



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

04/06/2021

4:00 PM

Virtual Meeting

****Revisions:**

Added Closed Session Item 21-552 and Item 21-556

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.

4:00 PM CLOSED SESSION

Call to Order

Mayor Gillmor called the meeting to order at 4:04 PM.

Roll Call

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

Public Comment

Public Speaker(s): S.C. CA (e-comment)

- 1.A** [21-552](#) Pursuant to California Government Code Section 54956.9(d)(2) and (e)(3) and Section 54956.9(d)(4):
CONFERENCE WITH CITY'S OUTSIDE ATTORNEY - ANTICIPATED LITIGATION
One (1) item of anticipated litigation (Continued from April 1, 2021)
- 1.B** [21-532](#) Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: Deanna J. Santana, City Manager (or designee)
Employee Organization(s):
Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171
Unit #2-Santa Clara Police Officer's Association
Unit #3-IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4-City of Santa Clara Professional Engineers
Units #5, 7 & 8-City of Santa Clara Employees Association
Unit #6-AFSCME Local 101 (American Federation of State, County and Municipal Employees)
Unit #9-Miscellaneous Unclassified Management Employees
Unit #9A-Unclassified Police Management Employees
Unit #9B-Unclassified Fire Management Employees
Unit #10-PSNSEA (Public Safety Non-Sworn Employees Association)
(Continued from March 23, 2021)
- 1.C** [21-542](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 1
Facts and Circumstances: Consideration of recommendations contained in the TAP International Financial Audit Titled "Contract Close Out Review: Convention and Visitor's Bureau"
- 1.D** [21-556](#) 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

Convene to Closed Session

Council convened to Closed Session at 4:06 PM and reconvened the meeting at 6:01 PM.

5:30 PM COUNCIL REGULAR MEETING

Pledge of Allegiance and Statement of Values

Council recited the Pledge of Allegiance.

Councilmember Hardy recited the Statement of Values.

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

Mayor Gillmor called for a Moment of Silence in honor of the life of former **Councilmember Jim Ash** and expressed gratitude for his service to the City of Santa Clara.

[21-565](#)

Moment of Silence at the April 6, 2021 City Council Meeting Post Meeting Material

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to defer Items 1.B and 1.C from Closed Session to April 20, 2021 Council & Authorities Concurrent Meeting..

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor Gillmor recused herself from Item 7 due to a potential Conflict of Interest as her business is in Franklin Mall.

A motion was made by Councilmember Watanabe, seconded by Councilmember Jain, to move Item 7 to be heard after Item 3.

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

Recused: 1 - Mayor Gillmor

SPECIAL ORDER OF BUSINESS

2.A [21-235](#) Recognize Local Author Marvin J. Sung

Mayor Gillmor presented a Special Mayoral Recognition to **Marvin J. Sung** for his achievement for authoring a book called *Book of the Beginning*.

2.B [21-266](#) Presentation of Cultural Commission Work Plan Goals and Activities

Cultural Commission Chair Samara and **Commissioner von Huene** gave a Powerpoint Presentation on the Cultural Commission WorkPlan and Goals.

Cultural Commission Chair Samara, Commissioner von Huene and **City Manager Santana** addressed **Council** questions and comments.

2.C [21-392](#) Verbal Report from City Manager regarding COVID-19 Pandemic

Chief Emergency Services Officer Schoenthal provided the following update and PowerPoint Presentation on COVID-19:

- Up-to-Date data on the COVID-19 rates in Santa Clara County;
- California has among the lowest positivity rates in the United States;
- State of California anticipates getting rid of the blueprint on June 15, 2021;
- California Governor Gavin Newsom anticipates the State will be back to business as usual on June 15, 2021;
- Effective April 15, 2021, State of California expanded access for vaccinated residents;
- Eligibility for Vaccines to California Residents will expand to 16 year olds and over;
- Retail Pharmacies expanding Vaccine availability;
- April 4 - April 10, 2021 is National Library Week and Library access hours are expanding;
- Santa Clara County urges continued COVID-19 Testing;
- City of Santa Clara hosted a Mobile Blood Drive on April 1, 2021;
- Phase 3 has begun for the Emergency Rental Assistance Program.

Chief Emergency Services Officer Schoenthal addressed Council questions and comments.

Public Speaker(s): Kirk Vartan

STUDY SESSION

3. [21-918](#) Study Session: Housing Element Update

Recommendation: Note and file the report on the Housing Element Update.

Director of Community Development Crabtree gave a Powerpoint Presentation on the Housing Element Update.

Council comments and questions followed.

Director of Community Development Crabtree addressed **Council** questions.

Public Speaker(s): Guest

Wesley Mukoyama

Dennis Martin

Michael Tsai

Sal Caruso

David Vierra (e-mail)

Susan Hinton (e-comment)

Council comments and questions followed.

Director of Community Development Crabtree addressed **Council** questions.

A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to note and file the report on the Housing Element Update.

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

Mayor Gillmor called for a recess at 9:00 PM and reconvened the meeting at 9:11 PM.

7. [21-365](#) Report from the Chair of the Downtown Community Task Force (DCTF) on the status of the work of the Task Force

Recommendation: There is no staff recommendation.

Mayor Gillmor recused herself from this Item as her business is in Franklin Mall.

Vice Mayor Chahal presided on this Item.

Councilmember Jain noted that the City received a letter from Bob O'Keefe requesting **Councilmember Jain** to recuse himself from this item due to a potential conflict of interest as his property is within 1,000 feet of Downtown Santa Clara and his wife works for Santa Clara University.

City Attorney Doyle noted that the City Attorney's Office reviewed the letter submitted by Bob O'Keefe and disagrees with the statement that there is a potential conflict of interest regarding **Councilmember Jain's** property within 1,000 ft. However, there appears to be potential issue with **Councilmember Jain's** wife's income from Santa Clara University and that there is potential effect of the **Council's** decision on the Downtown as it relates to Santa Clara University. **City Attorney Doyle** advised **Councilmember Jain** not participate in this discussion and decision until he receives formal advice from the Fair Political Practices Commission (FPPC).

Vice Mayor Chahal inquired with **City Attorney Doyle** regarding the FPPC advice received regarding **Councilmember Jain's** potential conflict of interest.

City Attorney Doyle noted that the FPPC advice received was in regards to **Councilmember Jain's** property within 1,000 feet of Downtown, however the advice sought was not in regards to his wife's income. **City Attorney Doyle** stated that he will seek formal advice from the FPPC regarding potential conflict of interest regarding **Councilmember Jain's** wife being employed by Santa Clara University.

Council discussion continued and **City Manager Santana** addressed **Council** concern.

Councilmember Becker requested that **Council** consider opening Public Presentations due to the lateness of the hour prior to hearing Item 7.

Mayor Gillmor returned and presided over the meeting.

Public Speaker(s): Michael Tsai
Mary Grizzle
Guest
Wesley Mukoyama

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to move to Public Presentations prior to continuing discussions on Item 7.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

PUBLIC PRESENTATIONS

Wesley Mukoyama expressed comments of concern regarding **Councilmember Watanabe's** denial of **Councilmember Park** speaking at an Anti-Asian Hate Rally.

Richard Konda expressed comments of concern regarding **Councilmember Watanabe's** denial of **Councilmember Park** speaking at an Anti-Asian Hate Rally.

Michele Lew expressed comments of concern regarding **Councilmember Watanabe's** denial of **Councilmember Park** speaking at an Anti-Asian Hate Rally.

Guest expressed comments of concern regarding **Councilmember Watanabe's** denial of **Councilmember Park** speaking at an Anti-Asian Hate Rally.

Vanessa Grijalva expressed comments of concern regarding **Councilmember Watanabe's** denial of **Councilmember Park** speaking at an Anti-Asian Hate Rally.

Yuki Izeke requested **Council** to define plans to reopen City Hall as the State of California is anticipated to open June 15, 2021.

Michael Tsai expressed comments of concern regarding **Councilmember Watanabe's** denial of **Councilmember Park** speaking at an Anti-Asian Hate Rally.

Kirk Vartan expressed comments regarding a book donated to **Council** about how to collaborate effectively and getting to "Yes," his submitted Written Petition regarding **Council** to have their videos on Zoom, and comments in support of **Councilmember Watanabe's** character.

Councilmember Watanabe expressed comments regarding her reason for the March 31, 2021 Anti-Asian Hate Rally, logistics of organizing the event, and **Councilmember Park's** to request speak during the event. **Councilmember Watanabe** apologized to the AAPI Community and to **Councilmember Park** regarding denying his request to speak at the event.

Mayor Gillmor expressed comments in support of **Councilmember Watanabe's** character and concern in regards to **Councilmember Park's** denial to speak at the Anti-Asian Hate Rally.

Councilmember Park expressed comments regarding the timeline of events that occurred at the Anti-Asian Hate Rally and his interactions with **Councilmember Watanabe**, and the hate Asian Americans experience.

Mayor Gillmor asked **Councilmember Park** if he would have done anything different.

Councilmember Park noted he would have RSVP'd prior to the event.

Councilmember Becker expressed comments of concern regarding **Councilmember Watanabe's** denial of **Councilmember Park's** request to speak and hope to rebuild, work together and to move forward.

Mayor Gillmor noted that there were other Elected Officials who RSVP'd and listed to speak.

Vice Mayor Chahal expressed comments of concern regarding his interactions with **Councilmember Watanabe**.

Councilmember Hardy noted that she has witnessed the interactions between **Councilmember Watanabe** and **Vice Mayor Chahal**.

Councilmember Park expressed comments of concern regarding the impact of being denied to speak at the event and **Councilmember Watanabe** actions had after the event has had on residents and the AAPI community.

Vice Mayor Chahal expressed comments regarding the letters received from Community Leaders regarding **Councilmember Park's** denial to speak at the Anti-Asian Hate Rally. **Vice Mayor Chahal** noted he would like to sit down with **Councilmember Watanabe** to discuss any differences they may have and how to work together in the future.

Mayor Gillmor noted all the Councilmembers care about Santa Clara's diverse community while approaching their actions differently.

Councilmember Watanabe noted that she had a prepared run of show with the Community Leaders who RSVP'd and that she is sorry that her actions had on **Councilmember Park**, Community Leaders, and the AAPI community.

7. [21-365](#) Report from the Chair of the Downtown Community Task Force (DCTF) on the status of the work of the Task Force

Recommendation: There is no staff recommendation.

Mayor Gillmor recused herself as her business is in Franklin Square.

Vice Mayor Chahal presided over this item.

Councilmember Jain will not participate in this discussion and decision until he receives formal advise from Fair Political Practices Commission (FPPC), however can listen to the discussion as noted by **City Attorney Doyle**.

Downtown Community Task Force Chair Thompson and **Vice Chair Ondrasek** gave a Powerpoint Presentation.

Downtown Community Task Force Chair Thompson, Vice Chair Ondrasek, and City Manager Santana addressed **Council** questions.

Public Speaker(s): Sal Caruso

Guest

Mary Grizzle

Downtown Community Task Force Chair Thompson, Vice Chair Ondrasek, and City Manager Santana addressed **Council** questions.

A motion was made by Councilmember Becker, seconded by Councilmember Watanabe, to direct staff to return to Council with a contract amendment and funding source for the services for the Downtown Precise Plan.

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

Abstained: 1 - Councilmember Jain

Recused: 1 - Mayor Gillmor

CONSENT CALENDAR

Mayor Gillmor returned and presided over the meeting.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve the Balance of the Consent Calendar (except Items 4.K and 4.N).

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

4.A [21-08](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

City-School Liaison Committee - September 2, 2020
Parks & Recreation Commission - February 16, 2021
Senior Advisory Commission - February 22, 2021
Downtown Community Task Force - January 21, 2021
Downtown Community Task Force - February 3, 2021
Downtown Community Task Force - February 18, 2021
Santa Clara Tourism Improvement District Advisory Board - October 8, 2020
Santa Clara Tourism Improvement District Advisory Board - December 10, 2020
Santa Clara Tourism Improvement District Advisory Board - January 8, 2021
Santa Clara Tourism Improvement District Advisory Board - January 21, 2021
Santa Clara Tourism Improvement District Advisory Board - February 18, 2021

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

4.B [21-533](#) Action on Council Priority Setting Session Minutes of Day 1- February 1, 2021 and Day 2 - February 2, 2021

Recommendation: Approve the meeting minutes of:
Council Priority Setting Session Day 1 - February 1, 2021
Council Priority Setting Session Day 2 - February 2, 2021

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

- 4.C [21-200](#) Action on an Agreement for Services with Milton Security Group, Inc. for Information Technology Support Services for Silicon Valley Power

Recommendation:

1. Authorize the City Manager to execute an Agreement for Services with Milton Security Group, Inc. for information technology support services, for a term starting on May 1, 2021 and ending on April 30, 2026 for total maximum amount not-to-exceed compensation of \$4,500,000, subject to the annual appropriation of funds; and
2. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreement after the initial term, ending April 30, 2031, assuming all options are exercised, and subject to the annual appropriation of funds.

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

- 4.D [21-48](#) Action on an Agreement with Studio G Architects, Inc. for Design and Engineering Support Services for the Utilities Corporation Yard Field Services Center Building Renovation Project (CE 20-21-12)

Recommendation:

1. Approve and authorize the City Manager to execute a Design Services Agreement with Studio G Architects, Inc. for the Utilities Corporation Yard Field Services Center Building Renovation Project in the amount not-to-exceed \$224,000; and
2. Authorize the City Manager make minor, non-substantive modifications, including time extensions, to the Agreement, if needed.

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

- 4.E [21-1262](#) Action on an Agreement with Plump Engineering, Inc. for Design Professional Services for the Bowers Park Building and Sarah Fox Mausoleum Roof Rehabilitation Project

Recommendation:

1. Approve and authorize the City Manager to execute an agreement with Plump Engineering, Inc. for the Bowers Park Building and Sarah Fox Mausoleum Roof Rehabilitation Project in the amount not-to-exceed \$136,390; and
2. Authorize the City Manager to make minor modifications, including time extensions, to the agreement, if needed.

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

- 4.F [21-201](#) Action on an Agreement for Services with Flynn Resource Consultants, Inc. for As-needed Transmission System Analysis, and Related Engineering Consultant Services

Recommendation:

1. Authorize the City Manager to execute an Agreement for Services with Flynn Resource Consultants, Inc. for as-needed Transmission System Analysis, and Related Engineering Consultant Services, for a term starting on or about May 1, 2021 and ending on or about April 30, 2026 for total maximum amount not-to-exceed \$5,000,000 during the initial term, subject to the annual appropriation of funds; and
2. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreement after the initial term, ending April 30, 2031, assuming all options are exercised, and subject to the annual appropriation of funds.

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

- 4.G [21-414](#) Action on Microsoft Enterprise Agreement and Enrollment with Dell Marketing, LP, for Microsoft Office 365 Software and Enterprise Licenses

Recommendation:

1. Authorize the continued participation in the Microsoft Enterprise License Agreement for State and Local Governments ("Enterprise Agreement"), a cooperative agreement administered by the County of Riverside, California on behalf of State and Local public agencies and enrollment with Dell Marketing, LP, pursuant to the terms and conditions of the Enterprise Agreement;
2. Authorize the City Manager to execute purchase orders and other required enrollment documentation to purchase Microsoft Office 365 and related enterprise licenses for an initial three-year term beginning on May 1, 2021 and ending on April 30, 2024 in an amount not to exceed \$1,382,424, which includes a 5% annual contingency for increase in license counts, subject to the appropriation of funds;
3. Authorize the City Manager to execute up to one additional three-year option to extend the term after the initial term through April 30, 2027, subject to the appropriation of funds; and
4. Authorize the City Manager to issue amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including subscriptions at the Enterprise Agreement discounted rates as may be required, subject to the appropriation of funds.

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

- 4.H [21-202](#) Action on an Agreement for Services with Energy Project Solutions, LLC for Gas Pipeline Compliance, Inspection, Maintenance, and Repair Services

Recommendation:

1. Authorize the City Manager to execute an Agreement for Services with Energy Project Solutions, LLC for Gas Pipeline Compliance, Inspection, Maintenance, and Repair Services, for an initial term starting on May 1, 2021 and ending on April 30, 2026 for total maximum compensation not-to-exceed \$3,186,900, subject to the annual appropriation of funds;
2. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreement after the initial term, ending April 30, 2031, subject to the annual appropriation of funds; and
3. Authorize the City Manager to add or delete services consistent with the scope of the agreement, and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds.

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

- 4.I [21-129](#) Action on the Award of Purchase Order to Bear Electrical Solutions, Inc. for Traffic Signal Maintenance, Repair, and Support Services

Recommendation:

1. Authorize the City Manager to execute a Purchase Order with Bear Electrical Solutions, Inc. for traffic signal maintenance, repair, and support services, for a term starting on or about April 6, 2021 and ending on or about April 6, 2023 for a maximum amount not-to-exceed \$1,558,346, subject to the appropriation of funds; and
2. Authorize the City Manager to exercise up to three one-year options to extend the term of the purchase order after the initial term through February 28, 2026 for ongoing traffic signal maintenance, repair, and support services, subject to the appropriation of funds.

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

- 4.J [21-1241](#) Action of the Award of Purchase Orders with Quality Traffic Data, LLC and Traffic Data Service CA, LLC for Traffic Data Collection Services

Recommendation:

1. Authorize the City Manager to execute a purchase order with Quality Traffic Data, LLC for traffic data collection services, for a term ending on or about April 6, 2022 for a total amount not-to-exceed \$60,000, subject to the appropriation of funds;
2. Authorize the City Manager to execute a purchase order with Traffic Data Service CA, LLC for traffic data collection services, for a term ending on or about April 6, 2022 for a total amount not-to-exceed \$60,000, subject to the appropriation of funds; and
3. Authorize the City Manager to exercise up to four one-year options to extend the term of both purchase orders after the initial term through April 6, 2026 for ongoing traffic data collection services, subject to the appropriation of funds.

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

- 4.L [21-445](#) Action on a Resolution Approving Purchase and Sale Agreements for Electric Utility Easements on the South Loop Reconfigure Project for the following properties: 999 Martin Avenue [224-60-005], 1055 Martin Avenue [224-60-011], 1061 Martin Avenue & 1199 Martin Avenue [224-60-013 & 224-60-012], 1261 Martin Avenue [224-60-014], 1501 Martin Avenue [224-61-004], and 2311 Lafayette Street [224-40-008]

Recommendation:

1. Adopt the Resolution approving the Purchase and Sale Agreements for overhead electric easements at 999 Martin Avenue [224-60-005], 1055 Martin Avenue [22460-011], 1061 Martin Avenue & 1199 Martin Avenue [224-60-013 & 224-60-012], 1261 Martin Avenue [224-60-014], 1501 Martin Avenue [224-61-004], and 2311Lafayette Street [224-40-008]; and
2. Authorize the recordation thereof.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution No. 21-8954, approving Purchase and Sale Agreements for Electric Utility overhead easements at 999 Martin Avenue [224-60-005], 1055 Martin Avenue [224-60-011], 1061 Martin Avenue & 1199 Martin Avenue [224-60-013 & 224-60-012], 1261 Martin Avenue [224-60-014], 1501 Martin Avenue [224-61-004], and 2311Lafayette Street [224-40-008]; and authorize the recordation thereof.

- 4.M** [21-153](#) Action on Adoption of a Resolution of Intention to Establish the Santa Clara Tourism Improvement District under the Property and Improvement District Law of 1994

Recommendation: Alternative 1: Adopt a Resolution of Intention declaring the City's intent to establish the Santa Clara Tourism Improvement District (SCTID) for 5 years starting July 1, 2021.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution No. 21-8955, to establish the Santa Clara Tourism Improvement District under the Property and Improvement District Law of 1994.

- 4.O** [21-223](#) Note and File Ten-Year Goals for Silicon Valley Power's Energy Efficiency Program

Recommendation: Note and File Ten-Year Goals for Silicon Valley Power's Energy Efficiency Program.

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

- 4.P** [21-233](#) Action on a Resolution Authorizing the Filing of an Application with the Metropolitan Transportation Commission for Allocation of Transportation Development Act Article 3, Pedestrian and Bicycle Project Funding for Fiscal Year 2021/22

Recommendation: Adopt a Resolution Authorizing the Filing of an Application with the Metropolitan Transportation Commission for Allocation of Transportation Development Act Article 3, Pedestrian and Bicycle Project Funding for Fiscal Year 2021/22.

Public Speaker(s): Susan Hinton (e-comment)

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution No. 21-8956, authorizing the filing of an Application with the Metropolitan Transportation Commission for Allocation of Transportation Development Act Article 3, Pedestrian and Bicycle Project Funding for Fiscal Year 2021/22.

CONSENT ITEMS PULLED FOR DISCUSSION

4.K [21-389](#)

Action on Award of Contract for the 2021 Annual Street Maintenance and Rehabilitation Project (CE 20-21-02) to O'Grady Paving, Inc. and Related Budget Amendment

Recommendation:

1. Award the Public Works Contract for the 2021 Annual Street Maintenance and Rehabilitation Project (CE 20-21-02), including the Base Bid, Add Alternate A, and Add Alternate B, to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$6,840,367 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
2. Authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$684,033, for a total project budget not to exceed amount of \$7,524,400; and
3. Consistent with City Charter Section 1305, *"At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,"* approve the following FY 2020/21 budget amendments:
 - A. In the Streets and Highways Capital Fund, recognize transfers of \$87,260 from the Water Utility Fund and \$87,260 from the Sewer Utility Fund, and increase the Annual Street Maintenance and Rehabilitation Program project by \$174,520 (**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 \$87,260 (**five affirmative Council votes required for the use of unused balances**); and
 - C. In the Sewer Utility Fund, increase the transfer to Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$87,260. (**five affirmative Council votes required for the use of unused balances**).

Councilmember Jain pulled this item for information on how long the projects take and to provide a spreadsheet on the website with the status of the projects.

City Manager Santana addressed **Council** questions.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to approve (1) award the Public Works Contract for the 2021 Annual Street Maintenance and Rehabilitation Project (CE 20-21-02), including the Base Bid, Add Alternate A, and Add Alternate B, to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$6,840,367 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; (2) authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$684,033, for a total project budget not to exceed amount of \$7,524,400; and (3) consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve the following FY 2020/21 budget amendments: A. In the Streets and Highways Capital Fund, recognize transfers of \$87,260 from the Water Utility Fund and \$87,260 from the Sewer Utility Fund, and increase the Annual Street Maintenance and Rehabilitation Program project by \$174,520 (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 \$87,260 (five affirmative Council votes required for the use of unused balances); and C. In the Sewer Utility Fund, increase the transfer to Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$87,260 (five affirmative Council votes required for the use of unused balances), and (4) return with a communication plan regarding status of the projects.

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

4.N [21-69](#)

Action on Introduction of an Ordinance to Reinstate the International Exchange Commission (IEC)

Recommendation: Approve the introduction of an ordinance to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission.

Councilmember Park pulled this item for further clarification regarding expenses related to the International Exchange Commission.

City Manager Santana addressed **Council** questions.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember Chahal, seconded by Councilmember Watanabe, to approve the introduction of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission.

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

Nay: 1 - Councilmember Jain

PUBLIC HEARING/GENERAL BUSINESS

6. [21-228](#) Action on a Resolution authorizing the City Manager to Negotiate and Execute Master Service Agreements with General Electric Packaged Power LLC and TransCanada Turbines to Perform Gas Turbine Engine Field and Depot Services subject to the following conditions:
1. Each agreement shall have an initial term of five years and shall have a maximum amount not-to-exceed set by the City Manager subject to an aggregate maximum authority of \$30,000,000 during the initial term with annual spending subject to the annual appropriation of funds;
 2. The City Manager shall be authorized to add or delete services consistent with the scope of the agreements and allow future rate adjustments subject to justification by contractor and the appropriation of funds; and
 3. Authorize the City Manager to execute up to five one-year options to extend the term of the master service agreements, subject to the annual appropriation of funds.

Recommendation: Adopt a Resolution authorizing the City Manager to Negotiate and Execute Master Service Agreements with General Electric Packaged Power, LLC and TransCanada Turbines to perform gas turbine engine field and depot services subject to the following conditions:

1. Each agreement shall have an initial term of five years and shall have a maximum amount not-to-exceed set by the City Manager subject to an aggregate maximum authority of \$30,000,000 during the initial term with annual spending subject to the annual appropriation of funds;
2. The City Manager shall be authorized to add or delete services consistent with the scope of the agreements and allow future rate adjustments subject to justification by contractor and the appropriation of funds; and
3. Authorize the City Manager to execute up to five one-year options to extend the term of the master service agreements, subject to the annual appropriation of funds.

Chief Electric Utility Officer Pineda gave a verbal report on the Master Service Agreements to Perform Gas Turbine Engine Field and Depot Services.

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

Vice Mayor Chahal recused himself from this item due to a potential conflict of interest as his property is in close proximity to this item.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution No. 8957 authorizing the City Manager to Negotiate and Execute Master Service Agreements with General Electric Packaged Power, LLC and TransCanada

Turbines to perform gas turbine engine field and depot services subject to the following conditions: (1) Each agreement shall have an initial term of five years and shall have a maximum amount not-to-exceed set by the City Manager subject to an aggregate maximum authority of \$30,000,000 during the initial term with annual spending subject to the annual appropriation of funds; (2) authorize the City Manager to add or delete services consistent with the scope of the agreements and allow future rate adjustments subject to justification by contractor and the appropriation of funds; and (3) authorize the City Manager to execute up to five one-year options to extend the term of the master service agreements, subject to the annual appropriation of funds.

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

Recused: 1 - Vice Mayor Chahal

5. [21-196](#) Consideration of Silicon Valley Power Quarterly Strategic Plan Update

Recommendation: Note and file the Silicon Valley Power Quarterly Strategic Plan Update.

A motion was made by Councilmember Becker, seconded by Councilmember Watanabe, to continue the rest of the agenda items to April 20, 2021 Council & Authorities Concurrent Meeting.

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

8. [21-521](#) Discussion on Consideration of the Sale of the Loyalton Ranch Property (Continued from March 23, 2021)

Recommendation: Staff has no recommendation and is seeking Council direction.

Continued to April 20, 2021 Council & Authorities Concurrent Meeting.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Continued to April 20, 2021 Council & Authorities Concurrent Meeting.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

Continued to April 20, 2021 Council & Authorities Concurrent Meeting.

- [21-501](#) Update on City Council and Stadium Authority Staff Referrals

[21-507](#) Tentative Meeting Agenda Calendar (TMAC)

[21-566](#) Adjournment of the April 6, 2021 City Council Meeting Post Meeting Material

ADJOURNMENT

The meeting was adjourned at 11:43 PM in memory of **Don Herbelin (Long-Time Santa Clara Resident)** and **Jim Ash (Former City of Santa Clara Councilmember)**.

Councilmember Jain and **Councilmember Park** expressed comments in memory of **Don Herbelin**.

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

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

The next regular scheduled meeting is on Tuesday evening, April 20, 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)

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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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