Draft

City of Santa Clara

Meeting Minutes of the

Joint City Council and Authorities Concurrent &

Santa Clara Stadium Authority Board

08/27/2024 **5:00 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://santaclara.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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Closed Session - 5:00 PM | Regular Meeting - 7:00 PM

5:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the Closed Session to order at 5:04 PM.

Confirmation of Quorum

Assistant City Clerk Pimentel confirmed a quorum.

1. 24-689 Threat to Public Services or Facilities (CC, SA)
Pursuant to Gov. Code § 54957(a)

Consultation with: Jovan D. Grogan, Chuck Baker, Glen R. Googins, Sujata Reuter, Richard Fitting, Christine Jung, Jim Hayes (Guidepost Solutions LLC)

Public Comment

None.

Convene to Closed Session (Council Conference Room)

Council adjourned into closed session at 4:34 PM in the Sparacino Conference Room.

7:00 PM JOINT CITY COUNCIL/STADIUM AUTHORITY BOARD MEETING

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the regular meeting to order at 7:02 PM.

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Park recited the Statement of Values.

Roll Call

Assistant City Clerk/Secretary Pimentel recited the AB23 announcement and Statement of Behavioral Standards.

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

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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney/Board Counsel Googins noted that there was no reportable action in Closed Session.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Public Comment: Brian Doyle requested that Item 6 regarding the informational report on Super Bowl LX and FIFA World Cup 2026 updates be continued to a later date.

Mayor/Chair Gillmor requested Item 6 regarding the informational report on Super Bowl LX and FIFA World Cup 2026 updates be continued to a later date.

Council/Board questions and comments followed.

City Attorney/Stadium Counsel Googins responded to **Council** questions.

A motion was made by Council/Boardmember Watanabe, seconded by Mayor/Chair Gillmor, to continue Item 6 to a future date.

Aye: 2 - Council/Boardmember Watanabe, and Mayor/Chair Gillmor

Nay: 5 - Council/Boardmember Chahal, Council/Boardmember Hardy, Council/Boardmember Park, Council/Boardmember Jain, and Vice Mayor/Chair Becker

SPECIAL ORDER OF BUSINESS

2.A 24-660 Recognition of Kimberly Vernon, Miss California

Mayor Gillmor, on behalf of the **Council**, recognized **Kimberly Vernon** (Miss California), who provided some remarks.

2.B 24-584 Action on Resolution in Support of Childcare for All

Recommendation: Adopt a Resolution in Support of Childcare for All

Mayor Gillmor made some opening remarks and introduced **Jaria Jaug (Associate Director of Care Policy, Working Partnerships USA)** who provided some comments.

Council questions followed.

Jaria Jaug addressed **Council** questions.

Public Comment: Brian

A motion was made by Vice Mayor Becker, seconded by Councilmember Chahal to adopt Resolution No. 24-9352 in Support of Childcare for All with amended language to clarify it's for parents who want an external childcare provider.

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

2.C 24-643 Proclamation of September 2024 as National Preparedness Month

Mayor Gillmor, on behalf of the **Council**, proclaimed September 2024 as National Preparedness Month.

City Manager Grogan introduced **Emergency Services Officer Flamm** who provided some remarks.

Council comments followed.

2.D 24-817 Recognition of Outgoing Commissioners on the Bicycle and Pedestrian Advisory Committee, Board of Library Trustees, Civil Service Commission, Cultural Commission, and Parks and Recreation Commission

Mayor Gillmor, on behalf of the **Council**, recognized outgoing commissioners on the Bicycle and Pedestrian Advisory Committee, Board of Library Trustees, Civil Service Commission, Cultural Commission and Parks and Recreation Commission.

CONSENT CALENDAR

Councilmember Watanabe abstained from Item 3.G due to a conflict of interest as she owns property within 1000 feet of the subject property.

Public Comment: Linda noted that Item 3.M authorizing the use of City electric forces may have the wrong address.

A motion was made by Council/Boardmember Chahal, seconded by Vice Mayor/Chair Becker, to approve the Consent Calendar.

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

3.A 24-15 Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Neighborhood-University Relations Committee (NURC) - May 22, 2023
Neighborhood-University Relations Committee (NURC) - October 16, 2023
Parks & Recreation Commission - July 8, 2024
Planning Commission - July 13, 2023
Planning Commission - June 12, 2024

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to note and file the minutes of: Neighborhood-University Relations Committee (NURC) - May 22, 2023, Neighborhood-University Relations Committee (NURC) - October 16, 2023, Parks & Recreation Commission - July 8, 2024, Planning Commission - July 13, 2023, Planning Commission - June 12, 2024.

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

3.B 24-746 Action on Monthly Investment Report for June 2024

Recommendation: Note and file the Monthly Investment Report for June 2024 as presented.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to note and file the Monthly Investment Report for June 2024 as presented.

3.C 24-683 Action on Purchase Orders with Pivot Interiors, Inc. and Other Suppliers/Authorized Dealers for the Purchase of and Installation of Cubicles, Office Furniture and Related Products and Services at City Facilities

Recommendation: 1. Determine that 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 or designee to execute Purchase Orders and related documents with Pivot Interiors, Inc., other suppliers, and/or their authorized dealers for the purchase and installation of office cubicles and furniture under cooperative purchasing agreements with a total aggregate maximum compensation of $600,000, subject to (1) Purchasing Division Manager's determination pursuant to Section 2.105.270(c) of the Santa Clara City Code, (2) the appropriation of funds, and (3) approval as to form by the City Attorney; and
3. Authorize the City Manager or designee to take any actions as necessary to implement and administer the Purchase Orders in alignment with the associated cooperative purchase agreements.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to (1) determine that 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 or designee to execute Purchase Orders and related documents with Pivot Interiors, Inc., other suppliers, and/or their authorized dealers for the purchase and installation of office cubicles and furniture under cooperative purchasing agreements with a total aggregate maximum compensation of $600,000, subject to (1) Purchasing Division Manager's determination pursuant to Section 2.105.270(c) of the Santa Clara City Code, (2) the appropriation of funds, and (3) approval as to form by the City Attorney; and (3) authorize the City Manager or designee to take any actions as necessary to implement and administer the Purchase Orders in alignment with the associated cooperative purchase agreements.

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

3.D 24-1599 Action Authorizing the City Manager to Negotiate and Execute Agreements for Processing and Landfill Disposal Services; and Yard Trimmings Composting Services

Recommendation: 1. Approve and authorize the City Manager to negotiate and execute an agreement, including minor amendments, with Zanker Road Resource Management, LLC (GreenWaste) for processing and landfill disposal services for an initial term of January 1, 2025 through June 30, 2036, in a final form approved by the City Attorney;
2. Approve and authorize the City Manager to negotiate and execute an agreement, including minor amendments, with Zanker Road Resource Management, LLC (GreenWaste) for yard trimmings composting services for an initial term of January 1, 2025 through June 30, 2036, in a final form approved by the City attorney; and
3. Authorize the City Manager to negotiate and execute amendments to extend the term of each Agreement by five years ending on June 30, 2041 on the same economic terms, assuming one or both of the agreements are extended, in final forms approved by the City Attorney.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to (1) approve and authorize the City Manager to negotiate and execute an agreement, including minor amendments, with Zanker Road Resource Management, LLC (GreenWaste) for processing and landfill disposal services for an initial term of January 1, 2025 through June 30, 2036, in a final form approved by the City Attorney; (2) approve and authorize the City Manager to negotiate and execute an agreement, including minor amendments, with Zanker Road Resource Management, LLC (GreenWaste) for yard trimmings composting services for an initial term of January 1, 2025 through June 30, 2036, in a final form approved by the City attorney; and (3) authorize the City Manager to negotiate and execute amendments to extend the term of each Agreement by five years ending on June 30, 2041 on the same economic terms, assuming one or both of the agreements are extended, in final forms approved by the City Attorney.

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

3.E 24-50 Action to Authorize the City Manager to Negotiate and Execute Amendments to the Agreements with Rising Edge Technologies (California), LLC and West Valley Construction Company, Inc. for As-Needed Maintenance and Repair of Utility Substructures and Aerial Infrastructures for Silicon Valley Power and Approve Related Budget Amendment

Recommendation:

1. Determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of the California Code of Regulations;
2. Approve FY 2024/25 budget amendments in the Electric Utility Fund to increase the Electric Department budget in the amount of $2.0 million and decrease the Unrestricted Ending Fund Balance in the amount of $2.0 million **(five affirmative Council votes required for the use of unused balances)**;
3. Authorize the City Manager or designee to negotiate and execute amendments to the agreements with Rising Edge Technologies (California), LLC and West Valley Construction Company, Inc. for as-needed maintenance and repair services for electric utility substructure and aerial fiber optic cable for a five-year term ending June 30, 2029, to (a) increase the maximum compensation of each agreement, with a total aggregate maximum compensation of $10,000,000 between the two agreements, (b) add or delete services consistent with the scope of services, (c) adjust future rates to account for changes in labor rates, and (d) exercise a one-year option to extend the term of each agreement through May 31, 2030, to be funded by the SVP Operating or Capital Fund as applicable and subject to the appropriation of funds and the review and approval as to form by the City Attorney; and
4. Authorize the City Manager to take any actions as necessary to implement and administer the above agreements.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to (1) determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of the California Code of Regulations; (2) approve FY 2024/25 budget amendments in the Electric Utility Fund to increase the Electric Department budget in the amount of $2.0 million and decrease the Unrestricted Ending Fund Balance in the amount of $2.0 million (five affirmative Council votes required for the use of unused balances); (3) authorize the City Manager or designee to negotiate and execute amendments to the agreements with Rising Edge Technologies (California), LLC and West Valley Construction Company, Inc. for as-needed maintenance and repair services for electric utility substructure and aerial fiber optic cable for a five-year

term ending June 30, 2029, to (a) increase the maximum compensation of each agreement, with a total aggregate maximum compensation of $10,000,000 between the two agreements, (b) add or delete services consistent with the scope of services, (c) adjust future rates to account for changes in labor rates, and (d) exercise a one-year option to extend the term of each agreement through May 31, 2030, to be funded by the SVP Operating or Capital Fund as applicable and subject to the appropriation of funds and the review and approval as to form by the City Attorney; and (4) authorize the City Manager to take any actions as necessary to implement and administer the above agreements.

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

3.F 24-248 Action Authorizing the City Manager to Negotiate and Execute Agreements with Pump Repair Service Company and SHAPE, Inc. for Storm Drain Pumps Preventive Maintenance and Repair Services

Recommendation:

1. Determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of California Code of Regulations;
2. Authorize the City Manager to negotiate and execute agreements with Pump Repair Service Company and SHAPE, Inc. for storm drain pump preventive maintenance and repair services, each for a total not-to-exceed amount of $1,000,000 over a five-year term, subject to annual appropriations of funds and in a final form approved by the City Attorney; and
3. Authorize the City Manager or designee to take any actions as necessary to implement and administer the agreements with Pump Repair Service Company and SHAPE, Inc. and negotiate and execute amendments to (a) add or delete services consistent with the scope of services and (b) adjust the amounts, provided the total aggregate amount does not exceed $2,000,000 over the five-year term, subject to annual appropriations of funds and in a final form approved by the City Attorney.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to (1) determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of California Code of Regulations; (2) authorize the City Manager to negotiate and execute agreements with Pump Repair Service Company and SHAPE, Inc. for storm drain pump preventive maintenance and repair services, each for a total not-to-exceed amount of $1,000,000 over a five-year term, subject to annual appropriations of funds and in a final form approved by the City Attorney; and (3) authorize the City Manager or designee to take any actions as necessary to implement and administer the agreements with Pump Repair Service Company and SHAPE, Inc. and negotiate and execute amendments to (a) add or delete services consistent with the scope of services and (b) adjust the amounts, provided the total aggregate amount does not exceed $2,000,000 over the five-year term, subject to annual appropriations of funds and in a final form approved by the City Attorney.

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

3.G 24-612 Action on Agreement to Fund up to $843,000 for Modernization and Rehabilitation of Eight Affordable Rental Units, Update Two Units to be ADA Accessible, and Replace Approximately 100 Windows in the Sobrato Family Living Center Located at 1509/1503 Agnew Road in Santa Clara, Authority to Extend the Affordability Housing Covenants for an additional ten years, and Approval of Related Budget Amendment

Recommendation:

1. Authorize the City Manager to execute an agreement, promissory note, and deed of trust with HomeFirst to fund and secure up to $843,000 for the modernization and rehabilitation of eight affordable rental units, update two units so they are ADA accessible, and replace approximately 100 windows in the Sobrato Family Living Center located at 1509/1503 Agnew Road in Santa Clara, in a final form approved by the City Attorney's Office.
2. Authorize the City Manager to amend the Affordable Housing Covenants to extend the existing Use Restriction by ten years commencing on October 19, 2030 and terminating on October 19, 2040, in a final form approved by the City Attorney's Office.
3. Approve the FY 2024/25 budget amendment in the Housing and Urban Development Fund, increasing the grant revenue estimate in the amount of $843,000 and increasing the Rehabilitation - Affordable Rental Housing project in the amount of $843,000 **(five affirmative Council votes required to appropriate additional revenue)**.

Councilmember Watanabe abstained from this item due to a conflict of interest as she owns property within 1000 feet of the subject property.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to (1) authorize the City Manager to execute an agreement, promissory note, and deed of trust with HomeFirst to fund and secure up to $843,000 for the modernization and rehabilitation of eight affordable rental units, update two units so they are ADA accessible, and replace approximately 100 windows in the Sobrato Family Living Center located at 1509/1503 Agnew Road in Santa Clara, in a final form approved by the City Attorney's Office; (2) authorize the City Manager to amend the Affordable Housing Covenants to extend the existing Use Restriction by ten years commencing on October 19, 2030 and terminating on October 19, 2040, in a final form approved by the City Attorney's Office; and (3) approve the FY 2024/25 budget amendment in the Housing and Urban Development Fund, increasing the grant revenue estimate in the amount of $843,000 and increasing the Rehabilitation -

Affordable Rental Housing project in the amount of $843,000 (five affirmative Council votes required to appropriate additional revenue).

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

Abstained: 1 - Councilmember Watanabe

3.H 24-467 Action on Authorizing the Use of City Water Forces to Install Backflow Prevention Devices at 5452 Betsy Ross Drive and 2339 El Camino Real.

Recommendation: Adopt the attached Resolution approving the use of City Water forces for water utility upgrades at 5452 Betsy Ross Drive and 2339 El Camino Real.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to adopt Resolution No. 24-9353 approving the use of City Water forces for water utility upgrades at 5452 Betsy Ross Drive and 2339 El Camino Real.

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

3.I 24-625 Action on Amendment # 1 to Incentive Program Implementation Services Agreement Between Center for Sustainable Energy and City of Santa Clara for the California Electric Vehicle Infrastructure Project (CALeVIP)

Recommendation: 1. Authorize the City Manager to Execute Amendment No. 1 to Incentive Program Implementation Services Agreement Between Center for Sustainable Energy and City of Santa Clara (Agreement); and
2. 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, subject to the appropriation of funds and review and approval as to form by the City Attorney.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to (1) authorize the City Manager to Execute Amendment No. 1 to Incentive Program Implementation Services Agreement Between Center for Sustainable Energy and City of Santa Clara (Agreement); and (2) 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, subject to the appropriation of funds and review and approval as to form by the City Attorney.

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

3.J 24-673 Action to Approve and Authorize the City Manager to Execute the Revised Third Restated and Amended Joint Exercise of Powers Agreement for the Silicon Valley Animal Control Authority to include the Town of Los Gatos as a Participating Member Agency

Recommendation: Approve and Authorize the City Manager to Execute the Revised Third Restated and Amended Joint Exercise of Powers Agreement for the Silicon Valley Animal Control Authority to include the Town of Los Gatos as a Participating Member Agency in a final form approved by the City Attorney

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to approve and authorize the City Manager to execute the revised Third Restated and Amended Joint Exercise of Powers Agreement with the Silicon Valley Animal Control Authority to include the Town of Los Gatos as a Participating Member Agency in a final form approved by the City Attorney.

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

3.K 24-644 Action on a Resolution Adopting the City of Santa Clara Emergency Operations Plan

Recommendation: 1. Approve the Resolution Adopting the City of Santa Clara Emergency Operations Plan

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to adopt Resolution No. 24-9354 adopting the City of Santa Clara Emergency Operations Plan.

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

3.L 24-1433 Action on a Resolution Adopting all of the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan, Volume 1, and the Volume 2 City of Santa Clara Annex

Recommendation: 1. Adopt all of the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan, Volume 1, and the Volume 2 City of Santa Clara Annex

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to adopt Resolution No. 24-9355 adopting all of the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan, Volume 1, and the Volume 2 City of Santa Clara Annex.

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

3.M 24-737 Action on Authorizing the Use of City Electric Forces for Public Works at Various Locations

Recommendation: 1. Determine the proposed action is exempt from CEQA pursuant to Section 15302 (Class 2 - Replacement or Reconstruction) and Section 15303 (Class 3 - New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations; and
2. Declare and determine in accordance with Section 1310 of the City Charter that the public works located at 3276 San Juan Avenue, Central Substation at Bowers Avenue and Scott Boulevard, 2900 Semiconductor Drive, 2330 Monroe Street, and Pole 76A01 at 3800 Bassett Street are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of these public works consistent with this authorization.

Public Comment: Linda noted that this item may have the wrong address.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to (1) determine that the proposed action is exempt from CEQA pursuant to Section 15302 (Class 2 - Replacement or Reconstruction) and Section 15303 (Class 3 - New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations; and (2) declare and determine in accordance with Section 1310 of the City Charter that the public works located at 3276 San Juan Avenue, Central Substation at Bowers Avenue and Scott Boulevard, 2900 Semiconductor Drive, 2330 Monroe Street, and Pole 76A01 at 3800 Bassett Street are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of these public works consistent with this authorization.

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

3.N 24-648 Action to Approve Introduction of Ordinance Amending Chapter 2.140 (“Disaster Council”) of the City Code

Recommendation: 1. Waive First Reading and Approve Introduction of an Ordinance Amending Chapter 2.140 (“Disaster Council”) of Title 2 (“Administration and Personnel”) of “The Code of the City of Santa Clara, California”

A motion was made by Councilmember Chahal, seconded by Vice Mayor Becker, to waive first reading and Introduce Ordinance No. 2071 amending chapter 2.140 (“Disaster Council”) of Title 2 (“Administration and Personnel”) of “The Code of the City of Santa Clara, California”.

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

SANTA CLARA STADIUM AUTHORITY BOARD CONSENT CALENDAR

4.A 24-781 Action on Stadium Manager's Request to Negotiate and Execute a Licensed User Agreement with Ticketmaster for Ticket Sales Services for Non-NFL Events at Levi's Stadium

Recommendation: Authorize the Stadium Manager to negotiate and execute the Licensed User Agreement with Ticketmaster for ticket sales services for Non-NFL Events at Levi's Stadium for a term of ten-years, terminating on March 31, 2033, subject to final form approved by the Stadium Authority Counsel.

A motion was made by Boardmember Chahal, seconded by Vice Chair Becker, to authorize the Stadium Manager to negotiate and execute the Licensed User Agreement with Ticketmaster for ticket sales services for Non-NFL Events at Levi's Stadium for a term of ten-years, terminating on March 31, 2033, subject to final form approved by the Stadium Authority Counsel.

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

4.B 24-527 Action on Funding Agreement for Levi's Stadium Security and Neighborhood Impacts Assessment with Forty Niners SC Stadium Company LLC and Bay Area Host Committee and Ratify the Previous Execution of the Confidentiality Agreement with Guidepost Solutions LLC

Recommendation:

1. Authorize the Executive Director to execute a Funding Agreement for Levi's Stadium Security and Neighborhood Impacts Assessment with Forty Niners SC Stadium Company LLC (StadCo) and Bay Area Host Committee (BAHC) which will allow StadCo and the BAHC to respectively fund 45% and 10% of the costs in connection with the Stadium Authority's Agreement with Guidepost Solutions LLC; and
2. Ratify the Executive Director's previous execution of the Confidentiality Agreement with the City of Santa Clara and Guidepost Solutions LLC (Guidepost) that enabled the sharing of confidential information with Guidepost to complete the required scope of work in the Stadium Authority's Agreement with Guidepost.

A motion was made by Boardmember Chahal, seconded by Vice Chair Becker, to (1) authorize the Executive Director to execute a Funding Agreement for Levi's Stadium Security and Neighborhood Impacts Assessment with Forty Niners SC Stadium Company LLC (StadCo) and Bay Area Host Committee (BAHC) which will allow StadCo and the BAHC to respectively fund 45% and 10% of the costs in connection with the Stadium Authority's Agreement with Guidepost Solutions LLC; and (2) ratify the Executive Director's previous execution of the Confidentiality Agreement with the City of Santa Clara and Guidepost Solutions LLC (Guidepost) that enabled the sharing of confidential information with Guidepost to complete the required scope of work in the Stadium Authority's Agreement with Guidepost.

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

4.C 24-792 Action on Stadium Manager's Request to Approve an Amendment No. 1 to the Agreement with ACCO Engineered Systems, Inc. and an Amendment No. 2 to the Agreement with O.C. McDonald Co., Inc. to Extend the Term and Increase Rates for Mechanical and Plumbing Maintenance and Repair Services at Levi's Stadium

Recommendation:

1. Approve the Stadium Manager's request to execute an Amendment No. 1 to the Agreement with ACCO Engineered Systems, Inc. to extend the term for one year beginning September 7, 2024 to September 6, 2025 with an option to extend for one additional year, in an amount not to exceed $250,000 for the fourth contract year and a total not to exceed amount of $1,000,000 and increase compensation rates for the fourth contract year, subject to budget appropriations; and
2. Approve the Stadium Manager's request to execute an Amendment No. 2 to the Agreement with O.C. McDonald Co., Inc. to extend the term for one year beginning September 7, 2024 to September 6, 2025 with an option to extend for one additional year, in an amount not to exceed $250,000 for the fourth contract year and a total not to exceed amount of $1,254,922 over the four year term and increase compensation rates for the fourth contract year, subject to budget appropriations.

A motion was made by Boardmember Chahal, seconded by Vice Chair Becker, to (1) approve the Stadium Manager's request to execute an Amendment No. 1 to the Agreement with ACCO Engineered Systems, Inc. to extend the term for one year beginning September 7, 2024 to September 6, 2025 with an option to extend for one additional year, in an amount not to exceed $250,000 for the fourth contract year and a total not to exceed amount of $1,000,000 and increase compensation rates for the fourth contract year, subject to budget appropriations; and (2) approve the Stadium Manager's request to execute Amendment No. 2 to the Agreement with O.C. McDonald Co., Inc. to extend the term for one year beginning September 7, 2024 to September 6, 2025 with an option to extend for one additional year, in an amount not to exceed $250,000 for the fourth contract year and a total not to exceed amount of $1,254,922 over the four year term and increase compensation rates for the fourth contract year, subject to budget appropriations.

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

PUBLIC PRESENTATIONS

Satish Chandra expressed concerns regarding an anonymous phone survey and noted it may be a violation of the Dark Money ordinance.

Barb Gawaldo highlighted the importance of community support for the Covenant House.

24-870 Public Presentations

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS

5. 24-174 PUBLIC HEARING: Action on Environmental Impact Report, General Plan Amendment from High Intensity Office / Research and Development (R&D) to Light Industrial, Use Permit, and Architectural Review to Allow the Construction of a New Four-Story, 244,068 Square Foot Data Center with a Substation at 2805 Bowers Avenue

Recommendation:

1. Adopt the Resolution accepting the Environmental Impact Report prepared by the California Energy Commission (CEC) and adopting the Mitigation Monitoring and Reporting Program;
2. Adopt the Resolution approving the General Plan Amendment from High Intensity Office / Research and Development to Light Industrial to allow the construction of a new four-story 244,068 square foot data center with a substation and site improvements at 2805 Bowers Avenue, subject to findings and conditions of approval; and
3. Adopt the Resolution approving the Use Permit for the demolition of the existing building and construction of a new four-story 244,068 square foot data center with a substation and site improvements at 2805 Bowers Avenue, subject to findings and conditions of approval.
4. Adopt the Resolution approving the Architectural review for the demolition of the existing building and construction of a new four-story 244,068 square foot data center with a substation and site improvements at 2805 Bowers Avenue, subject to findings and conditions of approval.

Mayor Gillmor opened the Public Hearing.

City Manager Grogan made some opening remarks and introduced **Acting Community Development Director Brilliot** who gave a Powerpoint on the Environmental Impact Report, General Plan Amendment, Use Permit & Architectural Review for a 244,068 Square foot date center with a Substation at 2805 Bowers Avenue.

Council comments and questions followed.

Acting Community Development Director Brilliot and **Chief Electric Utility Chief Pineda** responded to **Council** questions

Tim Guarnieri (CEO, Mission Critical Realty) gave a Powerpoint presentation on the project overview and community benefit of the 2805 Bowers Development.

Council comments and questions followed.

Tim Guarnieri and **Mike Lisenbee (Senior Project Manager, David J.**

Powers & Associates) addressed **Council** questions.

Public Comments: Neilous Miller
Corey Quevedo
Anthony
Nels DeLander
Rigo Gallardo
Brian Pors
Erica Valentine
Dominic Torreano
Will Smith 332
Jeremy Schmidt
Brian
Teresa O'Neill

Applicant Rebuttal followed.

Council questions and comments followed.

City Manager Grogan addressed Council questions.

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

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

Council discussion followed.

A motion was made by Vice Mayor Becker, seconded by Councilmember Jain, to (1) Adopt Resolution No. 24-9356 accepting the Environmental Impact Report prepared by the California Energy Commission (CEC) and adopting the Mitigation Monitoring and Reporting Program; (2) Adopt Resolution No. 24-9357 approving the General Plan Amendment from High Intensity Office / Research and Development to Light Industrial to allow the construction of a new four-story 244,068 square foot data center with a substation and site improvements at 2805 Bowers Avenue, subject to findings and conditions of approval; and (3) Adopt Resolution No. 24-9358 approving the Use Permit for the demolition of the existing building and construction of a new four-story 244,068 square foot data center with a substation and site improvements at 2805 Bowers Avenue, subject to findings and conditions of approval; and (4) Adopt Resolution No. 24-9359 approving the Architectural review for the demolition of the existing building and construction of a new four-story 244,068 square foot data center with a substation and site improvements at 2805 Bowers Avenue, subject to findings and conditions of approval; and (5) Direct the City Manager to work with the applicant to develop and install screening elements that minimize the visual impacts of the project's electrical substation in a manner that is architecturally compatible with the data center building.

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

Mayor Gillmor called for a recess at 9:43 PM and reconvened the meeting at 10:03 PM.

6. 24-324 Summer 2024 Informational Report on Super Bowl LX and FIFA World Cup 2026 Updates

Recommendation: Note and file the informational report on FWC26 and Super Bowl LX updates.

City Manager Grogan, **Assistant City Manager Baker**, **Emergency Services Officer Flamm**, **Police Captain Fitting** and **Development Project Manager Knight** gave a Powerpoint presentation on the informational report on Super Bowl LX and FIFA World Cup 2026 Updates.

Council comments and questions followed.

City Manager Grogan and **City Attorney Googins** addressed **Council** questions and concerns.

Public Comments: David Kertes
Public Speaker
Wanda Buck

A motion was made by Vice Mayor Becker, seconded by Councilmember Hardy, to note and file the informational report on FWC26 and Super Bowl LX updates.

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

Nay: 1 - Councilmember Watanabe

7. 24-664 Action on Recommendations from the Governance and Ethics Committee to Amend Council Policy 009 ("City Representation at Meetings, Ceremonies, and Events")

Recommendation: Adopt a resolution approving the amendments to Council Policy 009 ("City Representation at Meetings, Ceremonies & Special Events") based on recommendations from the Governance and Ethics Committee.

City Manager Grogan provided some opening remarks and introduced **Assistant to the City Manager Le** who gave a Powerpoint presentation on recommendations from the Governance and Ethics Committee to amend council policy 009.

Council comments and questions followed.

Public Comments: Satish Chandra
Wanda Buck
Public Speaker
Kale

A motion was made by Vice Mayor Becker, seconded by Councilmember Chahal, to adopt Resolution No. 24-9360 approving the amendments to Council Policy 009 ("City Representation at Meetings, Ceremonies & Special Events") based on recommendations from the Governance and Ethics Committee with an amendment to afford all Councilmembers the opportunity to speak at external events upon approval of the outside agency.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

REPORTS OF MEMBERS, SPECIAL COMMITTEES AND COUNCILMEMBER 030 REQUESTS

Councilmember Hardy reported that the Bay Area Water Supply and Conservation Agency is looking for a new CEO.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

ADJOURNMENT

The meeting was adjourned at 12:49 AM.

A motion was made Vice Mayor/Chair Becker, seconded by Council/Boardmember Chahal, to adjourn the meeting.

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

The next scheduled special meeting is on Tuesday, September 3, 2024 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."

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