's assistance and recognized the smooth process in renewing the Triton Museum's lease.

[22-902](#)

Update on City Council and Stadium Authority Staff Referrals

[22-1201](#)

Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

The meeting was adjourned at 9:51 PM in memory of **James Wilcox (City's Information Technology Department)**.

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

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

The next regular scheduled meeting is on Tuesday, October 4, 2022 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); Bayshore North Project Enhancement Authority (BNPEA); Public Facilities Financing Corporation (PFFC)

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>> 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."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.