



City of Santa Clara

Draft

Minutes

Council and Authorities Concurrent and Santa Clara Stadium Authority Special Meeting

12/06/2022

4:00 PM

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

The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9160 Councilmembers may teleconference from remote locations and the City continues to provide methods for the public to participate remotely

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

Meeting ID: 997-0675-9306 or

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

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.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Governing Board of the Stadium Authority, to commence and convene on December 6, 2022, 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 | Study Session - 6:00 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 4:06 p.m.

Roll Call

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

- 1.A** [22-1470](#) Public Employee Appointment (Government Code §§ 54957, 54954.5, subd. (e))
Title: City Attorney
- 1.B** [22-1471](#) Public Employee Appointment (Government Code §§ 54957, 54954.5, subd. (e))
Title: City Manager
- 1.C** [22-1475](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Marcus Dean Diaz v. City of Santa Clara, et al., United States District Court, Northern District of California, Case No. 5:20-cv-03506

Public Comment

There were none.

Convene to Closed Session (Council Conference Room)

Council convened into Closed Session at 4:06 p.m.

Councilmember Park arrived at 4:30 p.m.

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Council convened the Study Session at 6:07 p.m.

2. [22-1058](#) Strategy for Additional Parkland in the Tasman East Specific Plan Area, in Conjunction with an Amendment to Add 1,500 Units to the Specific Plan

Councilmember Park was not present at the beginning of the Study Session.

City Manager Batra introduced **Community Development Director Crabtree** who gave a PowerPoint presentation.

Council comments and questions followed.

Community Development Director Crabtree and **Parks and Recreation Director Teixeira** responded and addressed Council questions.

Councilmember Park joined the meeting at the dais at 6:40 p.m.

Additional questions from **Council** followed.

Community Development Director Crabtree and **Parks and Recreation Director Teixeira** responded to and addressed Council's additional questions.

Public Comment:
Igor
Steve Edwards

7:00 PM COUNCIL REGULAR/ SPECIAL STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chair Gillmor called the Regular Council Meeting to order at 7:12 p.m.

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Chahal recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel cited the AB 23 announcement and Behavioral Standards.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS 11/30/22 and 12/6/22

Mayor Gillmor stated that there were no reportable action taken at the November 30, 2022 Closed Session meeting as well as no reportable action taken at the 4:00 p.m. Closed Session meeting.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

There were none.

SPECIAL ORDER OF BUSINESS

3.A [22-1307](#) Recognition of the 2022 Santa Clara Parade of Champions

Mayor Gillmor recognized the 2022 Santa Clara Parade of Champions.

Ana Vargas-Smith gave a PowerPoint presentation with photos from the Parade of Champions.

3.B [22-1402](#) Verbal Report from the Chief Emergency Services Officer regarding COVID-19 Pandemic

Chief Emergency Services Officer Schoenthal provided a verbal update regarding COVID-19 pandemic.

3.C [22-1403](#) Verbal Report Update from City Manager Regarding the Local Drought Emergency

Water and Sewer Utilities Assistant Director Mehta gave a PowerPoint presentation.

CONSENT CALENDAR

Council/Boardmember Hardy recused herself from Item 4.M due to a potential conflict of interest of the project being within 500 feet from her personal property.

Councilmember Chahal recused himself from Items 4.R and 4.W due to a potential conflict of interest of the project being within 500 feet from his personal properties.

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

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

- 4.A** [22-1464](#) Action on August 16, 2022 Joint Council and Authorities Concurrent & Stadium Authority Meeting Minutes, August 23, 2022 Special City Council Meeting Minutes, August 30, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes, and September 12, 2022 Special City Council Meeting Minutes

Recommendation: Approve the meeting minutes of:
August 16, 2022 Joint Council and Authorities Concurrent & Stadium Authority Meeting;
August 23, 2022 Special City Council Meeting;
August 30, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting; and
September 12, 2022 Special City Council Meeting

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

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

- 4.B** [22-32](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Downtown Community Task Force - September 16, 2021
Downtown Community Task Force - September 15, 2022
Planning Commission - October 26, 2022
Cultural Commission - October 3, 2022
Historical and Landmarks Commission - October 6, 2022
Youth Commission - October 11, 2022
Parks & Recreation Commission - October 18, 2022
Board of Library Trustees - September 12, 2022
Board of Library Trustees - October 3, 2022
Senior Advisory Commission - October 24, 2022

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

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

- 4.C [22-1329](#) Action on Bills and Claims Report (CC, SCSA, HA) for the period October 1, 2022 - November 4, 2022

Recommendation: Approve the list of Bills and Claims for October 1, 2022 - November 4, 2022.

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

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

- 4.D [22-1331](#) Action on the Santa Clara Convention Center FY 2022/23 1st Quarter Financial Status Report

Recommendation: Note and file the Santa Clara Convention Center Financial Status Report for the 1st Quarter ending September 30, 2022, as submitted by OVG.

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

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

- 4.E [22-1350](#) Action on Award of Contract for the Fairway Glen Park Restroom Construction Project to Suarez & Munoz Construction, Inc., Related Budget Amendment, and Adopting a Class 1 CEQA Categorical Exemption

Recommendation:

1. Award the Public Works Contract for the Fairway Glen Park Restroom Construction Project to the lowest responsive and responsible bidder, Suarez & Munoz Construction, Inc., in the amount of \$691,977 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
2. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301;
3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$103,797, for a total not to exceed amount of \$795,774; and
4. Approve the following FY 2022/23 budget amendment in the Parks and Recreation Capital Fund to increase the Restroom at Fairway Glen Park Project appropriation by \$135,467 (from \$680,115 to \$815,582) and decrease the Parks and Recreation Capital Fund Quimby Act fund balance by the same amount (**five affirmative Council votes required for the use of unused balances**).

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

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

- 4.F** [22-1359](#) Action on Award of Contract for the Public Right-of-Way ADA Improvements - Package 3 & 4 Project to FBD Vanguard Construction, Inc. and Adopt a Class 1 CEQA Categorical Exemption

- Recommendation:**
1. Award the Public Works Contract for the Public Right-of-Way ADA Improvements - Package 3 & 4 Project to the lowest responsive and responsible bidder, FBD Vanguard Construction, Inc., in the amount of \$3,847,734 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
 2. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301; and
 3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$577,160, for a total project budget not-to-exceed amount of \$4,424,894.

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

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

- 4.G** [22-1198](#) Action on Award of a Purchase Order to Shape, Inc. for Flygt N-Series Sewer Lift Station Wastewater Pumps and Related Budget Amendment and a Class 1 CEQA Categorical Exemption

- Recommendation:**
1. Adopt a Class 1 Categorical Exemption Under CEQA Guidelines section 15301(b);
 2. Authorize the City Manager to award a Purchase Order to Shape, Inc. for the purchase of six Flygt N-Series pumps and accessories in an amount of \$421,460 plus applicable sales taxes and subject to the appropriation of funds;
 3. Authorize the City Manager to award Purchase Orders for the purchase of 25 additional Flygt N-Series pumps and accessories through December 31, 2027 for an estimated total amount of \$776,250 plus applicable sales taxes and subject to the appropriation of funds; and
 4. Approve the FY 2022/23 budget amendment in the Sewer Utility Fund to appropriate \$1,200,000 from the unrestricted ending fund balance to the capital outlay budget (**five affirmative Council votes required for the use of unused balances**).

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

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

4.H [22-1339](#) Action on Award of a Purchase Order to Pump Repair Service Co. for the Purchase and Installation of a New Pump and Motor at Water Well Station 23 and Related Budget Amendment and a Class 1 Categorical Exemption Under CEQA

- Recommendation:**
1. Adopt a Class 1 Categorical Exemption Under CEQA Guidelines Section 15301(b);
 2. Authorize the City Manager to award a Purchase Order to Pump Repair Service Co. for the purchase and installation of a new pump and motor for Water Well Station 23 in an amount of \$289,960 plus applicable sales taxes;
 3. Authorize the City Manager to execute change order(s) not to exceed \$30,000 as contingency and subject to the appropriation of funds; and
 4. Approve the FY 2022/23 budget amendment in the Water Utility Fund to appropriate \$289,960 from the unrestricted ending fund balance to the capital outlay budget (**five affirmative Council votes required for the use of unused balances**).

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

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

- 4.I [22-172](#) Action to Delegate Authority to the City Manager to Negotiate and Execute Agreements with Westlands Grape, LLC to Purchase Renewable Energy and Resource Adequacy Capacity from the Westlands Solar Park

Recommendation:

1. Authorize the City Manager to negotiate and execute separate purchase agreements for the purchase of renewable energy output and for the purchase of resource adequacy capacity with Westlands Grape, LLC;
2. Authorize the City Manager to execute all related documents, agreements, and administrative amendments, subject to the review and approval as to form of 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 agreements; and
3. Authorize the City Manager to execute amendments to procure additional renewable energy output and Resource Adequacy capacity should additional capacity become available subject to appropriation of funds and review and approval as to form of the City Attorney.

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

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

- 4.J [22-1111](#) Action to Authorize the City Manager to Negotiate, Execute, and Administer Cooperative Agreement #2 with the Valley Transportation Authority for the BART Silicon Valley Phase II Extension Project

Recommendation: Approve and authorize the City Manager to negotiate, execute and administer Cooperative Agreement #2 with the VTA for the BART Silicon Valley Phase II Extension Project and make modifications and extend the term if needed.

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

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

- 4.K [22-1312](#) Action to Authorize the City Manager to Negotiate, Execute, and Administer an Agreement with Capitol Corridor Joint Powers Authority to Reimburse Design Related Costs for the Protection or Relocation of City-Owned or Maintained Utilities in connection with the Union Pacific Railroad Agnew Siding Project and Related Budget Amendment

- Recommendation:**
1. Authorize the City Manager to negotiate, execute, and administer an Agreement with Capitol Corridor Joint Powers Authority to reimburse design related costs for the protection or relocation of City-owned and maintained utilities in the amount not-to-exceed \$426,620;
 2. Approve the following FY 2022/23 budget amendments:
 - A. In the General Fund, increase the transfer to the General Government Capital Fund and reduce the Capital Projects Reserve by \$132,658 **(five affirmative Council votes required for the use of unused balances)**;
 - B. In the Sewer Utility Capital Fund, increase the transfer to the General Government Capital Fund and reduce the Sanitary Sewer System Improvements project by \$233,284 **(majority affirmative Council votes required)**;
 - C. In the Water Utility Capital Fund, increase the transfer to the General Government Capital Fund and reduce the Distribution System Replacement/Restoration project by \$20,226 **(majority affirmative Council votes required)**;
 - D. In the Recycled Water Capital Fund, increase the transfer to the General Government Capital Fund and reduce the Recycled Water System Mains and Services project by \$20,226 **(majority affirmative Council votes required)**;
 - E. In the Electric Utility Capital Fund, increase the transfer to the General Government Capital Fund and reduce the New Business Estimate Work project by \$20,226 **(majority affirmative Council votes required)**; and
 - F. In the General Government Capital Fund, increase the transfer in from the General Fund Capital Project Reserve by \$132,658, increase the transfer in from the Sewer Utility Capital Fund by \$233,284, increase the transfers in from the Water Utility Capital, Recycled Water Capital, and Electric Utility Capital Funds by \$20,226 each, and establish the UPRR Agnew Siding Project - City Utility Protection/Relocation project in the amount of \$426,620. **(five affirmative Council votes required to appropriate additional revenue)**.
 3. Authorize the City Manager to amend the Agreement to include construction related costs for an additional amount up to \$5,000,000, for an aggregate not to exceed amount of \$5,426,620, subject to the

appropriation of funds; and

4. Authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the construction of the Project and to extend the term.

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

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

- 4.L** [22-1443](#) Action on a Pole Contact Agreement with Level 3 Telecom, LP to Allow the Attachment of Facilities on City-Owned Poles

Recommendation: Determine the proposed action is exempt from CEQA pursuant to Section 15303 of Title 14 of the California Code of Regulations and authorize the City Manager to execute the Pole Contact Agreement with Level 3 Telecom, LP to allow the attachment of facilities on City-owned poles and take any actions as necessary to implement and administer the Agreement.

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

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

- 4.M** [22-1457](#) Action on an Affordable Housing Agreement with Taylor Morrison of California, LLC for a Project located at 3035 El Camino Real

Recommendation:

1. Approve and authorize the City Manager to execute the Affordable Housing Agreement with Taylor Morrison of California, LLC, to execute amendments thereto, and to take any other action necessary to implement the requirement for the provision of four (4) Below Market Purchase homes within a 48-unit townhome project at 3035 El Camino Real; and
2. Authorize the recordation thereof.

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

Aye: 6 - Council/Boardmember Watanabe, Council/Boardmember Chahal, Council/Boardmember Park, Vice Mayor/Chair Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

Recused: 1 - Council/Boardmember Hardy

- 4.N [22-1383](#) Action on Historic Resource Inventory Property Designation and Historical Preservation Agreement (Mills Act) for 324 Madison Street and Class 31 CEQA Exemption

Recommendation: 1. Adopt a Class 31 Exemption under CEQA Guidelines Section 15331;
2. Approve the addition of the property located at 324 Madison Street to the City's HRI; and
3. Authorize the City Manager to execute a Mills Act Contract and adopt the 10-Year Restoration and Maintenance Plan associated for the property at 324 Madison Street.

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

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

- 4.O [22-1390](#) Action on the Resubmittal of a Cooperative Agreement between the City of Santa Clara and the Valley Transportation Authority (VTA) for the Preparation of the Santa Clara Station Area Plan

Recommendation: Approve the Cooperative Agreement between the City of Santa Clara and the Valley Transportation Authority (VTA) for the preparation of the Santa Clara Area Plan.

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

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

- 4.P** [22-1465](#) Action to Delegate Authority to the City Manager to Negotiate and Execute a Master Service Agreement for Internet Services for Silicon Valley Power and Associated Master Service Orders between the City of Santa Clara and GTT Americas, LLC and Its Affiliates

Recommendation:

1. Authorize the City Manager to negotiate and execute a Master Service Agreement and associated Master Service Orders between GTT Americas, LLC and its Affiliates and the City of Santa Clara for a period of up to ten years and a total maximum compensation of \$1,500,000 subject to the appropriation of funds; and
2. Authorize the City Manager to add or delete services consistent with the scope of services for the agreement and adjust future rates and take any actions as necessary to implement and administer the agreement and service orders.

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

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

- 4.Q [22-1483](#) Action on a Resolution Authorizing the City Manager to Execute an Amended and Restated Affordable Housing Agreement and Negotiate and Execute Loan Project Documents with Mainline North 701, L.P. for Construction of 151 Affordable Housing Units Located at 2310 Calle Del Mundo

Recommendation:

1. Adopt a resolution approving and authorizing the City Manager to execute an Amended and Restated Affordable Housing Agreement with Mainline North 701, L.P. for construction of 151 affordable housing units located at 2310 Calle Del Mundo; to negotiate and execute a Loan Agreement and related project documents, consistent with the Term Sheet, as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow; and
2. Rescind Resolution 20-8897.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adopt Resolution 22-9166 approving and authorizing the City Manager to execute an Amended and Restated Affordable Housing Agreement with Mainline North 701, L.P. for construction of 151 affordable housing units located at 2310 Calle Del Mundo; to negotiate and execute a Loan Agreement and related project documents, consistent with the Term Sheet, as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow; and rescind Resolution 20-8897.

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

- 4.R [22-1320](#) Action on an Amendment to an Affordable Housing Agreement with Legend SantaClara, LLC for Condominium Housing at 1890 El Camino Real and Delegation of Authority to the City Manager to Execute Basic AHAs.

Recommendation: 1. Approve and authorize the City Manager or designee, to execute an amendment to the Affordable Housing Agreement with Legend SantaClara, LLC to execute amendments thereto and to take any other action necessary to implement the requirement for the provision of five (5) Below Market Purchase (BMP) units and payment of the BMP in-lieu fee for a fractional unit within a 56-unit housing project at 1890 El Camino Real.
2. Delegate to the City Manager the authority to execute or amend affordable housing agreements for projects developed in accordance with the provisions of with SCCC Chapter 17.40, Citywide Affordable Housing Requirements, subject to final review and approval of such agreements by the Office of the City Attorney. All projects requiring an exception or modification to the Citywide Affordable Housing Requirements shall continue to be brought to the City Council for approval.

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

Aye: 6 - Council/Boardmember Watanabe, Council/Boardmember Hardy, Council/Boardmember Park, Vice Mayor/Chair Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

Recused: 1 - Council/Boardmember Chahal

- 4.S [22-1366](#) Action on Amending the Design Professional Services Agreement with Gates and Associates Landscape Architecture, Inc., Increasing Contingency in the Construction Contract with Robert A Bothman Construction for Unforeseen Conditions Associated with the Montague Park Rehabilitation Project and Related Budget Amendment

- Recommendation:**
1. Authorize the City Manager to amend the design professional services agreement with Gates and Associates Landscape Architecture, Inc. for the Montague Park Rehabilitation Project to increase the Additional Services by \$64,800 to a total contract amount not-to-exceed \$675,615;
 2. Increase the contingency amount in the Construction Contract with Robert A. Bothman Construction for the Montague Park Rehabilitation Project from \$563,479 to 1,063,479 and authorize the City Manager to execute change orders up to approximately 20 percent of the original contract price, or \$1,063,479, for a total not-to-exceed amount of \$6,698,264; and
 3. Approve the following FY 2022/23 budget amendment to increase the Montague Park Enhancement project appropriation by \$564,800 (from \$6,896,480 to \$7,461,280) and decrease the Parks and Recreation Capital Fund Mitigation Fee Act fund balance by the same amount **(five affirmative Council votes required for the use of unused balances)**.

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

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

- 4.T [22-1436](#) Action on Amendments to Agreements with Davey Tree Surgery Company, Advanced Chemical Transport, Inc., Koffler Electrical Mechanical Apparatus Repair, Inc., and Allied Power Group, LLC

Recommendation:

1. Authorize the City Manager to negotiate and execute Amendment No. 3 to the Agreement with Davey Tree Surgery Company for line clearance tree trimming services, to extend the term to June 30, 2023, and increase maximum compensation by \$2,650,000 for a revised not-to-exceed maximum compensation of \$13,500,000;
2. Authorize the City Manager to negotiate and execute Amendment No. 3 to the Agreement with Advanced Chemical Transport, Inc. for hazardous waste management services, to extend the term to June 30, 2023, and increase maximum compensation by \$400,000 for a revised not-to-exceed maximum compensation of \$1,800,000;
3. Authorize the City Manager to negotiate and execute Amendment No. 3 to the Agreement with Koffler Electrical Mechanical Apparatus Repair, Inc. for pump and motor repair services, to extend the term to June 30, 2023, and increase maximum compensation by \$200,000 for a revised not-to-exceed maximum compensation of \$750,000; and
4. Authorize the City Manager to negotiate and execute Amendment No. 4 to the Agreement with Allied Power Group for repairs at the Gianera Generating Station to extend the term to December 31, 2024, with no change to the maximum compensation amount of \$9,000,000.

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

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

- 4.U [22-1206](#) Action on Amendments to Agreements with DKS, Kimley-Horn, and W-Trans for Traffic Engineering Support

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 1 in the amount of \$66,700 to the agreement with DKS Associates for traffic engineering consulting support services, with a term ending on July 1, 2024 and a total amount not-to exceed \$150,000;
2. Approve and authorize the City Manager to execute Amendment No. 1 in the amount of \$66,700 to the agreement with Kimley-Horn and Associates, Inc. for traffic engineering consulting support services, with a term ending on July 1, 2024 for a total amount not-to exceed \$150,000;
3. Approve and authorize the City Manager to execute Amendment No. 1 in the amount of \$66,700 to the agreement with Whitelock & Weinberger Transportation, Inc., dba W-Trans, for traffic engineering consulting support services, for a term ending on July 1, 2024 for a total amount not-to exceed \$150,000; and
4. Authorize the City Manager to make modifications to the agreements, including time extensions as necessary up to July 1, 2026, and amend the not-to-exceed amounts, as long as the cumulative compensation of all three agreements does not exceed \$650,000 subject to the appropriation of funds.

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

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

- 4.V [22-1364](#) Action on Amendment No. 5 to the Exclusive Negotiation Agreement and Amendment No. 3 for the Amended and Restated License Agreement with Habitat for Humanity East Bay / Silicon Valley for 3575 De La Cruz Boulevard

Recommendation: Approve and authorize the City Manager to execute Amendment No.5 to the Exclusive Negotiation Agreement (ENA) and the Amendment No. 3 to the Amended and Restated license agreement with Habitat for Humanity East Bay / Silicon Valley for the development 3575 De La Cruz Boulevard.

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

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

- 4.W [22-171](#) Action on a Resolution Authorizing the Use of City Electric Forces for New Dark Fiber Installations at Various Locations

Recommendation: Determine the proposed actions are exempt from CEQA pursuant to Sections 15302 (c) and 15303 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 2972 Stender Way to 2300 Owen Street, 2972 Stender Way to 2360 Owen Street, 1201 Comstock Street to 2897 Northwestern Parkway, 1201 Comstock Street to 2820 Northwestern Parkway, and 1101 Space Park Drive to 1201 Comstock Street.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to determine the proposed actions are exempt from CEQA pursuant to Sections 15302 (c) and 15303 of the California Code of Regulations and adopt Resolution 22-9167 authorizing the use of City Electric Forces for work detailed in this report located at 2972 Stender Way to 2300 Owen Street, 2972 Stender Way to 2360 Owen Street, 1201 Comstock Street to 2897 Northwestern Parkway, 1201 Comstock Street to 2820 Northwestern Parkway, and 1101 Space Park Drive to 1201 Comstock Street.

Aye: 6 - Council/Boardmember Watanabe, Council/Boardmember Hardy, Council/Boardmember Park, Vice Mayor/Chair Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

Recused: 1 - Council/Boardmember Chahal

- 4.X [22-1449](#) Action on a Resolution Delegating Authority to the City Manager to Execute Documents Associated with the State of California Local Assistance Specified Grant for the Central Park Arbor Playground (Magical Bridge All Inclusive Playground) and Related Budget Amendments

Recommendation:

1. Adopt a Resolution Delegating Authority to the City Manager to Execute all Documents Associated with State of California Local Assistance Specified Grant;
2. Approve the FY 2022/23 budget amendment to appropriate the State of California Local Assistance Specified Grant in the Parks and Recreation Capital Fund and increase the project appropriation by \$800,000 (**five affirmative Council votes required to appropriate additional revenue**).

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adopt Resolution 22-9168 delegating authority to the City Manager to execute all documents associated with State of California Local Assistance Specified Grant and approve FY 2022/23 budget amendment to appropriate the State of California Local Assistance Specified Grant in the Parks and Recreation Capital Fund and increase the project appropriation by \$800,000.

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

- 4.Y [22-1277](#) Action on a Resolution Ordering the Vacation of the Public Utility Easements, Storm Drain Easement, Wire Clearance Easement, and Water Line Easement at 2780 El Camino Real

Recommendation:

1. Adopt a Resolution Ordering the Vacation of the Public Utility Easements, Storm Drain Easement, Wire Clearance Easement, and Water Line Easement at 2780 El Camino Real [APN 290-16-018 (2020-21); SC 21-0022]; and
2. Authorize the recordation of the Resolution.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adopt Resolution 22-9169 ordering the vacation of the Public Utilities Easements, Storm Drain Easement, Wire Clearance Easement, and Water Line Easement at 2780 El Camino Real [APN 290-16-018 (2020-21); SC 21-0022]; and authorize the recordation of the Resolution.

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

- 4.Z** [22-1222](#) Action on Addition of Three Community Development Department Positions Funded by Building Division Permit Fees and Related Budget Amendment

Recommendation: 1. Approve the addition of one Customer Service Representative, one Senior Permit Technician and one Permit Technician position in the Community Development Department's Building Division; and
2. Approve the FY 2022/23 budget amendment in the Building Development Services Fund to increase the Community Development's Building Division appropriation by \$258,000 and decrease the unrestricted ending fund balance by \$258,000 (**five affirmative Council votes required for the use of unused balances**).

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

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

- 4.AA** [22-1091](#) Action to Adopt a Resolution Establishing a Suicide Prevention Policy and Mental Health Promotion for the Community

Recommendation: Adopt a Resolution Establishing a Suicide Prevention Policy and Mental Health Promotion

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adopt Resolution 22-9170 establishing a Suicide Prevention Policy and Mental Health Promotion.

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

- 4.BB** [22-1421](#) Action on a Request for a Special Permit to Allow a Christmas Tree Sales Lot at 3705 El Camino Real from December 6, 2022 through December 24, 2022

Recommendation: Approve the Request of a Special Permit to allow a Christmas Tree Sales Lot from December 6, 2022 through December 24, 2022 at 3705 El Camino Real, subject to conditions.

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

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

- 4.CC [22-1434](#) Action on Installation of Electric Vehicle Charging Stations on City-owned Land and Public Right-of-Way

Recommendation: Authorize the City Manager to negotiate opportunities and approve agreements, leases, and all related documents to install up to 100 new EV charging stations at City-owned or managed properties/facilities, land, and public right-of-way.

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

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

- 4.DD [22-1481](#) Action on a Resolution Approving the 2023 Civil Service Commission Calendar of Meetings, and Setting the Number and Start Time of Regular Meetings of the Civil Service Commission

Recommendation: Adopt a Resolution approving the 2023 Civil Service Commission Calendar of Meetings, and setting the number and start time of regular Civil Service Commission meetings.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adopt Resolution 22-9171 approving the 2023 Civil Service Commission Calendar of Meetings, and setting the number and start time of regular Civil Service Commission meetings.

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

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

- 5.A [22-1394](#) Action on Stadium Authority Bills and Claims for the Month of October 2022

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

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

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

- 5.B [22-1369](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending September 30, 2022

Recommendation: Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending September 30, 2022.

A motion was made Boardmember Becker, seconded by Boardmember Hardy, that this item be Approved.

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

- 5.C [22-1415](#) Action on the Stadium Manager's Request to Execute an Amendment to Existing Owner's Club Stadium Builders License Agreements to Extend the Term by One Year Due to COVID-19 Impacts

Recommendation: Alternatives 1 and 2:

1. Approve the Amendment to existing Owner's Club SBL Agreements; and
2. Authorize the Executive Director and Stadium Manager to execute the Amendment to existing Owner's Club SBL Agreements.

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

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

- 5.D [22-1266](#) Action on the City of Santa Clara Audited Annual Comprehensive Financial Report (ACFR) and Audited Silicon Valley Power (SVP) Financial Statements for Fiscal Year Ended June 30, 2022, as Recommended by the Audit Committee

Recommendation: Note and file, as recommended by the Audit Committee:

1. The audited City of Santa Clara Annual Comprehensive Financial Report (ACFR) for fiscal year ended June 30, 2022; and
2. The audited City of Santa Clara Electric Utility Enterprise Fund (Silicon Valley Power) Financial Statements for fiscal year ended June 30, 2022.

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

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

- 5.E Action on Request Submitted by Stadium Manager to Execute Agreement with LCPtracker, Inc. for Labor Compliance Software Subscription Service

- 5.E.1 [22-1397](#) Request from the Stadium Manager to Execute Agreement with LCPtracker, Inc. for Labor Compliance Software Subscription Service
- 5.E.2 [22-1398](#) Report from Stadium Authority Regarding Stadium Manager's Request to Execute Agreement with LCPtracker, Inc. for Labor Compliance Software Subscription Service

Recommendation:

1. Approve the Stadium Manager's request to execute an agreement with LCPtracker for a cloud-based labor compliance software subscription in the amount of \$13,090 for a one-year period, from December 14, 2022 to December 15, 2023; and,
2. Authorize the Executive Director to approve the Stadium Manager's execution of annual renewal for subscription services for an additional two years from December 15, 2023 through December 14, 2025 for the agreement with LCPtracker, subject to budget appropriations.

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

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

5.F Action on Request Submitted by Stadium Manager to Award Purchase Orders to EyeP Solutions, Inc. for the Parking Lot Camera Upgrades CapEx Project and Bowl Camera Upgrade/Refurbishment CapEx Project

- 5.F.1 [22-1405](#) Request from the Stadium Manager to Award Purchase Orders to EyeP Solutions, Inc. for the Parking Lot Camera Upgrades CapEx Project and Bowl Camera Upgrade/Refurbishment CapEx Project
- 5.F.2 [22-1406](#) Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Purchase Orders to EyeP Solutions, Inc. for the Parking Lot Camera Upgrades CapEx Project and Bowl Camera Upgrade/Refurbishment CapEx Project

Recommendation:

1. Approve the Stadium Manager's request to award a purchase order to EyeP Solutions, Inc. in the amount of \$41,030 to replace cameras in the Great America parking Lot with AXIS cameras and related accessories and install additional cameras in the Gold Lot 4/5 parking areas (Parking Lot Camera Upgrades CapEx Project); and
2. Approve the Stadium Manager's request to award a purchase order to EyeP Solutions, Inc. in the amount of \$120,008 to replace cameras in the seating bowl with AXIS cameras (Bowl Camera Upgrade/Refurbishment CapEx Project).

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

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

5.G Action on Request Submitted by Stadium Manager to Award Agreement to California United Mechanical, Inc. for the Cooling Towers CapEx Project and Related Budget Amendment

5.G.1 [22-1413](#) Request from Stadium Manager to Award Agreement to California United Mechanical, Inc. for the Cooling Towers CapEx Project and Related Budget Amendment

5.G.2 [22-1414](#) Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Agreement to California United Mechanical, Inc. for the Cooling Towers CapEx Project and Related Budget Amendment

Recommendation:

1. Approve a budget amendment for the Cooling Towers line item in the Stadium Authority FY 2022/23 CapEx Budget to increase the budget by \$89,768 from the Capital Expense Reserve;
2. Approve the Stadium Manager's request to award a one-time agreement to California United Mechanical, Inc. to replace internal parts and systems for the cooling towers at Levi's Stadium (Cooling Towers CapEx Project) in the amount of \$117,350;
3. Authorize the Executive Director to approve the 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 to approve the execution of change orders up to 10% of the contract cost (\$11,735), for a total not to exceed construction agreement amount of \$129,085.

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

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

5.H Action on Request Submitted by Stadium Manager to Award Agreement to Bear Electrical Solutions, Inc. for the Broadcast Booth Power CapEx Project and Related Budget Amendment

5.H.1 [22-1416](#) Request from the Stadium Manager to Award Agreement to Bear Electrical Solutions, Inc. for the Broadcast Booth Power CapEx Project and Related Budget Amendment

- 5.H.2 [22-1417](#) Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Agreement to Bear Electrical Solutions, Inc. for the Broadcast Booth Power CapEx Project and Related Budget Amendment

Recommendation:

1. Approve a budget amendment for the Broadcast Booth Power line item in the Stadium Authority FY 2022/23 CapEx Budget to increase the budget by \$39,893 from the Capital Expense Reserve;
2. Approve the Stadium Manager's request to award an agreement to Bear Electrical Solutions, Inc. in the amount of \$28,800 to implement supplemental lighting power and controls in the broadcast booth at Levi's Stadium for the Broadcast Booth Power CapEx Project;
3. 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
4. Authorize the Executive Director to approve the Stadium Manager's execution of change orders for the agreement up to \$2,880, for a total not to exceed amount of \$31,680.

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

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

- 5.I Action on Request Submitted by Stadium Manager for Approval to Issue Purchase Orders to Benjamin Litho, Inc. for Printing and Mailing Services

- 5.I.1 [22-1444](#) Request from Stadium Manager for Approval to Issue Purchase Orders to Benjamin Litho, Inc. for Printing and Mailing Services

- 5.I.2 [22-1445](#) Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Issue Purchase Orders to Benjamin Litho, Inc. for Printing and Mailing Services

Recommendation:

1. Approve the Stadium Manager's request to issue a purchase order to Benjamin Litho, Inc. in an amount not to exceed \$9,300 inclusive of postage fees and applicable sales tax for printing and mailing 2023 SBL invoices; and
2. Approve the Stadium Manager's request to issue a purchase order to Benjamin Litho, Inc. in the amount of \$1,080 inclusive of applicable sales tax and delivery for printing tags for Guest Services.

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

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

5.J Action on Request Submitted by Stadium Manager to Award Agreement to Fluoresco Services, LLC for Replacement Wayfinding Signage and Maps at Levi's Stadium (Updated Stadium Wayfinding Signage CapEx Project)

5.J.1 [22-1440](#) Request from the Stadium Manager to Award Agreement to Fluoresco Services, LLC for Replacement Wayfinding Signage and Maps at Levi's Stadium (Updated Stadium Wayfinding Signage CapEx Project)

5.J.2 [22-1441](#) Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Agreement to Fluoresco Services, LLC for Replacement Wayfinding Signage and Maps at Levi's Stadium (Updated Stadium Wayfinding Signage CapEx Project)

Recommendation:

1. Approve the Stadium Manager's request to award an agreement to Fluoresco Services, LLC in the amount of \$112,486 to replace existing signage with new wayfinding signage and maps at Levi's Stadium;
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 for the agreement up to \$11,249, for a total not to exceed construction agreement amount of \$123,735.

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

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

PUBLIC PRESENTATIONS

Public Speaker thanked **City Manager Batra** for connecting him with two police captains to address his issues regarding illegal vendors at Levi's Stadium.

Mary Grizzle spoke about Reclaiming Our Downtown.

Kirk Vartan spoke about Ethics and Governance Committee meeting held on December 5, 2022 and stated that he expected the Committee to hold a discussion on ethics and expressed disappointment that it had not.

Wanda Buck spoke about the Ethics and Governance Committee meeting held on December 5, 2022 and expressed concerns of divisiveness on the Council.

22-1522 PUBLIC PRESENTATIONS POST MEETING MATERIAL

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

6. [22-14745](#) Action on FY 2021/22 Budget Year-End Report and Approve the Related Budget Amendments

Recommendation: 1. Note and file the FY 2021/22 Budget Year-End Report;
2. Approve the FY 2021/22 Budget Amendments to address necessary budget ratifications as set forth in Attachment 1 of this report (**five affirmative Council votes required for revenue actions and the use of unused balances as noted for each item in Attachment 1**); and
3. Approve the FY 2022/23 Budget Amendments as set forth in Attachment 2 of this report (**five affirmative Council votes required for revenue actions and the use of unused balances as noted for each item in Attachment 2**).

Finance Director Lee gave a PowerPoint presentation.

Council comments and questions followed.

Finance Director Lee responded and addressed council questions.

Additional **Council** questions followed and **Finance Director Lee** responded to those questions.

A motion was made by Councilmember Watanabe, seconded by Councilmember Park, to approve staff recommendation.

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

7. [22-1231](#) Public Hearing: Action on a Resolution Amending Rate Schedules for Electric Services for All Classes of Customers, Effective January 1, 2023

Recommendation: Adopt a Resolution amending Rate Schedules for Electric Services to Increase Electric Rates and Charges in Each Rate Schedule by Eight Percent (8%), effective January 1, 2023.

Chief Electric Utilities Officer Pineda gave a PowerPoint presentation.

Council comments and questions followed.

Chief Electric Utilities Officer Pineda responded and addressed **Council** questions.

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

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

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 22-9172 amending rate schedules for electric services to increase electric rates and charges in each rate schedule by eight percent (8%) effective January 1, 2023.

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

8. [22-1285](#) Action on Appointment of a Santa Clara Station Area Plan Task Force

Recommendation: 1. Appoint a Task Force to support the preparation of the Santa Clara Station Area Plan with membership including: Dan Ondrasek - Representative of Reclaiming Our Downtown (ROD); Dave Schoenwetter - Representative of Santa Clara University; Patricia Leung - Representative of the Historical and Landmarks Commission; Candida Diaz - Representative of the Cultural Commission; Rob Mayer - Architect and Santa Clara resident; Jane Casamajor - Representative of the Bicycle Pedestrian Advisory Committee; and a representative of the Old Quad Residents Association (OQRA) to be subsequently determined.

Community Director Crabtree gave a PowerPoint presentation.

Public Speakers:
Mark Kelsey
Adam Thompson
Jonathon Evans
Patricia Leung
Kirk Vartan

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to appoint Jonathon Evans as the Old Quad Residents Association representative with an amendment to expand the task force by Council appointment with one at-large member; one member from the SES Hall; one member from the business community; and one member that is a transportation advocate.

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

Nay: 1 - Councilmember Park

9. [22-1476](#) Actions to Adopt a Resolution Approving and Adopting Updated Salary Plans for Various As-Needed, Classified, and Unclassified Positions, Including City Manager

Recommendation: 1. Adopt a Resolution to approve the revised salary plans for various classified, unclassified, and as-needed positions, including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 25, 2022.

Human Resources Director Azevedo provided a verbal report.

A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to adopt Resolution 22-9173 to approve the revised salary plan as corrected for various classified, unclassified, and as-needed positions, including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 25, 2022.

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Watanabe reported that she attended a County of Santa Clara Human Trafficking Committee meeting last week.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Batra stated that there is a Special City Council and Authorities Concurrent Meeting on Thursday, December 8, 2022.

ADJOURNMENT

22-1519 Adjournment Memo

A motion was made by Council/Boardmember Hardy, seconded by Council/Boardmember Becker, to adjourn meeting at 9:45 p.m. in memory of Charlie Tucker and Patricia Ann Deto.

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

The next regular scheduled meeting is on Tuesday, December 13, 2022 in the City Hall Council Chambers.

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive \$30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA); Bayshore North Project Enhancement Authority (BNPEA); Public Facilities Financing Corporation (PFFC)

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

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

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

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