



City of Santa Clara Meeting Minutes

Council and Authorities Concurrent and Call and Notice of Special Santa Clara Stadium Authority Meeting

10/26/2021

4:30 PM

Virtual Meeting
Closed Session 4:30 PM
Open Session 7:00 PM

Pursuant to California Government Code section 54953(e) and City of Santa Clara Resolution 21-9013, the City Council meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara continues to have methods for the public to participate remotely:

- Via Zoom:
 - o <https://santaclaraca.zoom.us/j/99706759306>
 - Meeting ID: 997-0675-9306 or
 - o Phone: 1(669) 900-6833
- Via the City's eComment (now available during the meeting)
- Via email to PublicComment@santaclaraca.gov

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

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Governing Board of the Stadium Authority, to commence and convene on October 26, 2021, at 4:30 p.m. for a Special Meeting to be held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

4:30 PM CLOSED SESSION

Call to Order

Mayor/Chair Gillmor called the meeting to order at 4:33 PM.

Roll Call

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

Public Comment

None.

- 1.A** [21-1512](#) 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)
- 1.B** [21-1529](#) Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium
Authority, Demand for Arbitration through JAMS, 07/26/2019
- 1.C** [21-1531](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(2) - Exposure to litigation
Number of potential cases: 1
Facts and Circumstances: Pursuant to Gov. Code § 54956.9(e)(1) - Not
disclosed on agenda

Convene to Closed Session

Council convened to Closed Session at 4:34 PM and reconvened to Open
Session at 8:07 PM.

7:00 PM COUNCIL REGULAR and SPECIAL STADIUM AUTHORITY MEETING

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Hardy recited the Statement of Values.

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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Chief Assistant City Attorney Reuter noted that there was no reportable action from Closed Session.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

2. [21-1537](#) Action to Defer the Adoption and Certification of an Environmental Impact Report; Adoption of a Mitigation Monitoring and Reporting Program; and Architectural Approval of a Data Center project located at 1200-1310 Memorex Drive to a Future Date

Recommendation: Defer the Adoption and Certification of an Environmental Impact Report; Adoption of a Mitigation Monitoring and Reporting Program; and Architectural Approval of a Data Center project located at 1200-1310 Memorex Drive to a Future Date

Council questions followed.

City Manager Santana addressed **Council** questions.

Public Speaker(s): James	Sam G
Joe	Yan
Zsea Bowmani	Alli

City Manager Santana and **Director of Community Development Crabtree** addressed Public comments and questions.

A motion was made by **Councilmember Jain**, seconded by **Councilmember Park**, to defer the adoption and certification of an Environmental Impact Report; Adoption of a Mitigation Monitoring and Reporting Program; and Architectural Approval of a Data Center project located at 1200-1310 Memorex Drive to a future date.

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

Nay: 1 - Councilmember Becker

City Manager Santana noted that the following items are time-sensitive and need to be heard this evening:

Items 4, 5.C, 5.E, and 5.G.

SPECIAL ORDER OF BUSINESS

- 3.A [21-0005](#) Proclaim November 2021 as Sikh Awareness and Acceptance Month
- Council proclaimed November 2021 as Sikh Awareness and Acceptance Month and presented the proclamation to **Harbir Bhatia** on behalf of **Silicon Valley Gurdwara**.
- Harbir Bhatia** gave a PowerPoint Presentation on Sikh Awareness.
- Vice Mayor Chahal** and **Councilmember Becker** expressed gratitude for the Sikh Community and their contributions to the City of Santa Clara.
- 3.B [21-1255](#) Proclaim Family Court Awareness Month
- Council proclaimed November 2021 Family Court Awareness Month. **Mayor Gillmor** presented the proclamation to **Tina Swithin (Founder - Family Court Awareness Month)**.
- 3.C [21-1429](#) Verbal Report from City Manager regarding COVID-19 Pandemic
- City Manager Santana** provided the following PowerPoint Presentation on the COVID-19 Pandemic:
- Reported on the first storm of the season with record setting rain and expressed gratitude to staff that responded to the power outages, flooding, debris removal and down trees;
 - Public welcomed back to City Hall beginning October 4, 2021;
 - Provided an update on COVID-19 cases, hospital capacity, testing, and vaccination rates; and
 - Provided an update on Emergency Rental Assistance Program.

- 3.D [21-1430](#) Verbal Report Update from City Manager Regarding the Local Drought Emergency
- City Manager Santana** provided a PowerPoint Presentation on the Local Drought Emergency.
- Council** comments and questions followed.
- City Manager Santana** addressed **Council** questions.
- Public Speaker(s):** Vanessa L
Tao
Karanbir S Sekhon
Harpreet

STUDY SESSION

4. [21-1525](#) Presentation on Business Tax Ballot Measure and Other Potential Revenue Measures for November 2022 Ballot (Deferred from October 19, 2021)
- Recommendation:**
1. Provide feedback on key priorities for the development of recommendations on possible alternative tax structures for future Council consideration; and
 2. Review and direct staff to explore other potential revenue measures to be placed on the November 2022 ballot.
- Director of Finance Lee** gave a Powerpoint Presentation.
- Council** comments and questions followed.
- Director of Finance Lee** addressed **Council** questions.
- Public Speaker(s):** Yan
Christian Pellechia
Edward Strine
Tao
- Council** comments and questions followed.
- Director of Finance Lee** and **City Manager Santana** addressed **Council** questions.
- A motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to add new a Council Key Priority: to make sure to keep Santa Clara business-friendly.**

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

CONSENT CALENDAR

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

- 5.A [21-537](#) Action on Meeting Minutes of July 6, 2021 Council & Authorities Concurrent Meeting and July 13, 2021 Joint Council & Authorities Concurrent and Stadium Authority Meeting

Recommendation: Approve the Meeting Minutes of July 6, 2021 Council & Authorities Concurrent Meeting and July 13, 2021 Joint Council & Authorities Concurrent and Stadium Authority Meeting.

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

- 5.B [21-21](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Board of Library Trustees - September 13, 2021
Youth Commission - September 14, 2021
Parks & Recreation Commission - September 21, 2021

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

- 5.C [21-1042](#) Action to Authorize the City Manager to Negotiate and Execute a Digital Services Agreement with Siemens Industry, Inc.

Recommendation: Authorize the City Manager to:

1. Negotiate and execute a Digital Services Agreement with Siemens Industry, Inc. for an initial term of five years for professional services to upgrade the EnergyIP (EIP) Meter Data Management (MDM) software system plus subscription (license) and support fees not to exceed \$1,200,000, subject to the appropriation of funds;
2. Execute five additional one-year options to extend the initial term of the agreement for ongoing subscription (license) and support fees, subject to the appropriation of funds; and
3. Add or delete licenses and services consistent with the scope of the agreement and allow future rate adjustments subject to request and justification by Siemens Industry, Inc., approval by the City, and the appropriation of funds.

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

- 5.D [21-1049](#) Action on Amendments to Agreements with Smart Energy Systems, Inc. and InfoSend, Inc. for a Customer Service Portal and Bill Print and Mail Services, respectively

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with Smart Energy Systems, Inc. for a cloud-hosted Customer Self-Service Portal to extend the term of the agreement by three years ending on December 31, 2024 and increase maximum compensation by \$396,194 for a revised not to exceed amount of \$1,653,343, subject to the appropriation of funds;
 2. Authorize the City Manager to execute future amendments to the agreement with Smart Energy Systems, Inc. to extend the term and adjust compensation in the event staff's estimates of usage are exceeded and to cover any changes to system requirements, subject to the appropriation of funds; and
 3. Authorize the City Manager to execute Amendment No. 3 to the Agreement with InfoSend, Inc. for Bill Print and Mail Services to extend the term of the agreement by two years ending on June 30, 2024, and increase maximum compensation by \$680,000 for a revised not to exceed amount of \$2,380,000, subject to the appropriation of funds.

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

- 5.E [21-1413](#) Action on an Agreement for Services with Hill Brothers Chemical Company for As-Needed Ammonia Delivery and Related Services

Recommendation:

1. Authorize the City Manager to execute an Agreement for Services with Hill Brothers Chemical Company for as-needed ammonia delivery and related services, for a term starting on or about November 1, 2021 and ending on or about October 31, 2026, for a total maximum amount not-to-exceed \$1,500,000 during the initial five-year term, subject to the annual appropriation of funds;
2. Authorize the City Manager to make minor changes to the attached Agreement for Services subject to approval of the City Attorney as to form;
3. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreement for Services after the initial term, ending on or about October 31, 2031, assuming all options are exercised, and subject to the annual appropriation of funds; and
4. Authorize the City Manager to take actions to add or delete services consistent with the scope of the Agreement for Services 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 Hardy, seconded by Vice Mayor Chahal, to approve staff recommendation.

- 5.F [21-1274](#) Action on an Agreement with First Shield Security and Patrol, Inc. for Citywide Security Guard Services

Recommendation:

1. Authorize the City Manager to execute an agreement with First Shield Security and Patrol Inc. to provide security guard services at sites managed by the Department of Public Works for a not-to-exceed amount of \$656,543 during the initial three-year term and subject to the appropriation of funds;
2. Authorize the City Manager to execute an agreement with First Shield Security and Patrol Inc. to provide security guard services at sites managed by the Parks & Recreation Department, for a not-to-exceed amount \$801,000 during the initial three-year term and subject to the appropriation of funds;
3. Authorize the City Manager to amend or execute additional agreement(s) with First Shield Security and Patrol Inc. for additional sites that may be required, subject to the same terms and conditions and appropriation of funds; and
4. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreements after the initial three-year term, for a total of eight years ending on or about October 31, 2029 assuming all option years are exercised and subject to the appropriation of funds.

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

- 5.G [21-1181](#) Action on Historic Resource Inventory Property Designation and Historic Preservation Agreement (Mills Act Contract) for 794 Park Court

Recommendation: 1. Add the subject property to the City's Historic Resource Inventory (HRI); and
2. Authorize the City Manager to execute a Historic Preservation Agreement (Mills Act Contract) including a 10-Year Restoration and Maintenance Plan for the property at 794 Park Court with property owner Megan L. Carter.

Mayor Gillmor abstained from this item, as she owns property within 1000 ft. of the subject item.

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

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

Abstained: 1 - Mayor Gillmor

- 5.H [21-1201](#) Action to Adopt Resolution to Set the Regular Meeting Schedule and Dates of the Board of Library Trustees for Calendar Year 2022

Recommendation: Adopt the attached resolution setting the 2022 Calendar of Regular Meetings for the Board of Library Trustees.

A motion was made by Councilmember Hardy seconded by Vice Mayor Chahal, to adopt Resolution No. 21-9016, setting the 2022 calendar of Regular Meetings for the Board of Library Trustees.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

6. Action on Request submitted by the Stadium Manager to Award Purchase Order to EYEP Solutions, Inc. for Genetec Omnicast Training and Synergic Technical Certification

- A. [21-1465](#) Request from the Stadium Manager to Award Purchase Order to EYEP Solutions, Inc. for Genetec Omnicast Training and Synergic Technical Certification

- B. [21-14660](#) Report from the Stadium Authority Regarding Stadium Manager's Request to Award Purchase Order to EYEP Solutions, Inc. for Genetec Omnicast Training and Synergic Technical Certification

Recommendation:

1. Approve the Stadium Manager's request to award a purchase order to EYEP Solutions, Inc. for Genetec Omnicast training and Synergic Technical Certification, in the amount of \$5,520, and authorize the Executive Director to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager.

A motion was made by Boardmember Hardy, seconded by Vice Chair Chahal, to approve staff recommendation.

Mayor Gillmor called for a recess at 10:35 PM and reconvened the meeting at 10:45 PM.

PUBLIC PRESENTATIONS

Public Speaker(s): Hotin	Zhong
Pat Calhoun	Evelyn
Jenny	Bo Pan
Joyce H	Alex Wan
Stella	Alex Chan
Mandy	Louis
Tata	Edward Strine
Saurabh Mutha	Yang Meghan
Steven	Chenglong Wei
Kimberly	Mel Foody
Chen	Danny
Jamie	Jason
Lizzie	Alick
Sam G	Wayne
Skyler	Amy Yu
Tao	Yvette
Yan	
Henry Lao	

City Manager Santana and Director of Community Development Crabtree provided an overview on the Project HomeKey and federal funding for homeless housing process.

Council questions and comments followed.

Director of Community Development Crabtree addressed Council and Public questions.

Council comments followed.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS

7. [21-14001](#) Discussion and Possible Direction on Consideration of the Sale of the Loyalton Ranch Property

Recommendation: Staff has no recommendation and is seeking Council direction on whether additional steps toward the sale of the Loyalton Ranch Property should be implemented.

A motion was made by Councilmember Jain, seconded by Councilmember Park, to postpone this item to a future meeting.

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

[21-1122](#)

Informational Report Regarding an Amendment to the Santa Clara Police Department's Automated License Plate Reader (ALPR) Policy

Recommendation: Note and file Information Report.

Chief of Police Nikolai gave a PowerPoint Presentation.

A motion was made by Councilmember Jain, seconded by Councilmember Park, to note and file the Informational Report regarding an amendment to the Santa Clara Police Department's Automated License Plate Reader (ALPR) Policy.

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor noted her attendance at the Children's Business Fair at Live Oak Park.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

ADJOURNMENT

The meeting was adjourned at 12:25 AM in memory of **Geraldine "Jerry" Ann Lynch Weiss (Mother of Former Senior Advisory Commissioner Bobbi Estrada).**

A motion was made by Councilmember Park, seconded by Vice Mayor Chahal, to adjourn the meeting.

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

[21-1551](#)

Adjournment of the October 26, 2021 City Council and Stadium Authority Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, November 9, 2021.

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative 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-judicative 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); 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@santacruz.gov <<mailto:clerk@santacruz.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.


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

ATTEST:


Assistant City Clerk/Secretary

APPROVE:


Mayor/Chairperson