



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

Call and Notice of Special Meetings

City Council and Stadium Authority Board



Draft

12/05/2023

4:00 PM

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

The City of Santa Clara is conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely).

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

Meeting ID: 997-0675-9306

- o Phone 1(669) 900-6833

How to Submit Written Public Comment Before City Council Meeting:

1. Use the eComment tab located on the City Council Agenda page <https://santaclaraca.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and staff, and become part of the public record. eComment closes 15 minutes before the start of a meeting.
2. By email to clerk@santaclaraca.gov by 12 p.m. the day of the meeting. Those emails will be forwarded to the Council and will be uploaded to the City Council Agenda as supplemental meeting material. Emails received after the 12 p.m. cutoff time up through the end of the meeting will form part of the meeting record. Please identify the Agenda Item Number in the subject line of your email.

NOTE: Please note eComments and Emails received as public comment will not be read aloud during the meeting.

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All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, CA 95050 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. For the final document, you may contact the Office of the City Clerk at (408) 615-2220 or Clerk@santaclaraca.gov.

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 Mayor/Chair calls for a Special Meeting of the City Council of the City of Santa Clara, the Governing Board of the Stadium Authority, to commence and convene on December 5, 2023, at 4:00 pm for a Special Meeting to be held virtually and 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.

Closed Session - 4:00 PM | Special Council Meeting - 5:00 PM | Regular Meeting - 7:00 PM

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 4:05 p.m.

Roll Call

Vice Mayor/Chair Park arrived at 4:40 p.m.

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

1. [23-1371](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(e)(3) - Exposure to litigation

Number of potential cases: 1

Facts and Circumstances: Claim of Deanna J. Santana (attached)

Public Comment

There were none.

Convene to Closed Session (Council Conference Room)

Mayor/Chair Gillmor convened into Closed Session at 4:05 p.m.

5:00 PM SPECIAL COUNCIL MEETING

Mayor Gillmor called the Special Meeting to order at 5:06 p.m.

2. [23-1295](#) Action on a Resolution Calling for a Special Municipal Election and Ordering Consolidation with the Santa Clara County Presidential Primary Election on March 5, 2024 for the Purposes of Submitting to the Voters Proposed Charter Amendments That would Make the City Clerk and Chief of Police Positions Appointed by the City Manager, as well as, Directing the City Clerk to Transmit the Measures to the City Attorney to Prepare the Impartial Analyses and Designating the Parties Responsible for the Preparation of Ballot Arguments

Recommendation:

1. Adopt a resolution calling for a Special Municipal Election to be held in the City of Santa Clara on Tuesday, March 5, 2024, for the purpose of submitting to the voters two ballot questions related to the positions of City Clerk and Chief of Police; requesting consolidation with the County of Santa Clara Presidential Primary Election and requesting election services from the County of Santa Clara Registrar of Voters; directing the City Clerk to transmit the measures to the City Attorney to prepare the impartial analyses; designating the parties responsible for the preparation of ballot arguments; and approval of the draft amendments to the Santa Clara City Code to incorporate the proposed changes if the measure is approved by the voters.

Mayor Gillmor gave a brief introduction to this item.

Assistant City Manager Bojorquez provided a PowerPoint presentation on calling for a Special Municipal on Tuesday, March 5, 2024, for the purpose of submitting to the voters proposed Charter amendments that would make the City Clerk and Chief of Police positions appointed by the City Manager.

Council questions followed.

Assistant City Manager Bojorquez and **City Attorney Googins** responded to **Council** questions.

Public Comment:

Jeff Houston
Wes Mukoyama
Dana Caldwell
Dale Larson
John Haggerty
David Goldfinger
Brian Darby
Michele Ryan
Jeremy Schmidt
Aram James

Council discussion ensued.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9287 calling for a Special Municipal Election to be held in the City of Santa Clara on Tuesday, March 5, 2024, for the purpose of submitting to the voters two ballot questions related to the positions of City Clerk and Chief of Police; requesting consolidation with the County of Santa Clara Presidential Primary Election and requesting election services from the County of Santa Clara Registrar of Voters; directing the City Clerk to transmit the measures to the City Attorney to prepare the impartial analyses; designating the parties responsible for the preparation of ballot arguments; to approve the draft amendments to the Santa Clara City Code to incorporate the proposed changes if the measure is approved by the voters; and select Councilmember Jain, Councilmember Chahal, and Councilmember Hardy to write the ballot argument in favor of this measure, and allow up to five signers on the ballot argument.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

Mayor Gillmor called a meeting recess at 6:38 p.m.

7:00 PM CITY COUNCIL/SPECIAL STADIUM AUTHORITY BOARD MEETING

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 7:02 p.m.

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Jain recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB23 announcement and Statement of Behavioral Standards.

Assistant City Clerk/Secretary Pimentel also noted that any registered Lobbyist speaking during Public Meeting will need to identify themselves and who they represent.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Googins stated there was no reportable action in the December 4, 2023 Closed Session meeting and the December 5, 2023 Closed Session meeting.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

Mayor Gillmor recognized **Mia Evans** for establishing a Little Library at Mission Park.

Ms. Evans accepted the recognition and made a few remarks.

4. [23-1338](#) Recognition of Student Mia Evans for Establishing a Little Library at Mission Park in Santa Clara

CONSENT CALENDAR

Council/Boardmember Jain pulled Item 5.R for discussion.

Mayor/Chair Gillmor read comments from a resident on Item 5.H.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Chahal, to approve the balance of the Consent Calendar.

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

- 5.A [23-1393](#) Action on the Minutes of September 26, 2023 Joint Council and Santa Clara Stadium Authority Special Meeting; October 10, 2023 Council and Authorities Concurrent; October 24, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting; November 7, 2023 Council and Authorities Concurrent Meeting; and November 14, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting

Recommendation: Approve Minutes of September 26, 2023 Joint Council and Santa Clara Stadium Authority Special Meeting; October 10, 2023 Council and Authorities Concurrent; October 24, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting; November 7, 2023 Council and Authorities Concurrent Meeting; and November 14, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Chahal, to approve the minutes of the September 26, 2023 Joint Council and Santa Clara Stadium Authority Special meeting; October 10, 2023 Council and Authorities Concurrent; October 24, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority meeting; November 7, 2023 Council and Authorities Concurrent meeting; and November 14, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority meeting.

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

5.B [23-26](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Board of Library Trustees - August 7, 2023
Board of Library Trustees - September 11, 2023
Charter Review Committee - September 14, 2023
Charter Review Committee - September 21, 2023
Board of Library Trustees - October 2, 2023
Audit Committee - June 28, 2023
Youth Commission - October 10, 2023
Planning Commission - October 25, 2023
Parks & Recreation Commission - October 17, 2023
Senior Advisory Commission - October 23, 2023

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to note and file the minutes of the August 7, 2023 Board of Library Trustees meeting; September 11, 2023 Board of Library Trustees meeting; September 14, 2023 Charter Review Committee meeting; the September 21, 2023 Charter Review Committee meeting; October 2, 2023 Board of Library Trustees meeting; June 28, 2023 Audit Committee meeting; October 10, 2023 Youth Commission meeting; October 25, 2023 Planning Commission meeting; October 17, 2023 Parks & Recreation Commission; and October 23, 2023 Senior Advisory Commission meeting.

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

5.C [23-1281](#) Action on the Santa Clara Convention Center FY 2023/24 1st Quarter Financial Status Report

Recommendation: Note and file the Santa Clara Convention Center Financial Status Report for the 1st Quarter ending September 30, 2023, as submitted by OVG.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to note and file the Santa Clara Convention Center Financial Status Report for the 1st Quarter ending September 30, 2023, as submitted by Oak View Group.

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

- 5.D [23-1221](#) Action to Accept Federal Safe Streets and Roads for All Grant Funding to Establish a Santa Clara Vision Zero Plan, Authorize the City Manager to Execute All Documents Related to Accepting Federal Funding, and Approve the Related Budget Amendment

Recommendation: 1. Accept \$450,000 in federal funding under the Safe Streets and Roads for All Grant Program and authorize the City Manager to execute all documents related to accepting federal funding for the Santa Clara Vision Zero Plan in final forms approved by the City Attorney; and
2. Approve a FY2023/24 budget amendment in the Streets and Highways Capital Fund to increase the Other Agencies revenue estimate in the amount of \$450,000 to recognize Safe Streets and Roads for All funding, decrease the Pedestrian and Bicycle Enhancement Facilities Project in the amount of \$120,000, and increase the Santa Clara Vision Zero Plan, formerly named Vision Zero Plan, by \$570,000. (**five affirmative Council votes required to appropriate additional revenue**).

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to accept \$450,000 in federal funding under the Safe Streets and Roads for All Grant Program and authorize the City Manager to execute all documents related to accepting federal funding for the Santa Clara Vision Zero Plan in final forms approved by the City Attorney; and approve a FY2023/24 budget amendment in the Streets and Highways Capital Fund to increase the Other Agencies revenue estimate in the amount of \$450,000 to recognize Safe Streets and Roads for All funding, decrease the Pedestrian and Bicycle Enhancement Facilities Project in the amount of \$120,000, and increase the Santa Clara Vision Zero Plan, formerly named Vision Zero Plan, by \$570,000.

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

- 5.E [23-1311](#) Action on Award of Purchase Orders to Wireless Structures Consulting, Inc. DBA Western Utility Telecom, Inc. for the Purchase of Steel Transmission Poles for an Aggregate Maximum Amount of \$6,500,000 Funded by Silicon Valley Power

- Recommendation:**
1. Authorize the City Manager to issue purchase orders to Wireless Structures Consulting, Inc. DBA Western Utility Telecom, Inc. for the purchase of steel transmission poles with an aggregate maximum compensation of \$6,500,000 for the time period beginning on the date of this authorization through December 31, 2028, with price escalations based on adjustments to the Bureau of Labor Statistics Producer Price Index, subject to the appropriation of funds; and
 2. Authorize the City Manager to take any actions as necessary to implement and administer the purchase orders.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to authorize the City Manager to issue purchase orders to Wireless Structures Consulting, Inc. DBA Western Utility Telecom, Inc. for the purchase of steel transmission poles with an aggregate maximum compensation of \$6,500,000 for the time period beginning on the date of this authorization through December 31, 2028, with price escalations based on adjustments to the Bureau of Labor Statistics Producer Price Index, subject to the appropriation of funds; and authorize the City Manager to take any actions as necessary to implement and administer the purchase orders.

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

- 5.F [23-1278](#) Action on the Award of Purchase Orders Greater than \$250,000 for Vehicles and Equipment for the Fire, Finance, Silicon Valley Power, Public Works, Police, and Water and Sewer Utilities Departments to be Funded in the Vehicle Replacement Fund and Related Budget Amendment

Recommendation: 1. Approve and authorize the City Manager to execute purchase orders, in final forms approved by the City Attorney, in an aggregate not-to-exceed amount of \$2,194,000, with Downtown Ford, Altec Industries, Inc., and Elk Grove Auto Group for the purchase of vehicles and equipment for the Fire, Finance, Silicon Valley Power, Public Works, Police and Water and Sewer Utilities Departments, to be funded by amounts approved in the City's Operating Budget for Fiscal Years 2023/24 & 2024/25.

2. Approve the following FY 2023/24 budget amendments:
- A. In the Water Utility Fund, increase the transfer to the Vehicle Replacement Fund and reduce the unrestricted ending fund balance by \$36,560 (**five affirmative Council votes required for the use of unused balances**);
 - B. In the Water Recycling Fund, increase the transfer to the Vehicle Replacement Fund and reduce the unrestricted ending fund balance by \$9,140 (**five affirmative Council votes required for the use of unused balances**); and
 - C. In the Vehicle Replacement Fund, increase the transfer in from the Water Utility Fund by \$36,560, increase the transfer in from the Water Recycling Fund by \$9,140, and increase the Capital Outlay budget by \$45,700 (**five affirmative Council votes required to appropriate additional revenue**).

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to approve and authorize the City Manager to execute purchase orders, in final forms approved by the City Attorney, in an aggregate not-to-exceed amount of \$2,194,000, with Downtown Ford, Altec Industries, Inc., and Elk Grove Auto Group for the purchase of vehicles and equipment for the Fire, Finance, Silicon Valley Power, Public Works, Police and Water and Sewer Utilities Departments, to be funded by amounts approved in the City's Operating Budget for Fiscal Years 2023/24 & 2024/25; and approve the following FY 2023/24 budget amendments: A. In the Water Utility Fund, increase the transfer to the Vehicle Replacement Fund and reduce the unrestricted ending fund balance by \$36,560; B. In the Water Recycling Fund, increase the transfer to the Vehicle Replacement Fund and reduce the unrestricted ending fund balance by \$9,140; and C. In the Vehicle Replacement Fund, increase the transfer in from the Water Utility Fund by \$36,560, increase the transfer in from the Water Recycling Fund by \$9,140,

and increase the Capital Outlay budget by \$45,700.

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

5.G [23-1322](#) Action on Award of a Purchase Order to L.N. Curtis and Sons for Personal Protective Equipment for the Fire Department

- Recommendation:**
1. Authorize the City Manager to execute a purchase order with L.N. Curtis and Sons for personal protective equipment for the Fire Department starting on or around December 11, 2023, to May 7, 2024, for a maximum amount not-to-exceed \$602,350, to be funded by amounts approved in the Fire Department's annual Capital Improvement Project Fund and Fire Operating Budget for Fiscal Year 2023/24; and
 2. Authorize the City Manager to exercise an option to extend the term of the purchase order through May 7, 2025, for a maximum additional not-to-exceed amount of \$497,650 for the option term, subject to appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to authorize the City Manager to execute a purchase order with L.N. Curtis and Sons for personal protective equipment for the Fire Department starting on or around December 11, 2023, to May 7, 2024, for a maximum amount not-to-exceed \$602,350, to be funded by amounts approved in the Fire Department's annual Capital Improvement Project Fund and Fire Operating Budget for Fiscal Year 2023/24; and authorize the City Manager to exercise an option to extend the term of the purchase order through May 7, 2025, for a maximum additional not-to-exceed amount of \$497,650 for the option term, subject to appropriation of funds.

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

5.H [23-1050](#) Action on a Vesting Tentative Subdivision Map for 22 Townhouse Units at 3378-3386 El Camino Real.

Recommendation:

1. Determine that the proposed subdivision is within the scope of the adopted Mitigated Negative Declaration (MND) prepared for the project and no further analysis is required
2. Adopt a resolution to approve the Vesting Tentative Subdivision Map to subdivide the parcel (290-02-102) with 22 Townhouse Units at 3378-3386 El Camino Real, subject to findings and conditions of approval set forth therein.

Mayor Gillmor shared comments from a resident living near this project.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to determine that the proposed subdivision is within the scope of the adopted Mitigated Negative Declaration prepared for the project and no further analysis is required; and adopt Resolution 23-9288 to approve the Vesting Tentative Subdivision Map to subdivide the parcel (290-02-102) with 22 Townhouse Units at 3378-3386 El Camino Real, subject to findings and conditions of approval set forth therein.

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

- 5.I [23-1414](#) Authorize the City Manager to execute the Side Letter Agreements between the City of Santa Clara and the Public Safety Non-Sworn Employees Association that provides a Lateral Incentive Program for new Public Safety Dispatcher hires and a Retention Incentive Program for permanent Public Safety Dispatchers, and Adopt a Resolution Approving and Adopting an Updated Salary Plan for As-Needed Positions

Recommendation:

1. Authorize the City Manager to execute the Side Letter Agreements between the City of Santa Clara and the Public Safety Non-Sworn Employees Association that provides a Lateral Incentive Program for new hires and a Retention Incentive Program for permanent Dispatchers on the terms presented and in a final form approved by the City Attorney, and
2. Adopt a Resolution Approving and Adopting an Updated Salary Plan for As-Needed Positions

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to authorize the City Manager to execute the Side Letter Agreements between the City of Santa Clara and the Public Safety Non-Sworn Employees Association that provides a Lateral Incentive Program for new hires and a Retention Incentive Program for permanent Dispatchers on the terms presented and in a final form approved by the City Attorney, and adopt Resolution 23-9289 approving and adopting an updated Salary Plan for As-Needed positions.

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

- 5.J [23-1313](#) Authorize the City Manager to Negotiate and Execute an Agreement for Services with Nalco Company, LLC, to Provide Water Treatment Services to Silicon Valley Power

- Recommendation:**
1. Determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of the California Code of Regulations;
 2. Authorize the City Manager to negotiate and execute an Agreement for Services with Nalco Company, LLC, to provide water treatment services for the period of January 1, 2024, through December 31, 2028, on the terms presented, with a maximum compensation not to exceed \$1,200,000 funded by the Electric Utility Fund, subject to the appropriation of funds and the review and approval as to form by the City Attorney; and
 3. Authorize the City Manager to take any actions as necessary to implement and administer the Agreement and negotiate and execute amendments to the Agreement to (a) exercise up to five one-year options to extend the term through December 31, 2033, (b) adjust rates to account for market conditions or labor agreement requirements, and (c) add or delete services including increases to the maximum compensation for a total amount not to exceed \$2,500,000 for a ten-year period, subject to the appropriation of funds and the review and approval as to form by the City Attorney.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of the California Code of Regulations; authorize the City Manager to negotiate and execute an Agreement for Services with Nalco Company, LLC, to provide water treatment services for the period of January 1, 2024, through December 31, 2028, on the terms presented, with a maximum compensation not to exceed \$1,200,000 funded by the Electric Utility Fund, subject to the appropriation of funds and the review and approval as to form by the City Attorney; and authorize the City Manager to take any actions as necessary to implement and administer the Agreement and negotiate and execute amendments to the Agreement to (a) exercise up to five one-year options to extend the term through December 31, 2033, (b) adjust rates to account for market conditions or labor agreement requirements, and (c) add or delete services including increases to the maximum compensation for a total amount not to exceed \$2,500,000 for a ten-year period, subject to the appropriation of funds and the review and approval as to form by the City Attorney.

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

5.K [23-1320](#) Action on a Request for a Special Permit to Allow Temporary Modular Trailers for the Acura Car Dealership at 4747 Stevens Creek Boulevard for Nine Months

- Recommendation:**
1. Determine the issuance of the Special Permit to be categorically exempt from environmental review pursuant to CEQA Guidelines section 15304(e) (Class 4 - "Minor Alterations to Land"); and
 2. Approve the request of a Special Permit to allow for a temporary office trailer at 4747 Stevens Creek Boulevard for nine months, subject to conditions, based upon the findings set forth in the Special Permit.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to determine the issuance of the Special Permit to be categorically exempt from environmental review pursuant to CEQA Guidelines section 15304(e) (Class 4 - "Minor Alterations to Land"); and approve the request of a Special Permit to allow for a temporary office trailer at 4747 Stevens Creek Boulevard for nine months, subject to conditions, based upon the findings set forth in the Special Permit.

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

- 5.L [23-1312](#) Action on Software License Agreement with ZE PowerGroup Authorizing Increase to Maximum Compensation, Authorizing City Manager to Negotiate and Execute Amendments, and Ratifying Prior Payments

- Recommendation:**
1. Authorize that the maximum compensation of the ZE PowerGroup and Silicon Valley Power Software License Agreement-Subscription Model (Agreement) be increased to a not to exceed amount of \$1,600,000 through FY 2029/30, subject to budget appropriations;
 2. Authorize the City Manager to negotiate and execute amendments to the Agreement to add or delete services as may be required by the City subject to the maximum compensation limit and the review and approval as to form by the City Attorney; and
 3. Ratify prior City payments to ZE PowerGroup in an amount of \$638,917.54 for ZEMA Software and subscription services provided pursuant to the Agreement, funded by Silicon Valley Power operating funds.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to authorize that the maximum compensation of the ZE PowerGroup and Silicon Valley Power Software License Agreement-Subscription Model (Agreement) be increased to a not to exceed amount of \$1,600,000 through FY 2029/30, subject to budget appropriations; authorize the City Manager to negotiate and execute amendments to the Agreement to add or delete services as may be required by the City subject to the maximum compensation limit and the review and approval as to form by the City Attorney; and ratify prior City payments to ZE PowerGroup in an amount of \$638,917.54 for ZEMA Software and subscription services provided pursuant to the Agreement, funded by Silicon Valley Power operating funds.

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

- 5.M** [23-1401](#) Approve and Authorize the City Manager to execute the 2024-2025 Memorandum of Understanding Between the City of Santa Clara and the Unclassified Police Management Association (“Unit 9A”) that incorporates the terms of the Tentative Agreement.

Recommendation: Authorize the City Manager to execute the 2024-2025 Memorandum of Understanding Between the City of Santa Clara and the Unclassified Police Management Association (“Unit 9A”) that incorporates the terms of the Tentative Agreement.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to authorize the City Manager to execute the 2024-2025 Memorandum of Understanding Between the City of Santa Clara and the Unclassified Police Management Association (“Unit 9A”) that incorporates the terms of the Tentative Agreement.

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

- 5.N** [23-1374](#) Action on a Request for a Special Permit to Allow a Christmas Tree Sales Lot at 3705 El Camino Real (Lucky’s Supermarket) from December 6, 2023 through December 27, 2023

Recommendation:

1. Determine the issuance of the Special Permit to be categorically exempt from formal environmental review pursuant to CEQA Guidelines section 15304(e) (Class 4 - “Minor Alterations to Land”); and
2. Approve the request for a Special Permit to allow a Christmas Tree Sales Lot from December 6, 2023 through December 27, 2023 at 3705 El Camino Real, based upon the findings set forth in the Permit, and subject to conditions.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to determine the issuance of the Special Permit to be categorically exempt from formal environmental review pursuant to CEQA Guidelines section 15304(e) (Class 4 - "Minor Alterations to Land"); and to approve the request for a Special Permit to allow a Christmas Tree Sales Lot from December 6, 2023 through December 27, 2023 at 3705 El Camino Real, based upon the findings set forth in the Permit, and subject to conditions.

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

- 5.O [23-1329](#) Action on the Schematic Design - Master Plan for the New Public Neighborhood Park at 2200 Calle De Luna
- Recommendation:** Approve the proposed 2200 Calle De Luna Park Schematic Design - Master Plan.
- A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to approve the proposed 2200 Calle De Luna Park Schematic Design - Master Plan.**
- Aye:** 7 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor
- 5.P [23-1274](#) Bi-Annual Status Report on the GIS Services Program
- Recommendation:** Note and file the Bi-annual Status Report on the GIS Service Program.
- A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to note and file the Bi-Annual Status Report on the GIS Service Program.**
- Aye:** 7 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor
- 5.Q [23-1220](#) Action on a Resolution Approving the 2024 Board of Library Trustees Calendar of Meetings, and Setting the Number of Regular Board of Library Trustees Meetings
- Recommendation:** Action to Approve Adoption of a Resolution to Set the Regular Meeting Schedule and Dates for the Board of Library Trustees for Calendar Year 2024
- A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to adopt Resolution 23-9290 to set the Regular Meeting schedule and dates for the Board of Library Trustees for Calendar Year 2024.**
- Aye:** 7 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

PUBLIC PRESENTATIONS

Ron Patrick spoke on the claim he filed against the City regarding tree removal at his place of business.

Aram James spoke about the Palestine/Israel conflict.

Brian Darby spoke on the Palestine/Israel conflict and World War II.

Lee Broughman submitted a video that was played for the public.

James Rowan spoke on juvenilism and political satire.

Councilmember Becker requested that a referral to staff be made to determine if Kirk Vartan, the President of Santa Clara Police Officers Association, and the President and its members of Stand-Up Santa Clara fall within the category as a Lobbyist and should be required to register as one per the City's Lobbyist Ordinance. There was no consensus on this staff referral.

Councilmember Jain responded that the review of Lobbyist Ordinance will be discussed at an upcoming Governance and Ethics Committee meeting.

[23-1521](#)

Public Presentations Post Meeting Material

CONSENT ITEMS PULLED FOR DISCUSSION

5.R [23-1046](#) Action on Adoption of Silicon Valley Power's 2023 Integrated Resources Plan

- Recommendation:**
1. Adopt Silicon Valley Power's 2023 Integrated Resources Plan in substantially the form attached to this Report to Council; and
 2. Authorize the City Manager or designee to finalize the Integrated Resources Plan with any updates to incorporate 2023 information and numbers, address City Council comments, additional feedback, and non-substantive edits and submit the final plan to the California Energy Commission prior to April 30, 2024, and to take any actions as necessary to administer and implement the Integrated Resources Plan, including amending the plan as may be required by the California Energy Commission.

Councilmember Jain pulled this item for discussion.

Silicon Valley Power Senior Electric Utility Manager Hughes provided a PowerPoint presentation on Silicon Valley Power's 2023 Integrated Resource Plan.

A motion was made by Councilmember Jain, seconded by Vice Mayor Park, to adopt Silicon Valley Power's 2023 Integrated Resources Plan in substantially the form attached to this Report to Council; and authorize the City Manager or designee to finalize the Integrated Resources Plan with any updates to incorporate 2023 information and numbers, address City Council comments, additional feedback, and non-substantive edits and submit the final plan to the California Energy Commission prior to April 30, 2024, and to take any actions as necessary to administer and implement the Integrated Resources Plan, including amending the plan as may be required by the California Energy Commission.

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

PUBLIC HEARING/GENERAL BUSINESS

6. [23-1117](#) Public Hearing: Action on a Resolution Amending Rate Schedules for Electric Services for All Classes of Customers, Effective January 1, 2024

Recommendation: Adopt a Resolution amending City Rate Schedules for Electric Utility Services to increase Electric Rates and Charges in each Rate Schedule by 10.0% and make other modifications, effective January 1, 2024.

Chief Utility Officer Pineda gave a PowerPoint presentation on amending the rate scheduled for electric services for all classes of customers effective January 1, 2024.

Council questions followed.

Chief Utility Officer Pineda responded to **Council** questions.

Public Comment:
Public Speaker

Council comments ensued.

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

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

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to adopt Resolution 23-9291 amending City Rate Schedules for Electric Utility Services to increase electric rates and charges in each rate schedule by 10.0% and make other modifications, effective January 1, 2024.

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

Nay: 1 - Councilmember Becker

SANTA CLARA STADIUM AUTHORITY BOARD CONTINUED ITEM FROM NOVEMBER 14, 2023

3. [23-1435](#) Action on Stadium Manager's Request to Execute Agreement with Colony Landscape and Maintenance, Inc. for Sod Removal and Related Services at Levi's Stadium [Continued from November 14, 2023 Meeting]

Recommendation:

1. Approve the Stadium Manager's request to execute an agreement with Colony Landscape and Maintenance, Inc. to provide sod removal and related services at Levi's Stadium for a three-year period beginning November 15, 2023 through November 14, 2026, in an amount not exceed \$600,000 annually for the first and second contract year and \$620,000 for the third contract year, for a total not to exceed amount of \$1,820,000 over the three-year period, subject to budget appropriations; and
2. Authorize the Stadium Manager to exercise the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

Executive Director Grogan made a few comments.

Stadium Authority Treasurer Lee gave a PowerPoint presentation on the Stadium Manager's request to execute an agreement with Colony Landscape and Maintenance Inc. for sod removal and related services at Levi's Stadium.

Executive Vice President and General Manager Francine Hughes and **General Counsel Jihad Beauchman** provided a PowerPoint presentation.

Board questions and comments followed.

Stadium Authority Treasurer Lee, Stadium Authority Counsel Googins, and **General Counsel Beauchman** responded to Board questions.

A motion was made by Boardmember Becker, seconded by Vice Chair Park, to approve the Stadium Manager's request to execute an agreement with Colony Landscape and Maintenance, Inc. to provide sod removal and related services at Levi's Stadium for a three-year period beginning November 15, 2023 through November 14, 2026, in an amount not exceed \$600,000 annually for the first and second contract year and \$620,000 for the third contract year, for a total not to exceed amount of \$1,820,000 over the three-year period, subject to budget appropriations; and authorize the Stadium Manager to exercise the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

PUBLIC HEARING/GENERAL BUSINESS

7. [23-1362](#) Action on the Downtown Precise Plan, Downtown Form Based Zoning Code, Related Amendments to the General Plan, and Associated Environmental Impact Report and Mitigation Monitoring and Reporting Program

Recommendation: Alternative:

1. Adopt a resolution approving the Downtown Precise Plan Water Supply Assessment.
2. Adopt a resolution approving and certifying the Final EIR prepared for the Downtown Precise Plan and Form Based Code (SCH # 2022010282), including CEQA Findings and a Statement of Overriding Considerations, and adopting the project's Mitigation Monitoring and Reporting Program.
3. Adopt a resolution approving the Downtown Precise Plan.
4. Adopt a resolution approving a General Plan text amendment to modify the Downtown Core land use designation and amending the General Plan Land Use diagrams for Phases II and III to reflect the Downtown Precise Plan.
5. Waive first reading and introduce an ordinance amending the zoning code to create the Downtown Zoning district and make corresponding changes to the zoning map.

Mayor Gillmor recused herself due to a conflict of interest as her office is located within the Downtown Precise Plan.

Vice Mayor Park presided over this agenda item.

City Manager Grogan introduced this item.

Community Development Assistant Director Brilliot provided a PowerPoint presentation on the Downtown Precise Plan and Form Base Code, implementation measures to

Council questions followed.

Community Development Assistant Director Brilliot and **City Manager Grogan** responded to **Council** questions.

Public Comment:

Mary Grizzle

Dan Ondersak (total of 16 minutes, time given by Daniel Huynh, Ginger Beck, Bob Emerson, Debra Van Huene, Connie Costa, Monica Pound, and Pattie Almon)

Rob Mayer (total 5 minutes; time given by Janet Stevenson and Lou Faria - 1 min)

Adam Thompson (total 5 minutes; time given by Ed Stocks and Lou Faria -

1 min)
Matthew Reed
Ana Vargas-Smith
Jorge Haro
Joe Agu
Atisha Varshney
Jonathon Evans
Steve Ringer
Sam Saiu
Brian Darby
Marwan
Nuzhat Shaikh
Shoeb
Sally Walsh
Noah McDonald
Frank Lemmon
Student Voice
John Dietrich
Donna West
Public Speaker

Community Development Assistant Director Brilliot responded to comments made by the **Public**.

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

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

Recused: 1 - Mayor Gillmor

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9292 approving the Downtown Precise Plan Water Supply Assessment; adopt Resolution 23-9293 approving and certifying the Final EIR prepared for the Downtown Precise Plan and Form Based Code (SCH # 2022010282), including CEQA Findings and a Statement of Overriding Considerations, and adopting the project's Mitigation Monitoring and Reporting Program; adopt Resolution 23-9294 approving the Downtown Precise Plan; adopt Resolution 23-9295 approving a General Plan text amendment to modify the Downtown Core land use designation and amending the General Plan Land Use diagrams for Phases II and III to reflect the Downtown Precise Plan; and waive first reading and introduce an ordinance amending the zoning code to create the Downtown Zoning district and make corresponding changes to the zoning map.

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

Recused: 1 - Mayor Gillmor

By consensus, the **Council** directed staff to look into doing a nexus study to apply a creation of a development impact fee to use for bonus program funding system for public private partnerships (fee based bonus structure) and ask the Downtown Community Task Force to return when the nexus study is complete to formulate a bonus program and assist with the Request For Proposals of City-owned land.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES AND FUTURE AGENDA ITEMS

Councilmember Chahal reported that during his vacation in Portugal, he visited Santa Clara's sister city, Coimbra, and met with former students of the Sisters Cities Exchange Program as well as the Mayor of Coimbra.

Mary Grizzle thanked **Councilmember Chahal** for walking Downtown Santa Clara with her.

Vice Mayor Park reported that he attended an art event at Triton Museum on December 2, 2023.

Councilmember Watanabe acknowledged staff who helped with the City's tree lighting event on December 1, 2023.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Grogan stated there was no report.

ADJOURNMENT

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Chahal, to adjourn the meeting at 12:19 a.m.

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

Absent: 1 - Mayor Gillmor

The next regular scheduled meeting is on Tuesday, December 12, 2023 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.

STREAMING SERVICES: 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.

Note: The public cannot participate in the meeting through these livestreaming methods; livestreaming capabilities may be disrupted at times, viewers may always view and participate in meetings in-person and via Zoom as noted on the agenda.

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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