

City of Santa Clara

Joint Meeting Minutes



Council and Authorities Concurrent and

Santa Clara Stadium Authority

Call and Notice of Special Meeting

Planning Commission

01/25/2022

4:30 PM

Virtual Meeting

4:30 PM Closed Session

6:00 PM Joint Study Session

7:00 PM Open Session

****REVISION: Added Closed Session Item RTC 22-143 and Removed Closed Session Item RTC 22-62 Amended Public Hearing/General Business Item #8 (RTC 22-1657) Report and Recommendation**

Pursuant to California Government Code Section 54953(e) and City of Santa Clara Resolution 22-9042, 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 Planning Commission of the City of Santa Clara to commence and convene on January 25, 2022, at 6:00 pm for a Special Meeting 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 4:34 PM.

Roll Call

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

Public Comment

None.

- 1.A [22-98](#) Public Employee Appointment (Gov. Code §§ 54957, 54954.5, subd. (e).)
Title: Interim City Attorney
- 1.B [22-143](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC v. City of Santa Clara
Santa Clara County Superior Court Case No. 18CV326430
- 1.C [22-107](#) 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 4:35 PM and reconvened the meeting at 6:32 PM.

6:00 PM JOINT STUDY SESSION - COUNCIL AND PLANNING COMMISSION

Planning Commission Roll Call

Present: 7 - Commissioner Herro, Commissioner Saleme, Commissioner Huang, Commissioner Bhathnagar, Vice Chair Cherukuru, and Chair Biagini

2. [22-85](#) Joint City Council and Planning Commission Study Session on Senate Bill (SB) 9

Recommendation: Provide feedback on the following SB 9 Study Session topics:

1. Parking
2. Urban Lot Split Standards
3. Privacy
4. Maximum Unit Size
5. Neighborhood Compatibility
6. Researching Historic Preservation Analysis and Incentives

City Manager Santana provided a verbal overview on Senate Bill 9.

Assistant City Attorney Abbe and **Director of Community Development Crabtree** gave a PowerPoint presentation on SB 9.

Council and Planning Commission comments and questions followed.

Director of Community Development Crabtree and **Assistant City Attorney Abbe** addressed **Council and Planning Commission** comments and questions.

Public Speaker(s): Margaret Wyatt

City Manager Santana provided comments outlining next steps on SB 9.

Mayor Gillmor called for a recess at 8:03 PM.

7:00 PM JOINT COUNCIL AND STADIUM AUTHORITY MEETING

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Chahal recited the Statement of Values.

Assistant City Clerk/Secretary Pimentel recited the AB 23 Announcement, Behavioral Standards, and reminded any registered Lobbyist providing testimony to identify themselves as a Lobbyist.

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

Mayor Gillmor noted there was a request to move up Item 8 after the Consent Calendar as there are several members of the public to speak on it.

City Manager Santana noted that Item 4.L will be pulled from the Consent Calendar to clarify the action.

City Manager Santana also noted the following items are time sensitive and must be heard this evening for continuity of City Business:

Items 4.E, 4.F, 4.G, 4.H, 4.N, 4.P, 4.R, 6, 7, and 8.

SPECIAL ORDER OF BUSINESS

3.A [22-02](#)

Proclaim Black History Month

Mayor Gillmor proclaimed February as Black History Month.

Lavere Foster (Associate Director, African American Community Services Agency) expressed comments of gratitude and accepted the proclamation.

3.B [22-47](#)

Task Force on Diversity, Equity, and Inclusion Update (October-December 2021) (Deferred from December 14, 2021)

Task Force on Diversity, Equity, and Inclusion Chair Datar and Vice Chair Davis provided a verbal quarterly update.

Council comments and questions followed.

Chair Datar addressed **Council** questions.

3.C [22-48](#)

Action on Whether to Accept a Formal Recommendation from the Task Force on Diversity, Equity, and Inclusion Regarding the City's Model for Electing its Chief of Police (Deferred from December 14, 2021)

Recommendation: Provide direction on whether to accept the formal letter of recommendation from the Task Force on Diversity, Equity, and Inclusion in support of the City's model of electing its Chief of Police and hold harmless on this topic the City Manager from any and all actions that may violate the Political Reform Act or FPPC regulations.

Task Force on Diversity, Equity, and Inclusion Chair Datar gave a verbal report on the formal recommendation from the Task Force on Diversity, Equity, and Inclusion regarding the City's Model for Electing its Chief of Police.

Council comments and questions followed.

Chair Datar and **City Manager Santana** addressed **Council** questions.

Council comments followed.

A motion was made by **Councilmember Park**, seconded by **Councilmember Chahal**, to note and file the report.

Task Force on Diversity, Equity, and Inclusion Vice Chair Davis addressed **Council** comments.

Chief Assistant City Attorney Reuter addressed **Council** comments and questions.

A substitute motion was made by **Councilmember Watanabe**, seconded by **Mayor Gillmor**, to forward the letter to be heard before the full Task Force on Diversity, Equity, and Inclusion.

Task Force on Diversity, Equity, and Inclusion Chair Datar and **City Manager Santana** comments followed.

Mayor Gillmor requested a friendly amendment to the substitute motion to include directing staff to support the task effort to engage the public and ask Fair Political Practices Commission (FPPC) on formal advice on this matter.

Councilmember Watanabe accepted the friendly amendment.

Council comments followed.

A 2nd substitute motion was made by **Councilmember Hardy**, seconded by **Councilmember Park**, to postpone any action on this discussion until after the February 8, 2022, Council Priority Setting Session.

Council comments followed.

Task Force on Diversity, Equity, and Inclusion Chair Datar addressed Council comments.

A motion was made by **Councilmember Hardy**, seconded by **Councilmember Park**, to consider the 2nd substitute motion.

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

Nay: 2 - Councilmember Watanabe and Mayor Gillmor

Motion passes.

A motion was made then by **Councilmember Hardy**, seconded by **Councilmember Park**, to postpone any action on this discussion until after the February 8, 2022, Council Priority Setting Session.

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

Nay: 2 - Councilmember Watanabe and Mayor Gillmor

CONSENT CALENDAR

City Manager Santana pulled Item 4.L.

Councilmember Becker pulled Item 4.Q and recorded a No vote for Item 4.D.

A motion was made by **Vice Mayor/Chair Jain**, seconded by **Council/Boardmember Chahal**, to approve the balance of the Consent Calendar (except Items 4.L and 4.Q).

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

- 4.A [22-129](#) Action on October 26, 2021 Council & Authorities Concurrent and Special Stadium Authority Meeting, November 9, 2021 Council & Authorities Concurrent and Special Stadium Authority Meeting, and November 16, 2021 Joint Council & Authorities Concurrent and Stadium Authority Meeting Minutes

Recommendation: Approve the Meeting Minutes of:
October 26, 2021 - Council & Authorities Concurrent and Special Stadium Authority Meeting;
November 9, 2021 - Council & Authorities Concurrent and Special Stadium Authority Meeting; and
November 16, 2021 Joint Council & Authorities Concurrent and Stadium Authority Meeting

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

- 4.B [22-11](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Task Force on Diversity, Equity, and Inclusion - September 13, 2021
Task Force on Diversity, Equity, and Inclusion - October 18, 2021
Cultural Commission - December 6, 2021
Youth Commission - November 9, 2021
Youth Commission - December 14, 2021
Planning Commission - December 8, 2021

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

- 4.C [22-1559](#) Action on Approval of the Spending Plan for Supplemental Law Enforcement Services Fund and Related Budget Amendment

Recommendation:

1. Approve the spending plan for funds received from the Citizen's Option for Public Safety Programs Supplemental Law Enforcement Services Fund; and
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 a FY 2021/22 budget amendment in the Police Operating Grant Trust Fund to recognize revenue in the amount of \$130,952 for the COPS 21 grant and \$200,298 for the COPS 22 grant, increase the Citizen's Option for Public Safety FY 2020/21 appropriation in the amount of \$130,952, and establish the Citizen's Option for Public Safety FY 2021/22 appropriation in the amount of \$200,298 (**five affirmative Council votes required to appropriate additional revenue**).

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

- 4.D [22-1710](#) Action on Addition of Five Electric Program Manager Positions in Silicon Valley Power and Related Budget Amendment

Recommendation:

1. Approve the addition of five (5) new Electric Program Manager (Job Code 424) Positions in Silicon Valley Power; and
2. Approve a FY 2021/22 budget amendment in the Electric Utility Operating Fund to increase the Electric Department Salaries and Benefits appropriation by \$375,000 and reduce the unrestricted ending fund balance by \$375,000 (**five affirmative Council votes required for the use of unused balances**).

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

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

Nay: 1 - Councilmember Becker

- 4.E [22-1593](#) Action on a Resolution Ordering the Vacation of the Underground Electric Easement, Sidewalk and Utility Easement at 2350-2370 Mission College Boulevard

Recommendation: 1. Adopt a Resolution Ordering the Vacation of an Underground Electric Easement, Sidewalk and Utility Easement at 2350-2370 Mission College Boulevard [APN 104-13-097,100 and 101 (2021-22); SC 18,978]; and
2. Authorize the recordation of the Resolution.

A motion was made by Vice Mayor Jain, seconded by Councilmember Chahal, to adopt Resolution No. 22-9004 Ordering the Vacation of an Underground Electric Easement, Sidewalk and Utility Easement at 2350-2370 Mission College Boulevard [APN 104-13-097,100 and 101 (2021-22); SC 18,978]; and authorizing the recordation thereof.

- 4.F [22-1658](#) Action on Award of Purchase Order to Bay City Boiler and Engineering Company, Inc. for Boiler Maintenance and Repair Services Citywide

Recommendation: 1. Authorize the City Manager to execute a purchase order with Bay City Boiler and Engineering Company, Inc. for boiler maintenance and repair services citywide for an initial one-year term, with a maximum compensation not-to exceed \$50,000;
2. Authorize the City Manager to execute change orders for a not-to-exceed contingency amount of \$10,000 in the event actual repairs exceeds the aforementioned forecast of \$26,620, subject to the appropriation of funds; and
3. Authorize the City Manager to execute up to four one-year options to extend the purchase order after the initial term, subject to the appropriation of funds.

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

- 4.G [22-1215](#) Action on an Agreement with New Image Landscape Company for Landscape Maintenance Services

Recommendation:

1. Authorize the City Manager to execute an Agreement with New Image Landscape Company for landscape maintenance services for an initial one-year term starting February 1, 2022 and ending on January 31, 2023, with maximum compensation not-to-exceed \$286,310.20 for the initial twelve-month period, subject to the appropriation of funds;
2. Authorize the City Manager to execute amendments as required to add or delete sites, or modify service levels due to changing needs or budget constraints, subject to the appropriation of funds; and
3. Authorize the City Manager to execute up to four one-year options to extend the Agreement through January 31, 2027, subject to the appropriation of funds.

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

- 4.H [22-1693](#) Action on the Award of Agreement to MIG, INC for Consultant Services to Update the City's Adopted Housing Element and Related Budget Amendment

Recommendation:

1. Accept and approve the \$499,150 in grant funding from the State of California Department of Housing and Community Development;
2. Authorize the City Manager to execute an agreement with MIG, INC to provide Housing Element update Consultant Services for a term ending on December 31, 2023, for a maximum compensation not to exceed \$199,968; 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 related FY 2021/22 budget amendment in the Engineering Operating Grant Trust Fund to recognize grant revenue in the amount of \$499,150 and establish an appropriation in the amount of \$499,150 for preparation of the City's Housing Element Update (**five affirmative Council votes required to appropriate additional revenue**).

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

- 4.I [22-126](#) Action on Agreement with GVP Ventures, Inc. dba Bob Murray & Associates for Executive Recruiting Services for City Attorney Vacancy

Recommendation: 1. Authorize the City Attorney's Office and Mayor to negotiate and execute an agreement with GVP Ventures, Inc. dba Bob Murray & Associates for executive recruiting services for the City Attorney vacancy for a six-month term starting January 26, 2022 and ending on July 26, 2022, with an option to extend for up to an additional six (6) months with no increase in rates, with maximum compensation not-to-exceed \$30,000 for services and \$10,000 for costs and fees, subject to appropriation of funds, in a substantially similar form as that attached hereto; and
2. Authorize the Mayor and City Attorney's Office to negotiate and execute amendments to the Agreement for additional related services that may be required, subject to the appropriation of funds.

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

- 4.J [22-1598](#) Action on a Resolution Approving Purchase and Sale Agreement for an Electric Utility Easement for the San Tomas Junction Substation Project

Recommendation: 1. Adopt the Resolution approving the Purchase and Sale Agreement for an overhead electric easement at 3600 Juliette Lane [104-39-021 & 104-39-018] for the San Tomas Junction Substation Project; and
2. Authorize the recordation thereof.

A motion was made by Vice Mayor Jain, seconded by Councilmember Chahal, to adopt Resolution No. 22-9045 approving the Purchase and Sale Agreement for an overhead electric easement at 3600 Juliette Lane [104-39-021 & 104-39-018] for the San Tomas Junction Substation Project, and authorizing the recordation thereof.

4.K [22-1310](#)

Action on Confirmation No. 0236 Under the NCPA Support Service Program Agreement (Confirmation) to Authorize CLEAResult Consulting, Inc. to Provide Home Electrification Assessments and Electric Vehicle (EV) Charging Infrastructure Technical Assistance Services for Silicon Valley Power Through Northern California Power Agency's (NCPA) Multi-Task Consulting Services Agreement

- Recommendation:**
1. Authorize the City Manager to execute Confirmation No. 0236 Under the NCPA Support Service Program Agreement (Confirmation) to authorize CLEAResult Consulting, Inc. to provide home electrification assessments and electric vehicle (EV) charging infrastructure technical assistance services for Silicon Valley Power through Northern California Power Agency's (NCPA) Multi-Task Consulting Services Agreement;
 2. Authorize the City Manager to increase maximum compensation during the term of the Multi-Task Consulting Services Agreement if the demand for services exceeds the maximum compensation, subject to the appropriation of funds; and
 3. Authorize the City Manager to extend the term of the Confirmation subject to the extension of the underlying agreement with NCPA.

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

4.M [21-1768](#)

Action on Award of Agreement with WeHOPE for Mobile Hygiene Services

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with WeHOPE to provide mobile hygiene services for an initial one-year term with maximum compensation not-to-exceed \$50,178;
 2. Authorize the City Manager to execute amendments to the Agreement, not-to exceed \$5,018, for contingencies in the event there are unanticipated changes during the initial term of the Agreement, and
 3. Authorize the City Manager to execute up to four one-year options to extend the term of the Agreement after the initial term for mobile hygiene services, subject to the appropriation of funds.

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

- 4.N [22-1474](#) Action on Amendment No. 1 to the Agreement for Services with E Source Companies, LLC, to Extend the Term, Expand the Scope, and Increase Maximum Compensation

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with E Source Companies, LLC for a total cost not to exceed \$183,061;
 2. Authorize the City Manager to make minor changes to the attached Amendment subject to approval by the City Attorney as to form;
 3. Authorize the City Manager to execute amendments to add additional subscription services subject to the appropriation of funds; and
 4. Authorize the City Manager to execute up to nine (9) one-year options to extend this agreement including addition of additional subscription services subject to the appropriation of funds.

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

- 4.O [22-1667](#) Action to Amend and Include Approved Consultant Agreements for Plan Review and Inspection Services for City Projects

- Recommendation:**
1. Approve and authorize the City Manager to execute Agreements or Amendments with the following firms for plan review and inspection services beginning on January 26, 2022 and ending on November 24, 2024:
 1. 4Leaf, Inc. Amendment No. 1
 2. Bureau Veritas North America, Inc. Agreement
 3. CSG Consultants, Inc. Amendment No. 1
 4. Interwest Consulting Group, Inc. Agreement
 5. Jason Addison Smith Consulting Services, Inc. (JAS Pacific) Amendment No. 2
 6. Plan Review Consultants, Inc. Amendment No. 4
 7. Shums Coda Associates Inc. Amendment No. 5
 8. Synergetic Consulting Amendment No. 2
 9. TRB + Associates, Inc. Amendment No. 5
 10. West Coast Code Consultants, Inc. Amendment No. 3; and
 2. Authorize the City Manager to increase the maximum aggregate compensation by \$500,000 for a new revised amount of \$2,949,000 across all ten firms listed below:
 1. 4Leaf, Inc. Amendment No. 1
 2. Bureau Veritas North America, Inc. Agreement
 3. CSG Consultants, Inc. Amendment No. 1
 4. Interwest Consulting Group, Inc. Agreement
 5. Jason Addison Smith Consulting Services, Inc. (JAS Pacific) Amendment No. 2
 6. Plan Review Consultants, Inc. Amendment No. 4
 7. Shums Coda Associates, Inc. Amendment No. 5
 8. Synergetic Consulting Amendment No. 2
 9. TRB + Associates, Inc. Amendment No. 5
 10. West Coast Code Consultants, Inc. Amendment No. 3.

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

- 4.P [22-1743](#) Action on a Resolution Delegating Authority to the City Manager or Designee to Award and Administer the Public Works Construction Contracts for the Public Right-of-Way ADA Improvements - Package 1 Project (CE 20-21-09 (P1)) and the Public Right-of-Way ADA Improvements - Package 2 Project (CE 20-21-09 (P2)) in an Aggregate Amount Not-to-Exceed \$8,000,000.

Recommendation: Adopt a Resolution Delegating Authority to the City Manager or Designee to Award and Administer the Public Works Construction Contracts for the Public Right-of-Way ADA Improvements - Package 1 Project (CE 20-21-09 (P1)) and the Public Right-of-Way ADA Improvements - Package 2 Project (CE 20-21-09 (P2)) in an Aggregate Amount Not-to-Exceed \$8,000,000.

A motion was made by Vice Mayor Jain, seconded by Councilmember Chahal, to adopt Resolution No. 22-9046 Delegating Authority to the City Manager or Designee to Award and Administer the Public Works Construction Contracts for the Public Right-of-Way ADA Improvements - Package 1 Project (CE 20-21-09 (P1)) and the Public Right-of-Way ADA Improvements - Package 2 Project (CE 20-21-09 (P2)) in an Aggregate Amount Not-to-Exceed \$8,000,000.

- 4.R [22-1700](#) Action on a Resolution to Modify Parking Regulations on El Camino Real

Recommendation: Adopt a resolution to modify certain parking regulations on El Camino Real.

A motion was made by Vice Mayor Jain, seconded by Councilmember Chahal, to adopt Resolution No. 22-9047 modifying certain parking regulations on El Camino Real.

- 4.S [22-1753](#) Action to Approve a Housing Division Write-Off Policy and Reconcile the City's Neighborhood Conservation & Improvement Program (NCIP) Loan Portfolio

Recommendation: Approve the Housing Division Write-Off Policy and the reconciliation of the City's Neighborhood Conservation & Improvement Program (NCIP) Loan Portfolio with a recommended write-off in the amount of \$115,884.79.

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

4.T [22-06](#)

Action on Approval of a Two-Year Subscription Agreement with Thomson Reuters for Westlaw Online Legal Research Services, and Authorization to Execute Future Subscription Agreements Subject to the Appropriation of Funds

Recommendation: Authorize the City Manager to:

1. Execute the required paperwork for a two-year subscription for Westlaw on-line legal research and associated services with maximum compensation not to exceed \$46,519.44 for the two-year term;
2. Authorize the City Manager to renew or enter into new subscription agreements for Westlaw on-line legal research services after the initial two-year term, as determined necessary by the City Attorney and subject to the appropriation of funds; and
3. Authorize the City Manager to purchase optional Westlaw add-on services, on an as-required basis and subject to the appropriation of funds.

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

Santa Clara Stadium Authority Consent Calendar

5.A [22-1721](#)

Action on Stadium Authority Bills and Claims for the Month of October 2021

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

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

- 5.B [22-09](#) Action to Amend Agreement with Contractor Compliance and Monitoring, Inc. for Labor Compliance Services, Approve Purchase of Dispatch Monitors CapEx Project, and Award a Purchase Order to Interior Motions for One Office Chair

- Recommendation:**
1. Authorize the Executive Director to execute Amendment No. 1 to the existing agreement with Contractor Compliance and Monitoring Inc. for labor compliance consulting services to extend the term by three years ending on March 31, 2025, and add an additional \$20,000 for a total not to exceed amount of \$40,000, subject to future budget appropriations;
 2. Approve a budget amendment for the Dispatch Monitors CapEx Project that updates the project scope to reflect four curved 40" monitors as requested by the Police Department;
 3. Authorize the Executive Director to purchase four curved 40" monitors for Levi's Stadium Command Post workstations from Dell (Dispatch Monitors CapEx Project), in the amount of \$7,582 plus shipping; and
 4. Authorize the Executive Director to award a purchase order to Interior Motions for one office chair in the amount of \$819 plus shipping.

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

8. [22-1657](#) Action on Sustainable Communities Project Exemption and Architectural Approval for a 59-Unit Affordable Mixed-Use Project Located at 3941 Stevens Creek Boulevard

Recommendation:

1. Adopt a resolution approving the Sustainable Communities Project Exemption to exempt the project from CEQA review, in accordance with PRC Section 21155.1; and
2. Approve the architectural review of the 59-unit 100% affordable mixed-use project at 3941 Stevens Creek Boulevard.
3. Authorize the City Manager to negotiate and execute the Density Bonus Housing Agreement in accordance with Santa Clara City Code Section 18.78.060.

Assistant Director of Community Development Brillot gave a PowerPoint presentation.

Council questions followed.

Assistant Director of Community Development Brillot addressed the **Council** questions.

Applicant Shawn Cooper (CRP Affordable Housing and Community Development) and **Lauri Moffett-Fehlberg (Senior Principal - Dahlin Group)** gave a PowerPoint presentation.

Council comments and questions followed.

Steven Blanden (CRP Affordable Housing and Community Development) and **Shawn Cooper** addressed **Council** questions.

Public Speaker(s): Jonathan E
Applicant

Shawn Cooper addressed public comments and questions.

Shawn Cooper provided closing comments.

A motion was made by **Vice Mayor Jain**, seconded by **Councilmember Hardy**, to (1) adopt Resolution approving the Sustainable Communities Project Exemption to exempt the project from CEQA review, in accordance with PRC Section 21155.1 noting that it be an all-electric building; (2) approve the architectural review of the 59-unit 100% affordable mixed-use project at 3941 Stevens Creek Boulevard with the added color scheme; and (3) authorize the City Manager to negotiate and execute the Density Bonus Housing Agreement in accordance with Santa Clara City Code Section 18.78.060.

Council questions followed.

Assistant Director of Community Development Brillot and Steven Blanden addressed the Council questions.

A motion was made by Vice Mayor Jain, seconded by Councilmember Hardy, to (1) adopt Resolution No. 22-9048 approving the Sustainable Communities Project Exemption to exempt the project from CEQA review, in accordance with PRC Section 21155.1 noting that it be an all-electric building; (2) approve the architectural review of the 59-unit 100% affordable mixed-use project at 3941 Stevens Creek Boulevard with the added color scheme; and (3) authorize the City Manager to negotiate and execute the Density Bonus Housing Agreement in accordance with Santa Clara City Code Section 18.78.060.

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

PUBLIC PRESENTATIONS

Coach Zacker (Santa Clara Swim Club) and **Amanda Pease** gave a PowerPoint presentation on the conditions of the Santa Clara International Swim Center.

Jose expressed comments regarding an SWA janitorial contract and requested help to maintain fair labor standards.

Renee Amador (translating for Ms. Lucatero) expressed comments of concern regarding SWA employment practices.

Daniel Torres expressed comments of concern regarding SWA treatment of janitorial staff.

Yardenna requested **Council** to allow janitorial contracts to go out to bid and expressed comments of concern regarding SWA.

Araceli Rueda requested **Council** not to extend janitorial contract with SWA and to go out for a public bid.

Mac Young expressed comments of concern regarding SWA's contract and their employment practices.

Yuki inquired regarding the services of the SWA contract.

Guizhen Zhang (E-Mail) expressed comments regarding the state of Santa Clara International Swim Center.

Carol (E-Mail) expressed comments of concern regarding Councilmembers.

Dave Chapman (E-Mail) expressed comments regarding the needs of short-term maintenance of the Santa Clara International Swim Center.

Dhruv Jain (E-Mail) expressed comments regarding more investment to on-going maintenance of the Santa Clara International Swim Center.

City Manager Santana expressed comments regarding the facilities janitorial contract with SWA, future RFP process, and will return on February 8, 2022 Council Priority Setting with information regarding the Santa Clara International Swim Center and funding infrastructure needs.

Council questions followed.

City Manager Santana also addressed Council questions regarding wage theft audits of SWA.

[22-181](#) Public Presentations Post Meeting Material

CONSENT ITEMS PULLED FOR DISCUSSION

4.L [22-1754](#) Action on the Approval of an Agreement for Services with Homebase and Establishment of the Homelessness Taskforce

Recommendation: Approve the Agreement for Services with Homebase in an amount not to exceed \$75,000 and Establish the Homelessness Taskforce to support the preparation of the City Plan to End Homelessness.

Chief Assistant City Attorney Reuter clarified the recommendation language for this item and should be corrected to read: Approve the Agreement for Services with Homebase in an amount not to exceed \$75,000 and direct staff to work with HomeBase in its creation and running of the homelessness task force to support the preparation of the City Plan to end homelessness.

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve the amended staff recommendation - approve the agreement for Services with HomeBase in an amount not to exceed \$75,000 and direct staff to work with HomeBase in its creation and running of the homelessness task force to support the preparation of the City Plan to end homelessness.

Council questions followed.

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

Public Speaker(s): Susan Hinton

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve the amended staff recommendation - approving the agreement for Services with HomeBase in an amount not to exceed \$75,000 and direct staff to work with HomeBase in its creation and running of the homelessness task force to support the preparation of the City Plan to end homelessness.

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

4.Q [22-89](#)

Action on Appointments to City Committees and Area Wide/Outside Agency Committees for the 2022 Calendar Year

Recommendation: Approve the appointments to the City and Area Wide/Outside Agency Committees.

Councilmember Becker pulled this item for minor changes.

A motion was made by **Councilmember Becker**, seconded by **Vice Mayor Jain**, to rotate committee chairs on an annual basis: **Vice Mayor Jain** - to the Santa Clara Valley Transportation Authority, **Councilmember Park** - Chair of the Audit Committee, **Councilmember Becker** - Chair of the Economic Development, Communications, Marketing Committee, **Vice Mayor Jain**, Chair - Governance and Ethics Committee, **Councilmember Hardy** Chair - City/Mission College Committee Chair, **Councilmember Watanabe** - Chair City/ School Liaison Committee, **Councilmember Chahal** - Chair of Neighborhood/University Relations Committee.

Councilmember Hardy noted that on Outside Committees - Silicon Valley Interoperability Authority was left blank and noted for the records that she accepted the role as the representative.

Councilmember Chahal requested a friendly amendment to the motion on the floor to make Triton Museum of Art Liaison primary representative **Councilmember Park** and **Councilmember Chahal** as the alternate.

Councilmember Becker accepted the friendly amendment.

Councilmember Watanabe declined the proposal for her to be the Chair of the City/School Liaison Committee and recommended Mayor Gillmor remain the Chair.

Councilmember Becker accepted the decline and recommend Mayor Gillmor remain the Chair.

Council comments followed.

A motion was made by **Councilmember Becker**, seconded by **Vice Mayor Jain**, to rotate committee chairs on an annual basis: **Councilmember Park** - Chair of the Audit Committee, **Councilmember Becker** - Chair of the Economic Development, Communications, Marketing Committee, **Vice Mayor Jain**, - Chair of the Governance and Ethics Committee, **Councilmember Hardy** - Chair of the City/Mission College Liaison Committee,

Mayor Gillmor, - Chair of the City/ School Liaison Committee,
Councilmember Chahal - Chair of the Neighborhood/University
Relations Committee, Vice Mayor Jain - City of Santa Clara
Representative on the Santa Clara Valley Transportation Authority,
Councilmember Park - Primary Representative on the Triton
Museum of Art Liaison Committee and Councilmember Chahal as
the Alternate, and Councilmember Hardy as the Representative for
the Silicon Valley Interoperability Authority.

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

Nay: 2 - Councilmember Watanabe and Mayor Gillmor

PUBLIC HEARING/GENERAL BUSINESS

6. [22-50](#) Action on Resolution for an Exception to the 180 Day Waiting Period To
Appoint Retired Annuitants To Serve as Temporary Extra Help
(Government Code Sections 7522.56 and 21224)

Recommendation: Alternative 1: Adopt the attached Resolutions for an Exception to the 180
Day Waiting Period To Appoint Two Retired Annuitants To Serve as
Temporary Extra Help (Government Code Sections 7522.56 and 21224).

**A motion was made by Vice Mayor Jain, seconded by
Councilmember Hardy, to adopt Resolutions No. 22-9049 and
22-9050 for an Exception to the 180 Day Waiting Period To Appoint
Two Retired Annuitants To Serve as Temporary Extra Help
(Government Code Sections 7522.56 and 21224).**

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

7. [22-1730](#) Consider the Senior Advisory Commission's Transportation Interest Letter
and Request for Referral of the topic to the Council Priority Setting Session

Recommendation: Review the Senior Advisory Commission Transportation Interest Letter and
refer the issue of a transportation needs analysis to the Council Priority
Setting Session.

Council comments followed.

Public Speaker(s): Susan Hinton (eComment)

**A motion was made by Councilmember Watanabe, seconded by
Councilmember Hardy, to review the Senior Advisory Commission
Transportation Interest Letter and refer the issue of a transportation
needs analysis to the 2022 Council Priority Setting Session.**

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

9. [22-1672](#) Update on Discussions with Parking Maintenance District No. 122 - Franklin Square (PMD 122) Property Owners Regarding Council's Request to Explore Increased Contributions for Operations and Maintenance Costs

Recommendation: Note and file this informational report.

Mayor Gillmor recused herself from this item due to a potential conflict of interest, as her office is located in Franklin Square Mall.

Vice Mayor Jain presided over the meeting.

Director of Public Works Mobeck gave a verbal report on this item.

A motion was made by Councilmember Watanabe, seconded by Councilmember Hardy, to note and file the informational report.

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

Abstained: 1 - Mayor Gillmor

Mayor Gillmor returned to the meeting and presided over the remainder of the meeting.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor reported on her attendance at the 90th Winter meeting of US Conference of Mayors and shared key elements of the conference and highlighted sessions.

Councilmember Hardy reported that water conservation may become mandatory by April if usage does not decrease.

Councilmember Becker requested to receive information to conferences that any Councilmembers are able to attend.

Councilmember Watanabe reported on her self-funded attendance at the US Conference of Mayors.

Councilmember Chahal requested to receive information to conferences that any Councilmembers are able to attend.

Councilmember Park requested the Councilmembers and staff share information regarding the conferences.

City Manager Santana noted that she previously attended US Conference of Mayors and the information may not be sent directly to her.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

[22-87](#)

Update on City Council and Stadium Authority Staff Referrals

ADJOURNMENT

The meeting was adjourned at 12:02 AM in memory of **Lloyd Silveria** (Long Term Santa Clara Resident and Former Silicon Valley Power employee) and **Tom Goodson** (Santa Clara Unified School District youth coach and local legend).

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

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

22-198

Adjournment of the January 25, 2022 City Council and Stadium Authority
Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday, February 8, 2022.

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); Bayshore North Project Enhancement Authority (BNPEA); Public Facilities Financing Corporation (PFFC)

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.


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

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

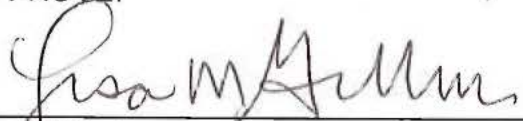
Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

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

ATTEST:


Assistant City Clerk/Secretary

APPROVE:


Mayor/Chairperson