



City of Santa Clara

Minutes

Joint Council and Authorities Concurrent &

Santa Clara Stadium Authority

03/21/2023

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

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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.

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Closed Session - 4:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the meeting to order at 4:08 p.m.

Roll Call

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

- 1.A** [23-326](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Bloom Energy Corporation, et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 21CV383800
(Deferred from February 21, 2023)
- 1.B** [23-363](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: 981 Fremont Street, Santa Clara, CA 95050; APN 984-12-011
City/Authority Negotiator: City Manager (or designee)
Negotiating Parties: Jeff Riser, Kappa Alpha Theta; Teresa Smith, Fraternity Housing Corporation
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)
- 1.C** [23-429](#) 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

Public Comment

There were none.

[23-464](#) Public Comment Post Meeting Material

Convene to Closed Session (Council Conference Room)

Mayor Gillmor convened the meeting into Closed Session at 4:08 p.m.

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Study Session to order at 6:06 p.m.

2. [23-147](#) Update on the Santa Clara Valley Transportation Authority's BART Silicon Valley Phase II Extension Project

Recommendation: There is no staff recommendation.

Public Works Director Mobeck introduced the agenda item and introduced **Gary Griggs, Bernice Alaniz, Peter Sokoloff with Valley Transportation Authority (VTA)**. **Mr. Griggs** gave a PowerPoint presentation.

Council comments and questions followed.

VTA Staff responded to **Council** questions.

Public Speaker:
Jonathan Evans

Mayor Gillmor called a recess at 7:03 p.m.

7:00 PM JOINT COUNCIL/STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chair Gillmor called the Regular Session to order at 7:11 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 AB 23 Announcement and 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

Chief Assistant City Attorney Reuter stated there were no reportable actions.

Mayor Gillmor reported that she abstained from Agenda Item 1.B and 1.C as she owns property near 981 Fremont Street, Santa Clara, CA 95050.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor/Chair Gillmor moved Agenda Item 9 to be heard after Public Presentations.

Council/Boardmember Becker requested that Agenda Item 9 from the March 7, 2023 regarding "Action on a Resolution Declaring City-Owned Property Located at 2319 Gianera Street as Surplus Land" come back to Council at the April 4, 2023 Council and Authorities Concurrent meeting for reconsideration.

Public speaker:
Concerned Citizen

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to reconsider item #9 from the March 7, 2023 meeting regarding "Action on a Resolution Declaring City-Owned Property Located at 2319 Gianera Street as Surplus Land as Required by State Law [APNs: 104-05-052]" to further discuss new evidence relating to the good faith negotiation obligation under the Surplus Land Act.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

SPECIAL ORDER OF BUSINESS

3.A [23-90](#) Proclaim Women's History Month for March 2023

Mayor/Chair Gillmor proclaimed March 2023 as Women's History Month. **Jennifer Smith with Bay Area Women's Sports Initiative (BAWSI)** made a few remarks and accepted the Proclamation.

3.B [23-265](#) Proclaim March 2023 as Youth Arts Month

Mayor/Chair Gillmor proclaimed March 2023 as Youth Arts Month. **Santa Clara County of Education Arts Coordinator Sofia Fojas** made a few remarks and accepted the Proclamation.

3.C [23-253](#) Presentation by Cultural Commission on Projects and Upcoming Special Events

Cultural Commission Chair Diaz and **Commissioner Marinaro** presented a PowerPoint presentation on Cultural Commission projects and upcoming special events.

Council comments followed.

3.D [23-333](#) Verbal Report Update from Assistant Director of Water and Sewer Regarding the Local Drought Emergency

Assistant Director of Water and Sewer Mehta provided a verbal report update on the local drought emergency.

CONSENT CALENDAR

Councilmember Chahal pulled Agenda Item 4.H.

Chair Gillmor pulled Agenda Item 5.A.

Kirk Vartan pulled Agenda Item 4.A and 4.B.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, 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

- 4.C [23-316](#) Action on Monthly Financial Status and Investment Reports for January 2023, Approve the Related Budget Amendments, and Approve the Deletion of Two Part Time Librarian Positions and Addition of One Full Time Librarian Position in the Library Department

Recommendation: Note and file the Monthly Financial Status and Investment Reports for January 2023 as presented, Approve the Related Budget Amendments, and Approve the Deletion of Two Part Time Librarian Positions and Addition of One Full Time Librarian Position in the Library Department (five affirmative Council votes required to appropriate additional revenue or for the use of unused balances).

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

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

4.D [23-101](#)

Action on:

- (1) Adoption of a Class 2 Categorical Exemption under CEQA Guidelines Section 15302;
- (2) Approval of Amendment No. 1 to the Existing Deposit Agreement with Intel Corporation, and Approval of a Second Deposit Agreement with Intel, Relating to the Juliette Substation Project;
- (3) Approval of Amendment No. 1 to the Deposit Agreement with West Valley Mission Community College District Related to a Battery Storage Project;
- (4) Approval of a Deposit Agreement with Innovation Commons Owner, LLC Related to the Democracy Substation Project;
- (5) Approval of the Form of a Model Deposit Agreement and Grant Authority to City Manager to Execute Future Deposit Agreements Conforming to the Approved Model Form, and Authority to City Attorney to Modify Terms and Conditions of the Model Deposit Agreement;
- (6) Approval of Purchase Order to Eaton Corporation for Switchgear Associated with the Mission College Project, and Authorize City Manager to Issue Future Purchase Orders to Eaton Corporation Up to a Maximum of \$1,500,000; and
- (7) Approve Related Budget Amendments

Recommendation:

1. Adopt a Class 2 Categorical Exemption under CEQA Guidelines Section 15302;
2. Authorize the City Manager to execute Amendment No. 1 to the Deposit Agreement with Intel Corporation increasing the deposit amount by \$1,783,180 from \$827,000 to \$2,610,180 and ratify the underlying agreement executed on June 14, 2022;
3. Authorize the City Manager to execute a second Deposit Agreement with Intel Corporation for engineering services associated with adding a third transformer at the Juliette Substation in the amount of \$1,702,313;
4. Authorize the City Manager to execute Amendment No. 1 to the Deposit Agreement with West Valley Mission Community College District increasing the deposit amount by \$131,250 from \$372,750 to \$504,000 and ratify the underlying agreement executed on March 28, 2022;
5. Authorize the City Manager to execute a Deposit Agreement with Innovation Commons Owner, LLC in the amount of \$787,500;
6. Approve a model Deposit Agreement in the form attached hereto and authorize the City Manager to negotiate, approve, and execute Deposit Agreements and any amendments thereto which are in substantial conformance with these terms and conditions and to take any actions as necessary to implement and administer the agreement and authorize the City Attorney to make modifications to the terms of the model Deposit Agreement;
7. Authorize a Purchase Order to Eaton Corporation in an amount not to exceed \$400,000 for switchgear associated with the Mission College project and authorize future Purchase Orders to Eaton Corporation for

future SVP projects up to a maximum of \$1,500,000 subject to the following (1) available appropriations, (2) conformance with Purchasing Ordinance and Purchasing guidelines, (3) environmental review where required; and

8. Approve the FY 2022/23 budget amendments in the Electric Utility Capital Fund to increase the estimate for Other Revenue by \$3,099,993, increase the Juliette Substation Transformer Rerate and Installation Project by \$2,312,493, and establish the Democracy Substation project in the amount of \$787,500 (**five affirmative Council votes required to appropriate additional revenue**).

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

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

4.E [23-100](#)

Action on the First Amendment to the Power Purchase and Sale Agreement for Electricity from Qualifying Renewable Resources by and Between the City of Santa Clara and Ameresco Forward, LLC

- Recommendation:**
1. Approve and authorize the City Manager to execute the First Amendment to the Power Purchase and Sale Agreement for Electricity from Qualifying Renewable Resources with Ameresco Forward LLC in substantially the form attached to this Report to Council; and
 2. Authorize the City Manager to approve and execute future modifications to the First Amendment and take any and all actions as necessary or advisable to implement and administer the power purchase and sale agreement.

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

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

- 4.F [23-169](#) Action to Approve Amendments to 2020 Installment Sale Agreement that Financed Capital Improvements at the San José-Santa Clara Regional Wastewater Facility (RWF)

Recommendation: That the Council:

1. Adopt the Resolution approving the First Amendment to Installment Sale Agreement; and
2. Authorize the Chief Operating Officer to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution.

That the Financing Corporation:

1. Adopt the Resolution approving the First Amendment to Installment Sale Agreement; and
2. Authorize the Director of Finance to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9205 approving the First Amendment to Installment Sale Agreement and authorize the Chief Operating Officer to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution.

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

A motion was made by Director Becker, seconded by Director Hardy, to adopt Public Facilities Financing Corporation Resolution 23-01 approving the First Amendment to Installment Sale Agreement and authorize the Director of Finance to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution.

Aye: 7 - Director Watanabe, Director Chahal, Director Hardy, Vice President Park, Director Jain, Director Becker, and President Gillmor

- 4.G** [23-188](#) Action on a Resolution Acknowledging Receipt by City Council of a State-Mandated Compliance Report on Required Annual Fire Inspections of Certain Occupancies

Recommendation: Adopt a Resolution acknowledging receipt of a report made by the Fire Chief of the Santa Clara Fire Department regarding the inspection of certain occupancies requiring annual inspections in such occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9206 acknowledging receipt of a report made by the Fire Chief of the Santa Clara Fire Department regarding the inspection of certain occupancies requiring annual inspections in such occupancies pursuant to section 13146.2 and 14146.3 of the California Health and Safety Code.

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

- 4.I** [23-408](#) Actions to Approve Various Modifications to Existing Classified and Unclassified Class Specifications, and Adopt a Resolution Approving and Adopting the Updated Unclassified Salary Plan

Recommendation:

1. Approve modifications to the Permit Technician (Job Code 621) Classification Specification;
2. Approved modifications to the Jail Services Office (Job Code 353) Classification Specification;
3. Approve modifications to the Electric Program Manager (Job Code 424) Classification Specification;
4. Approve modifications to the Emergency Services Coordinator (Job Code 106) Classification Specification; and
5. Adopt a Resolution to approve the revised unclassified salary plan to satisfy the requirements of California Code of Regulations Section 570.5.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve modifications to the Permit Technician (Job Code 621) classification specification; to approve modifications to the Jail Services Office (Job Code 353) classification specification; to approve modifications to the Electric Program Manager (Job Code 424) classification specification; to approve modifications to the Emergency Services Coordinator (Job Code 106) classification specification; and adopt Resolution 23-9207 to approve the revised unclassified salary plan to satisfy the requirements of California Code of Regulations Section 570.5.

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

4.J [23-270](#) Action on a Resolution Authorizing the Use of City Electric Forces for New Dark Fiber Installations at Various Locations; determine the proposed actions are exempt from CEQA pursuant to sections 15302(c) and 15303 (d) of Title 14 of the California Code of Regulations

Recommendation: Determine the proposed actions are exempt from CEQA pursuant to sections 15302(c) and 15303 (d) of Title 14 of the California Code of Regulations and adopt a Resolution authorizing the use of City Electric Forces for work detailed in this report located at 2421 Mission College Boulevard to 2972 Stender Way, 3301 Bassett Street (Storm SCADA), Well 8 - 3095 Forbes Avenue (W&S SCADA), Well 12 - 3277 San Juan Avenue (W&S SCADA), 2900 Old Mountain View Alviso Road (Storm SCADA), Well 9 - 3330 Pruneridge Avenue (W&S SCADA), Well 13 - 1098 Santa Clara Street (W&S SCADA), and 3575 Victor Street (Storm SCADA).

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to determine the proposed actions are exempt from CEQA pursuant to sections 15302(c) and 15303(d) of Title 14 of the California Code of Regulations and adopt Resolution 23-9208 authorizing the use of City Electric Forces for work detailed in this report located at 2421 Mission College Boulevard to 2972 Stender Way, 3301 Bassett Street (Storm SCADA), Well 8 - 3095 Forbes Avenue (W&S SCADA), Well 12 - 3277 San Juan Avenue (W&S SCADA), 2900 Old Mountain View Alviso Road (Storm SCADA), Well 9 - 3330 Pruneridge Avenue (W&S SCADA), Well 13- 1098 Santa Clara Street (S&S SCADA), and 3575 Victor Street (Storm SCADA).

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

- 4.K [23-271](#) Action to Approve a Resolution of Intention to Reimburse Expenditures from the Proceeds of Tax-Exempt Financing for Capital Improvements at the San José-Santa Clara Regional Wastewater Facility (RWF)

Recommendation: Approve the Resolution of Intention to Reimburse Expenditures From the Proceeds of Tax-Exempt Financing for Capital Improvements at the San José-Santa Clara Regional Wastewater Facility (RWF)

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9209 to reimburse expenditures from the proceeds of tax-exempt financing for Capital Improvements at San Jose-Santa Clara Regional Wastewater Facility (RWF).

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

- 4.L [23-57](#) Action on 2023 Legislative Advocacy Positions

Recommendation: Adopt the 2023 Legislative Advocacy Positions on Broadband, Cable Services, and Wireless Telecommunications Facilities; Community Services; Emergency Management; Energy Legislation, Regulations and Issues; Housing; Human Resources and Public Sector Employment; Public Safety; Regional Issues and Collaboration; Sustainability and Environmental Protection; Transportation Issues; and Water Supply and Conservation.

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

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

- 4.M [23-268](#) Accept the 2022 General Plan Annual Progress Report

Recommendation: Accept the General Plan Annual Progress Report as presented by staff.

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

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

- 4.N [23-415](#) Action on the Appointment of Councilmember Karen Hardy to the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Bay Area Regional Water System Financing Authority (RFA)

Recommendation: Appoint Councilmember Karen Hardy to serve as representative on the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Bay Area Regional Water System Financing Authority (RFA) for a term beginning July 1, 2023 ending on June 30, 2027.

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

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

- 4.O [23-416](#) Action to Waive Second Reading and Adopt Ordinance No. 2057 Authorizing the City, pursuant to Section 714.1. of the Santa Clara City Charter, to Begin Work at Ulistac Natural Area

Recommendation: Waive Second Reading and Adopt Ordinance No. 2057 authorizing the City, pursuant to Section 714.1. of the Santa Clara City Charter, to begin the work of removing non-native species and restoring the habitat at Ulistac National Area.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to waive second reading and adopt Ordinance No. 2057 authorizing the City, pursuant to Section 714.1 of Santa Clara City Charter, to begin the work of removing non-native species and restoring the habitat at Ulistac National Area.

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

- 4.P** [23-420](#) Action to Waive Second Reading and Adopt Ordinance No. 2058 Amending Sections 17.30.040 ("Supplies, Goods and Equipment"), 17.30.080 ("Best Value Selection Procedures"), 17.30.090 (Formal Bidding Procedure"), 17.30.120 ("Service Contracts - Signature Authority"), and 17.30.130 ("Public Works") of Title 17 ("Development") of "The Code of the City of Santa Clara, California" to Provide the Executive Director of the Stadium Authority With Signature Authority to Execute For Contracts Up To \$100,000 in Allocated Value

Recommendation: Waive Second Reading and Adopt Ordinance No. 2058 Amending Sections 17.30.040 ("Supplies, Goods and Equipment"), 17.30.080 ("Best Value Selection Procedures"), 17.30.090 (Formal Bidding Procedure"), 17.30.120 ("Service Contracts - Signature Authority"), and 17.30.130 ("Public Works") of Title 17 ("Development") of "The Code of the City of Santa Clara, California" to Provide the Executive Director of the Stadium Authority With Signature Authority to Execute For Contracts Up To \$100,000 in Allocated Value

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to waive second reading and adopt Ordinance No. 2058 amending Sections 17.30.040 ("Supplies, Goods, and Equipment"), 17.30.080 ("Best Value Selection Procedures"), 17.30.090 ("Formal Bidding Procedure"), 17.30.12 ("Service Contracts - Signature Authority"), and 17.30.130 ("Public Works") of Title 17 ("Development") of "The Code of the City of Santa Clara, California" to provide the Executive Director of the Stadium Authority with Signature Authority to execute for contracts up to \$100,000 in allocated value.

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

SANTA CLARA STADIUM AUTHORITY CONSENT

- 5.B** Action on Request Submitted by Stadium Manager to Execute Agreement with ADT Commercial for Fire Sprinkler Testing, Inspection, and Maintenance Services at Levi's Stadium

- 5.B.1** [23-308](#) Request from the Stadium Manager to Execute Agreement with ADT Commercial for Fire Sprinkler Testing, Inspection, and Maintenance Services at Levi's Stadium

5.B.2 [23-309](#)

Report from Stadium Authority for Action Regarding Stadium Manager's Request to Execute Agreement with ADT Commercial for Fire Sprinkler Testing, Inspection, and Maintenance Services at Levi's Stadium

Recommendation:

1. Approve the Stadium Manager's request to execute an agreement with ADT Commercial to provide fire sprinkler testing, inspection, and maintenance services at Levi's Stadium for a three-year period beginning April 1, 2023 through March 31, 2026, in an amount not exceed \$66,000 for the first contract year, \$92,000 for the second contract year, and \$70,000 for the third contract year for a total not to exceed amount of \$228,000 over the three-year period, subject to budget appropriations; and
2. Authorize the Executive Director to approve the Stadium Manager's exercise of the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

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

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

5.C Action on Request Submitted by Stadium Manager to Execute Agreement with Convergent Technologies for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium

5.C.1 [23-352](#)

Request from the Stadium Manager to Execute Agreement with Convergent Technologies for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium

- 5.C.2** [23-353](#) Report from Stadium Authority for Action Regarding Stadium Manager's Request to Execute Agreement with Convergent Technologies for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium

Recommendation:

1. Approve the Stadium Manager's request to execute an agreement with Convergent Technologies to provide fire alarm testing, inspection, maintenance, and related services at Levi's Stadium for a three-year period beginning April 1, 2023 through March 31, 2026, in an amount not exceed \$120,000 for the first contract year, \$123,000 for the second contract year, and \$127,000 for the third contract year for a total not to exceed amount of \$370,000 over the three-year period, subject to budget appropriations; and
2. Authorize Executive Director to approve the Stadium Manager's exercise of the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

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

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

- 5.D** Action on Request Submitted by Stadium Manager to Execute Agreement with HealthRIGHT 360 for On-site Medical Services, Equipment, and Supplies on a Daily Basis, and for Specific Events, at Levi's Stadium

- 5.D.1** [23-374](#) Request from the Stadium Manager to Utilize Cooperative Agreements to Leverage Discounted Pricing through Amazon.com LLC and B&H Foto and Electronics dba B&H and Award Purchase Orders to Advance Stores Company, Inc., CDW Government LLC, Cintas Corporation, Grainger Industrial Supply, and Midwest Motor Supply Company dba Kimball Midwest for Operational Needs at Levi's Stadium

5.D.2 [23-372](#)

Report from the Stadium Authority for Action on Stadium Manager's Request to Utilize Cooperative Agreements to Leverage Discounted Pricing through Amazon.com LLC and B&H Foto and Electronics dba B&H and Award Purchase Orders to Advance Stores Company, Inc., CDW Government LLC, Cintas Corporation, Grainger Industrial Supply, and Midwest Motor Supply Company dba Kimball Midwest for Operational Needs at Levi's Stadium

Recommendation:

1. Approve the Stadium Manager's request utilize the described cooperative agreement to award a purchase order to Advance Stores to procure automotive parts, accessories, and related supplies from April 1, 2023 through December 31, 2023, in an amount not to exceed \$25,000;
2. Approve the Stadium Manager's request to utilize the described cooperative agreement(s) to utilize Amazon's online marketplace to procure supplies, equipment and goods for a one-year period from April 1, 2023 through March 31, 2024, in an amount not to exceed \$250,000;
3. Approve the Stadium Manager's request to utilize the described cooperative agreement to utilize B&H's online marketplace to procure audio visual products and accessories for a one-year period from April 1, 2023 through March 31, 2024, in an amount not to exceed \$50,000;
4. Approve the Stadium Manager's request to utilize the described cooperative agreement(s) to award a purchase order to CDW Government LLC for information technology solutions related to hardware, software, computer equipment, peripherals and accessories for a one-year period from April 1, 2023 through March 31, 2024, in an amount not to exceed \$100,000;
5. Approve the Stadium Manager's request to utilize the described cooperative agreement to award a purchase order to Cintas Corporation for purchase of uniforms, brand name apparel, safety footwear, promotional products, facility products, and first aid and supplies for a one-year period from April 1, 2023 through March 31, 2024, in an amount not to exceed \$250,000;
6. Approve the Stadium Manager's request to utilize the described cooperative agreement(s) to award a purchase order to Grainger Industrial Supply for maintenance, repair, operating supplies, industrial supplies, and related products for a one-year period from April 1, 2023 through March 31, 2024, in an amount not to exceed \$200,000; and
7. Approve the Stadium Manager's request to utilize the described cooperative agreement to award a purchase order to Kimball Midwest for maintenance, repair, operating supplies, industrial supplies, and related products and services for a one-year period from April 1, 2023

through March 31, 2024, in an amount not to exceed \$50,000.

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

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

5.E Action on Request Submitted by Stadium Manager to Award Agreement to Blocka Construction Inc. for the Variable Frequency Drive(s) CapEx Project and Related Budget Amendment

5.E.1 [23-376](#) Request from the Stadium Manager to Award Agreement to Blocka Construction Inc. to Replace Variable Frequency Drives for Cooling Towers and Pumps at Levi's Stadium (Variable Frequency Drive(s) CapEx Project) and Related Budget Amendment

5.E.2 [23-381](#) Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Agreement to Blocka Construction Inc. to Replace the Variable Frequency Drives for Cooling Towers and Pumps at Levi's Stadium (Variable Frequency Drive(s) CapEx Project) and Related Budget Amendment

Recommendation:

1. Approve a budget amendment for the Variable Frequency Drive(s) line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$22,434 from the Capital Expense Reserve;
2. Approve the Stadium Manager's request to award a one-time agreement to Blocka Construction Inc. in the amount of \$118,000 to replace the variable frequency drives for cooling towers and pumps at Levi's Stadium (Variable Frequency Drive(s) CapEx Project);
3. Authorize the Executive Director's Office, consistent with properly delegated authority or existing policy, to approve the Stadium Manager's execution of any and all documents associated with, and necessary for the award, completion, and acceptance of the project; and
4. Authorize the Executive Director's Office, consistent with properly delegated authority or existing policy, to approve the Stadium Manager's execution of change orders for the agreement up to \$11,800, for a total not to exceed construction agreement amount of \$129,800.

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

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

PUBLIC PRESENTATIONS

Public Speaker spoke on the article in The Weekly newsletter and shared a comment that was left on the online version.

Public Speaker showed videos from October 8, 2022 Special Council Meeting regarding **Vice Mayor Park**.

[23-473](#)

Public Presentations Post Meeting Material

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

9. [23-329](#) Action on Four Written Petitions (Council Policy 030), Submitted by Lee Broughman, Larry McColloch, Debbie Tryforos and Scott Filler each Requesting to Place an Agenda Item on a Future Council Meeting for Council to Discuss the Behavior of Councilmember Park at the February 7, 2023 Council Meeting

Recommendation: Staff makes no recommendation.

Public Speakers:
Debbie Tryforos
Scott Filler
Lee Broughman

Council comments followed.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to place an Agenda Item on a future Council Meeting for Council to discuss the behavior of Councilmember Park at the February 7, 2023 Council meeting.

Aye: 2 - Councilmember Watanabe, and Mayor Gillmor

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

PUBLIC HEARING/GENERAL BUSINESS

6. [23-66](#) Action on Appointment of Members to the Santa Clara Station Area Plan Task Force (SATF)

Recommendation: 1. Appoint four additional Task Force members including: Jill Hough - Transportation Advocate, Dylan Plane - Business Community, Michael Stockwell - At-Large, Shruti Mirashi - At-Large.

Community Development Director Crabtree gave a PowerPoint presentation.

Council comments and questions followed.

Community Development Director Crabtree responded to questions.

A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to approve staff recommendation. The motion was dropped.

Additional Council questions followed.

Public Speaker:
Dylan Plane

Councilmember Jain provided a substitute motion to short list two representatives from each category and return to Council for interviews.

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to accept the substitute motion.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

A substitute motion was made by Councilmember Jain, seconded by Councilmember Hardy, to short list two representatives from each category and return to Council for interviews.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

7. [23-332](#) Action on Appointment to Cities Association of Santa Clara County Board of Directors (Alternate Member) for the 2023 Calendar Year (Deferred from February 21, 2023)

Recommendation: Staff makes no recommendation.

Councilmember Watanabe asked for this item to return for discussion.

Council comments followed.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to appoint Vice Mayor Park to the Cities Association of Santa Clara County Board of Directors as the Alternate Member for the 2023 Calendar Year.

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

Nay: 1 - Vice Mayor Park

8. [23-179](#) Public Hearing: Substantial Amendment to the FY2021 Annual Action Plan to Allocate \$1,604,104 in Federal Housing and Urban Development (HUD) Grant Funds from the HOME American Rescue Plan Program and Approve Related Budget Amendment

Recommendation:

1. Provide feedback and approve the substantial amendment to the 2021 Annual Action Plan and grant authority to the City Manager's Office to submit a HOME ARP Allocation Plan to the Department of Housing and Urban Development (HUD) before the March 31, 2023 deadline; and
2. Approve the FY 2022/23 budget amendment in the Housing and Urban Development Fund to recognize grant revenue in the amount of \$1,604,104 and establish the HOME - American Rescue Plan Program project in the amount of \$1,604,104 (5 votes required).

Community Development Director Crabtree gave a PowerPoint presentation.

Council comments and questions followed.

Community Development Director Crabtree and **Housing Manager Marcus** responded to **Council** questions.

Public Speaker:
Next Door Solutions

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, 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 accept staff recommendation and include an amendment of \$250,000 for an outreach program.

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

CONSENT ITEMS PULLED FOR DISCUSSION

4.A [23-405](#) Action on the Minutes of November 16, 2022 Special Council Meeting; November 30, 2022 Special Council Meeting; December 6, 2022 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; December 8, 2022 Special Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; December 13, 2022 Council and Authorities Concurrent Meeting; and December 16, 2022 Special City Council Meeting.

Recommendation: Approve the Meeting Minutes of November 16, 2022 Special Council; November 30, 2022 Special Council; December 6, 2022 Council and Authorities Concurrent and Special Santa Clara Stadium Authority; December 8, 2022 Special Council and Authorities Concurrent and Special Santa Clara Stadium Authority; December 13, 2022 Council and Authorities Concurrent; and December 16, 2022 Special City Council.

Kirk Vartan pulled this Agenda Item and provided comments on how the minutes written in action only format.

Assistant City Clerk Pimentel and Chief Assistant City Attorney Reuter addressed Public comments.

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

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

4.B [23-09](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Board of Library Trustees - November 7, 2022
Board of Library Trustees - December 5, 2022
Cultural Commission - February 6, 2023
Governance and Ethics Committee - December 5, 2022
Governance and Ethics Committee - June 7, 2021

Kirk Vartan pulled this Agenda Item and shared thoughts on the Governance and Ethics committee.

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

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

4.H [23-99](#) Informational Report on Traffic Calming Study Criteria Related to 85th Percentile Speed and Traffic Volumes

Recommendation: Note and File the Informational Report on Traffic Calming Study Criteria Related to 85th Percentile Speed and Traffic Volumes

Councilmember Chahal pulled this Agenda Item for further discussion.

Public Works Director Mobeck responded to **Councilmember Chahal's** concerns and questions.

Public Speakers:
Linda
Edward Strine

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

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

5.A [23-1513](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending December 31, 2022 and Related Budget Amendments

Recommendation:

1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending December 31, 2022; and
2. Approve various FY 2022/23 Santa Clara Stadium Authority budget adjustments based on projected year-end performance in the Operating Fund from reserves and recognizing additional revenues; and
3. Approve various FY 2022/23 Santa Clara Stadium Authority budget adjustments based on projected year-end performance in the Debt Service Fund; and
4. Approve various FY 2022/23 Santa Clara Stadium Authority budget adjustments based on projected year-end performance in the CIP Fund from reserves.

Chair Gillmor pulled this item for questions.

Treasurer Lee responded to the **Chair Gillmor's** questions.

Additional **Board** comments and questions followed.

Treasurer Lee responded to additional questions.

Public Speakers:

Kirk Vartan

Edward Strine

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

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Watanabe reported on her attendance at the Cities Association meeting. She also mentioned that she attended a Holi event hosted by Sewa International - Bay Area Chapter.

Vice Mayor Park shared that the Triton Museum will be holding a Tequila Tasting event on March 24, 2023.

Councilmember Jain reported attending the Civic Well Policy Maker Conference in Monterey from March 16-19, 2023.

Mayor Gillmor reported that she was invited to an online conference with the US Dept of Transportation for cities hosting the FIFA World Cup.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

Assistant City Manager Pineda acknowledged the Police Department, Silicon Valley Power, Water and Sewer, and Public Works for all their hard work during the recent storms. He also reported on activity that took place today due to the rain and wind and recognized those working on getting power to City residents.

[23-389](#)

Update on City Council and Stadium Authority Staff Referrals

[23-421](#)

Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Chahal, to adjourned the meeting at 10:43 p.m.

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

The next regular scheduled meeting is on Tuesday, April 4, 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)

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.

ATTEST:



Assistant City Clerk/Secretary

APPROVE:



Mayor/Chairperson