



City of Santa Clara

Minutes

Joint Council and Authorities Concurrent & Santa Clara Stadium Authority

04/18/2023

4:00 PM

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

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

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

Meeting ID: 997-0675-9306

- o Phone 1(669) 900-6833

How to Submit Written Public Comment Before City Council Meeting:

1. Use the eComment tab located on the City Council Agenda page (<https://santaclaraca.legistar.com/Calendar.aspx>). eComments are directly sent to the iLegislate application used by City Council and staff, and become part of the public record. eComment closes 15 minutes before the start of a meeting.
2. By email to clerk@santaclaraca.gov by 12 p.m. the day of the meeting. Those emails will be forwarded to the Council and will be uploaded to the City Council Agenda as supplemental meeting material. Emails received after the 12 p.m. cutoff time up through the end of the meeting will form part of the meeting record. Please identify the Agenda Item Number in the subject line of your email. NOTE: Please note eComments and Emails received as public comment will not be read aloud during the meeting.

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

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

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

Roll Call

Mayor/Chair Gillmor called the meeting to order at 4:02 p.m.

Assistant City Clerk/Secretary Pimentel read the teleconferencing statement for **Councilmember Chahal** and **Councilmember Chahal** confirmed that the agenda was posted at his remote location in accordance with the Brown Act and that there were no public members present at his remote location.

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

- 1.A** [23-528](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: 800 Mathew Street, Santa Clara, California 95050 (APN: 224-03-081)
City/Authority Negotiator: City Manager/Executive Director (or designee)
Negotiating Parties: Jitendra G. Patel and Sashi J. Patel
Under Negotiation: Accord and Satisfaction (provisions, price and terms of payment)
- 1.B** [23-531](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
City of Santa Clara v. Jitendra G. Patel, et al, Santa Clara County Superior Court Case No. 21CV377579
- 1.C** [23-523](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
County Sanitation District 2-3, et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 18CV325480

Public Comment

There were none.

Convene to Closed Session (Council Conference Room)

Mayor Gillmor convened the meeting into Closed Session at 4:03 p.m.

Mayor Gillmor called for a recess at 4:17 p.m. and reconvened at 4:39 p.m. to continue the Closed Session.

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Study Session to order at 6:01 p.m.

Assistant City Clerk Pimentel read the teleconferencing statement for **Councilmember Chahal** and **Councilmember Chahal** confirmed that the agenda was posted at his remote location in accordance with the Brown Act and that there were no public members present at his remote location.

2. [23-1171](#) Cleanup Campaign Alternatives and Community Survey Results

Recommendation: Note and file the Report.

Community Development Director Mobeck presented the PowerPoint on Clean Up Campaign.

Council comments and questions followed.

Public Comment:
Dave (online)

By consensus, the **Council** continued this item to a future meeting.

7:00 PM JOINT COUNCIL/STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chair Gillmor called the Regular Meeting to order at 6:57 p.m.

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Jain recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB 23
Announcement and Behavioral Standards.

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

Assistant City Clerk/Secretary Pimentel read the teleconferencing
statement for **Council/Boardmember Chahal** and
Council/Boardmember Chahal confirmed that the agenda was posted at
his remote location in accordance with the Brown Act and that there were
no public members present at his remote location.

[23-564](#)

Moment of Silence / Adjournment for April 18, 2023, Council & Authorities
Concurrent Meeting

Mayor/Chair Gillmor requested a moment of silence for **Eliyanah
Crisostomo** who was fatally shot in her family's vehicle as they traveled
along Interstate 880 by suspected gang members on April 8, 2023.

Mayor/Chair Gillmor requested a moment of silence for former **Santa
Clara City Manager Don Von Raesfeld, Sr.** who passed away on Easter
Sunday while attending mass at St. Clare's Church at the age of 96.
Members of the Von Raesfeld's family shared comments about their father.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney/Authority Counsel Googins stated there were no reportable actions.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor/Chair Gillmor moved Item 3 to General Business.

SPECIAL ORDER OF BUSINESS

- 4.A** [23-386](#) Proclaim April as National Autism Acceptance Month
- Mayor/Chair Gillmor** proclaimed April as National Autism Acceptance month. **Pacific Autism Center for Education (PACE) Executive Director Kurt Ohlfs** and **Assistant Executive Director Karen Kennan** accepted the proclamation and thanked the **Council** for the recognition.
- 4.B** [23-462](#) Proclamation of April 23-29, 2023 as National Library Week
- Mayor/Chair Gillmor** proclaimed April 23-29, 2023 as National Library Week. **City Librarian Patty Wong and Board of Library Trustees Jonathon Evans** accepted the proclamation and made a few remarks.
- 4.C** [23-551](#) Proclaim April 30 through May 6, 2023 as Municipal Clerks Week
- Mayor/Chair Gillmor** proclaimed April 30-May 6, 2023 as Municipal Clerks Week. **Assistant City Clerk/Secretary Pimentel** accepted the proclamation and made a few remarks.

CONSENT CALENDAR

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

Mayor/Chair Gillmor abstained from Item 5.J due to her property is located in Franklin Square.

Mayor/Chair Gillmor noted that she will be voting “No” for Item 5.G.

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

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

- 5.A [23-543](#) Action on the Minutes of March 7, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting and the March 21, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting

Recommendation: Approve the Meeting Minutes Action on the Minutes of March 7, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting and the March 21, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve the meeting minutes of March 7, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority meeting and the March 21, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority meeting.

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

5.B [23-11](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Senior Advisory Commission - February 27, 2023
Cultural Commission - March 6, 2023
Audit Committee - November 30, 2022
Audit Committee - February 3, 2023
Board of Library Trustees Minutes - January 26, 2023
Board of Library Trustees Minutes - February 16, 2023
Board of Library Trustees Minutes - March 6, 2023
Downtown Community Task Force (DCTF) Minutes - January 19, 2023 Downtown
Community Task Force (DCTF) Minutes - February 6, 2023 Downtown
Community Task Force (DCTF) Minutes - February 16, 2023 Downtown
Community Task Force (DCTF) Minutes - November 18, 2021

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to note and file the minutes of:

**Senior Advisory Commission - February 27, 2023
Cultural Commission - March 6, 2023
Audit Committee - November 30, 2022
Audit Committee - February 3, 2023
Board of Library Trustees Minutes - January 26, 2023
Board of Library Trustees Minutes - February 16, 2023
Board of Library Trustees Minutes - March 6, 2023
Downtown Community Task Force (DCTF) Minutes - January 19, 2023
Downtown Community Task Force (DCTF) Minutes - February 6, 2023
Downtown Community Task Force (DCTF) Minutes - February 16, 2023
Downtown Community Task Force (DCTF) Minutes - November 18, 2021**

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

5.C [23-159](#) Action on the Single Audit Report for Fiscal Year 2021-22

Recommendation: Note and file the City of Santa Clara Single Audit Report for the year ended June 30, 2022, as recommended by the Council Audit Committee.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to note and file the City of Santa Clara Single Audit Report for the year ended June 30, 2022, as recommended by the Council Audit Committee.

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

5.D [23-1424](#) Action on an Agreement with Kimley-Horn and Associates, Inc for Services for the Traffic Signal Management Software Upgrade and Adaptive Signal System Project

Recommendation: 1. Authorize the City Manager or designee to execute an agreement with Kimley-Horn and Associates, Inc. for the purchase of a Citywide Advanced Traffic Management System and Adaptive Traffic Control System, including all software, hardware, and professional services for design, implementation, configuration, support, and maintenance, for a term starting on or around May 1, 2023 and ending on or around April 30, 2033, with maximum compensation amount not-to-exceed \$2,194,258, subject to the appropriation of funds.
2. Authorize the City Manager or designee to execute amendments to the agreement with Kimley-Horn and Associates, Inc. to implement any changes and enhancements to the system that may be required.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to authorize the City Manager or designee to execute an agreement with Kimley-Horn and Associates, Inc. for the purchase of a Citywide Advanced Traffic Management System and Adaptive Traffic Control System, including all software, hardware, and professional services for design, implementation, configuration, support, and maintenance, for a term starting on or around May 1, 2023 and ending on or around April 30, 2033, with maximum compensation amount not-to-exceed \$2,194,258, subject to the appropriation of funds; and authorize the City Manager or designee to execute amendments to the agreement with Kimley-Horn and Associates, Inc. to implement any changes and enhancements to the system that may be required.

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

5.E [23-412](#)

Action on Agreement for Services with Hexagon Transportation Consultants, Inc. for Preparation and Application of a Transportation Demand Management Monitoring and Administration Program for Development Projects

Recommendation:

1. Approve and authorize the City Manager's Office, consistent with properly delegated authority or existing policy, to execute an agreement with Hexagon Transportation Consultants, Inc. for preparation and application of a Transportation Demand Management (TDM) monitoring and administration program for development projects for a three year term starting on May 1, 2023 and ending on April 30, 2026 for a total maximum compensation amount not to exceed \$200,000; and
2. Approve and authorize the City Manager's Office to execute amendments to the agreement to extend the term and increase compensation as may be required to support the requirements of the TDM monitoring and administration program, subject to appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve and authorize the City Manager's Office, consistent with properly delegated authority or existing policy, to execute an agreement with Hexagon Transportation Consultants, Inc. for preparation and application of a Transportation Demand Management (TDM) monitoring and administration program for development projects for a three-year term starting on May 1, 2023 and ending on April 30, 2026 for a total maximum compensation amount not to exceed \$200,000; and to approve and authorize the City Manager's Office to execute amendments to the agreement to extend the term and increase compensation as may be required to support the requirements of the TDM monitoring and administration program, subject to appropriation of funds.

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

5.F [23-436](#) Action on Agreement with Impec Group, Inc. for Janitorial Services
Citywide

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Impec Group, Inc. for janitorial services citywide for an initial five-year term, with maximum compensation not-to-exceed \$7,830,683, subject to the appropriation of funds;
 2. Authorize the City Manager to amend the agreement with Impec Group, Inc. to add new sites or to revise pricing in the event a price adjustment is approved, subject to the appropriation of funds;
 3. Authorize the City Manager to execute additional agreements with Impec Group, Inc. as required for other City departments not-to-exceed \$250,000 each, such agreements shall contain the same terms and conditions as the agreement with Impec Group, Inc. for Department of Public Works and shall be subject to appropriation of funds; and
 4. Authorize the City Manager to exercise up to three one-year options to extend the term of the agreement(s) after the initial term, subject to the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to authorize the City Manager to execute an agreement with Impec Group, Inc. for janitorial services citywide for an initial five-year term, with maximum compensation not-to-exceed \$7,830,683, subject to the appropriation of funds; authorize the City Manager to amend the agreement with Impec Group, Inc. to add new sites or to revise pricing in the event a price adjustment is approved, subject to the appropriation of funds; authorize the City Manager to execute additional agreements with Impec Group, Inc. as required for other City departments not-to-exceed \$250,000 each, such agreements shall contain the same terms and conditions as the agreement with Impec Group, Inc. for Department of Public Works and shall be subject to appropriation of funds; and authorize the City Manager to exercise up to three one-year options to extend the term of the agreement(s) after the initial term, subject to the appropriation of funds.

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

5.G [23-550](#) Authorize the City Manager to enter into an Agreement for Real Estate Services with CBRE Inc. for the Loyalton Property and Other City Properties and Enter into Listing Agreements for Individual Properties

- Recommendation:**
1. Authorize the City Manager to negotiate and execute an Agreement for Real Estate Services with CBRE Inc. for the Loyalton Property and Other City Properties and Enter into Listing Agreements for Individual Properties;
 2. Authorize the City Manager to negotiate and execute amendments to these agreements to (a) add or delete services consistent with the scope of services for the agreements (b) adjust future rates subject to the appropriation of funds; and
 3. Authorize the City Manager to take any actions as necessary to implement and administer the agreement.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to authorize the City Manager to negotiate and execute an agreement for real estate services with CBRE Inc. for the Loyalton Property and other City properties and enter into listing agreements for individual properties; authorize the City Manager to negotiate and execute amendments to these agreements to (a) add or delete services consistent with the scope of services for the agreements (b) adjust future rates subject to the appropriation of funds; and authorize the City Manager to take any actions as necessary to implement and administer the agreement.

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

Nay: 1 - Mayor Gillmor

5.H [23-365](#) Action on Sixth Amendment to Agreement A4220S with the Santa Clara Valley Water District (Valley Water) and the City of Santa Clara for Cost-Sharing of the Landscape Rebate Program

- Recommendation:** Authorize the City Manager to execute the Sixth Amendment to the Agreement with Santa Clara Valley Water District (Valley Water) to increase the amount of the agreement by \$300,000 for a revised not-to-exceed maximum of \$550,000.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to authorize the City Manager to execute the Sixth Amendment to the agreement with Santa Clara Valley Water District (Valley Water) to increase the amount of the agreement by \$300,000 for a revised not-to-exceed maximum of \$550,000.

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

- 5.I [23-305](#) Actions on Award of Contract for the Sanitary Sewer Condition Assessment Repairs - Package 1 Project (CE 20-21-03) to JMB Construction, Inc.; Adopt a Resolution Adopting a Mitigated Negative Declaration, for which an Initial Study was Prepared, and Mitigation Monitoring and Reporting Program; Adopt a CEQA Statutory Exemption; Adopt a Class 1 CEQA Categorical Exemption; and Related Budget Amendment.

- Recommendation:**
1. Adopt a resolution Adopting the Mitigated Negative Declaration, for which an Initial Study was Prepared and Mitigation, Monitoring and Reporting Program or the Sanitary Sewer Condition Assessment Repairs - Package 1 Project for repair segments 100, 231, 232, 233, and 242;
 2. Adopt a Statutory Exemption under CEQA Guidelines Section 15282 for repair segments 228, 202, 136, 122, 115, 91, 86, 85, 80, 77, 130, 112, 109, 101, 96, 95, 45, and 31;
 3. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for repair segments 120, 132, 134, 203, 204, 205, 208, 209, 210, 211, 223, 224, 225, 226, 234, 235, 240, and 241;
 4. Authorize the Director of Public Works or designee, to file a Notice of Determination and a Notice of Exemption with the County Clerk-Recorder and the State Clearinghouse;
 5. Award the Public Works Contract for the Sanitary Sewer Condition Assessment Repairs - Package 1 Project (CE 20-21-03) for the Base Bid, to the lowest responsive and responsible bidder, JMB Construction, Inc., in the amount of \$5,178,003 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project on forms approved by the City Attorney;
 6. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$776,700, for a total project budget not to exceed amount of \$5,954,703; and
 7. Approve the following FY 2022/23 budget amendments:
 - A. In the Sewer Utility Fund, increase the transfer to the Sewer Utility Capital Fund by \$4,245,609 and reduce the unrestricted fund balance by \$4,245,609 (**five affirmative Council votes required for the use of unused balances**); and
 - B. In the Sewer Utility Capital Fund, increase the transfer from the Sewer Utility Fund by \$4,245,609 and increase the Sanitary Sewer System Improvements project by \$4,245,609 (**five affirmative Council votes required to appropriate additional revenue**).

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9216 adopting the Mitigated Negative Declaration, for which an Initial Study was prepared and Mitigation, Monitoring and Reporting Program or the

Sanitary Sewer Condition Assessment Repairs - Package 1 Project for repair segments 100, 231, 232, 233, and 242; adopt a Statutory Exemption under CEQA Guidelines Section 15282 for repair segments 228, 202, 136, 122, 115, 91, 86, 85, 80, 77, 130, 112, 109, 101, 96, 95, 45, and 31; adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for repair segments 120, 132, 134, 203, 204, 205, 208, 209, 210, 211, 223, 224, 225, 226, 234, 235, 240, and 241; authorize the Director of Public Works or designee, to file a Notice of Determination and a Notice of Exemption with the County Clerk-Recorder and the State Clearinghouse; award the Public Works Contract for the Sanitary Sewer Condition Assessment Repairs - Package 1 Project (CE 20-21-03) for the Base Bid, to the lowest responsive and responsible bidder, JMB Construction, Inc., in the amount of \$5,178,003 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project on forms approved by the City Attorney; authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$776,700, for a total project budget not to exceed amount of \$5,954,703; and approve the following FY 2022/23 budget amendments: A. In the Sewer Utility Fund, increase the transfer to the Sewer Utility Capital Fund by \$4,245,609 and reduce the unrestricted fund balance by \$4,245,609 (five affirmative Council votes required for the use of unused balances); and B. In the Sewer Utility Capital Fund, increase the transfer from the Sewer Utility Fund by \$4,245,609 and increase the Sanitary Sewer System Improvements project by \$4,245,609 (five affirmative Council votes required to appropriate additional revenue).

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

5.J [23-193](#) Adoption of a Resolution of Intention for Parking Maintenance District No. 122 - Franklin Square

- Recommendation:**
1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122;
 2. Set a hearing date of June 6, 2023 to approve the Director's Report FY 2023/24; and
 3. Authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9217 of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122; set a hearing date of June 6, 2023 to approve the Director's Report FY 2023/24; and authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

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

Abstain: 1 - Mayor Gillmor

5.L [23-444](#) Action on a Resolution to Oppose Initiative 21-0042A1, "The Taxpayer Protection and Government Accountability Act"

- Recommendation:** Adopt a Resolution Opposing Initiative 21-0042A1 "The Taxpayer Protection and Government Accountability Act".

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9219 opposing Initiative 21-0042A1 "The Taxpayer Protection and Government Accountability Act".

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

- 5.M [23-522](#) Action on a Request for a Two-Year Special Permit to Use the Santa Clara Marriott Hotel Parking Lot as an Event Site at 2700 Mission College Boulevard (CEQA: Exempt 15304(e) Class 4 - Minor Alterations to Land) (Deferred from April 4, 2023)

Recommendation: Approve the Use of a Categorical Exemption per CEQA 15304(e) Class 4 - Minor Alterations to Land and Approve the Request for a Two-Year Special Permit to use the Santa Clara Marriott Hotel Parking Lot as an Event Site at 2700 Mission College Boulevard, subject to conditions.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve the use of a Categorical Exemption per CEQA 15304(e) Class 4 - Minor Alterations to Land and approve the request for a Two-Year Special Permit to use the Santa Clara Marriott Hotel parking lot as an event site at 2700 Mission College Boulevard, subject to conditions.

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

- 5.N [23-446](#) Informational Report on 2023 Q1 Legislative Updates

Recommendation: Note and file the informational report on 2023 Q1 legislative updates.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to note and file the information report on 2023 Q1 legislative updates.

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

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

- 6.A [23-340](#) Action on Stadium Authority Bills and Claims for the Month of February 2023

Recommendation: Approve the list of Stadium Authority Bills and Claims for February 2023.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve the list of Stadium Authority Bills and Claims for February 2023.

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

- 6.B** [23-58](#) Informational Report on Stadium Authority Contracts for Fiscal Year 2022/23 As Required by Santa Clara City Code Chapter 17.30 (Stadium Authority Procurement Policy)

Recommendation: Note and file the informational report on Stadium Authority contracts for FY 2022/23.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to note and file the informational report on Stadium Authority contracts for FY 2022/23.

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

- 6.C** [23-130](#) Informational Report on Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the Period of October 1 to December 31, 2022

Recommendation: Note and file the informational report on Stadium Authority and Stadium Manager staff meetings and corresponding minutes for the period of October 1 to December 31, 2022.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to note and file the informational report on Stadium Authority and Stadium Manager staff meetings and corresponding minutes for the period of October 1 to December 31, 2022.

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

6.D Action on Request Submitted by the Stadium Manager to Execute Agreement with Gachina Landscape Management for Landscaping Services at Levi's Stadium

- 6.D.1** [23-507](#) Request from the Stadium Manager to Execute Agreement with Gachina Landscape Management for Landscaping Services at Levi's Stadium

- 6.D.2 [23-508](#) Report from Stadium Authority for Action Regarding Stadium Manager's Request to Execute Agreement with Gachina Landscape Management for Landscaping Services at Levi's Stadium

Recommendation:

1. Approve the Stadium Manager's request to execute an agreement with Gachina Landscape Management to provide landscaping maintenance services at Levi's Stadium for a three-year period beginning April 19, 2023 through March 31, 2026, in an amount not exceed \$68,000 for the first contract year, \$70,000 for the second contract year, and \$72,000 for the third contract year for a total not to exceed amount of \$210,000 over the three-year period, subject to budget appropriations; and
2. Authorize the Executive Director to approve the Stadium Manager's exercise of the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve the Stadium Manager's request to execute an agreement with Gachina Landscape Management to provide landscaping maintenance services at Levi's Stadium for a three-year period beginning April 19, 2023 through March 31, 2026, in an amount not exceed \$68,000 for the first contract year, \$70,000 for the second contract year, and \$72,000 for the third contract year for a total not to exceed amount of \$210,000 over the three-year period, subject to budget appropriations; and authorize the Executive Director to approve the Stadium Manager's exercise of the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

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

6.E Action on Request Submitted by the Stadium Manager to Execute Amendment No. 1 to the Agreement with Integrated Communication Systems (ICS) for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium

- 6.E.1 [23-534](#) Request from Stadium Manager to Execute Amendment No. 1 to the Agreement with Integrated Communication Systems (ICS) for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium

6.E.2 [23-535](#)

Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Execute Amendment No. 1 to the Agreement with Integrated Communication Systems (ICS) for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium

Recommendation:

Approve the Stadium Manager's request to execute Amendment No. 1 to the agreement with Integrated Communication Systems (ICS) to move the term date from March 31, 2023 to May 31, 2023 and include a total not to exceed compensation amount of \$10,000 for the extended term only in order for ICS to complete the necessary repairs as part of the agreement for fire alarm testing, inspection, maintenance, and related services at Levi's Stadium.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve the Stadium Manager's request to execute Amendment No. 1 to the agreement with Integrated Communication Systems (ICS) to move the term date from March 31, 2023 to May 31, 2023 and include a total not to exceed compensation amount of \$10,000 for the extended term only in order for ICS to complete the necessary repairs as part of the agreement for fire alarm testing, inspection, maintenance, and related services at Levi's Stadium.

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

PUBLIC PRESENTATIONS

The following people spoke for **Councilmember Becker's** resignation:

Yuki Ikezi

Debbie Tryforos

Teresa O'Neill

Ron Patrick (online)

Wanda Buck (online)

Lee Broughman

Lin

Carolyn McAllister

Edward Strine

Debra Von Huene

GPound (online)

Kirk Vartan requested that the City assist small businesses in Santa Clara specifically with business taxes and the Silicon Valley Power rate increases.

Burt Field explained what was alleged about a quote he wrote being referred to as a death threat.

eComments:

Buscher Alum

John Galt

CONSENT ITEMS PULLED FOR DISCUSSION

5.K [23-196](#) Adoption of a Resolution of Intention for Santa Clara Convention Center Complex - Maintenance District No. 183

- Recommendation:**
1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183;
 2. Set a hearing date of June 6, 2023 to approve the Director's Report FY 2023/24; and
 3. Authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

Councilmember Jain pulled Item 5.K to make some comments about the Maintenance District.

Council comments followed.

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to adopt Resolution 23-9218 of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183; set a hearing date of June 6, 2023 to approve the Director's Report FY 2023/24; and authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

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

PUBLIC HEARING/GENERAL BUSINESS

3. [23-527](#) Per City Council Policy 042: Reconsideration of Council Action-Reconsideration of Council action taken March 7, 2023 regarding a Resolution Declaring City-Owned Property Located at 2319 Gianera Street as Surplus Land as Required by State Law [APNs: 104-05-052] (Deferred from April 4, 2023)

Recommendation: Alternative 1: Approve a Resolution Declaring City-Owned Property Located at 2319 Gianera Street Surplus.

Assistant City Manager Pineda and **City Attorney Googins** provided the staff report.

Council comments and questions followed.

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

Public Comment:
Public Speaker (1)
Debbie Algieri

Council comments continued.

A motion was made by Councilmember Watanabe, seconded by Councilmember Jain, to approve Alternative 1: approve Resolution 23-9203 declaring City-owned property located at 2319 Gianera Street surplus.

Aye: 3 - Councilmember Watanabe, Councilmember Jain, and Mayor Gillmor

Nay: 4 - Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, and Councilmember Becker

The motion failed.

A motion was made by Vice Mayor Park, seconded by Councilmember Chahal, to rescind Resolution 23-9203 declaring City-owned property located at 2319 Gianera Street surplus, and directed staff to work with Housing and Community Development to reverse the Notice of Availability process.

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

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

7. [23-275](#) Action on a Resolution Establishing the Average Per-Acre Land Values and Park Development Costs to be Used in Setting the Parkland In-Lieu Fees for New Residential Development for FY 2023/24

Recommendation: Adopt a Resolution to set the Parkland In-Lieu Fee Schedule For New Residential Development in accordance with Title 17 (“Development”) Chapter 35 (“Park and Recreational Land”) of the City Code establishing the average per acre land values as contained in the Annual Land Valuation Appraisal Report and the Park Development cost per capita value as contained in the Parks & Recreation Facilities Development Impact Fee Study (Nexus Study Update) and adjusted by the Construction Cost Index.

Parks and Recreation Director Teixeira gave a Powerpoint presentation on a resolution establishing the average per-acre land values and park development costs to be used in setting the parkland in-lieu fees for new residential development for FY 2023-24

Councilmember Chahal lost connection from his remote location at 9:00 p.m. due to loss of power and internet access and was back online at 9:06 p.m.

Council comments and questions followed.

Parks and Recreation Director Teixeira addressed comments and questions.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution 23-9220 to set the Parkland In-Lieu fee schedule for new residential development in accordance with Title 17 (“Development”) Chapter 35 (“Park and Recreational Land”) of the City Code establishing the average per acre land values as contained in the Annual Land Valuation Appraisal Report and the Park Development cost per capita value as contained in the Parks & Recreation Facilities Development Impact Fee Study (Nexus Study Update) and adjusted by the Construction Cost Index; including the use of an increased park improvement value of \$3,818 per capita; and linking future annual changes in the park improvement value to the annual change in the Construction Cost Index; and limiting future annual park improvement value changes to no more than 10%.

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

Nay: 1 - Vice Mayor Park

Mayor Gillmor called for a recess at 9:41 p.m. and reconvened the **Council** meeting at 9:51 p.m.

9. [23-211](#) Action on Policy Options to Amend Regulations Related to Street Vending Activities in the City of Santa Clara

Recommendation: Direct staff to proceed with Option #1 (pilot program in the area of Levi's Stadium from August 2023 through January 2024, with the Police Department returning to City Council with recommendations for implementation for the 2024 concert and NFL seasons, as well as how the Ordinance may need to be amended to apply in other areas of the City, such as City parks).

Police Captain Fitting and **Assistant City Attorney Reuter** gave a PowerPoint presentation on action on policy options to amend regulations related to street vending activities in the City of Santa Clara.

Council comments and questions followed.

Assistant City Attorney Reuter and **Captain Fitting** addressed **Council** comments and questions.

Public Comment:
Howard Gibbins
John Haggerty
Kirk Vartan

Council discussion ensued.

A motion was made by Councilmember Becker, seconded by Councilmember Watanabe, to approve Option #1 – prepare a temporary ordinance amendment and permit process for stadium event days that would define areas where sidewalk vending could not occur due to health and/or safety concerns, within a to-be-determined stadium footprint.

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

8. [23-141](#) Public Hearing: Action on the Adoption of the Proposed FY 2023/24 Municipal Fee Schedule

Recommendation: Alternative 1:

Adopt the “City of Santa Clara 2023/24 Municipal Fee Schedule” which by resolution (1) sets new Fees; (2) amends existing Fees; (3) retains unchanged Fees for various City departments; (4) deletes certain fees with an effective date of July 1, 2023.

Finance Director Lee gave a PowerPoint presentation on the adoption of the proposed FY 2023/24 Municipal Fee Schedule.

Council comments and questions followed.

Councilmember Chahal lost connection from his remote location at approximately 10:55 p.m. due to power outage and internet access.

Finance Director Lee, Parks and Recreation Director Teixeira, City Librarian Wong, Fire Marshal Tomlin, and Community Development Director Crabtree addressed **Council** questions.

Public Comment:

Kirk Vartan

John Haggerty

Jonathan Evans

Wanda Buck

Council questions continued and **Finance Director Lee** responded.

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

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

Nay: 1 - Vice Mayor Park

Absent: 1 - Councilmember Chahal

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to adopt the “City of Santa Clara 2023/24 Municipal Fee Schedule” which by Resolution 23-9221 (1) set new fees; (2) amends existing fees; (3) retains unchanged Fees for various City departments; (4) deletes certain fees with an effective date of July 1, 2023 and have a future session to discuss fees for non-profits and sports leagues.

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

Absent: 1 - Councilmember Chahal

10. [23-145](#) Discussion and Follow Up on a Written Petition (Council Policy 030) Submitted by Kirk Vartan Related to Permit Parking Zones

Recommendation: Note and file the staff report.

Assistant Director Liw and **Captain Martin** gave a PowerPoint presentation on a follow up on written petition (Council Policy 030) by Kirk Vartan related to Permit Parking Zones.

Council comments and questions.

Assistant Director Liw addressed **Council** questions.

Kirk Vartan was called to make his presentation.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy to note and file report and direct staff to look into the 20-year old signs and determine if there are parking issues and return to Council at a later date to report.

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

Absent: 1 - Councilmember Chahal

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Watanabe reported she attended the Valley Water commission meeting and stated that the Commission made a recommendation to cut the current water rate increases. She also reported on attending the a joint recycle water policy committee meeting as well as a groundbreaking event for a new development at Tasman East.

Vice Mayor Park reported that he attended the groundbreaking at Tasman East. He also reported that he attended the League of California Cities conference in Sacramento and that meetings with state legislators were canceled due to a credible bomb and active shooter threat.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

There were none.

[23-390](#)

Update on City Council and Stadium Authority Staff Referrals

[23-542](#)

Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

A motion was made by Vice Mayor Park, seconded by Councilmember Becker, to adjourn the meeting at 12:19 a.m. in memory of Eliyanah Crisostomo and Don Von Raesfeld, Sr.

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

Absent: 1 - Council/Boardmember Chahal

The next regular scheduled meeting is on Tuesday, May 9, 2023 in the City Hall Council Chambers.

MEETING DISCLOSURES

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

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

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

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

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

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

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