



City of Santa Clara

Minutes

Joint Council and Authorities Concurrent & Santa Clara Stadium Authority Meeting

06/06/2023

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

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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.

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Study Session - 4:00 PM | Regular Meeting - 7:00 PM

4:00 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 4:08 p.m.

Roll Call

Assistant City Clerk/Secretary Pimentel noted that **Council/Boardmember Hardy** will be participating in the meeting via teleconference and that her meeting location was included on the agenda.

Council/Boardmember Jain stated he is participating in the meeting via teleconference using the AB 2449 provision due to health issues.

A motion was made by Council/Boardmember Chahal, seconded by Council/Boardmember Becker, to allow Council/Boardmember Jain to participate in the Council/Board meeting via teleconference using the AB 2449 emergency provision.

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

Absent: 1 - Council/Boardmember Hardy

Roll Call

Council/Boardmember Hardy arrived at 4:19 p.m.

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 [23-143](#) Study Session to Review Proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Improvement Program Budget Changes

Recommendation: 1. Review and Provide Input on the Proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Improvement Program Amendments.

City Manager Grogan provided opening remarks and introduced **Finance Director Lee** who presented a PowerPoint presentation on the Proposed FY 2023/24 and proposed 2024/24 Biennial Operating budget and FY 2023/24 Capital Budget changes.

Council comments and questions followed.

Public Comment:
Linda

Finance Director Lee, City Manager Grogan and City Attorney Googins responded to **Council** questions.

Council discussion ensued.

Mayor Gillmor called for a recess at 5:30 p.m. and reconvened the meeting at 5:49 p.m.

- 1.B** [23-748](#) Presentation on Timelines and Administrative Requirements For Placement of Ballot Measures on the March and/or November 2024 Ballot Including Consideration of Amendments to the City Charter to Change the Police Chief and/or City Clerk from Elected to Appointed Positions and Consideration of an Action to Approve a Work Plan for Same, Including Possible Formation of a Charter Review Committee

Recommendation: If the Council chooses to proceed with a measure(s) to amend the City Charter, direct staff to proceed with a proposed public input process, including the establishment of a CRC, to consider an amendment to the City Charter on the March 5, 2024 ballot that would change the positions of Police Chief and/or City Clerk from elected to appointed positions with the scope, size and method of appointment for the CRC to be defined by the City Council.

City Clerk Haggag expressed concerns regarding the elections timeline and requested that this item moved to the June 27, 2023 meeting in order to have a more robust discussion.

City Manager Grogan responded to some of the issues that were raised by the **Council**.

Council comments followed.

A motion was made by Councilmember Watanabe, seconded by Councilmember Chahal, to hear this item as a Study Session and no action will be taken until the June 27, 2023 Council meeting.

A substitute motion was made by Councilmember Becker, seconded by Councilmember Jain, to move forward with the Study Session and reserve the right to take action this evening.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to accept the substitute motion.

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

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

A substitute motion was made by Councilmember Becker, seconded by Councilmember Jain, to move forward with the Study Session and reserve the right to take action this evening.

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

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

City Manager Grogan introduced **Assistant City Manager Bojorquez** who gave a PowerPoint presentation on the proposed ballot measures to change the Police Chief and/or City Clerk from elected positions to appointed positions. She also presented timelines and administrative requirements for placement of the proposed ballot measures on the March and/or November 2024 election(s).

Council comments and questions followed.

Public Comment:

Jeremy Schmidt, Santa Clara Police Officers Associations

Larry McColloch

Burt Field

Mike A.

Debbie Tryforos

Lee Broughman

Kirk Vartan

KMW

Brian

Public Speaker (1)

Council comments followed.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to direct staff to proceed with the public input process including establishing a Charter Review Committee to consider a proposed amendment to the City Charter on the March 5, 2024 ballot that would change the positions of Police Chief and City Clerk from elected to appointed positions; to create a Charter Review Committee with the Mayor nominating one person for at-large and each Councilmember nominating one person who lives in their District for a total of seven members and requiring the member be a resident of Santa Clara, and a registered voter; and that the same eligibility and conflict of interest requirements used for Boards and Commissions be included with the Charter Review Committee.

A substitute motion was made by Vice Mayor Park to direct staff to (1) return with a report on requirements for Police Chief from neighboring cities and elsewhere in the state, (2) come up with a recommendation on how to implement as it may not be the Charter that's affected on what a Police Chief should do to earn a salary, and (3) to know incentives for Assistant Chiefs, Captains, and whoever else can comprise the pool of qualified candidates to live in the City.

This substitute motion failed for a lack of second.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to direct staff to proceed with the public input process including establishing a Charter Review Committee to consider a proposed amendment to the City Charter on the March 5, 2024 ballot that would change the positions of Police Chief and City Clerk from elected to appointed positions; to create a Charter Review Committee with the Mayor nominating one person for at-large and each Councilmember nominating one person who lives in their District for a total of seven members and requiring the member be a resident of Santa Clara, and a registered voter; and that the same eligibility and conflict of interest requirements used for Boards and Commissions be included with the Charter Review Committee.

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

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

7:00 PM COUNCIL REGULAR/STADIUM AUTHORITY MEETING

Mayor Gillmor took a recess at 8:17 p.m.

Call to Order

Mayor/Chair Gillmor called the meeting to order at 8:26 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 Hardy** and **Council/Boardmember Hardy** confirmed that the agenda was posted at her remote location in accordance with the Brown Act and that there were no public members present at her remote location.

Assistant City Clerk/Secretary Pimentel announced that **Council/Boardmember Jain** would be participating remotely under the provision of AB2449 due to medical issues.

SPECIAL ORDER OF BUSINESS

- 2.A** [23-684](#) Recognition of Santa Clara University Student Graduate Kairan Quazi
- Mayor Gillmor** recognized Santa Clara University graduate **Kairan Quaz**.
- Mr. Quaz** made a few remarks.
- Council** comments followed.
- 2.B** [23-502](#) Proclaim June 19, 2023 as Juneteenth
- Mayor Gillmor** proclaimed June 19, 2023 as Juneteenth.
- Roshawn Walter** and **Monica Sain** from the Umoja Community Program at Mission College accepted the Proclamation and shared a few remarks.

2.C [23-501](#) Proclaim June 2023 as LGBTQIA+ Pride Month

Mayor Gillmor proclaimed June 2023 as LGBTQIA+ Pride Month.

BAYMEC Community Foundation Executive Director Ken Yeager accepted the Proclamation and gave a PowerPoint presentation.

Council comments followed.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor Gillmor noted for the record that Item #11 will be heard after the Consent Calendar.

Parks and Recreation Commission Vice Chair Caldwell requested a reconsideration on the reappointment of **Burt Field** to the Parks and Recreation Commission.

Public Comment:
Matteo and Marisa Carlini
Kirk Vartan
Public Speaker (12)
Nancy Biagini
Edward Strine
Burt Field

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to reconsider the reappointment of Burt Field to the Parks and Recreation Commission. The motion failed.

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

Nay: 3 - Councilmember Hardy, Vice Mayor Park, and Councilmember Becker

Abstained: 1 - Councilmember Chahal

CONSENT CALENDAR

Mayor Gillmor stated she will be recusing herself from Items 3.K and 3.L. due to a potential conflict of interest.

Councilmember Watanabe pulled Item 3.I.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy,

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

3.A [23-14](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Historical and Landmarks Commission - February 2, 2023
Youth Commission - February 14, 2023
Senior Advisory Commission - April 24, 2023

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to note and file the minutes of February 2, 2023 Historical and Landmarks Commission; February 14, 2023 Youth Commission; April 24, 2023 Senior Advisory Commission.

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

3.B [23-655](#) Action on Bills and Claims Report (CC, SCSA, HA) for the period April 8, 2023 - May 5, 2023

Recommendation: Approve the list of Bills and Claims for April 8, 2023 - May 5, 2023.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve the list of Bills and Claims for April 8, 2023 - May 5, 2023.

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

3.C [23-106](#) Action on Rejection of All Bids for the Benicia Ranch Demolition Project Contract No. 18119

Recommendation: 1. Reject all bids received for the Benicia Ranch Demolition Project Contract No. 18119.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to reject all bids received for the Benicia Ranch Demolition Project Contract No. 18119.

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

- 3.D [23-593](#) Action on the Award of Purchase Orders Greater than \$250,000, with an Aggregate Amount of \$4,275,000, for Vehicles and Equipment for the Fire, Silicon Valley Power, Public Works and Water and Sewer Utilities Departments to be Funded by Amounts Previously Approved in the Vehicle Replacement Fund in the City's Operating Budget for Fiscal Year 2022/23.

Recommendation: Approve and authorize the City Manager to execute purchase orders in amounts greater than \$250,000, at an aggregate amount of \$4,275,000, with various vendors for the purchase of vehicles and equipment presented for the Fire, Silicon Valley Power, Public Works and Water and Sewer Utilities Departments, to be funded by amounts previously approved in the Vehicle Replacement Fund in the City's Operating Budget for Fiscal Year 2022/23.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve and authorize the City Manager to execute purchase orders in amounts greater than \$250,000, at an aggregate amount of \$4,275,000, with various vendors for the purchase of vehicles and equipment presented for the Fire, Silicon Valley Power, Public Works and Water and Sewer Utilities Departments, to be funded by amounts previously approved in the Vehicle Replacement Fund in the City's Operating Budget for Fiscal Year 2022/23.

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

- 3.E [23-526](#) Actions on Award of Contract for the 2023 Annual Street Pavement Maintenance and Rehabilitation Project (CE 23-24-01) to O'Grady Paving, Inc., Approve a Class 1 CEQA Categorical Exemption, and Related Budget Amendment

- Recommendation:**
1. Approve use of a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for the project;
 2. Award the Public Works Contract for the 2023 Annual Street Pavement Maintenance and Rehabilitation Project (CE 23-24-01), to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$2,526,640 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in a final form approved by the City Attorney;
 3. Authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$252,664, for a total project budget not to exceed amount of \$2,779,304; and
 4. Approve the following FY 2022/23 budget amendments:
 - A. In the Streets and Highways Capital Fund, recognize transfers of \$50,700 from the Water Utility Fund and \$50,700 from the Sewer Utility Fund, and increase the Annual Street Maintenance and Rehabilitation Program project by \$101,400 (**five affirmative Council votes required to appropriate additional revenue**);
 - B. In the Water Utility Fund, increase the transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$50,700 (**five affirmative Council votes required for the use of unused balances**); and
 - C. In the Sewer Utility Fund, increase the transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$50,700. (**five affirmative Council votes required for the use of unused balances**).

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve: use of a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for the project; to award the Public Works Contract for the 2023 Annual Street Pavement Maintenance and Rehabilitation Project (CE 23-24-01), to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$2,526,640 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in a final form approved by the City Attorney; to authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$252,664, for a total project budget not to

exceed amount of \$2,779,304; and approve the following FY 2022/23 budget amendments: a) In the Streets and Highways Capital Fund, recognize transfers of \$50,700 from the Water Utility Fund and \$50,700 from the Sewer Utility Fund, and increase the Annual Street Maintenance and Rehabilitation Program project by \$101,400; b) In the Water Utility Fund, increase the transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$50,700; and c) In the Sewer Utility Fund, increase the transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$50,700.

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

- 3.F [23-652](#) Action on the Fourth Amendment to the Contract Between the County of Santa Clara and City of Santa Clara - Congregate Meals for FY 2022/23, including the Home and Community Based Services Infrastructure Grant, and Related Budget Amendments

- Recommendation:**
1. Authorize the City Manager to execute the Fourth Amendment to the Contract Between the County of Santa Clara and City of Santa Clara - Congregate Meals at the Santa Clara Senior Center for additional funding in the amount of \$10,862.40, for a new not-to-exceed amount of \$135,780 for FY 2022/23 and a total contract not-to-exceed amount of \$497,509.89, in a final form approved by the City Attorney;
 2. Accept and appropriate the Home and Community Based Services Senior Nutrition Infrastructure grant funding in an amount not-to-exceed \$27,022 in a final form approved by the City Attorney; and
 3. Approve the related FY 2022/23 budget amendment in the Parks and Recreation Operating Grant Trust Fund to increase the Other Agencies Revenue estimate and the Senior Nutrition Program by \$37,884 (**five affirmative Council votes required to appropriate additional revenue**).

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to authorize the City Manager to execute the Fourth Amendment to the Contract Between the County of Santa Clara and City of Santa Clara - Congregate Meals at the Santa Clara Senior Center for additional funding in the amount of \$10,862.40, for a new not-to-exceed amount of \$135,780 for FY 2022/23 and a total contract not-to-exceed amount of \$497,509.89, in a final form approved by the City Attorney; to accept and appropriate the Home and Community Based Services Senior Nutrition Infrastructure grant funding in an amount not-to-exceed \$27,022 in a final form approved by the City Attorney; and to approve the related FY 2022/23 budget amendment in the Parks and Recreation Operating Grant Trust Fund to increase the Other Agencies Revenue estimate and the Senior Nutrition Program by \$37,884.

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

3.G [23-107](#)

Action on an Agreement for Services with Advanced Chemical Transport, Inc. to Provide Hazardous Waste Management Services for Silicon Valley Power

Recommendation:

1. Determine that the proposed actions are categorically exempt from CEQA pursuant to Section 15330 of Title 14 of the California Code of Regulations;
2. Authorize the City Manager to execute an Agreement for Services with Advanced Chemical Transport, Inc. (Agreement) for an initial five-year term starting on or around July 1, 2023 and ending on or around June 30, 2028, with a maximum compensation not to exceed \$2,500,000, subject to the appropriation of funds; and
3. Authorize the City Manager to take any actions as necessary to implement and administer the Agreement and to negotiate and execute amendments to the Agreement to (a) add or delete services consistent with the Agreement's scope of services; (b) adjust future rates in accordance with the Agreement; (c) extend the term of the Agreement one additional year through June 30, 2029; and (d) increase the maximum compensation by \$1,500,000 for a revised maximum compensation of up to \$4,000,000 for the six-year term, subject to the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to determine that the proposed actions are categorically exempt from CEQA pursuant to Section 15330 of Title 14 of the California Code of Regulations; to authorize the City Manager to execute an Agreement for Services with Advanced Chemical Transport, Inc. (Agreement) for an initial five-year term starting on or around July 1, 2023 and ending on or around June 30, 2028, with a maximum compensation not to exceed \$2,500,000, subject to the appropriation of funds; and to authorize the City Manager to take any actions as necessary to implement and administer the Agreement and to negotiate and execute amendments to the Agreement to (a) add or delete services consistent with the Agreement's scope of services; (b) adjust future rates in accordance with the Agreement; (c) extend the term of the Agreement one additional year through June 30, 2029; and (d) increase the maximum compensation by \$1,500,000 for a revised maximum compensation of up to \$4,000,000 for the six-year 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

3.H [23-123](#)

Action on an Agreement for Services with Davey Tree Surgery Company with a Maximum Compensation of \$25,000,000 for the Initial Five-year Term and an Option to Extend for an Additional Five Years for a Total Maximum Compensation of \$60,000,000 Over the Ten-year Term

Recommendation:

1. Determine the proposed actions are exempt from CEQA pursuant to Section 15301 of Title 14 of the California Code of Regulations;
2. Authorize the City Manager to execute an Agreement for Services with Davey Tree Surgery Company for power line clearance and related tree trimming services for an initial five-year term starting on or around July 1, 2023, and ending on or around June 30, 2028, with a maximum compensation of \$25,000,000, subject to the appropriation of funds; and
3. Authorize the City Manager to take any actions as necessary to implement and administer the Agreement; and negotiate and execute amendments to the Agreement to (a) add or delete services consistent with the Agreement's scope of services; (b) adjust future rates; (c) exercise the option to extend the term for up to five additional years through June 30, 2033; and (d) increase the maximum compensation after the initial five-year term by \$35,000,000 for a maximum compensation of \$60,000,000 for the 10-year term, subject to Agreement extension, approval by the City Attorney as to form, and the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to determine the proposed actions are exempt from CEQA pursuant to Section 15301 of Title 14 of the California Code of Regulations; to authorize the City Manager to execute an Agreement for Services with Davey Tree Surgery Company for power line clearance and related tree trimming services for an initial five-year term starting on or around July 1, 2023, and ending on or around June 30, 2028, with a maximum compensation of \$25,000,000, subject to the appropriation of funds; and to authorize the City Manager to take any actions as necessary to implement and administer the Agreement; and negotiate and execute amendments to the Agreement to (a) add or delete services consistent with the Agreement's scope of services; (b) adjust future rates; (c) exercise the option to extend the term for up to five additional years through June 30, 2033; and (d) increase the maximum compensation after the initial five-year term by \$35,000,000 for a maximum compensation of \$60,000,000 for the 10-year term, subject to Agreement extension, approval by the City Attorney as to form, and the appropriation of funds.

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

3.J [23-251](#) Action on Silicon Valley Power's Public Benefit Programs for Fiscal Years 2023-2024 through 2027-2028

- Recommendation:**
1. Approve the City of Santa Clara, Silicon Valley Power's, Public Benefit Programs Proposal for Fiscal Years 2023-2024 through 2027-2028; and
 2. Delegate authority to the City Manager, or designees, to make changes to the approved proposal, including adding or modifying programs, as necessary to meet PUC requirements and/or ensure program effectiveness during the above-fiscal year periods.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve the City of Santa Clara, Silicon Valley Power's, Public Benefit Programs Proposal for Fiscal Years 2023-2024 through 2027-2028; and delegate authority to the City Manager, or designees, to make changes to the approved proposal, including adding or modifying programs, as necessary to meet Public Utilities Commission requirements and/or ensure program effectiveness during the above-fiscal year periods.

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

3.K [23-654](#) Informational Report and Status Update on the Morse Mansion

Recommendation: Note and File Informational Report on Morse Mansion

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to note and file the Informational Report on Morse Mansion.

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

Recused: 1 - Mayor Gillmor

- 3.L [23-738](#) Action on a Special Permit to Allow Two Occurrences of Car Shows at 958 Homestead Road (CEQA: Exempt 15304(e) Class 4 - Minor Alterations to Land)

Recommendation: 1. Approve the use of a Class 4 Categorical Exemption, and
2. Approve the Special Permit to allow two occurrences of Car Shows at 958 Homestead Road, subject to conditions, based upon the Director of Community Development's findings set forth in the Permit.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve the use of a Class 4 Categorical Exemption, and to approve the Special Permit to allow two occurrences of car shows at 958 Homestead Road, subject to conditions, based upon the Director of Community Development's findings set forth in the permit.

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

Recused: 1 - Mayor Gillmor

- 3.M [23-530](#) Informational Report Regarding Bi-Annual Project Status Report of the GIS Services Program

Recommendation: Note and file the Informational Report regarding the Bi-annual Project Status Report of the GIS Services Program.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to note and file the Informational Report regarding the bi-annual project status report of the GIS Services Program.

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

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4. [23-601](#) Action on Stadium Authority Bills and Claims for the Month of April 2023

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

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

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

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

11. [23-689](#) Action on a Written Petition (Council Policy 030), Submitted by Howard Myers Requesting to Place an Agenda Item on a Future Council Meeting to Request that Councilmember Becker Resign from the Council

Recommendation: Staff makes no recommendation.

Councilmember Becker abstained from this agenda item.

Burt Field spoke on the Written Petition (Council Policy 030), submitted by **Howard Myers** requesting to place an Agenda Item on a future Council meeting to request that **Councilmember Becker** resign from the Council.

Public Comment:

Kirk Vartan
Nancy Biagini
Brian
Don H
Kale
TK

eComment:

John Galt
Susan Hinton

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to agendize this Written Petition for discussion at a future Council meeting. This motion failed.

Aye: 2 - Councilmember Watanabe, and Mayor Gillmor

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

Abstained: 1 - Councilmember Becker

PUBLIC PRESENTATIONS

John Haggerty spoke about the process of how items get on the **Council** agenda.

Kirk Vartan shared a PowerPoint presentation regarding ethics and spoke on the need for an Independent Ethics Commission for the **Council**.

Brian commented on current social issues.

Gabriel M. with Tarana Wireless invited the **Council** to the 3rd Annual Stars and Strides Community Run on July 1, 2023.

[23-802](#)

Public Presentations Post Meeting Material

CONSENT ITEMS PULLED FOR DISCUSSION

- 3.I [23-409](#) Action to Authorize the City Manager to Negotiate, Execute, and Administer an Agreement with the City of Cupertino for the Cupertino-Santa Clara Joint On-Demand Shuttle Service Project and Approval of a Related Budget Amendment

- Recommendation:**
1. Authorize the City Manager to Negotiate, Execute, and Administer an Agreement with the City of Cupertino for the Cupertino-Santa Clara Joint On-Demand Shuttle Service Project up to a total not-to-exceed amount of \$4,007,230, subject to the appropriation of funds and in a final form approved by the City Attorney;
 2. Authorize the City Manager to execute any and all documents necessary for or associated with the agreement, including payments to the City of Cupertino, in a final form approved by the City Attorney; and
 3. Approve the following FY 2022/23 budget amendments:
 - A. In the Electric Operating Grant Trust Fund, decrease the Electric Department budget by \$689,547 and establish a transfer to the Streets and Highways Capital Fund in the same amount **(majority affirmative Council votes required)**;
 - B. In the Streets and Highways Capital Fund, recognize a transfer in from the Electric Operating Grant Trust Fund of \$689,547 and establish the Cupertino-Santa Clara On-Demand Shuttle Project in the amount of \$689,547 **(five affirmative Council votes required to appropriate additional revenue)**.

Councilmember Watanabe pulled this item for questions.

City Manager Grogan responded to **Council** questions.

Council comments and questions followed.

Public Works Assistant Director Liw responded to **Council** questions.

A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to authorize the City Manager to Negotiate, Execute, and Administer an Agreement with the City of Cupertino for the Cupertino-Santa Clara Joint On-Demand Shuttle Service Project up to a total not-to-exceed amount of \$4,007,230, subject to the appropriation of funds and in a final form approved by the City Attorney; to authorize the City Manager to execute any and all documents necessary for or associated with the agreement, including payments to the City of Cupertino, in a final form approved by the City Attorney; and to approve the following FY 2022/23 budget amendments: a) In the Electric Operating Grant Trust Fund, decrease the Electric Department budget by \$689,547 and establish a transfer to the Streets and Highways Capital Fund in the same amount (majority affirmative Council votes required); and

b) In the Streets and Highways Capital Fund, recognize a transfer in from the Electric Operating Grant Trust Fund of \$689,547 and establish the Cupertino-Santa Clara On-Demand Shuttle Project in the amount of \$689,547.

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

PUBLIC HEARING/GENERAL BUSINESS

5. [23-206](#) Public Hearing: Adoption of a Resolution Approving the Levy of Benefit Assessment upon the City of Santa Clara Parking Maintenance District No. 122 - Franklin Square

Recommendation: Alternative 1: Adopt a Resolution approving the levy of benefit assessment upon the City of Santa Clara Parking Maintenance District No. 122 and approving, confirming, and adopting the Director's Report for FY 2023/24.

Mayor Gillmor recused herself from this item due to her properties being located in the area and left the dais at 10:28 p.m.

Public Works Director Mobeck gave a verbal report.

Council comments and questions followed.

Public Comment:
Brian

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

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

Recused: 1 - Mayor Gillmor

A motion was made by Councilmember Watanabe, seconded by Councilmember Chahal, to adopt Resolution 23-9234 approving the levy of benefit assessment upon the City of Santa Clara Parking Maintenance District No. 122 and approving, confirming, and adopting the Director's Report for FY 2023/24.

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

Nay: 1 - Councilmember Jain

Recused: 1 - Mayor Gillmor

6. [23-209](#) Public Hearing: Adoption of a Resolution Approving the Levy of Benefit Assessment Upon the Santa Clara Convention Center Complex - Maintenance District No. 183

Recommendation: Alternative 1:
Adopt a resolution approving the levy of benefit assessment upon the Santa Clara Convention Center Complex - Maintenance District No. 183, and approving, confirming, and adopting the Director's Report for FY 2023/24.

Mayor Gillmor returned to the dais at 10:34 p.m.

Public Works Director Mobeck gave a verbal report.

Public Comment:
Brian

A motion was made by Councilmember Becker, seconded by Vice Mayor Park, to close the Public Hearing.

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

A motion was made by Councilmember Watanabe, seconded by Councilmember Hardy, to adopt Resolution 23-9235 approving the levy of benefit assessment upon the Santa Clara Convention Center Complex - Maintenance District No.183, and approving, confirming, and adopting the Director's Report for FY 2023/24.

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

7. [23-447](#) Public Hearing: Action on Resolutions Approving Water, Sewer and Recycled Water Amended Rates to be Effective July 1, 2023

Recommendation: Alternative 1: Adopt the Proposed Resolutions Establishing Water Rate Schedule 2023-01, Recycled Water Rate Schedule 2023-02 and Sewer Rate Schedule S-23

Water and Sewer Utilities Director Welling provided a PowerPoint presentation on Water, Sewer and Recycled Water amended rates that will go in effect on July 1, 2023.

Council comments and questions followed.

Public Comment:
Brian

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

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

Assistant City Clerk Pimentel reported that at the conclusion of the Public Hearing, the City received 15 written protests to the proposed rate increase for Water and Recycled Water and the City received 10 written protests for the proposed rate increase for Sewer. She stated that the number of written protests did not amount to a majority of the identified parcel owners subject to the fee. **Assistant City Clerk Pimentel** further reported that there was an insufficient number of written protests to constitute a majority protest under Proposition 218 and that the Council may proceed with considering the resolution.

Council comments followed.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution 23-9236 establishing Water Rate Schedule 2023-1 and Recycled Water Rate Schedule 2023-2 and Resolution 23-9237 establishing Sewer Rate Schedule S-23.

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

9. [23-575](#) Action on Approval of the West Portal Early Works Construction Transportation Management Plan for the Valley Transportation Authority's BART Phase II Extension Project

Recommendation: Alternative 1: Approve the West Portal Early Works Construction Transportation Management Plan for the VTA's BART Phase II Extension Project

Erica Roakes from Valley Transportation Agency (VTA) gave a PowerPoint presentation on the VTA's BART Phase II Extension Project.

Council comments and questions followed.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to approve the West Portal Early Works Construction Transportation Management Plan for the VTA's BART Phase II Extension Project.

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

8. [23-740](#) Public Hearing: Waive Second Reading and Adopt Ordinance No. 2060 to Repeal Chapter 15.45 (Prevention of Flood Damage Code) and Adopt the New Floodplain Management Ordinance Establishing a New Chapter 15.45 (Floodplain Management Regulations) of the Santa Clara City Code. (CEQA: Exempt Pursuant to CEQA Guidelines Section 15061(b)(3), Projects Which Do Not Have the Potential for Causing a Significant Effect on the Environment)

Recommendation:

1. Approve the Use of CEQA Exemption Pursuant to CEQA Guidelines Section 15061(b)(3), Projects Which Do Not Have the Potential for Causing a Significant Effect on the Environment
2. Waive Second Reading and Adopt Ordinance No. 2060 to Repeal Chapter 15.45 (Prevention of Flood Damage Code) and Adopt the New Floodplain Management Ordinance Establishing a New Chapter 15.45 (Floodplain Management Regulations) of the Santa Clara City Code.

Community Director Assistant Director Brilliot gave a PowerPoint presentation on repealing Chapter 15.45 (Prevention of Flood Damage Code) and adopting the new Floodplain Management Ordinance.

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

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

A motion was made by Councilmember Becker, seconded by Vice Mayor Park, to approve the use of CEQA Exemption pursuant to CEQA Guidelines Section 15061(b)(3), projects which do not have the potential for causing a significant effect on the environment; waive the second reading and adopt Ordinance No. 2060 to repeal Chapter 15.45 (Prevention of Flood Damage Code) and adopt the new Floodplain Management Ordinance Establishing a new Chapter 15.45 (Floodplain Management Regulations) of the Santa Clara City Code.

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

10. [23-682](#)

Note and File the Resolutions of the Salary Setting Commission Establishing as Unchanged the Salary for the positions of Mayor and Council and City Clerk, and increasing the Salary for the Position of Police Chief to \$313,692/annually; and Action to Adopt a Resolution Approving and Adopting the Updated Unclassified/Elected Salary Plan for the position of Police Chief for the Period of July 1, 2023 through June 30, 2025

Recommendation:

1. Note and file the Resolutions of the Salary Setting Commission establishing the salary for the positions of Mayor and Council, Police Chief, and City Clerk; and
2. Adopt a Resolution to approve the revised Unclassified/Elected Salary Plan for the position of Police Chief, which reflects the salary increase granted by the Salary Setting Commission, to satisfy the requirements of California Code of Regulations Section 570.5, effective July 1, 2023.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to defer this item to the June 27, 2023 meeting.

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Watanabe reported that she attended the Sister Cities end of the year event this past Sunday.

Councilmember Jain reported he attended the Northern California Power Agency meeting on May 25 in Lompoc.

Councilmember Chahal reported he also attended the Sister Cities end of the year event.

Mayor Gillmor reported that 2023 California Coop Conference in San Jose and will provide an update on the conference at the June 27, 2023 Council meeting.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

There was nothing to report.

[23-606](#)

Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

A motion was made by Council/Boardmember Chahal, seconded by Council/Boardmember Becker, to adjourn the meeting at 11:50 p.m.

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

The next regular scheduled meeting is on Tuesday, June 27, 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@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

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

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

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

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

ATTEST:


Assistant City Clerk/Secretary

APPROVE:


Mayor/Chairperson