



City of Santa Clara

Draft

Meeting Minutes

Council and Authorities Concurrent Meeting

Call and Notice of Special Meeting

Santa Clara Stadium Authority

03/09/2021

4:00 PM

Virtual Meeting

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented 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.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Governing Board of the Stadium Authority, to commence and convene on March 9, 2021, at 4:00 pm for a Special Meeting to be held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

4:00 PM CLOSED SESSION

Call to Order

Mayor/Chair Gillmor called the meeting to order at 4:00 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

None.

- 1.A** [21-366](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
City of Santa Clara v. Yumori Kaku, et al., California Sixth District Court of Appeal Case No. H046105
- 1.B** [21-399](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
City of Santa Clara v. IA Lodging Santa Clara, LLC, et al., Santa Clara County Superior Court Case No. 19CV340507
- 1.C** [21-416](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Sommers, et al., v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:17-cv-04469-BLF

Convene to Closed Session

Council convened to Closed Session at 4:04 PM and reconvened to Open Session at 5:38 PM.

5:30 PM COUNCIL/SPECIAL STADIUM AUTHORITY 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 AB 23 Announcement and Behavioral Standards.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle noted that there was no reportable action from Closed Session.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

2. [21-413](#) Action to Continue the Public Hearing Originally Set for March 9, 2021 and Set a New Hearing Date for March 16, 2021 to Consider the Appeal Submitted by Santa Clara Citizens for Sensible Industry c/o Legal Counsel for 1111 Comstock Street (PLN2019-13941; CEQ2020-01079)

Recommendation: Set March 16, 2021 for a Public Hearing to consider the Appeal submitted by Santa Clara Citizens for Sensible Industry c/o Legal Counsel of the Development Review Officer's November 4, 2020 adoption of the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program and approval of the Architectural Review and Minor Modifications to increase the building height to 87 feet and reduce parking space requirements for the Comstock Data Center Project at 1111 Comstock Street.

Vice Mayor Chahal recused himself from this item as he has property within 1000 ft. of 1111 Comstock Street.

A motion was made by Councilmember Jain, seconded by Councilmember Watanabe, to set March 16, 2021 for a Public Hearing to consider the Appeal submitted by Santa Clara Citizens for Sensible Industry c/o Legal Counsel of the Development Review Officer's November 4, 2020 adoption of the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program and approval of the Architectural Review and Minor Modifications to increase the building height to 87 feet and reduce parking space requirements for the Comstock Data Center Project at 1111 Comstock Street.

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

Recused: 1 - Vice Mayor Chahal

Council/Boardmember Jain requested Items 5, 6, 7 be heard prior to Items Pulled from the Consent Calendar.

Executive Director Santana recommended hearing the Stadium Authority Budget (Item 7) prior to the Draft Marketing Plan (Item 6).

Geta Dev requested to pull Item 4.E from the Consent Calendar for further discussion.

SPECIAL ORDER OF BUSINESS

3.A [21-278](#) Proclaim March 2021 as Red Cross Month

Joe Siecinski and Kay Ammon (American Red Cross - Silicon Valley Chapter) gave a Powerpoint Presentation on American Red Cross Silicon Valley.

Mayor Gillmor proclaimed March 2021 as Red Cross Month.

3.B [21-396](#) Proclaim March 2021 as Women's History Month

Mayor Gillmor proclaimed March 2021 as Women's History Month.

3.C [21-343](#) Verbal Report from City Manager regarding COVID-19 Pandemic

City Manager Santana introduced **Chief Emergency Services Officer Schoenthal** who then gave a PowerPoint Presentation on COVID-19 with the following highlights:

- Santa Clara County remains in Red Tier;
- State of California released relaxed restrictions in all tiers;
- Data on Santa Clara County testing and case rates;
- CDC released guidance for vaccinated individuals;
- State of California released guidance's on contact and non-contact sports activities; and
- Data on the number of COVID-19 vaccinations that are being administered and the challenges of the vaccine allocations.

Chief Emergency Services Officer Schoenthal addressed **Council** questions.

CONSENT CALENDAR

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to approve the balance of the Consent Calendar (except Item 4.E and Item 4.L).

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

4.A [21-06](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Santa Clara Tourism Improvement District Advisory Board - April 9, 2020
Santa Clara Tourism Improvement District Advisory Board - April 16, 2020
Santa Clara Tourism Improvement District Advisory Board - May 14, 2020
Santa Clara Tourism Improvement District Advisory Board - June 11, 2020
Santa Clara Tourism Improvement District Advisory Board - June 22, 2020
Planning Commission - October 28, 2020
Planning Commission - January 27, 2021
Board of Library Trustees - December 7, 2020
Board of Library Trustees - February 8, 2021
Cultural Commission - February 1, 2021

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

4.B [21-896](#) Approval of Budget Amendment for the TDA20-21 Bicycle Facilities Upgrade Project funded by Fiscal Year 2020/21 Transportation Development Act Funds

Recommendation: Establish a new TDA20-21 Bicycle Facilities Upgrade capital project and approve a FY 2020/21 budget amendment in the Streets and Highways Capital Fund to establish an appropriation for the new CIP project - TDA20-21 Bicycle Facilities Upgrade Project in the amount of \$94,054 and increase the revenue estimate in the amount of \$94,054 to recognize the Transportation Development Act Article 3 grant (five affirmative Council votes required for revenue actions only).

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

4.C [21-1259](#) Action to Approve a Municipal Law Enforcement Services Agreement between the Santa Clara Stadium Authority, City of Santa Clara and Monterey County Sheriff's Office

Recommendation: Approve a Municipal Law Enforcement Services Agreement between the Santa Clara Stadium Authority, City of Santa Clara, and Monterey County Sheriff's Office for support services associated with special events at Levi's Stadium.

A motion was made by Council/Boardmember Becker, seconded by Vice Mayor/Chair Chahal, to approve staff recommendation.

- 4.D [21-244](#) Action on Amendment No. 1 to the Steam Sales Agreement with The Newark Group, Inc. to Purchase Steam from the City's Cogeneration Facility to Renew and Extend the Agreement Until October 31, 2021 to Allow Staff to Continue Negotiations for a New Steam Sales Agreement

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Steam Sales Agreement with The Newark Group, Inc. to renew and extend the Agreement until October 31, 2021 to allow staff to continue negotiations for a new Steam Sales Agreement.

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

- 4.F [21-37](#) Action on Approval of the Spending Plan for Supplemental Law Enforcement Services Fund and Related Budget Amendment

Recommendation:

1. Approve the spending plan for funds received from the Citizen's Option for Public Safety Programs Supplemental Law Enforcement Services Fund;
2. Approve a FY 2020/21 budget amendment in the Police Operating Grant Trust Fund to recognize revenue in the amount of \$196,119 for the anticipated Fiscal Year 2020/21 revenue and establish the Citizen's Option for Public Safety FY 2020/21 appropriation in the amount of \$196,119 (five affirmative Council votes required for revenue actions only); and
3. Approve a FY 2020/21 budget amendment in the Police Operating Grant Trust Fund to recognize revenue in the amount of \$110,659 for revenue received in excess of the previously approved allocation for the COPS program from Fiscal Year 2019/20 and establish a Citizen's Option for Public Safety FY 2019/20 appropriation in the amount of \$110,659 (five affirmative Council votes required for revenue actions only).

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

4.G [21-100](#)

Action on Resolutions Dedicating Portions of City-Owned Land for Use as an Overhead Electric Easement, Underground Electric Easement and Sidewalk Easement Located at the Raymond G. Gamma Dog Park

Recommendation:

1. Adopt a Resolution Dedicating a Portion of City-owned Land located at the Raymond G. Gamma Dog Park for use as a sidewalk easement [APN 224-02-001 (2020-21); SC 19,332];
2. Adopt a Resolution Dedicating a Portion of City-owned Land located at the Raymond G. Gamma Dog Park for use as an underground electric easement [APN 224-02-001 (2020-21); SC 19,333];
3. Adopt a Resolution Dedicating a Portion of City-owned Land located at the Raymond G. Gamma Dog Park for use as an overhead electric easement [APN 224-02-001 (2020-21); SC 19,334]; and
4. Authorize the recordation of the Resolutions.

A motion was made by Councilmember Becker, seconded by Vice Mayor Chahal, to 1) adopt Resolution No. 21-8944, dedicating a portion of City-owned land located at the Raymond G. Gamma Dog Park for use as a sidewalk easement [APN 224-02-001 (2020-21); SC 19,332]; 2) adopt Resolution No. 21-8945, dedicating a portion of City-owned Land located at the Raymond G. Gamma Dog Park for use as an underground electric easement [APN 224-02-001 (2020-21); SC 19,333]; 3) adopt Resolution No. 21-8946, dedicating a Portion of City-owned Land located at the Raymond G. Gamma Dog Park for use as an overhead electric easement [APN 224-02-001 (2020-21); SC 19,334]; and 4) authorize the recordation of the Resolutions.

- 4.H [21-160](#) Approval to Participate in the California Integrated Information Network (CALNET) State Contract with AT&T, Verizon, Sprint and T-Mobile for Telecommunication Services

Recommendation:

1. Authorize the City Manager to execute all required documentation for continued participation under the CALNET 3 Contract with AT&T, Verizon, Sprint and T-Mobile for voice and data telecommunication services through December 31, 2021, subject to the appropriation of funds; and
2. Authorize the City Manager to execute all required documentation under the next generation CALNET Contract with AT&T, Verizon, Sprint, and T-Mobile for all telecommunication services during the term of the next generation CALNET contract ending on May 22, 2028, subject to the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Vice Mayor Chahal, to (1) authorize the City Manager to execute all required documentation for continued participation under the CALNET 3 Contract with AT&T, Verizon, Sprint and T-Mobile for voice and data telecommunication services through December 31, 2021, subject to the appropriation of funds; and (2) authorize the City Manager to execute all required documentation under the next generation CALNET Contract with AT&T, Verizon, Sprint, and T-Mobile for all telecommunication services during the term of the next generation CALNET contract ending on May 22, 2028, subject to the appropriation of funds.

- 4.I [21-206](#) Action on the Award of Purchase Orders with Valley Oil and Western States Oil Company for the purchase of Gasoline and Diesel Fuel

Recommendation: Authorize the City Manager to execute purchase orders for gasoline and diesel fuel with Valley Oil and Western States Oil Company pursuant to the County of Santa Clara's cooperative fuel agreements, for a term ending on or around January 11, 2026 and subject to the annual appropriation of funds.

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

- 4.J [21-179](#) Action on Historical Preservation Agreement (Mills Act Contract) for 904 Madison Street

Recommendation: Authorize the City Manager to execute a Mills Act contract and adopt the Ten-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 904 Madison Street with applicants Quenton Diduck and Marlene Diduck; PLN2020-14670.

Mayor Gillmor abstained from this item as she owns property in close proximity to 904 Madison Street.

A motion was made by Councilmember Becker, seconded by Vice Mayor Chahal, to authorize the City Manager to execute a Mills Act contract and adopt the Ten-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 904 Madison Street with applicants Quenton Diduck and Marlene Diduck; PLN2020-14670.

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

Abstained: 1 - Mayor Gillmor

- 4.K [21-217](#) Action on Award of Purchase Orders to Reed & Graham, Inc. and Granite Construction Company for the purchase of Hot Mix Asphalt

Recommendation: 1. Authorize the City Manager to execute purchase orders with Reed & Graham, Inc., and Granite Construction Company for the purchase of hot mix asphalt, for an initial term ending June 30, 2022, with an aggregate maximum compensation not-to-exceed \$362,981, subject to the annual appropriation of funds; and
2. Authorize the City Manager to execute up to five one-year options to renew the purchase orders after the initial term, with the final term ending on June 30, 2027, subject to the annual appropriation of funds.

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

- 4.M** [21-225](#) Action on Various Agreements for Silicon Valley Power (SVP), Authorizing the City Manager to:
1. Execute Amendment No. 1 to an Agreement for Services with e-Builder, Inc. for License and Support Fees for Capital Project Management Software;
 2. Execute Amendment No. 1 to an Agreement for Services with Efficiency Services Group, LLC to administer the Commercial Parking Lot & Exterior Lighting Program to Silicon Valley Power's (SVP) small and mid-sized business customers; and
 3. Add or delete services consistent with the scopes of the agreements, and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to an Agreement for Services with e-Builder, Inc. for License and Support Fees for Capital Project Management Software to cover the cost of the Annual Software Subscription as well as Enterprise Implementation, Setup, Deployment, Training, and Enhancements or Integrations for e-Builder, Inc. to increase the maximum compensation from \$1,015,449 to \$1,150,000;
 2. Authorize the City Manager to execute Amendment No. No. 1 to an Agreement for Services with Efficiency Services Group, LLC to administer the Commercial Parking Lot & Exterior Lighting Program to Silicon Valley Power's (SVP) small and mid-sized business customers; and
 3. Authorize the City Manager to add or delete services consistent with the scope of the agreements 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 Vice Mayor Chahal, to approve staff recommendation.

PUBLIC PRESENTATIONS

Kirk Vartan (e-mail) expressed comments of concern regarding Councilmembers having their video on throughout the duration of a meeting.

[21-661](#) Public Presentations Post Meeting Material

AGENDA ITEMS CONTINUED FROM MARCH 2, 2021

5. [21-402](#) Action on the FY 2020/21 Budget Rebalancing Actions to Address COVID-19 Pandemic Impacts (Continued from February 23, 2021 and March 2, 2021)

Recommendation: Alternatives 1 and 2 (net reduction of expenditures) and 3 (adjustments to transfers of unused balances to other uses and revenue), as follows:

(A) Council action on the following budget amendments resulting in a net reduction of expenditures and **requiring four affirmative votes**:

1. Approve the budget amendments detailed in Attachment 1 that result in a net reduction in expenditures of \$19,118,695 in various funds for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, to offset corresponding revenue reductions in Transient Occupancy Tax, Charges for Services, Interest Earnings, Fines and Penalties, and Interdepartmental Revenue in various funds (**four affirmative Council votes required**);
2. Consider and approve the budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees that reduce expenditures in the General Fund by \$440,372 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (**four affirmative Council votes required**).

(B) Approve the following FY 2020/21 budget amendments in various funds requiring five affirmative votes and 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"*:

3. Approve the budget amendments that recognize additional revenue, including the transfers to the General Fund of \$204,857 from the Streets and Highways Capital Fund and \$6,000 from the Parking Maintenance District Fund as detailed in Attachment 1 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (**five affirmative Council votes required to appropriate additional revenue**).

City Manager Santana made introductory comments on this item continued from March 2, 2021.

Director of Finance Lee gave a PowerPoint presentation and addressed **Council** questions.

City Manager Santana addressed Council questions.

Chief of Police Nikolai gave a PowerPoint Presentation on Violent Crime stats.

A motion was made by **Councilmember Hardy**, seconded by **Vice Mayor Chahal** to approve Alternatives 1, 2 and 4: (1) approve the budget amendments detailed in Attachment 1 that result in a net reduction in expenditures of \$19,118,695 in various funds for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, to offset corresponding revenue reductions in Transient Occupancy Tax, Charges for Services, Interest Earnings, Fines and Penalties, and Interdepartmental Revenue in various funds (four affirmative Council votes required); (2) consider and approve the budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees that reduce expenditures in the General Fund by \$440,372 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (four affirmative Council votes required); and (4) freeze rather than eliminate positions, amend the actions included in Attachments 1 and/or 2 to reflect this change (four affirmative Council votes required).

Public Speaker(s): Linda

Bob O'Keefe
Anthony Pascoal
Alex Torke
Debbie Algieri

Council discussion continued.

Councilmember Watanabe proposed a friendly amendment to the motion on the table to include Alternative 6 - to exclude the Fire Department Minimum Staffing Overtime Reduction/Engine Company Brown-Outs proposal, replace the FY 2020/21 General Fund budget reduction proposal detailed in Attachment 1 with a lower reduction in Transient Occupancy Tax revenue by \$705,174 (four affirmative Council votes required) and Alternative 8 - to exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with a lower reduction in Transient Occupancy Tax Revenue by \$1,654,949 (four affirmative Council votes required).

Councilmember Hardy declined the proposed friendly amendment to the motion and requested that proposal be taken separately.

Mayor Gillmor seconded **Councilmember Watanabe's** amended motion.

Chief of Police Nikolai expressed comments of concern regarding comments made by Councilmembers.

Council discussion and questions continued.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to amend Councilmember Hardy's motion to include Alternative 6 - to exclude the Fire Department Minimum Staffing Overtime Reduction/Engine Company Brown-Outs proposal, replace the FY 2020/21 General Fund budget reduction proposal detailed in Attachment 1 with a lower reduction in Transient Occupancy Tax revenue by \$705,174 (four affirmative Council votes required) and Alternative 8 - to exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with a lower reduction in Transient Occupancy Tax Revenue by \$1,654,949 (four affirmative Council votes required).

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

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

Motion Fails.

Council proceeded to consider the original motion by **Councilmember Hardy** on the table.

A motion was made by Councilmember Hardy, seconded by Vice Mayor Chahal to approve Alternatives 1, 2 and 4: (1) approve the budget amendments detailed in Attachment 1 that result in a net reduction in expenditures of \$19,118,695 in various funds for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, to offset corresponding revenue reductions in Transient Occupancy Tax, Charges for Services, Interest Earnings, Fines and Penalties, and Interdepartmental Revenue in various funds (four affirmative Council votes required); (2) consider and approve the budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees that reduce expenditures in the General Fund by \$440,372 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (four affirmative Council votes required); and (4) freeze rather than eliminate positions, amend the actions included in Attachments 1 and/or 2 to reflect this change (four affirmative Council votes required);

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

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

Motion Passes.

Vice Mayor Chahal proposed to consider Alternative 3: approve the budget amendments that recognize additional revenue, including the transfers to the General Fund of \$204,857 from the Streets and Highways Capital Fund and \$6,000 from the Parking Maintenance District Fund as detailed in Attachment 1 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (five affirmative Council votes required to appropriate additional revenue)

Councilmember Jain requested to include Alternative 5: exclude the Fire Department Minimum Staffing Overtime Reduction/Engine Company Brown-Outs proposal, replace the FY 2020/21 General Fund budget reduction proposal detailed in Attachment 1 with the use of \$705,174 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances).

Vice Mayor Chahal agreed and **Councilmember Jain** seconded the motion.

A motion was made by Vice Mayor Chahal, seconded by Councilmember Jain, to approve Alternatives 3 and 5: (3) approve the budget amendments that recognize additional revenue, including the transfers to the General Fund of \$204,857 from the Streets and Highways Capital Fund and \$6,000 from the Parking Maintenance District Fund as detailed in Attachment 1 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (five affirmative Council votes required to appropriate additional revenue) and (5) exclude the Fire Department Minimum Staffing Overtime Reduction/Engine Company Brown-Outs proposal, replace the FY 2020/21 General Fund budget reduction proposal detailed in Attachment 1 with the use of \$705,174 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances)

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

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

Motion Fails.

Vice Mayor Chahal made a motion, seconded by **Councilmember Hardy**, to approve Alternative 3: approve the budget amendments that recognize additional revenue, including the transfers to the General Fund of \$204,857 from the Streets and Highways Capital Fund and \$6,000 from the Parking Maintenance District Fund as detailed in Attachment 1 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (five affirmative Council votes required to appropriate additional revenue).

A motion was made by Vice Mayor Chahal, seconded by Councilmember Hardy, to approve Alternative 3: approve the budget amendments that recognize additional revenue, including the transfers to the General Fund of \$204,857 from the Streets and Highways Capital Fund and \$6,000 from the Parking Maintenance District Fund as detailed in Attachment 1 to offset a corresponding revenue reduction in Transient Occupancy Tax revenue (five affirmative Council votes required to appropriate additional revenue).

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

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

Motion Fails.

Councilmember Becker requested to reconsider his vote on the previous motion (Alternative 3).

City Attorney Doyle noted that **Councilmember Becker** can see if there is a unanimous consent to reconsider his vote.

Councilmember Becker asked the Council for unanimous consent to reconsider his vote.

Mayor Gillmor asked if there were any objections. **Councilmember Watanabe** objected.

A motion was made by **Councilmember Becker**, seconded by **Vice Mayor Chahal**, approve Alternative 5: to exclude the Fire Department Minimum Staffing Overtime Reduction/Engine Company Brown-Outs proposal, replace the FY 2020/21 General Fund budget reduction proposal detailed in Attachment 1 with the use of \$705,174 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances).

City Attorney Doyle addressed **Council** questions.

Councilmember Watanabe requested a friendly amendment to the motion on the table to include Alternative 7: to exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with the use of \$1,654,949 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances).

Councilmember Becker agreed. **Vice Mayor Chahal** (seconder) did not agree and requested Alternative 7 be taken separately.

Mayor Gillmor seconded the amendment from **Councilmember Watanabe** to add Alternative 7 to the motion on the table.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to amend Councilmember Becker's motion to include Alternative 7: to exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with the use of \$1,654,949 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances)

- Aye:** 3 - Councilmember Watanabe, Councilmember Becker, and Mayor Gillmor
- Nay:** 4 - Vice Mayor Chahal, Councilmember Hardy, Councilmember Park, and Councilmember Jain

Motion Fails.

A motion was made by Councilmember Becker, seconded by Vice Mayor Chahal, to approve Alternative 5: to exclude the Fire Department Minimum Staffing Overtime Reduction/Engine Company Brown-Outs proposal, replace the FY 2020/21 General Fund budget reduction proposal detailed in Attachment 1 with the use of \$705,174 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances).

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

Motion Passes.

A motion was made by **Councilmember Watanabe**, seconded by **Mayor Gillmor**, to approve Alternative 7: exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with the use of \$1,654,949 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances).

Public Speaker(s): Mike A

Alex Torke
Debbie Algieri
Bob O'Keefe
Brenna Burnette
Alex Torke
Kathy Kelsey

Council discussion continued.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to approve Alternative 7: exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with the use of \$1,654,949 from the General Fund Budget Stabilization Reserve (five affirmative Council votes required for the use of unused balances).

Aye: 4 - Councilmember Watanabe, Councilmember Park, Councilmember Becker, and Mayor Gillmor

Nay: 3 - Vice Mayor Chahal, Councilmember Hardy, and Councilmember Jain

Motion Fails.

A motion was made by **Councilmember Watanabe**, seconded by **Mayor Gillmor**, to approve Alternative 8: exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with a lower reduction in Transient Occupancy Tax Revenue by \$1,654,949 (four affirmative Council votes required).

Public Speaker(s): Amy Aken

Council discussion continued.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to approve Alternative 8: exclude the Police Department Police Field Operations Division - Field Training Officer Program/Academy (\$649,738) proposal, Police Administrative Services Division - Task Force Unit (\$470,556) proposal, and Police Field Operations Division - Community Service Officers (\$534,655) proposal, replace the FY 2020/21 General Fund budget reduction proposals detailed in Attachment 1 with a lower reduction in Transient Occupancy Tax Revenue by \$1,654,949 (four affirmative Council votes required).

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

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

Motion Fails.

Mayor Gillmor called for a recess at 8:56 PM and reconvened the meeting at 9:14 PM.

PUBLIC HEARING/GENERAL BUSINESS

City Manager Santana requested Items 8 and 9 to be heard prior to Item 7.

8. [21-323](#) Public Hearing: Action on a Resolution of Necessity to Acquire Certain Real Property Interests on 1051 Martin Avenue, Santa Clara, California, from Bay Area Cellular Telephone Company

Recommendation: Alternative 1: Adopt a Resolution of Necessity to Acquire Certain Real Property Interests on 1051 Martin Avenue, Santa Clara, California, from Bay Area Cellular Telephone Company.

Chief Electrical Utility Officer Pineda gave a PowerPoint Presentation.

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

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

A motion was made by Councilmember Watanabe, seconded by Councilmember Jain, to approve Alternative 1: adopt Resolution No. 21-8947 of Necessity to Acquire Certain Real Property Interests on 1051 Martin Avenue, Santa Clara, California, from Bay Area Cellular Telephone Company.

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

9. [21-325](#) Public Hearing: Action on a Resolution of Necessity to Acquire Certain Real Property Interests on 2435 Lafayette Street, Santa Clara, California, from Wesco Properties, Inc.

Recommendation: Alternative 1: Adopt a Resolution of Necessity to Acquire Certain Real Property Interests on 2435 Lafayette Street, Santa Clara, California, from Wesco Properties, Inc.

Chief Electric Utility Officer Pineda gave a PowerPoint Presentation.

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

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

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve Alternative 1: adopt Resolution No. 21-8948 of Necessity to Acquire Certain Real Property Interests on 2435 Lafayette Street, Santa Clara, California, from Wesco Properties, Inc.

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

7. [21-401](#) Study Session: Proposed Santa Clara Stadium Authority Fiscal Year 2021/22 Budget, Compliance and Management Policies (Continued from March 2, 2021)

Recommendation: Review and provide input, or possible Board action, on the Santa Clara Stadium Authority Fiscal Year 2021/22 Operating, Debt Service, and Capital Budget and Stadium Authority Budget, Compliance and Management Policies.

Executive Director Santana and **Stadium Treasurer Lee** gave a PowerPoint Presentation and addressed Board questions.

Board comments and questions followed.

Jeff Fong, Vice President of Finance for the Forty Niners Management Company gave a Powerpoint Presentation and addressed **Board** questions.

Stadium Authority Counsel Doyle and **Executive Director Santana** addressed the Forty Niners Management Company's PowerPoint Presentation.

Stadium Treasurer Lee gave an additional PowerPoint Presentation and addressed Board questions.

Board comments and questions followed.

City Clerk Haggag expressed comments of concern regarding comments made on the **Forty Niners Managment Company's** PowerPoint Presentation.

Board comments and questions followed.

Public Speaker(s): Deb

6. [21-405](#) Study Session: Draft 2021 Non-NFL Events Marketing Plan for Levi's Stadium in Accordance with Section 4.10 of the Stadium Management Agreement (Continued from March 2, 2021)

Recommendation: Stadium Authority Board discussion and possible action on ManCo's draft 2021 Marketing Plan.

This meeting was adjourned to March 10, 2021 at 4:00 p.m. to continue discussion and action on Items (Item 4.E, Item 4.L, and Item 6) not heard.

CONSENT ITEMS PULLED FOR DISCUSSION

- 4.E [21-215](#) Action on Amendment No. 4 to the Agreement for Professional Services with Perkins + Will for the Tasman East Specific Plan and Related Budget Amendment

Recommendation:

1. Authorize the City Manager to execute Amendment No. 4 to the Agreement with Perkins + Will for professional services to prepare the Amendment to the Tasman East Specific Plan to allow 1,500 additional units in the Tasman East area, along with preparation of the associated environmental clearance by increasing the amount of the agreement by \$275,000 and extending the term of the agreement through June 30, 2022 for a revised not-to-exceed maximum compensation of \$1,461,432, subject to the appropriation of funds; and
2. Approve a FY 2020/21 budget amendment in the Other City Departments Operating Grant Trust Fund to recognize grant revenue in the amount of \$310,000 and establish a Planning Grants Program appropriation in the amount of \$310,000 (five affirmative votes required for revenue actions only).

This meeting was adjourned to March 10, 2021 at 4:00 p.m. to continue discussion and action on Items (Item 4.E, Item 4.L, and Item 6) not heard.

- 4.L [21-216](#) Action on a Resolution Authorizing the City Manager to Execute a Cooperative Agreement with the Energy Council for the Bay Area Regional Heat Pump Water Heater Contractor Incentive Program

Recommendation:

1. Adopt a Resolution authorizing the City Manager to execute a Cooperative Agreement with The Energy Council for the Bay Area Regional Heat Pump Water Heater Contractor Incentive Program; and
2. Authorize the City Manager to approve modifications to the Cooperative Agreement that do not materially change the benefits to or obligations of the City under the agreement.

This meeting was adjourned to March 10, 2021 at 4:00 p.m. to continue discussion and action on Items (Item 4.E, Item 4.L, and Item 6) not heard.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

[21-379](#)

Update on City Council and Stadium Authority Staff Referrals

ADJOURNMENT

The meeting was adjourned to March 10, 2021 at 4:00 PM to hear and consider the remaining Items: Item 4.E, 4.L, and Item 6.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adjourn the meeting to Wednesday, March 10, 2021 at 4:00 PM.

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

The next scheduled meeting is on Wednesday, March 10, 2021.

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)

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

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

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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.