



City of Santa Clara

Joint Meeting Minutes

Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting

12/14/2021

2:30 PM

Virtual Meeting
2:30 PM Closed Session
5:30 PM Open Session

Pursuant to the provisions of Government Code Section 54953(e) and City of Santa Clara Resolution 21-9023, the City Council meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara continues to have methods for the public to participate remotely:

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

 - Meeting ID: 997-0675-9306 or

 - o Phone: 1(669) 900-6833
- Via the City's eComment (now available during the meeting)
- Via email to PublicComment@santaclaraca.gov

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.

2:30 PM CLOSED SESSION

Call to Order

Mayor Gillmor called the meeting to order at 2:30 PM.

Roll Call

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

Public Comment

Public Speaker(s): Lala Vérité (eComment)

- 1.A [21-1737](#) Public Employee Appointment (Gov. Code §§ 54957, 54954.5, subd. (e).)
Title: Executive Recruiter for City Attorney

- 1.B [21-1716](#) Conference with Real Property Negotiators (CC)

Convene to Closed Session

Council convened to Closed Session at 2:34 PM and reconvened the meeting at 5:31 PM.

5:30 PM JOINT COUNCIL/STADIUM MEETING

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Hardy recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB23 announcement and Statement of Behavioral Standards and reminded any registered lobbyist providing testimony to identify themselves as a Lobbyist.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Chief Assistant City Attorney Reuter noted that there was no reportable action from Closed Session Item 1.B.

Mayor Gillmor noted that there was no reportable action from Closed Session Item 1.A.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

City Manager Santana noted that the Task Force on Diversity, Equity, and Inclusion requested to defer Items 2.A and Item 11 to the January 25, 2022 Council and Authorities Concurrent Meeting.

- 2.A [21-174](#) Task Force on Diversity, Equity, and Inclusion Update (October-December 2021)

A motion was made by Councilmember Jain, seconded by Councilmember Park, to defer Items 2.A and Item 11 to the January 25, 2022 Council and Authorities Concurrent Meeting.

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

11. [21-1629](#) Action on Whether to Accept a Formal Recommendation from the Task Force on Diversity, Equity, and Inclusion Regarding the City's Model for Electing its Chief of Police

Recommendation: Provide direction on whether to accept the formal letter of recommendation from the Task Force on Diversity, Equity, and Inclusion in support of the City's model of electing its Chief of Police and hold harmless on this topic the City Manager from any and all actions that may violate the Political Reform Act or FPPC regulations.

A motion was made by Councilmember Jain, seconded by Councilmember Park, to defer Items 2.A and Item 11 to the January 25, 2022 Council and Authorities Concurrent Meeting.

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

City Manager Santana noted that the following items must be heard this evening for continuity of City Business: Items 7.C, 7.D, 7.E, 7.F, 7.G, 7.H, 7.I, 7.K, 7.M, 7.O, 4 and 9.

SPECIAL ORDER OF BUSINESS

2.B [21-1673](#) Verbal Report from City Manager regarding COVID-19 Pandemic

City Manager Santana announced that the Santa Clara County Emergency Managers' Association honored **Chief Emergency Services Officer Schoenthal** as the recipient of the 2021 Emergency Manager of the Year award.

City Manager Santana provided the following PowerPoint presentation regarding COVID-19 Pandemic:

- CDC noted that Santa Clara County has a substantial COVID-19 transmission rate and California has a high transmission rate;
- 7-Day average of COVID-19 cases was over 240;
- Santa Clara County has high vaccination rates;
- Omicron Variant has the most mutations so far;
- County of Santa Clara encourages multilayer protections;
- County of Santa Clara encourages to continue to have remote public meetings; and
- COVID-19 Testing available on December 22, 2021 at Central Park Library.

Council comments followed.

2.C [21-1717](#) Verbal Report Update from City Manager Regarding the Local Drought Emergency

City Manager Santana gave a PowerPoint presentation regarding the Local Drought Emergency.

AGENDA ITEMS CONTINUED/DEFERRED FROM DECEMBER 7, 2021

3. [21-1736](#) Action on Adoption of a Resolution Approving 2022 Salary Plans for Classified and Unclassified Employees, Including City Manager, Pursuant to Council's Approved Cost of Living Increases effective December 26, 2021 (Continued from December 7, 2021)

Recommendation: Adopt a Resolution approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021.

City Manager Santana made opening remarks regarding this item.

Director of Human Resources Azevedo gave a PowerPoint presentation.

Council comments and questions followed.

Outside Legal Counsel Sakai addressed **Council** comments.

Council comments and questions continued.

A motion was made by **Vice Mayor Chahal**, seconded by **Councilmember Becker**, to adopt a Resolution approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021.

Outside Legal Counsel Sakai addressed **Council** comments.

A substitute motion was made by **Councilmember Watanabe**, seconded by **Mayor Gillmor**, to bring this discussion to Closed Session or other setting in order to obtain a legal opinion on the discussion and have Outside Counsel provide the necessary information to further understand what needs to be done.

Council comments and questions followed.

A second substitute motion was made by **Councilmember Park**, seconded by **Councilmember Jain**, to (1) adopt a Resolution approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021 and (2) schedule a Closed Session to address Paragraph 3.2 of the City Manager's agreement.

Council comments and questions followed.

Outside Legal Counsel Sakai and **Chief Assistant City Attorney Reuter** addressed **Council** comments.

Council comments and questions followed.

A third substitute motion was made by **Vice Mayor Chahal**, seconded by **Councilmember Becker**, to adopt a Resolution approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021.

A fourth substitute motion was made by **Councilmember Becker**, seconded by **Vice Mayor Chahal**, to continue this item to January 2022.

Council comments and questions followed.

Outside Legal Counsel Sakai addressed **Council** questions.

A motion was made by **Councilmember Becker**, seconded by **Vice Chair Chahal**, on whether **Council** wants to consider to vote on 4th substitute motion: a fourth substitute motion was made by **Councilmember Becker**, seconded by **Vice Mayor Chahal**, to continue this item to January 2022.

Aye: 3 - Vice Mayor Chahal, Councilmember Becker, and Mayor Gillmor

Nay: 4 - Councilmember Watanabe, Councilmember Hardy,
Councilmember Park, and Councilmember Jain

Motion Fails.

A motion was made by **Vice Mayor Chahal**, seconded by **Councilmember Becker**, on whether **Council** wants to vote on 3rd substitute motion: A third substitute motion was made by **Vice Mayor Chahal**, seconded by **Councilmember Becker**, to adopt a Resolution approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021.

Aye: 2 - Vice Mayor Chahal and Councilmember Becker

Nay: 5 - Councilmember Watanabe, Councilmember Hardy,
Councilmember Park, Councilmember Jain, and Mayor Gillmor

Motion Fails.

A motion was made by Councilmember Park, seconded by Councilmember Jain, on whether Council wants to vote on the 2nd substitute motion: A second substitute motion was made by Councilmember Park, seconded by Councilmember Jain, to (1) adopt a Resolution approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021 and (2) schedule a Closed Session to address Paragraph 3.2 of the City Manager's agreement.

Aye: 5 - Councilmember Watanabe, Councilmember Hardy,
Councilmember Park, Councilmember Jain, and Mayor Gillmor

Nay: 2 - Vice Mayor Chahal, and Councilmember Becker

Motion Passes.

A motion was made by Councilmember Park, seconded by Councilmember Jain, to (1) adopt Resolution No. 21-9036 approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021 and (2) schedule a Closed Session to address Paragraph 3.2 of the City Manager's agreement.

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

Mayor Gillmor called a recess at 7:25 PM and reconvened the meeting 7:31 PM.

4. [21-1731](#) Action on Amendment No. 1 for the Agreement with Accela, Inc. for Land Management Software and Related Budget Amendment (Continued from December 7, 2021)

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement and order documents with Accela, Inc. to purchase additional software licenses for Land Management Software and increase the maximum compensation by \$1,420,640 for a total maximum contract compensation of \$2,639,300, subject to the appropriation of funds; and
2. Consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve a FY 2021/22 budget amendment in the General Fund to increase the Non-Departmental Citywide Programs Budget by \$48,197 and decrease the technology fee reserve by \$48,197 (**five affirmative Council votes required for use of unused balances**).

City Manager Santana made a few remarks regarding this item.

Director of Community Development Crabtree gave a PowerPoint presentation.

Council comments followed.

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to (1) authorize the City Manager to execute Amendment No. 1 to the Agreement and order documents with Accela, Inc. to purchase additional software licenses for Land Management Software and increase the maximum compensation by \$1,420,640 for a total maximum contract compensation of \$2,639,300, subject to the appropriation of funds; and (2) consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve a FY 2021/22 budget amendment in the General Fund to increase the Non-Departmental Citywide Programs Budget by \$48,197 and decrease the technology fee reserve by \$48,197 (**five affirmative Council votes required for use of unused balances**).

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

CONSENT CALENDAR

Councilmember Jain pulled Items 7.H and 7.J.

Assistant City Clerk Pimentel noted an error on Councilmember Jain's recusal that will be corrected on the September 8, 2021 meeting minutes (Item 7.B).

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve the balance of the Consent Calendar (except Items 7.H, 7.J, and noting the correction to the September 8, 2021 minutes - Item 7.B).

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

7.A [21-25](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Audit Committee - September 16, 2021
Cultural Commission - November 1, 2021
Planning Commission - November 17, 2021

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

- 7.B [21-1742](#) Action on August 24, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting; September 1, 2021 Special City Council Meeting; September 7, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting, and September 8, 2021 Joint Special Meeting City Council, Planning Commission, and Downtown Community Task Force

Recommendation: Approve the Meeting Minutes of:
August 24, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting;
September 1, 2021 Special City Council Meeting
September 7, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting; and
September 8, 2021 Joint Special Meeting City Council, Planning Commission, and Downtown Community Task Force

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

- 7.C [21-931](#) 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, 2021, as Recommended by the City Council Audit Committee

Recommendation: Note and file, as recommended by the City Council Audit Committee:
1. The audited City of Santa Clara Annual Comprehensive Financial Report (ACFR) for fiscal year ended June 30, 2021; and
2. The audited City of Santa Clara Electric Utility Enterprise Fund (Silicon Valley Power) Financial Statements for fiscal year ended June 30, 2021.

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

- 7.D [21-1260](#) Action on Award of Purchase Orders with Grand Electric & Construction Company and True Blue Automation Services for Electrical Maintenance and Repair Services

- Recommendation:**
1. Authorize the City Manager to execute a Purchase Order with True Blue Automation Services for as-needed electrical maintenance and repair services Citywide including Maintenance District #183, and for an initial three-year term, with maximum compensation not-to-exceed \$309,000, subject to the appropriation of funds;
 2. Authorize the City Manager to execute a Purchase Order with Grand Electric and Construction Company for as-needed electrical repair services Citywide including Maintenance District #183 for an initial three-year term, with maximum compensation not-to-exceed \$234,000 and subject to the appropriation of funds;
 3. Authorize the City Manager to adjust maximum compensation during the initial three-year term if the demand for services exceeds the forecasted amount, subject to the appropriation of funds; and
 4. Authorize the City Manager to exercise up to two one-year options to extend the term of both purchase orders, subject to the appropriation of funds.

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

- 7.E [21-1550](#) Action on an Agreement with Black & Veatch Management Consulting, LLC for Consulting Services for the Setting of Water, Sewer, and Recycled Water Rates Charged to Santa Clara Customers

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Black & Veatch Management Consulting, LLC to prepare rate and fee study reports for the City's water, sewer, and recycled water rates for a five-year term starting January 1, 2022 and ending on December 31, 2026, with maximum compensation not-to-exceed \$184,975 and subject to the appropriation of funds; and
 2. Authorize the City Manager to negotiate and execute amendments to the Agreement for additional related services that may be required, subject to the appropriation of funds.

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

- 7.F [21-1419](#) Action on an Agreement for Services with Mesa Energy Systems, Inc. for As-Needed Heating, Ventilation, Air Conditioner and Chiller Inspection, Maintenance, and Repair Services

- Recommendation:**
1. Authorize the City Manager to execute the proposed Agreement for Services with Mesa Energy Systems, Inc. for as-needed heating, ventilation, air conditioner and chiller inspection, maintenance, and repair services, in an amount not-to-exceed \$750,000 during the initial five-year term, ending December 2026, subject to the annual appropriation of funds;
 2. Authorize the City Manager to make minor changes to the proposed Agreement for Services subject to approval by the City Attorney as to form;
 3. Authorize the City Manager to execute up to five one-year options to extend the term of the proposed Agreement for Services after the initial term, ending December 2031, assuming all options are exercised, and subject to the annual appropriation of funds; and
 4. Authorize the City Manager to take actions to add or delete services consistent with the scope of the proposed Agreement for Services and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds.

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

- 7.G [21-1562](#) Action on Delegation of Authority to the City Manager to Negotiate and Execute the Third Phase Agreement with the Northern California Power Agency for a Power Purchase Agreement with South Sutter Water District

- Recommendation:**
1. Authorize the City Manager to negotiate and execute the Third Phase Agreement with Northern California Power Agency for a Power Purchase Agreement with South Sutter Water District; and
 2. Authorize the City Manager to execute administrative amendments to the Third Phase Agreement with Northern California Power Agency as may be needed from time to time during the term of the Power Purchase Agreement.

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

- 7.I [21-1045](#) Action on Amendment No. 1 to the Agreement for Design Professional Services with Electrical Consultants Inc.

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with Electrical Consultants Inc to extend the term of the Agreement by two years, ending on December 31, 2023, with no change in the maximum compensation;
2. Authorize the City Manager to make minor changes to the attached Amendment subject to approval of the City Attorney as to form; and
3. Authorize the City Manager to add or delete services consistent with the scope of the agreements subject to request and justification by contractor, approval by the City, and the appropriation of funds and extend the term, if necessary, for a total term not to exceed five years.

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

- 7.K [21-1627](#) Action on Amendment No. 3 to the Exclusive Negotiation 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. 3 to the Exclusive Negotiation Agreement (ENA) with Habitat for Humanity East Bay / Silicon Valley for the development 3575 De La Cruz Boulevard.

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

- 7.L [21-1620](#) Adoption of a Resolution Recognizing and Supporting the Amah Mutsun Tribal Band in Protecting Their Sacred Lands of Juristac from Development by Public or Private Entities, and Instruct the Mayor to Send a Letter to Santa Clara County

Recommendation: Adopt a Resolution Recognizing and Supporting the Amah Mutsun Tribal Band in Protecting Their Sacred Lands of Juristac from Development by Public or Private Entities, and Instruct the Mayor to Send a Letter to Santa Clara County.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution No. 21-9037 recognizing and supporting the Amah Mutsun Tribal Band in protecting their Sacred Lands of Juristac from development by Public or Private entities, and instruct the Mayor to send a letter to Santa Clara County.

- 7.M [21-1674](#) 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 continued 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 Jain, to adopt Resolution No. 21-9038 finding the continued 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.

- 7.N [21-1464](#) Action on Appointment of Members to the Bicycle and Pedestrian Advisory Committee

Recommendation: Appoint Jane Casamajor, Bruce Donoghue, and Sukrit Ganesh to serve three-year terms on the Bicycle and Pedestrian Advisory Committee, expiring on December 31, 2024. Appoint Cecily Cox to serve a one-year term on the Bicycle and Pedestrian Advisory Committee, expiring on December 31, 2022.

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

- 7.O [21-1659](#) Action to Waive First Reading and Introduce an Ordinance Amending Chapter 13.10 "Sewers" of Title 13 "Public Services" of the City of Santa Clara Code to Modify Regulations Regarding Pretreatment Programs to Conform with Recent Updates to the Regional Wastewater Facility Requirements

Recommendation: Waive first reading and introduce the ordinance amending City of Santa Clara Code Section 13.10 (Sewers)

A motion was made by Councilmember Becker seconded by Councilmember Jain, to pass to print Ordinance No. 2039, amending City of Santa Clara Code Section 13.10 (Sewers).

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

- 8.A [21-1459](#) Action on Stadium Authority Bills and Claims for the Month of August 2021

Recommendation: Approve the list of Stadium Authority Bills and Claims for August 2021.

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

- 8.B [21-1596](#) Action on Stadium Authority Bills and Claims for the Month of September 2021

Recommendation: Approve the list of Stadium Authority Bills and Claims for September 2021.

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

PUBLIC PRESENTATIONS

Lee Broughman (E-Mail) expressed concern regarding **Council** participation in City events.

City Manager Santana noted that **Councilmember Becker** may speak as a member of the public. **Councilmember Becker** deferred his comments to Reports of Members & Special Committees.

CONSENT ITEMS PULLED FOR DISCUSSION

- 7.H [21-1636](#) Action on a Resolution Delegating Authority to the City Manager to Execute Natural Gas Purchase Contracts and Related Documents for Delivery Through 2034

Recommendation: Adopt a Resolution delegating authority to the City Manager, or designee, to execute on behalf of the City any and all natural gas purchase contracts (not to exceed the total of 40,000 MMBtu per day) and related documents for delivery through 2034.

Councilmember Jain pulled this item for further discussion.

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

Council questions followed.

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

A motion was made by Councilmember Jain, seconded by Vice Mayor Chahal, to adopt Resolution No. 21-9039 delegating authority to the City Manager, or designee, to execute on behalf of the City any and all natural gas purchase contracts (not to exceed the total of 40,000 MMBtu per day) and related documents for delivery through 2034.

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

9. [21-930](#) Action on FY 2020/21 Budget Year-End Report and Approve the Related Budget Amendments

- Recommendation:**
1. Note and file the FY 2020/21 Budget Year-End Report;
 2. Consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*" approve the FY 2020/21 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**);
 3. Consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*" Approve the FY 2021/22 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**); and
 4. Direction, if any, by the City Council regarding initiatives to be funded by the \$400,000 allocation included in this report.

Director of Finance Lee and City Manager Santana gave a PowerPoint presentation on FY 2020/21 Budget Year-End Report and Related Budget Amendments.

Council comments and questions followed.

City Manager Santana addressed Council questions.

A motion was made by **Vice Mayor Chahal**, seconded by **Councilmember Watanabe**, (1) note and file the FY 2020/21 Budget Year-End Report; (2) consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*" approve the FY 2020/21 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); (3) consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," Approve the FY 2021/22 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); and (4) direction, if any, by the City Council regarding initiatives to be funded by the \$400,000 allocation included in this report.

Councilmember Hardy requested a friendly amendment to include an allocation for \$75,000 for short term of the Homelessness project.

Vice Mayor Chahal accepted the friendly amendment.

A motion was made by Vice Mayor Chahal, seconded by Councilmember Watanabe, to (1) note and file the FY 2020/21 Budget Year-End Report; (2) consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve the FY 2020/21 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); (3) consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," Approve the FY 2021/22 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); and (4) allocate \$75,000 for short term of the Homelessness project.

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

5. Action on Approval of Various Board, Commissions and Committees Governance Items

- A. [21-1733](#) Information and Update on the Ad Hoc Committee on the Apology Letter Relating to the City's California Voting Rights Act Litigation (Deferred from November 9, 16, and December 7, 2021)

Recommendation:

1. Review expanded scope and provide direction on staff resources to support the committee; and
2. Review the provided history and background and provide feedback on what should be posted on the Open City Hall survey as a history.

City Manager Santana provided an overview of the item.

Councilmember Becker and Councilmember Park provided an overview on the request to expand the scope of the Ad-Hoc Committee.

Chief Assistant City Attorney Reuter addressed Council questions.

Council comments and questions followed.

City Manager Santana addressed Council questions.

Council comments followed.

A motion was made by Councilmember Becker, seconded by Vice Mayor Chahal, to expand the scope of the Ad-Hoc committee by the following:

- scheduling another Ad-Hoc Committee meeting with full city staff support, including live-streaming and advertisement of the meeting as a Council Meeting;
- set the Ad-Hoc Committee Meeting for 7:00 PM;
- promote the Ad-Hoc Committee and the survey on social media;
- have the Task Force on Diversity, Equity, and Inclusion provide input on the draft letter;
- host a community workshop;
- place a survey on the city's website seeking feedback on the draft apology letter with the following materials for reference: draft apology letter from Councilmember Becker, an unbiased background history on the CVRA lawsuit (to be developed and approved by the Council), and the recent City of San Jose resolution apologizing to the Chinese Immigrants and their descendants for Acts of Fundamental Injustice and Discrimination Seeking forgiveness and committing to the rectification of past policies and misdeeds; and
- schedule a Closed Session to discuss waiving legal confidentiality.

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

Nay: 2 - Councilmember Watanabe and Mayor Gillmor

- B. [21-1734](#) Action on Formalization of the Bicycle and Pedestrian Advisory Committee (Deferred from November 9, 16 and December 7, 2021)

Recommendation: Alternatives 1, 3, 5, 8 and 9:

1. Modify BPAC membership eligibility to require that applicants must be at least 18 years of age and live or work in the City;
3. Reduce the number of BPAC members from the current maximum of nine members to seven members and phase in this change so no current member loses their position during the current term;
5. Modify how BPAC members are interviewed and appointed similar to other Boards and Commissions by having Council interview applicants and make selections;
8. Remove the requirement that a Councilmember chair the BPAC and allow the BPAC to select its own chair in July 2025 once all members of the BPAC are comprised of those who were interviewed by Council; and
9. Direct staff to bring an ordinance and revised BPAC Policy Guidelines formalizing the BPAC for Council consideration.

Director of Public Works Mobeck provided a verbal report on the Action on Formalization of the Bicycle and Pedestrian Advisory Committee.

Council comments and questions followed.

Director of Public Works Mobeck addressed Council questions.

A motion was made by Councilmember Watanabe, seconded by Councilmember Hardy, to Alternatives 1, 3, 5, 8 and 9: (1) modify BPAC membership eligibility to require that applicants must be at least 18 years of age and live or work in the City; (3) reduce the number of BPAC members from the current maximum of nine members to seven members and phase in this change so no current member loses their position during the current term; (5) modify how BPAC members are interviewed and appointed similar to other Board and Commissions by having Council interview applicants and make selections; (8) remove the requirement that a Councilmember chair the BPAC and allow the BPAC to select its own Chair in July 2025 once all members of the BPAC are comprised of those who were interviewed by Council; and (9) direct staff to bring an ordinance and revised BPAC Policy Guidelines formalizing the BPAC for Council consideration.

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

Mayor Gillmor called for a recess at 9:24 PM and reconvened the meeting at 9:30 PM.

- C. [21-1735](#) Action to Waive First Reading and Introduce an Ordinance to Amend Chapter 2.120, Entitled Boards and Commissions, to Update Boards and Commission Members Qualifications (Deferred from November 9,16 and December 7, 2021)

Recommendation: Waive First Reading and Introduce an Ordinance to amend Chapter 2.120, entitled Boards and Commissions, to update Boards and Commissions qualifications to be residents of the City instead of qualified electors.

Assistant City Attorney Klotz provided a verbal report.

Council comments and questions followed.

A motion was made by **Councilmember Jain**, seconded by **Councilmember Park**, to waive the First Reading and introduce Ordinance to amend Chapter 2.120, entitled Boards and Commissions, to update Boards and Commissions qualifications to be residents of the City instead of qualified electors.

Council questions followed.

Chief Assistant City Attorney Reuter addressed **Council** questions.

Councilmember Becker requested a friendly amendment to the motion to direct Staff to include language to encourage applicants to complete all fields of the Board and Commissions application.

Councilmember Jain accepted the friendly amendment.

A motion was made by **Councilmember Jain**, seconded by **Councilmember Park**, to (1) waive the First Reading and introduce Ordinance No. 2040 to amend Chapter 2.120, entitled Boards and Commissions, to update Board and Commissions qualifications to be residents of the City instead of qualified electors, and (2) direct staff to include language to encourage applicants to complete all fields of the Board and Commissions application.

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

6. [21-1732](#) Update on Sustainability Program and Provide Feedback on 2022 Program Focus Areas (Deferred from December 7, 2021)

Recommendation: Note and file the Update on Sustainability Program and Provide Feedback on 2022 Program Focus Areas.

Sustainability Manager Templeton gave a PowerPoint presentation.

Council comments and questions followed.

Sustainability Manager Templeton, City Manager Santana, and Assistant City Manager Pineda addressed **Council** questions.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to note and file the Update on Sustainability Program and Provide Feedback on 2022 Program Focus Areas.

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

- 7.J [21-1543](#) Action on Amendment No. 1 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Vantage CA2 Data Center and Owens Corning Facility and Related Budget Amendment

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 with Wilson, Ihrig & Associates to expand the Scope of Services, and increase maximum compensation by \$76,600 for a total not to exceed amount of \$86,600; and
 2. Consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve the related FY 2021/22 budget amendment in the General Fund to increase the Community Development Department appropriation by \$76,600 and decrease the Land Sale Reserve by \$76,600. **(five affirmative Council votes required for the use of unused balances).**

Councilmember Jain pulled this item for further clarification.

Council comments and questions followed.

City Manager Santana, Assistant City Manager Pineda, and Director of Community Development Crabtree addressed **Council** questions.

A motion was made by **Councilmember Jain**, seconded by **Councilmember Hardy**, to (1) allocate the budget appropriation, (2) modify the contract to have noise monitoring service performed when there are three noise complaints, and (3) add more analytical clauses.

Councilmember Jain withdrew his original motion and proposed a new motion (seconded by **Vice Mayor Chahal**) to continue this item to January 2022 and get more information about the broadcasting, moving of the noise monitoring equipment, and the timeline.

A motion was made by Councilmember Jain, seconded by Vice Mayor Chahal, to continue this item to January 2022 and get more information about the broadcasting, the moving of the noise monitoring equipment and the timeline.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

PUBLIC HEARING/GENERAL BUSINESS

10. [21-1251](#) Action on the Warburton Avenue - Civic Center Drive Area Parking Analysis

Recommendation: Alternative 1: Approve the Warburton Avenue - Civic Center Drive Area Parking Analysis and direct the City Manager to include a budget proposal for Council consideration to fund a new project for installing diagonal parking on Civic Center Drive between Lincoln Street and Warburton Avenue as part of the Biennial 2022/23 and 2023/24 Capital Improvement Program budget process.

Vice Mayor Chahal recused himself from discussion at 10:27 PM due to potential conflict of interest due to his property being in close proximity to this item.

Assistant Director of Public Works Liw gave a PowerPoint presentation.

Council comments and questions followed.

Assistant Director of Public Works Liw addressed **Council** questions.

Public Speaker(s): Jamie Deepa
Pikliza Morteza Shafiei (e-Comment)
Sunil B BV (e-Comment)
Keyhan Sinai JL (e-Comment)

Assistant Director of Public Works Liw addressed public questions and comments.

Council comments ensued.

Assistant Director of Public Works Liw addressed **Council** questions.

A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to approve the Warburton Avenue - Civic Center Drive Area Parking Analysis.

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

Recused: 1 - Vice Mayor Chahal

12. [21-1577](#) Discussion and Possible Direction on Consideration of the Sale of the Loyalton Ranch Property (Continued from October 26, 2021)

Recommendation: Staff has no recommendation and is seeking Council direction on whether additional steps toward the sale of the Loyalton Ranch Property should be implemented.

Assistant City Manager Pineda provided a brief verbal report on this item.

A motion was made by **Councilmember Becker**, seconded by **Councilmember Hardy**, to approve Alternative 1: direct staff to develop a strategy for the sale of the Loyalton Ranch Property and present it to the Council at a future meeting.

Council comments followed.

Chief Assistant City Attorney Reuter and **Assistant City Manager Pineda** addressed **Council** questions.

Public Speaker(s): Joshua Bush

Edward Strine

Mojgan Mahdizadeh (e-Comment)

A motion was made by **Councilmember Becker**, seconded by **Councilmember Hardy**, to approve Alternative 1: direct staff to develop a strategy for the sale of the Loyalton Ranch Property and present it to the Council at a future meeting.

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

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

Assistant City Clerk Pimentel noted that there were additional e-Comments for Item 10 (RTC 21-1251) and read the following comments into the record:

Public Speaker(s): Caitlin Frates (e-Comment)

Serkan Serkan (e-Comment)

Kevin Wang (e-Comment)

James Kim (e-Comment)

Orit Skorka (e-Comment)

Ryan Luciano (e-Comment) Duanya

Tu (e-Comment)

C F (e-Comment)

Flora Kho (e-Comment)

Venee Cruz (e-Comment)

Shirley Deng (e-Comment)

Leon Li (e-Comment)

Maria Espinosa (e-Comment)

RA Aa (e-Comment)

Anshul Jindal (e-Comment)

Keyhan Sinai (e-Comment)

Property Manager (e-Comment)

Sim Ye (e-Comment)

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Becker expressed comments of concern regarding a news story printed by Robert Haugh and provided clarification on the statements made in the story.

Councilmember Park expressed comments regarding Robert Haugh's blog.

Vice Mayor Chahal expressed comments of concern regarding Robert Haugh's blog.

Councilmember Becker expressed gratitude for the year with the Council and appreciates the work throughout the year.

Mayor Gillmor expressed comments of concern regarding Council's comments on Robert Haugh's blog.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

ADJOURNMENT

The meeting was adjourned at 11:48 PM in memory of **Hardyal Kaur, Mother-In-Law of Vice Mayor Chahal.**

A motion was made by Councilmember Watanabe, seconded by Councilmember Park, to adjourn the meeting.

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

[21-79245](#)

Adjournment of the December 14, 2021 City Council and Stadium Authority Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday, January 11, 2022.

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@santaciaraca.gov <<mailto:clerk@santaciaraca.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