### **City of Santa Clara**



### **Minutes**

# Council and Authorities Concurrent Meeting

# Call and Notice of Special Meeting Santa Clara Stadium Authority

01/10/2023 3:30 PM

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

The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9175 Councilmembers may teleconference from remote locations and the City continues to provide methods for the public to participate remotely:

· Via Zoom:

o https://santaclaraca.zoom.us/j/99706759306

Meeting ID: 997-0675-9306 or

o Phone: 1(669) 900-6833Via the City's eComment

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at https://santaclara.legistar.com/Calendar.aspx

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 Sana 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 many 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 Chair calls for a Special Meeting of the Governing Board of the Stadium Authority, to commence and convene on January 10, 2023, at 3:00 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 - 3:30 PM | Study Session - 5:30 PM | Regular Meeting - 7:00 PM

### 3:30 PM CLOSED SESSION

### Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 3:32 p.m.

### **Roll Call**

	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.A	<u>23-03</u>	Public Employment Appointment (Government Code §§ 54957, subd. (b) (1) and 54954.5, subd. (e)) Title: City Manager
1.B	<u>23-37</u>	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
1.C	23-1196	Conference with Legal Counsel-Existing Litigation (CC) Pursuant to Gov. Code § 54956.9(d)(1) County Sanitation District 2-3, et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 18CV325480
1.D	<u>23-1539</u>	Conference with Legal Counsel-Anticipated Litigation (CC) Pursuant to Gov. Code § 54956.9(d)(4) - Initiation to litigation Number of potential cases: 1
1.E	<u>23-1544</u>	Conference with Legal Counsel-Existing Litigation (CC, SARDA) Pursuant to Gov. Code § 54956.9(d)(1) County of Santa Clara, et al., v. City of San Jose, et al. Santa Clara County Superior Court Master Case Number (consolidated) 105CV046005

**1.F** 23-1534 Conference with Labor Negotiators (CC)

Pursuant to Gov. Code § 54957.6

City representative: City Manager's designee

Employee Organization(s):

Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171

Unit #2-Santa Clara Police Officer's Association

Unit #3-IBEW Local 1245 (International Brotherhood of Electrical Workers)

Unit #4-City of Santa Clara Professional Engineers

Units #5, 7 & 8-City of Santa Clara Employees Association

Unit #6-AFSCME Local 101 (American Federation of State, County and

Municipal Employees)

Unit #9-Miscellaneous Unclassified Management Employees

Unit #9A-Unclassified Police Management Employees Unit #9B-Unclassified Fire Management Employees

Unit #10-PSNSEA (Public Safety Non-Sworn Employees Association)

### **Public Comment**

There was no Public Comment.

### Convene to Closed Session (Council Conference Room)

Mayor Gillmor reported that Item 1.C will be deferred.

Council convened into Closed Session at 3:33 p.m.

### 5:30 PM STUDY SESSION

### **Call to Order in the Council Chambers**

Mayor Gillmor called the Study Session to order at 6:21 p.m.

Councilmember Becker left the dais at 6:13 p.m. and returned at 7:22 p.m.

### 2. 23-1316

Study Session to Report on the Work of the City of Santa Clara Homelessness Taskforce and to Gather Feedback on a Draft Framework of the City's Homelessness Response Plan

**Recommendation:** The purpose of this report is to support a Study Session on this topic and to receive input from the City Council on the development of the City's Homelessness Response Plan. Possible next steps for Council consideration are discussed in the report.

> **Community Development Director Crabtree and Housing Division** Manager Marcus provided opening remarks related to the study session on Homelessness. Eli Hamilton and Joy Balinbin with Homebase gave a Powerpoint presentation. Housing Division Manager Marcus provided closing remarks.

**Council** comments and questions followed.

**Community Development Director Crabtree, Housing Division** Manager Marcus and Consuelo Hernandez with the County of Santa Clara Office of Supportive Housing provided responses to council questions.

**Public Comment:** 

Tom Freitas

Additional Council comments followed.

Housing Division Manager Marcus addressed the Public Speaker's question and provided next steps. Community Development Director Crabtree provided closing remarks.

**Mayor Gillmor** called for a five-minute recess at 7:56 p.m.

Mayor Gillmor reconvened the meeting at 8:00 p.m.

Meeting Reconvened

### 7:00 PM COUNCIL REGULAR MEETING

### Call to Order

Mayor Gillmor called the Regular Meeting to order at 8:00 p.m.

### Pledge of Allegiance and Statement of Values

**Council** recited the Pledge of Allegiance.

Councilmember Chahal recited the Statement of Values.

**Assistant City Clerk Pimentel** recited the Statement of Behavioral Standards and AB 23 Announcement.

**Assistant City Clerk Pimentel** also noted that any registered Lobbyists speaking at a public meeting must identify themselves and whom they represent.

## REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS ON 12-16-2022 AND 1-10-2023

**Mayor Gillmor** noted there was no reportable action from the December 16, 2022 Closed Session and no reportable action from tonight's Closed Session and that the Closed Session will be continued after the Regular meeting.

### **CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

City Manager Batra noted the following:

- Items 7 and 11 will be heard after the Consent Calendar;
- Item 8 has been deferred to the February 7, 2023 Council and Authorities Concurrent Meeting; and
- Item 4.R will be heard under General Business

### **SPECIAL ORDER OF BUSINESS**

3.A	<u>23-1547</u>	Recognition of the Santa Clara Lions 11U Team for Winning the Pacific
		Northwest Championship Division 1 Title
		Mayor Gillmor recognized the Santa Clara Lions 11U Team for winning

the Pacific Northwest Championship Division 1 Title

3.B 23-1548 Introduction of the New Chief Executive Officer of Silicon Valley/Santa Clara DMO, Inc. dba Discover Santa Clara®

**Mayor Gillmor** introduced Christine Law, the new Chief Executive Officer of Silicon Valley/Santa Clara DMO, Inc. dba Discover Santa Clara.

### **CONSENT CALENDAR**

Assistant City Clerk/Secretary Pimentel noted that for Item 4.A there were changes to the September 13, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting minutes due to a clerical error and that the revised minutes were sent to the Council.

**Councilmember Park** abstained from Agenda Item 4.M.

Kirk Vartan was called to speak and requested to pull Agenda Item 4.K from the Consent Calendar.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve the balance of the Consent Calendar.

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

4.A 23-02 Action on September 13, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes and September 27, 2022 Joint Council and Authorities Concurrent & Stadium Authority Meeting Minutes

**Recommendation:** Approve the meeting minutes of September 13, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting and September 27, 2022 Joint Council and Authorities Concurrent & Stadium Authority Meeting.

> 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.B** 23-04 Board, Commissions and Committee Minutes

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

Downtown Community Task Force - October 21, 2021 Downtown Community Task Force - October 20, 2022 Governance & Ethics Committee - June 7, 2021 Youth Commission - November 8, 2022 Audit Committee - September 30, 2022

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, that this item be Noted and filed.

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

**4.C** Action on Bills and Claims Report (CC, SCSA, HA, SOSA) for the period November 5, 2022 - December 3, 2022

**Recommendation:** Approve the list of Bills and Claims for November 5, 2022 - December 3, 2022.

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** 23-1330 Action on Monthly Financial Status and Investment Reports for September and October 2022 and Approve the Related Budget Amendments

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for September and October 2022 as presented and Approve the Related Budget Amendments.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, that this item be Noted and filed.

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

4.E 23-1337 Action on an Agreement for Conservation Easement in Lieu of Fees at the Regional Wastewater Facility (RWF) and a Class 25 Categorical **Exemption Under CEQA** 

- Recommendation: 1. Adopt Class 25 Categorical Exemption Under CEQA Guidelines section 15325(a)
  - 2. Approve the Agreement for Conservation Easement in Lieu of Fees at the Regional Wastewater Facility (RWF)

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** 23-1249

Action on Award of Purchase Orders to Presidio for Cisco Catalyst Network Switches (Replacement of End of Life Network Equipment CapEx Project), MedixSafe for the Narcotics Safe CapEx Project and Related Budget Amendment, Orlandi Trailer, Inc. for the Enclosed Trailer CapEx Project and Related Budget Amendment, and Dell and Pivot Interiors, Inc. for Office Supplies and Equipment.

### Recommendation:

- 1. Authorize the Executive Director to award a purchase order to Presidio for Cisco Catalyst Network Switches including three-year software subscriptions and maintenance and support for a maximum amount not-to-exceed \$69,298, plus any applicable taxes;
- Approve a budget amendment to add a new Narcotics Safe line item in the Stadium Authority FY 2022/23 CapEx Budget for the amount of \$1,857 from the Capital Expense Reserve;
- Authorize the Executive Director to award a purchase order to MedixSafe in the amount of \$1,857 to purchase a narcotics safe (Narcotics Safe CapEx Project);
- 4. Approve a budget to add a new Enclosed Trailer line item in the Stadium Authority FY 2022/23 CapEx Budget for the amount of \$15,283 from the Capital Expense Reserve;
- Authorize the Executive Director to award a purchase order to Orlandi Trailer, Inc. in the amount of \$15,283 to purchase an enclosed trailer to haul and store Police Department mules that are primarily used for Levi's Stadium events (Enclosed Trailer CapEx Project);
- 6. Authorize the Executive Director to award a purchase order to Dell in the amount of \$740 to purchase computer monitors; and
- 7. Authorize the Executive Director to award a purchase order to Pivot Interiors, Inc. in the amount of \$1,391 to purchase an office chair.

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.G 23-1551 Action to Authorize the City Manager to Negotiate, Approve, and Execute a Power Purchase and Sale Agreement With the Tri-Dam Power Authority to Purchase Carbon-Free Energy From the Tri-Dam Project

- **Recommendation:** 1. Authorize the City Manager to negotiate, approve, and execute a Power Purchase and Sale Agreement with the Tri-Dam Power Authority to purchase energy and associated attributes from the Tri-Dam Project; and
  - 2. Authorize the City Manager to execute all related documents, agreements, and administrative amendments, subject to the approval as to form by the City Attorney, including, but not limited to, collateral assignment agreements and security documentation, and take any and all actions as are 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.

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

4.H 23-1438 Action to Delegate Authority to the City Manager to Negotiate and Execute an Agreement for Services With Reliability Optimization, Inc. for Predictive Maintenance Services for Silicon Valley Power

- **Recommendation:** 1. Determine that the proposed actions are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of Title 14 of the California Code of Regulations;
  - 2. Delegate authority to the City Manager to negotiate, approve and execute an Agreement for Services (Agreement) with Reliability Optimization, Inc. for a five-year term beginning on or around January 25, 2023 with maximum compensation not to exceed \$2,250,000; and
  - 3. Delegate authority to the City Manager to execute amendments in order to add or delete services consistent with the scope of work and increase the total maximum compensation to an amount not to exceed \$3 million subject to the appropriation of funds; and to take any and all actions as are necessary or advisable to implement and administer the 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

4.1 23-1552 Action on Award of Contract for Construction of the Storm Water Compliance Project, Contract No. 2429, to Galeb Paving, Inc. and Related **Budget Amendment** 

- **Recommendation:** 1. Determine the proposed Project is exempt from CEQA pursuant to Section 15301(c) of Title 14 of the California Code of Regulations;
  - 2. Award the Contract for Construction of the Storm Water Compliance Project (Contract No. 2429) to Galeb Paving, Inc., in the amount of \$580,685 and authorize the City Manager to execute any and all documents necessary for the award, completion and acceptance of the Project;
  - 3. Authorize the City Manager to execute change orders up to 15% of the original contract amount, or \$87,103, for a total not-to-exceed amount of \$667,788 for Contract No. 2429; and
  - 4. Approve a FY 2022/2023 budget amendment in the Electric Utility Capital Fund to increase the Storm Water Compliance Capital Improvement Program Project budget by \$500,000 and decrease the Unrestricted Fund Balance by \$500,000 (five affirmative Council votes required for the use of unused balances).

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

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

4.J 23-28

Action on Amendments to Three Professional Service Agreements for the Related Santa Clara Development Project Extending the Terms with Milstone Geotechnical Consulting Services, Valbridge Property Advisors and Robert E. Van Heuit and Related Budget Amendment

**Recommendation:** Approve and authorize the City Manager to execute:

- 1. Amendment No. 6 with Barry Milstone DBA Milstone Geotechnical Consulting Services for the Related Santa Clara Development Project to add \$30,000 for a total not-to-exceed contract amount of \$200,000 and to extend the term through December 31, 2023;
- Amendment No. 6 with Hulberg and Associates, Inc., DBA Valbridge Property Advisors for Consulting Services for the Related Santa Clara Development Project to extend the term through December 31, 2023; and
- 3. Amendment No. 5 to Amended and Restated Agreement with Robert E. Van Heuit for Consulting Services for the Related Santa Clara Development Project to add \$30,000 for a total not-to-exceed contract amount of \$430,000 extend the term through December 31, 2023.
- Any further Amendments to the Agreements to extend the term or modify hourly rate schedule only with no additional funds added to the Agreement.
- 5. Approve the FY 2022/23 budget amendment in the Related Santa Clara Developer Fund to recognize developer contributions in the amount of \$60,000 and increase the Other Development Project Services project by \$60,000 (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.L 23-1459 Action on Adoption of a Resolution Authorizing the Submittal of Application(s) for the California Department of Water Resources Urban Multi-Benefit Drought Relief Grant Program

**Recommendation:** 1. Adopt a Resolution authorizing the City Manager to apply for, accept, and execute a grant agreement with the California Department of Water Resources for the Urban Multi-Benefit Drought Relief Grant Program

> A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9177 authorizing the City Manager to apply for, and execute a grant agreement with the California Department of Water Resources for the Urban Multi-Benefit Drought Relief Grant Program.

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

4.M 23-1411 Action on Annual Appointment of Vice Mayor and Chaplain

- **Recommendation:** 1. Appoint Councilmember Kevin Park as Vice Mayor for approximately one year until the appointment of a successor Vice Mayor; and
  - 2. Appoint Vice Mayor Suds Jain as Chaplain for approximately one year until the appointment of a successor Chaplain in January 2024.

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

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

Abstained: 1 - Vice Mayor Park

4.N 23-1456 Consideration of the Proposed East Neighborhood Park Master Plan & Schematic Design to be located at 5155 Stars & Stripes Drive (Related)

**Recommendation:** Recommend that Council approve the proposed East Neighborhood Park Master Plan & Schematic Design to be located at 5155 Stars & Stripes Blvd.

> 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.Q

23-38

**4.0** 23-1545 Action to Approve Official Travel Request from Vice Mayor Suds Jain for the 31st Annual CivicWell Policy Makers Conference

**Recommendation:** Action on approval for Official Travel Request from Vice Mayor Suds Jain for the 31st Annual CivicWell Policy Makers Conference

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.P 23-29 Actions to Approve Various Modifications to Existing Classified Job Specifications, Including Retitling Facilities Technician to Utility Inspection Technician (Job Code 469) and Facilities Supervisor to Utility Inspection Supervisor (Job Code 467) and Adopt a Resolution Approving the Updated Classified Salary Plan

**Recommendation:** Approve revisions and retitles to various classified job specifications including, Facilities Technician to Utility Inspection Technician (Job Code 469) and Facilities Supervisor to Utility Inspection Supervisor (Job Code 467)

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, adopted Resolution 23-9179 and Resolution 23-9180 to approve revisions and retitles to various classified job specifications including Facilities Technician to Utility Inspection Technician (Job Code 469) and Facilities Supervisor to Utility Inspection Supervisor (Job Code 467).

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

Action on a Resolution Extending AB 361 Implementation to Allow City Legislative Bodies to Hold Public Meetings Solely by Teleconference or Otherwise Electronically During the Governor's Proclaimed COVID State of Emergency

**Recommendation:** Adopt a Resolution finding the existence of the need to extend AB 361 implementation to allow the City's legislative bodies to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9178 finding the existence of the need to extend AB 361 implementation to allow the City's legislative bodies to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361.

- Ave: 7 Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor
- 7. Update on Collaboration with the City of San José, Santa Clara Valley 23-1053 Water District (Valley Water) and the San Francisco Public Utilities Commission (SFPUC) on Recycled and Purified Water; Action on Letter of Intent with Valley Water and the City of San Jose for Collaborating on Expanding the Use of Purified Water; Action on Memorandum of Understanding with San Jose and the SFPUC on a Purified Water Feasibility Study and Action on a Class 6 Categorical Exemption Under CEQA.

- **Recommendation:** 1. Adopt a Class 6 Categorical Exemption Under CEQA Guidelines Section 15306);
  - 2. Note and file the informational report on the Collaboration with the City of San José and Santa Clara Valley Water District (Valley Water) and the San Francisco Public Utilities Commission (SFPUC) on Recycled and **Purified Water:**
  - 3. Authorize the City Manager to Execute the Letter of Intent for Collaborating on the Expansion of Purified Water in Santa Clara County. subject to minor modifications approved by the City Attorney; and
  - 4. Authorize the City Manager to Execute the Memorandum of Agreement Between San Jose, Santa Clara, and the SFPUC for the South Bay Purified Water Project Feasibility Study.

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

### SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

- 5. Action on Request Submitted by the Stadium Manager to Award Agreement to Devcon Construction, Inc. to Remove and Replace Existing Padded Club Seats in Levi's Stadium (New Seating - Bowl Padded Seats Replacement Project - Lower and Mid Level Club Seating Bowl CapEx Project)
- 5.A 23-1540 Request from the Stadium Manager to Award Agreement to Devcon Construction, Inc. to Remove and Replace Existing Padded Club Seats in Levi's Stadium (New Seating - Bowl Padded Seats Replacement Project -Lower and Mid Level Club Seating Bowl CapEx Project)

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

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

**5.B** <u>23-1538</u>

Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Agreement to Devcon Construction, Inc. to Remove and Replace Existing Padded Club Seats in Levi's Stadium (New Seating - Bowl Padded Seats Replacement Project - Lower and Mid Level Club Seating Bowl CapEx Project)

### Recommendation:

- Approve the Stadium Manager's request to award a one-time agreement to Devcon Construction, Inc. to remove and replace the existing padded club seats in Levi's Stadium (New Seating - Bowl Padded Seats Replacement Project - Lower and Mid Level Club Seating Bowl CapEx Project) in the amount of \$3,094,382;
- 2. Authorize the Executive Director 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
- 3. Authorize the Executive Director to approve the Stadium Manager's execution of change orders up to 10% of the contract cost (\$309,438), for a total not to exceed construction agreement amount of \$3,403,820.

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

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

### **PUBLIC PRESENTATIONS**

**Public Speaker** thanked Councilmember Watanabe for coming out to Levi's Stadium on December 24, 2022 to observe the illegal vending occurring outside the stadium. He also thanked CalTrain police for their work.

Council comment followed.

**Kirk Vartan** requested that the Council review the business cooperative initiative that took place in calendar year 2020/2021 and provide a report.

**Tom Freitas** urged the City to submit a Rquest for Proposal to the Santa Clara County Social Services Agency to assist with a transportation project for seniors that he is working on.

Sylvia Abboud, Executive Director of Heart of the Valley Services for Seniors, Inc., spoke about Community Development Block Grant (CDBG) funding for non-profits and requested that the Council consider to discussing CDGB funding for non-profits at a future meeting.

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

**11.** 23-1685 Action on a Written Petition (Council Policy 030), Submitted by Paul Rosa

Requesting to Place an Agenda Item on a Future Council Meeting for Council to Consider the request by Wilcox High School for a One Time

Waiver for Tournaments at Washington Park in 2023

**Recommendation:** Staff makes no recommendation.

Paul Rosa was called to speak to his Written Petition.

**Councilmember Hardy** abstained from voting due to her employment at Wilcox High School.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to place this Written Petition on the January 31, 2023 agenda for discussion.

Aye: 6 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Park,

Councilmember Jain, Councilmember Becker, and Mayor Gillmor

**Abstained:** 1 - Councilmember Hardy

### **CONSENT ITEMS PULLED FOR DISCUSSION**

**4.K** 23-1420 Informational Report on Existing Parking Zones related to a Written Petition

(Council Policy 030), Submitted by Kirk Vartan, Related to the New

Parking Permit Ordinance and Rules

**Recommendation:** Note and File the Informational Report on Existing Parking Zones related to

a Written Petition (Council Policy 030), Submitted by Kirk Vartan, Related

to the New Parking Permit Ordinance and Rules

**Kirk Vartan** responded to the City's response on his Written Petition.

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

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

**6.** <u>23-1381</u> Status Report on the BMX lease agreement between the City of Santa

Clara and the Police Activities League

**Recommendation:** Alternative 1: Note and file the staff report

Assistant City Manager Bojorquez provided a verbal report.

**Council** discussion and questions followed.

Mike Walke with Santa Clara Police Activities League responded to questions.

**Public Comment:** 

Shprese Head (Felicia Rodriguez and Arthur Weinberger gave their time)

Public Speaker (3)

Jason Perkins

A BMX Racer (BMX Racer dad gave his time)

Tammy

Cass (Zack gave time)

**Council** questions followed. **Mr. Walke** and **Interim City Attorney Ngo** responded to the questions.

Council discussion ensued.

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

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

8. 23-1554

Informational Report on a Written Petition (Council Policy 030) Submitted by Anurag Aggrawal and Ajay Thadhlani and Other Residents of North Santa Clara Near Levi's Stadium which Requested a Debrief of the Noise Levels Associated with the Coldplay Concert Held on Sunday, May 19, 2022.

**Recommendation:** Note and File the Informational Report

A motion was made by Councilmember Park, seconded by Councilmember Becker, to approve deferring this item to the February 7, 2023 meeting.

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

9. 23-1570 Action on Resolution for an Exception to the 180 Day Waiting Period To Appoint Retired Annuitants To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224)

**Recommendation:** Alternative 1: Adopt the attached Resolutions for an Exception to the 180 Day Waiting Period To Appoint Four Retired Annuitants To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).

AB/SJ

A motion was made by Councilmember Becker, seconded by Vice Mayor Jain, to adopt Resolution 23-9181, Resolution 23-9182, Resolution 23-9183, Resolution 23-9184 for an exception to the 180-day waiting period to appoint four retired annuitants to serve as temporary extra help (Government Code Section 7522.56 and 21224).

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

### SANTA CLARA STADIUM AUTHORITY GENERAL BUSINESS

10. 23-1541 Update on the Levi's Stadium Naming Rights Signage Assessment and Request for Direction from the Stadium Authority Board

**Recommendation:** Staff requests direction from the Stadium Authority Board on how to move forward with the Levi's Stadium Naming Rights signage.

**Executive Director Batra** provided a verbal report.

Board comments and questions followed. Interim Stadium Counsel Attorney Ngo responded to Board questions.

A motion was made by **Boardmember Becker**, seconded by Boardmember Hardy, to approve Alternative 1: Accept the existing third-party assessment report by AD/S that recommends a complete replacement of the four existing Levi's Stadium Naming Rights signs and direct staff to work with the Stadium Manager to submit a Naming Rights Signage Replacement Project for the proposed Stadium Authority FY 2023/24 CapEx Budget.

Boardmember Jain provided a friendly amendment to the motion to include having Levi's Stadium take a look at the current sign design and costs and ask if the current sign is fine as is and inform Levi's Stadium of the Board's intention to replace it. Boardmember Becker accepted the friendly amendment.

A motion was made by **Boardmember Becker**, seconded by Boardmember Hardy, to send a letter to Levi's Stadium to review the current condition of the sign and express the Stadium Authority's position that Levi's Stadium should pay for the sign replacement.

Extensive Council discussion ensued. Boardmember Becker withdrew his motion.

**Public Comment:** Arthur Weinberger

A motion was made by Boardmember Jain, seconded by Boardmember Hardy, to approach Levi's and show them repairs already made, the costs incurred, and review the current conditions of the sign and inquire if there is an interest of changing the design or leave as is.

Aye: 4 - Councilmember Chahal, Councilmember Hardy, Councilmember Jain, and Councilmember Becker

Nay: 3 - Councilmember Watanabe, Vice Mayor Park, and Mayor Gillmor

4.R 23-44

Action on Appointment of City Attorney and Approval of the Employment Agreement between City of Santa Clara and Glen R. Googins

**Recommendation:** No Recommendation from Staff

Human Resources Director Azevedo provided a verbal report.

Council comments followed.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to appoint Glen R. Googins as City Attorney and approve the employment agreement between the City of Santa Clara and Glen R. Googins.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

### REPORTS OF MEMBERS AND SPECIAL COMMITTEES

**Councilmember Jain** acknowledged the City staff for their work during the storms. He also reported the various City Selection Committees currently have openings and encouraged the Council to review the vacancies as the deadline to apply January 19, 2023.

**Councilmember Hardy** thanked staff for all their hard work during the storm.

**Councilmember Chahal and Watanabe** echoed the sentiments of the hard work of City staff during the storm.

### CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Batra thanked the Council for the opportunity to return to the City and serve as the Interim City Manager. He also thanked staff for adapting to his management style and acknowledged City Employee Ken Winland for his dedication of getting 4 out of 6 elevators up and running at the Tasman Garage during the storms. City Manager Batra noted a few accomplishments during his tenure as Interim City Manager.

23-76 Adjournment of the January 10, 2023 Council and Authorities Concurrent Meeting

### **ADJOURNMENT**

**Council/Boardmember Becker** left after the meeting and did not attend the Closed Session.

A motion was made by Council/Boardmember Becker, seconded by Vice Mayor/Chair Park, to adjourned at 11:45 p.m. to Closed Session in memory of Jerry D. Scott.

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

The next regular scheduled meeting is on Tuesday, January 31, 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.

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