



City of Santa Clara

Joint Meeting Minutes

Council and Authorities Concurrent Meeting

Santa Clara Stadium Authority

08/24/2021

3:30 PM

Virtual Meeting
Closed Session 3:30 PM
Open Session 5:30 PM

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.

3:30 PM CLOSED SESSION

Call to Order

Mayor/Chair Gillmor called the meeting to order at 3:31 PM.

Roll Call

Present: 5 - Council/Boardmember Kathy Watanabe, Vice Mayor/Chair Raj Chahal, Council/Boardmember Suds Jain, Council/Boardmember Anthony Becker, and Mayor/Chair Lisa M. Gillmor

Absent: 2 - Councilmember Karen Hardy, and Councilmember Kevin Park

A motion was made by Council/Boardmember Jain, seconded by Vice Mayor/Chair Chahal, to excuse Council/Boardmember Park and Council/Boardmember Hardy from the meeting.

Aye: 4 - Vice Mayor/Chair Chahal, Council/Boardmember Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

Nay: 1 - Council/Boardmember Watanabe

Absent: 2 - Council/Boardmember Hardy, and Council/Boardmember Park

Public Comment

None.

- 1.A [21-1099](#) Public Employee Performance Evaluation pursuant to Government Code Section 54957(b)(1)
Title: City Attorney
- 1.B [21-1119](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: 630 Martin Avenue, APN: 224-35-014
City/Authority Negotiator: Deanna J. Santana, City Manager/Executive Director (or designee)
Negotiating Party: D&R Miller Properties, LLC
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)
- 1.C [21-1128](#) 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)

Convene to Closed Session

Council convened to Closed Session at 3:33 PM and reconvened the meeting at 5:34 PM.

**5:30 PM JOINT COUNCIL AND AUTHORITIES CONCURRENT & STADIUM AUTHORITY
REGULAR MEETING**

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Mayor/Chair Gillmor recited the Statement of Values.

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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor Gillmor noted that Item 6 will be heard after the Consent Calendar.

City Manager Santana requested Item 4.N be deferred to a later date.

4.N [21-890](#)

Introduction of Ordinance to amend Chapter 2.120, entitled Boards and
Commissions, to add the City's Housing Commission and establish the
powers, functions, and duties of the commission and Report and Update
on the City's Implementation of the Community Plan to End Homelessness
Recommendation: Introduce an Ordinance to amend Chapter 2.120, entitled Boards and
Commissions, to add the City's Housing Commission and establish the
powers, functions, and duties of the commission.

**A motion was made by Councilmember Jain, seconded by Vice
Mayor Chahal to defer this item to a later date.**

Aye: 5 - Councilmember Watanabe, Vice Mayor Chahal, Councilmember
Becker, Councilmember Jain, and Mayor Gillmor

Excused: 2 - Councilmember Hardy and Councilmember Park

Councilmember Park joined the meeting at 5:40 PM.

STUDY SESSION

2. [21-942](#) Study Session on Homeless Encampments and Vehicle Dwelling facilitated by the Police Department

Recommendation: The purpose of this report is to support a Study Session on this topic and to receive input from the City Council on further policy development.

Housing & Community Services Division Manager Veach and **Assistant Chief of Police Rush** gave a PowerPoint Presentation.

Council questions and comments followed.

Housing & Community Services Division Manager Veach, City Manager Santana, Deputy Fire Chief Ray, and Assistant Chief of Police Rush addressed Council questions.

Public Speaker(s): Alex Shoor
Vanessa Silbermann
Jeff Houston
Vicki and Charles Shepard

City Manager Santana, Assistant Chief of Police Rush, and Housing & Community Services Division Manager Veach addressed public questions.

SPECIAL ORDER OF BUSINESS

- 3.A [21-764](#) Proclamation of September 2021 as Community Preparedness Month

Mayor Gillmor and **Council** proclaimed September as Community Preparedness Month and presented the proclamation to **Chief Emergency Services Officer Schoenthal**.

Chief Emergency Services Officer Schoenthal expressed gratitude for the recognition for Community Preparedness Month.

- 3.B [21-1110](#) Recognition of Outgoing Commissioners on the Board of Library Trustees, Cultural Commission, Historical and Landmarks Commission, Housing Rehabilitation Loan Committee and Parks and Recreation Commission

Mayor Gillmor and Council recognized and acknowledged the following outgoing Board and Commission members for their service:

Board of Library Trustees Joshua Briefman 2019-2021
Cultural Commission Harbir K. Bhatia 2016-2021
Cultural Commission Niharika "Niha" Mathur 2017-2021
Historical and Landmarks Commission Stephen Estes 2014-2021
Historical and Landmarks Commission J.L. "Spike" Standifer 2013-2021
Housing Rehabilitation Loan Committee Darius Brown 2019-2021
Housing Rehabilitation Loan Committee Carmen Pascual 2013-2021
Parks & Recreation Commission George Guerra 2013-2021
Parks & Recreation Commission Derreck Carter-House 2020-2021

Public Speaker(s): Harbir K. Bhatia

- 3.C [21-1144](#) Proclaim August 2021 as American Muslim Appreciation and Awareness Month

Mayor Gillmor and Council proclaimed August 2021 as American Muslim Appreciation Month. Mayor Gillmor presented the proclamation to **Sameena Usman (Senior Government Relations Coordinator - CAIR)**.

Sameena Usman (Senior Government Relations Coordinator - CAIR) expressed gratitude for the recognition for American Muslim Appreciation Month.

Public Speaker(s): Gino

CONSENT CALENDAR

A motion was made by Council/Boardmember Jain, seconded by Council/Boardmember Park, to approve the Balance of the Consent Calendar (except Items 4.K, 4.X, and 5.D).

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

Excused: 1 - Council/Boardmember Hardy

- 4.A [21-1130](#) Action on the Meeting Minutes of April 12 & April 13, 2021 City Council Special Meeting, April 20, 2021 Council and Authorities Concurrent & Special Stadium Authority, and April 21, 2021 City Council Special Meeting

Recommendation: Approve the Meeting Minutes of:
April 12, 2021 City Council Special Meeting
April 13, 2021 City Council Special Meeting
April 20, 2021 Council and Authorities Concurrent & Special Stadium Authority
April 21, 2021 City Council Special Meeting

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

- 4.B [21-16](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

City/School Liaison Committee - May 5, 2021
Parks & Recreation Commission - June 15, 2021
Planning Commission - May 10, 2021
Bicycle and Pedestrian Advisory Committee - March 22, 2021
Cultural Commission - June 7, 2021
Senior Advisory Commission - June 28, 2021
Parks & Recreation Commission - July 20, 2021
Economic Development, Communications, and Marketing Committee
Special Meeting Minutes - May 19, 2021

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

- 4.C [21-846](#) Action on Monthly Financial Status and Investment Reports for May 2021

Recommendation: Note and file the Monthly Financial Status and Investment Reports for May 2021 as Presented.

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

- 4.D [21-443](#) Actions on agreements associated with Battery Energy Storage System (BESS) Project at Santa Clara University (SCU), Authorizing City Manager to
1. Execute a Memorandum of Understanding (MOU) with SCU;
 2. Negotiate and execute a Property Lease Agreement with SCU;
 3. Execute BESS Sale and Purchase Agreement with Tesla, Inc. (Tesla)
 4. Execute BESS Services Agreement with Tesla

Recommendation:

1. Authorize the City Manager to execute a Memorandum of Understanding with Santa Clara University;
2. Authorize the City Manager to negotiate and execute a Lease Agreement with Santa Clara University;
3. Authorize the City Manager to execute a BESS Sales and Purchase Agreement with Tesla, Inc.;
4. Authorize the City Manager to execute a BESS Services Agreement with Tesla, Inc.; and
5. Authorize the City Manager to make minor changes to the agreements subject to approval by City Attorney.

Councilmember Jain recused himself from this item as his wife is employed by Santa Clara University.

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

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

Excused: 1 - Councilmember Hardy

Recused: 1 - Councilmember Jain

- 4.E [21-627](#) Action on an Agreement with NUVIS Landscape Architecture, Inc. for Design Professional Services for the Central Park New Entrance, Access, and Parking Improvements Project

Recommendation:

1. Approve and authorize the City Manager to execute an agreement for Design Professional Services with NUVIS Landscape Architecture, Inc. for the Central Park New Entrance, Access, and Parking Improvements Project in the amount not-to-exceed \$148,305; and
2. Authorize the City Manager to make minor modifications to the agreement, if needed.

Public Speaker(s): Susan Hinton (eComment)

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

4.F [21-907](#) Action on Agreement with TMC Shooting Range Specialists, Inc.

- Recommendation:**
1. Authorize the City Manager to execute an agreement with TMC Shooting Ranges Specialists, Inc. to provide lead remediation services for an initial term beginning on August 24, 2021 and ending on August 31, 2022, with maximum compensation not-to-exceed \$60,220; and
 2. Authorize the City Manager to execute up to four one-year options to extend the term of the agreement through August 31, 2026, subject to the appropriation of funds.

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

4.G [21-847](#) Action on a Bay Area Water Supply and Conservation Agency Participation Agreement for the WaterSmart Customer Engagement and Conservation Program

- Recommendation:**
- Approve and authorize the City Manager to execute the Participation Agreement for the WaterSmart Customer Engagement and Conservation Program with Bay Area Water Supply and Conservation Agency (BAWSCA) for an initial term starting on or about July 1, 2021 and ending on June 30, 2024, at a cost of \$337,205 subject to the appropriation of funds.

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

4.H [21-1036](#)

Authorize the City Manager to:

1. Execute Amendment No. 1 to the Agreement for the Performance of Services with Nalco Company LLC extending the term through August 31, 2023;
2. Authorize the City Manager to make minor changes to the proposed amendment attached subject to approval by City Attorney; and
3. 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.

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement for the Performance of Services with Nalco Company, LLC to extend the term of the Agreement through August 31, 2023 and increase the maximum compensation to \$900,000;
2. Authorize the City Manager to make minor changes to the proposed amendment attached subject to approval by City Attorney; and
3. Authorize the City Manager to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds.

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

4.I [21-879](#)

Action on Amendment No. 1 to the Agreement for Services with HouseKeys, Inc. for Administration Services for the Below Market Price Purchase Program

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with HouseKeys, Inc. to increase the Agreement's not to exceed amount, from \$581,250 to \$701,250 for administration services for the Below-Market Purchase Program and to approve change orders and amendments during the initial term commencing on November 18, 2020 and ending on November 30, 2023, subject to the appropriation of funds; and
2. Approve the City of Santa Clara Below Market Purchase (BMP) Program Application Guide

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

- 4.J [21-762](#) Action on Amendment No. 2 to the Agreement with HSQ Technology for the MISER Supervisory Control and Data Acquisition (SCADA) System

Recommendation: Authorize the City Manager to execute Amendment No. 2 to the Agreement with HSQ Technology for the MISER Supervisory Control and Data Acquisition (SCADA) System to increase the amount of the agreement by \$76,893 for a revised not-to-exceed maximum compensation of \$574,481.

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

- 4.L [21-1063](#) Action on Amendment No. 3 to the Agreement with Moore Iacofano Goltsman, Inc. (MIG) for preparation of the Patrick Henry Drive Specific Plan, Amendment No. 1 to Reimbursement Agreement with developers within the Plan Area, and related Budget Amendment

Recommendation:

1. 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 FY 2021/22 budget amendment in 1) the Prefunded Plan Review Fund to recognize developer contributions in the amount of \$271,150 and establish an appropriation for the Patrick Henry Drive Specific Plan in the amount of \$271,150, and 2) the CIP Sewer Utility Construction Fund to recognize developer contributions in the amount of \$240,000 and increase the Sanitary Sewer Hydraulic Modeling As Needed Support Project appropriation by \$240,000 (five affirmative council votes required to appropriate additional revenue);
2. Authorize the City Manager to execute Amendment No. 3 to the Agreement with Moore Iacofano Goltsman (MIG) for professional services to prepare the Patrick Henry Drive Specific Plan and related Environmental Review documents by increasing the amount of the agreement by \$166,000 and extending the term of the agreement through December 31, 2022, for a revised not-to-exceed maximum compensation of \$1,183,623, subject to the appropriation of funds; and
3. Authorize the City Manager to execute Amendment No. 1 to the Reimbursement Agreement with the developers within the Plan Area.

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

4.M [21-763](#) Note and File the 2021 Evaluation Report of the Hazard Mitigation Plan

Recommendation: Note and File the 2021 Evaluation Report of the Local Hazard Mitigation Plan.

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

4.O [21-943](#) Action on a Request for a Special Permit to Allow Seasonal Pumpkin Patch and Christmas Tree Sales Events at 3590 Benton Street from September 17, 2021 through December 24, 2021

Recommendation: Approve the request of a Special Permit to allow for a seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 17, 2021 through December 24, 2021, subject to conditions.

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

4.P [21-944](#) Action on a Request for a Special Permit to Allow Seasonal Pumpkin Patch and Christmas Tree Sales Events at 2610 El Camino Real from September 17, 2021 through December 24, 2021.

Recommendation: Approve the request of a Special Permit to allow for a Christmas Tree sales events at 2610 El Camino Real from September 17, 2021 through December 24, 2021, subject to conditions.

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

4.Q [21-984](#) Action to Approve an Office of Traffic Safety Selective Traffic Enforcement Program Grant and Related Budget Amendment

Recommendation:

1. Approve the Office of Traffic Safety Selective Traffic Enforcement Program Grant;
2. 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 FY 2021/22 budget amendment in the Police Operating Grant Trust Fund to recognize grant revenue in the amount of \$75,000 and establish a Selective Traffic Enforcement Program Grant appropriation in the amount of \$75,000 (**five affirmative Council votes required to appropriate additional revenue**); and
3. Authorize the Chief of Police, City Manager and Finance Director to sign the required grant-related documents.

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

- 4.R [21-988](#) Action on Designating a Voting Delegate and Alternates for the 2021 League of California Cities Annual Business Meeting
- Recommendation:** Designate Mayor Lisa M. Gillmor to serve as the voting delegate, Councilmember Kathy Watanabe as the first alternate voting delegate, and Councilmember Kevin Park as the second alternate voting delegate, to represent the City of Santa Clara at the 2021 League of California Cities Annual Business Meeting.
- A motion was made by Councilmember Jain, seconded by Councilmember Park, to approve staff recommendation.
- 4.S [21-770](#) Action on a Resolution Ordering the Vacation of an Emergency Vehicle Access Easement at 737 Mathew Street
- Recommendation:** 1. Adopt a Resolution Ordering the Vacation of an Emergency Vehicle Access Easement at 737 Mathew Street [APN 224-40-012 (2020-21); SC 19,366]; and
2. Authorize the recordation of the Resolution. A motion was made by Councilmember Jain, seconded by Councilmember Park, to adopt Resolution No. 21- 8995 ordering the Vacation of an Emergency Vehicle Easement at 737 Mathew Street [APN 224-40-012 (2020-21); SC 19,366]; and Authorization for the recordation of the Resolution.
- 4.T [21-993](#) Action on a Resolution Ordering the Vacation of an Underground Electric Easement and Emergency Access Easement at 2905 Stender Way.
- Recommendation:** 1. Adopt a Resolution Ordering the Vacation of an Underground Electric Easement and Emergency Access Easement at 2905 Stender Way [APN 216-29-108 (2021-22); SC 19,362]; and
2. Authorize the recordation of the Resolution.
- A motion was made by Councilmember Jain, seconded by Councilmember Park, to adopt Resolution No. 21-8996 ordering the Vacation of an Underground Electric Easement and Emergency Access Easement at 2905 Stender Way [APN 216-29-108 (2021-22); SC 19,362]; and Authorization for the recordation of the Resolution.

- 4.U [21-1062](#) Action on a Resolution Revising the Council and Authorities/Stadium Authority Regular Meeting Dates for the 2021 Calendar Year

Recommendation: Adopt a Resolution revising the Council and Authorities/Stadium Authority regular meeting dates for the 2021 calendar year to reflect the following changes to the months of September and October:

1. Cancellation of the September 14, 2021 Council and Authorities regular meeting and September 21, 2021 Stadium Authority Meeting and set September 7, 2021 as a Joint Council and Authorities and Stadium Authority regular meeting and set
2. Cancellation of the October 5, 2021 Council and Authorities regular meeting and set September 19, 2021 as a Joint Council and Authorities and Stadium Authority regular meeting.

A motion was made by Councilmember Jain, seconded by Councilmember Park, to adopt Resolution No. 21-8997 revising the Council and Authorities/Stadium Authority regular meeting dates for the 2021 calendar year to reflect the following changes to the months of September and October.

- 4.V [21-1095](#) Action on Council and Authorities Concurrent and Stadium Authority Meetings for 2022

Recommendation: Set the 2022 calendar year Council and Authorities Concurrent and Stadium Authority as reflected on the attached calendar.

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

- 4.W [21-1097](#) Action on Resignation of Senior Advisory Commissioner, Declare a Vacancy on the Senior Advisory Commission, and Set Process for Filling the Vacancy

Recommendation: Accept the resignation of outgoing Commissioner Ana Segovia effective immediately; and invite back both applicants Jim Hohenshelt and Suresh Lokiah to be re-interviewed.

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

Santa Clara Stadium Authority Consent Calendar

- 5.A [21-964](#) Action on Stadium Authority Bills and Claims for the Month of May 2021

Recommendation: Approve the list of Stadium Authority Bills and Claims for May 2021.

A motion was made by Boardmember Jain, seconded by Boardmember Park, to approve staff recommendation.

- 5.B [21-992](#) Informational Report on Dates and Purpose of Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the Period April 1, 2021 to June 30, 2021

Recommendation: Note and file the quarterly report on Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the period of April 1, 2021 to June 30, 2021.

A motion was made by Boardmember Jain, seconded by Boardmember Park, to approve staff recommendation.

5.C Request from the Stadium Manager for Approval to Award Purchase Order to LRG Technologies, Inc. DBA Mobile Pro Systems for CCTV Pop Up Trailers CapEx Project, Execute Agreement with Plexus Global LLC for Employment Background Screening Services and Agreements with ACCO Engineered Systems, Inc and O.C. McDonald Co., Inc. for Mechanical and Plumbing Maintenance and Repair Services

1. [21-1085](#) Request from the Stadium Manager for Approval to Award Purchase Order to LRG Technologies, Inc. DBA Mobile Pro Systems for CCTV Pop Up Trailers CapEx Project, Execute Agreement with Plexus Global LLC for Employment Background Screening Services and Agreements with ACCO Engineered Systems, Inc and O.C. McDonald Co., Inc. for Mechanical and Plumbing Maintenance and Repair Services

2. [21-1127](#) Report from the Stadium Authority Regarding the Stadium Manager's Request to Award Purchase Order to LRG Technologies, Inc. DBA Mobile Pro Systems for CCTV Pop Up Trailers CapEx Project, Execute Agreement with Plexus Global LLC for Employment Background Screening Services and Agreements with ACCO Engineered Systems, Inc and O.C. McDonald Co., Inc. for Mechanical and Plumbing Maintenance and Repair Services

Recommendation:

1. Approve the Stadium Manager's request to award a purchase order to LRG Technologies, Inc. DBA Mobile Pro Systems to purchase four Mobile Pro Falcon 3100 trailers (CCTV Pop Up Trailer CapEx line item), in the amount of \$209,702, 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;
2. Approve the Stadium Manager's request to execute an agreement with Plexus Global LLC for employee background screening services in an amount not to exceed \$16,500 per contract year (for a total not to exceed amount of \$49,500 over the initial three-year term), subject to budget appropriations for every contract year, 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;
3. Approve the Stadium Manager's request to execute an agreement with ACCO Engineered Systems, Inc. for mechanical and plumbing maintenance and repair services in an amount not to exceed \$250,000 per contract year (for a total not to exceed amount of \$750,000 over the initial three-year term), subject to budget appropriations for every contract year, 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; and
4. Approve the Stadium Manager's request to execute an agreement with O.C. McDonald Co., Inc. for mechanical and plumbing maintenance and repair services in an amount not to exceed \$250,000 per contract year (for a total not to exceed amount of \$750,000 over the initial three-year term), subject to budget appropriations for every contract year, 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 Jain, seconded by Boardmember Park, to approve staff recommendation.

6. [21-1145](#) Action on a Written Petition (Council Policy 030) submitted by Leonne (Lee) Broughman on July 12, 2021 to add an agenda item to a future date about Censure/Admonishment of Councilmember Park (Continued from August 17, 2021)

Recommendation: Staff makes no recommendation.

Lee Broghman gave a verbal presentation on her Written Petition to Censure/Admonishment of **Councilmember Park**.

Council comments and questions followed.

City Manager Santana addressed **Council** questions.

Public Speaker(s): Bob O'Keefe
Matthew Reed
T.K.
Debbie Tryforos

Council comments followed.

Councilmember Park apologized for his comments.

PUBLIC PRESENTATIONS

T.K. expressed comments of concern regarding Mayor Gillmor using City resources for Mayor at Noon (i.e. YouTube and Facebook).

Gino expressed comments regarding a Written Petition in September 2017 about neighborhood street conditions.

Mayor Gillmor called for a recess at 8:10 PM and reconvened the meeting at 8:20 PM.

CONSENT ITEMS PULLED FOR DISCUSSION

- 4.K [21-1033](#) Action on Amendment No. 2 to the Agreement with Moore Iacofano Goltsman, Inc. (MIG) for preparation of the Freedom Circle Focus Area Plan, Amendment No. 2 to Reimbursement Agreement with Freedom Circle Venture, LLC, and Related Budget Amendment

- Recommendation:**
1. 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 FY 2021/22 budget amendment in the Prefunded Plan Review Fund to recognize developer contributions in the amount of \$66,000 and establish an appropriation for the Freedom Circle Focus Area Plan in the amount of \$66,000 (five affirmative council votes required to appropriate additional revenue); and
 2. Authorize the City Manager to execute Amendment No. 2 to the Agreement with Moore Iacofano Goltsman (MIG) for professional services to prepare the Freedom Circle Focus Area Plan and related Environmental Review documents by increasing the amount of the agreement by \$66,000 and extending the term of the agreement through December 31, 2022, for a revised not-to-exceed maximum compensation of \$751,635, subject to the appropriation of funds; and
 3. Authorize the City Manager to execute Amendment No. 2 to the Reimbursement Agreement with Freedom Circle Venture LLC.

Councilmember Jain pulled this item for further clarification.

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

A motion was made by Councilmember Jain, seconded by Councilmember Park, to continue this item to September 7, 2021 Council and Authorities Concurrent Meeting.

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

Excused: 1 - Councilmember Hardy

- 4.X [21-1104](#) Action on Agreement with Carl Warren & Company for General Liability Claims Adjusting and Administrative Services

Recommendation:

1. Authorize the City Manager to execute an agreement with Carl Warren & Company for Liability Claims Adjusting and Administrative Services for an initial three-year term ending on or about August 18, 2024, and maximum compensation not to exceed \$342,000 for up to 125 open claims, subject to the appropriation of funds;
2. Authorize the City Manager to compensate Carl Warren & Company a fixed price of \$850 dollars per month for each open claim more than 125, subject to the appropriation of funds;
3. Authorize the City Manager to exercise two one-year options to extend the term of the Agreement, subject to the appropriation of funds; and
4. Authorize the Stadium Authority Executive Director to execute the Agreement with Carl Warren & Company, for Liability Claims Adjusting and Administrative Services.

Vice Mayor Chahal pulled this item for further clarification.

Risk Manager Bych addressed Council questions.

Public Speaker(s): John Chaquica
Lee Broughman

A motion was made by Vice Mayor/Chair Chahal, seconded by Council/Boardmember Park, to (1) authorize the City Manager to execute an agreement with Carl Warren & Company for Liability Claims Adjusting and Administrative Services for an initial three-year term ending on or about August 18, 2024, and maximum compensation not to exceed \$342,000 for up to 125 open claims, subject to the appropriation of funds; (2) authorize the City Manager to compensate Carl Warren & Company a fixed price of \$850 per month for each open claim more than 125, subject to the appropriation of funds; (3) authorize the City Manager to exercise two one-year options to extend the term of the Agreement, subject to the appropriation of funds; and (4) authorize the Stadium Authority Executive Director to execute the Agreement with Carl Warren & Company, for Liability Claims Adjusting and Administrative Services.

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

Excused: 1 - Councilmember Hardy

5.D Request from the Stadium Manager for Staffing Changes and Related Budget Amendment

Boardmember Jain pulled for this item for further clarification.

Brent Schoeb (Stadium Management Company Chief Revenue Officer) noted that he along with **Jim Mercurio (Stadium Management Company Vice President and General Manager)**, and **Stadium Management Company Finance Staff** did not have a presentation, however are available to answer questions.

Board questions followed.

Executive Director Santana gave a PowerPoint Presentation.

Stadium Authority Counsel Doyle addressed **Board** questions.

Jihad Beachman (Stadium Management Company Vice President, Deputy General Counsel), **Jeff Fong (Stadium Management Company Vice President of Finance)**, and **Brent Schoeb (Stadium Management Company Chief Revenue Officer)** addressed Stadium Authority staff comments and **Board** questions.

Executive Director Santana, and **Stadium Authority Treasurer Lee** addressed Stadium Management Company comments.

Board questions followed.

Executive Director Santana addressed **Board** questions.

Jim Mercurio (Stadium Management Company Vice President and General Manager) and **Jeff Fong (Stadium Management Company Vice President of Finance)** addressed **Board** and Stadium Authority staff questions.

Board questions followed.

Executive Director Santana and **Stadium Authority Counsel Doyle** address **Board** questions.

1. [21-1091](#) Request from the Stadium Manager for Staffing Changes and Related Budget Amendment
2. [21-1109](#) Report from the Stadium Authority Regarding the Stadium Manager's Request for Staffing Changes and Related Budget Amendment

Recommendation:

1. Approve the Stadium Manager's request to add a Director of Procurement position, subject to guarantee from the Stadium Manager that Board approved public works/CapEx projects will be implemented, compliance with all applicable legal procurement requirements, direct the Stadium Manager to provide the costs of the approved staffing changes, and submit the Board directed procurement plan/schedule;
2. Approve the Stadium Manager's request to fill a budgeted Accounting Manager and budgeted Staff Accountant position during FY 2021/22 Q2 instead of Q4, and direct the Stadium Manager to provide the costs of the approved staffing changes with guarantee that these resources are not being used for the clean-up accounting activity that the Stadium Manager has underway which should have always been completed;
3. Delegate authority to the Executive Director to approve a budget amendment for the Stadium Authority Board approved positions based on a future review of salaries and benefits costs with the Stadium Manager; and
4. Direct staff to report back on a competitive process to contract with an independent professional event-booking contractor instead of funding additional 49ers organization employees for booking Non-NFL events.

A motion was made by Boardmember Becker, seconded by Vice Chair Chahal, to (1) approve the budget amendment requested by the Stadium Manager for the following requested staffing changes: (a) Head of Public Ticketed Events, (b) Director of Procurement, (c) Senior Financial Analyst, (d) Accounting Manager, and (e) Staff Accountant, (2) filing of Form 700 as noted by the Executive Director, (3) Stadium Manager to return with a report on how these positions are performing after one year, and (4) Stadium Authority reserves its rights to recoup any dollars if it is discovered that the Stadium Manager is not complying with the State law.

Aye: 4 - Vice Chair Chahal, Boardmember Park, Boardmember Jain, and Boardmember Becker

Nay: 2 - Boardmember Watanabe, and Chair Gillmor

Excused: 1 - Boardmember Hardy

PUBLIC HEARING/GENERAL BUSINESS

7. [21-1111](#) Public Hearing: Action on a Resolution of Necessity to Acquire Certain Real Property Interests on 630 Martin Avenue, Santa Clara, California, from D&R Miller Properties, LLC

Recommendation: Alternative 1: Adopt a Resolution of Necessity to Acquire Certain Real Property Interests on 630 Martin Avenue, Santa Clara, California, from D&R Miller Properties, LLC. (Five affirmative votes required [California Code of Civil Procedure section 1245.245]).

Chief Electric Utilities Officer Pineda gave a PowerPoint Presentation.

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

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

Excused: 1 - Councilmember Hardy

A motion was then made by Councilmember Jain, seconded by Councilmember Becker, to approve alternative 1: adopt Resolution No. 21-8998 of Necessity to Acquire Certain Real Property Interests on 630 Martin Avenue, Santa Clara, California, from D&R Miller Properties, LLC. (Five affirmative votes required [California Code of Civil Procedure section 1245.245]).

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

Excused: 1 - Councilmember Hardy

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Jain gave a PowerPoint Presentation on Train Noise and the creation of a potential quiet zone.

- [21-1184](#) Reports of Members and Special Committees Post Meeting Material

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana noted on the following successful accomplishments by City Staff: Roll-out of updated phone system, Accela Program launched and now working on Police Department Records Management System.

- [21-1148](#) Update on City Council and Stadium Authority Staff Referrals

ADJOURNMENT

The meeting was adjourned at 11:02 PM.

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

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

Excused: 1 - Councilmember Hardy

The next regular scheduled meeting is on Tuesday evening, September 7, 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@santadaraca.gov <<mailto:clerk@santadaraca.gov>> or at the public information desk at any City of Santa Clara public library.


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

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

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

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

ATTEST:


Assistant City Clerk/Secretary

APPROVE:


Mayor/Chairperson