City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent &

Special Stadium Authority Meeting

08/30/2022 **3:30 PM**

Hybrid Meeting
City Hall Council Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continued to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution 22-9135, Councilmembers may teleconference from remote locations and the City continues to provide 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 August 30, 2022, at 3:30 PM for a Special Meeting to be held virtually and in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

Closed Session - 3:30 PM | Regular Meeting - 7:00 PM

3:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 3:34 PM.

Roll Call

Present: 6 - Council/Boardmember Kathy Watanabe, Council/Boardmember Karen Hardy, Council/Boardmember Kevin Park, Vice Mayor/Chair Suds Jain, Council/Boardmember Anthony Becker, and Mayor Lisa M. Gillmor

Absent: 1 - Councilmember Raj Chahal

A motion was made by Council/Boardmember Hardy, seconded by Council/Boardmember Park, to excuse Council/ Boardmember Chahal from the meeting.

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

Absent: 1 - Council/Boardmember Chahal

1.A 22-1095 Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: City Manager's 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)
(Deferred from August 16, 2022)

1.B 22-1100 Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Forty Niners Stadium Management Company LLC, et al., v. City of Santa Clara, et al. Santa Clara County Superior Court Action No. 19CV355432; Forty Niners Stadium Management Company LLC, et al. v. Santa Clara Stadium Authority, et al., Santa Clara County Superior Court Action No. 17CV304903; and Forty Niners Stadium Management Company LLC v. Santa Clara Stadium Authority, JAMS Case No. 1110024318
(Continued from August 16, 2022)

Public Speaker expressed comments of concern regarding settlement offer from the San Francisco 49ers.

Teresa O'Neill expressed comments of concern regarding settlement offer from the San Francisco 49ers and have a public process to discussing the settlement offer.

Larry McColloch requested Councilmembers whom have had private meetings with the San Francisco 49ers should refrain from voting on the settlement agreement.

Public Speaker expressed comments to settle the lawsuit and bring live events to Santa Clara.

Public Speaker expressed comments to settle the lawsuit and bring weekend events to help local hotels.

Public Speaker expressed comments to settle the lawsuit and bring weekend events to help local hotels.

Jas Sajjan expressed comments to bring live events back to Santa Clara.

Harbir Bhatia expressed comments to settle the lawsuit and build economic growth in the City.

Zoom user expressed comments to settle the lawsuit and bring live events to Santa Clara.

SD expressed comments to settle the lawsuit and work with the San Francisco 49ers to build economic benefit in the City.

Christian Pellecchia requested the Council to be more transparent regarding decision-making.

Jordan Wong expressed comments to settle the lawsuit and bring weekend events to help local hotels.

Shawn Romeo expressed comments to settle the lawsuit and bring weekend events to help local hotels.

Kirk Vartan expressed comments of concern regarding settlement offer from the San Francisco 49ers.

Lori Garmany expressed comments to settle the lawsuit and work with the San Francisco 49ers.

Justin Hart expressed comments to settle the lawsuit and bring weekend events to help local hotels.

Jasbir Bhatia expressed comments to settle the lawsuit and work with the San Francisco 49ers.

Kathy Kelsey expressed comments that the settlement discussion be conducted in public.

Monica (eComment) expressed comments that the settlement discussion cannot occur in public.

John Galt (eComment) expressed comments to settle the lawsuit.

Harold Lunt (eComment) expressed comments of concern of the offer from the San Francisco 49ers.

Mark Kelsey (eComment) expressed comments requesting the discussion on the settlement to be done in public.

Assistant City Clerk Pimentel noted that the City Clerk's Office received 101 emails in support of settlement and save live events, 235 public comment emails in support of Item 1.B, and 13 additional non-form letter emails.

Edward Strine expressed comments of concern regarding the voting process.

Council comments and questions followed.

City Manager Batra and **Interim City Attorney Ngo** addressed the **Council** questions.

Council comments continued.

A motion was made by Council/Boardmember Watanabe, seconded by Mayor/Chair Gillmor, to table this discussion as an informational session in an open meeting before making a decision.

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

Nay: 4 - Council/Boardmember Hardy, Council/Boardmember Park, Vice Mayor/Chair Jain, and Council/Boardmember Becker

Excused: 1 - Council/Boardmember Chahal

Motion Fails.

Public Comment

Convene to Closed Session (Council Conference Room)

Council/Board convened to Closed Session.

7:00 PM COUNCIL REGULAR/SPECIAL STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chair Gillmor called the open session to order at 7:42 PM.

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Watanabe recited the Statement of Values.

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

Assistant City Clerk/Secretary Pimentel noted that any registered Lobbyist must identify themselves and whom they represent when speaking at a Public Meeting.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor Gillmor moved up Item 11 to after Public Presentations.

Mayor Gillmor requested a moment of silence for the loss of **Glenda Cresap (Heart of the Valley - Retired Executive Director).**

SPECIAL ORDER OF BUSINESS

2.A 22-954 Recognition of Intel Corporation for Donation of At-Home Test Kits to Support City's COVID-19 Emergency Response

Mayor Gillmor recognized Intel Corporation for donation of At-Home COVID-19 Testing Kits.

Chief Emergency Services Officer Schoenthal made a brief presentation and acknowledged **Security Operations Manager (Intel)** Dan Winter (on behalf of Intel) donation to the City.

2.B 22-1046 Verbal Report from the Chief Emergency Services Officer regarding COVID-19 Pandemic

Chief Emergency Services Officer Schoenthal gave a verbal update on COVID-19 and will provide the next update in 60 days.

Council questions and comments followed.

Chief Emergency Services Officer Schoenthal and **Emergency Services Management Analyst Guzman** addressed **Council** questions.

2.C 22-836 Verbal Report Update from City Manager Regarding the Local Drought Emergency

Assistant Director of Water and Sewer Shilpa gave a verbal update on the Local Emergency Drought.

Council comments followed.

2.D 22-650 Proclamation of September 2022 as Community Preparedness Month

Mayor Gillmor proclaimed September 2022 as Community Preparedness Month.

Chief Emergency Services Officer Schoenthal and **Emergency Services Management Analyst Guzman** accepted the proclamation.

CONSENT CALENDAR

Mayor Gillmor noted that she will be abstaining from Item 3.M due to a potential conflict of interest as her property is within 1,000 ft of subject property.

A motion was made by Councilmember Becker, seconded by Councilmember Park, to approve the Consent Calendar.

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

Excused: 1 - Councilmember Chahal

3.A 22-404 Action on the Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes of May 10, 2022, Special City Council Meeting Minutes of May 16, 2022, and Special City Council Meeting Minutes of May 17, 2022

Recommendation: Approve the Meeting Minutes of:
May 10, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting;
May 16, 2022 Special City Council Meeting; and
May 17, 2022 Special City Council Meeting

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

3.B 22-25 Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Parks & Recreation Commission - July 19, 2022
Board of Library Trustees - June 9, 2022
Senior Advisory Commission - July 25, 2022

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

3.C 22-898 Action on Bills and Claims Report (CC, SCSA, HA) for the period June 4, 2022 - July 15, 2022

Recommendation: Approve the list of Bills and Claims for June 4, 2022 - July 15, 2022.

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

3.D 22-976 Action on a Resolution to Amend Resolution No. 22-9131 Ordering the Summary Vacation of Centennial Boulevard between Tasman Drive and Stars and Stripes Drive, a Portion of Stars and Stripes Drive, and a Portion of Tasman Drive

Recommendation: Adopt a Resolution to Amend Resolution No. 22-9131 ordering the summary vacation of Centennial Boulevard between Tasman Drive and Stars and Stripes Drive, and a portion of Stars and Stripes Drive [vicinity of APN104-03-036, 037, 038, 039, and 040 (2020-21)]; and a portion of Tasman Drive [vicinity of APN104-03-036, 037, and 038 (2021-22)] SC21-0025.

A motion was made by Councilmember Becker, seconded by Councilmember Park, to adopt Resolution No. 22-9138 amending Resolution No. 22-9131 ordering the summary vacation of Centennial Boulevard between Tasman Drive and Stars and Stripes Drive, and a portion of Stars and Stripes Drive [vicinity of APN104-03-036, 037, 038, 039, and 040 (2020-21)]; and a portion of Tasman Drive [vicinity of APN104-03-036, 037, and 038 (2021-22)] SC21-0025.

3.E 22-332 Approve the 2022 Agreement with the County of Santa Clara to accept County funding for the purchase of Emergency Medical Services equipment and Related Budget Amendment

Recommendation:

1. Approve and authorize the City Manager to execute the 2022 Agreement between the County of Santa Clara and City of Santa Clara to accept County funding for the purchase of Emergency Medical Services equipment in the amount of $38,811 for FY 2021/22;
2. Approve the related FY 2021/22 budget amendment in the Fire Operating Grant Trust Fund to increase the Other Agencies Revenue by $38,811 and establish an Emergency Medical Services County Patient Care System 2022 appropriation in the amount of $38,811 (**five affirmative Council votes required to appropriate additional revenue**); and
3. Authorize the City Manager to negotiate and execute amendments to the Agreement on behalf of the City; subject to Council appropriation of funds.

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

3.F 22-972 Action on Agreements with Banksia Landscape for Landscaping Maintenance Services, and with Cagwin & Dorward for Tree Maintenance Services, at the Santa Clara Convention Center Complex - Maintenance District No. 183

Recommendation:

1. Authorize the City Manager to execute an agreement with Banksia Landscape for landscaping maintenance services at the Santa Clara Convention Center Complex - Maintenance District No. 183 for an initial one-year term, with maximum compensation not-to-exceed $241,894;
2. Authorize the City Manager to execute an agreement with Cagwin & Dorward for tree maintenance services at the Santa Clara Convention Center Complex - Maintenance District No. 183 for an initial one-year term, with maximum compensation not-to-exceed $83,906; and
3. Authorize the City Manager to exercise up to four one-year options to extend the term of both agreements after the initial term, subject to the appropriation of funds.

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

3.G 22-164 Action on Agreements for Services with Aspen Environmental Group and Panorama Environmental, Inc. to Provide As-Needed Environmental Consulting Services

Recommendation:

1. Authorize the City Manager to Negotiate and Execute an As-Needed Environmental Consulting Services Agreement with Aspen Environmental Group in an amount not to exceed $1,500,000 for a five-year period;
2. Authorize the City Manager to Negotiate and Execute an As-Needed Environmental Consulting Services Agreement with Panorama Environmental, Inc. in an amount not to exceed $500,000 for a five-year period;
3. Authorize the City Manager to execute amendments to extend the term of the Agreements for up to one additional year or longer if required to complete projects initiated during their term; and
4. Authorize the City Manager to execute amendments to increase total maximum compensation by $500,000 for a total maximum compensation of $2,500,000 for both agreements subject to appropriation of funds if required to (a) add or delete services or (b) allow for future rate adjustments.

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

3.H 22-979 Action on Amendment No. 1 to Agreement with Ricoh USA, Inc. for Citywide Leases and Maintenance of Copier/Multi-Functional Devices

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Agreement with Ricoh USA, Inc. for Citywide Leases and Maintenance of Copier/Multi-Function Devices to increase the maximum compensation by $750,000 for a revised maximum compensation of $2,150,000, and extend the term of the agreement through August 31, 2024, subject to the appropriation of funds.

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

3.I 22-579 Action on Amendment No. 2 to the Agreement with ELB US Inc. for Enterprise Audio-Visual Professional Services at City facilities and Approve the Related Budget Amendment

Recommendation: 1. Authorize the City Manager to execute Amendment No. 2 to the Agreement with ELB US Inc. for Enterprise Audio-Visual Professional Services to extend the term of the agreement by two years ending on June 30, 2025, and to execute Call No. 22.1 for Enterprise Audio- Visual Professional Services in Santa Clara City Library Facilities and Council Chambers for a maximum compensation not-to-exceed $385,604 and subject to budget appropriations; and
2. Authorize the City Manager to execute future Calls not-to-exceed $100,000 per Call throughout the term of the agreement without further Council action and subject to the appropriation of funds.
3. Authorize the City Manager to extend the term of the agreement, if required, to match the end date of any Call issued prior to June 30, 2025 but has an end date that extends beyond the contract term. No new Calls will be issued after June 30, 2025.
4. Approve the FY 2022/23 budget amendment in the Public, Educational and Governmental Fee Fund to appropriate $287,604 from the unrestricted fund balance (**five affirmative Council votes required for the use of unused balances**).

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

3.J 22-853 Action on Amendment No. 1 to Agreement with US Digital Designs, Inc. for a Fire Station Alerting System and Related Budget Amendment

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with US Digital Designs, Inc. for a Fire Station Alerting System to increase the amount of the Agreement by $89,726.02 for a revised not-to-exceed compensation of $754,893.56.
2. Authorize the City Manager to spend a contingency amount of $75,489 in the event that additional hardware and related services are required prior to project completion, subject to the appropriation of funds.
3. Approve the FY 2022/23 budget amendment in the Fire Capital Fund to increase the transfer from the General Fund and increase the CAD Alerting System Upgrade capital project appropriation by $73,613 **(five affirmative Council votes required to appropriate additional revenue)**.
4. Approve the following FY 2022/23 budget amendment in the General Fund to increase the transfer to the Fire Capital Fund and decrease the Land Sale Reserve by $73,613 **(five affirmative votes required for the use of unused balances)**.

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

3.K 22-922 Action on Designating a Voting Delegate for the 2022 League of California Cities Annual Business Meeting and City Positions on Proposed Bylaws Amendments

Recommendation:

1. Designate Councilmember Kevin Park to serve as the voting delegate to represent the City of Santa Clara at the 2022 League of California Cities Annual Business Meeting; and
2. Approve a "Support" position for the proposed bylaws amendments outlined in the attached 2022 Annual Conference and Expo Proposed Bylaws Amendments packet which will 1) designate the Second Vice-President as the Resolutions Committee chair, while retaining the President's authority to appoint the vice chair of the Resolutions Committee; 2) adjust the composition of the Nominating Committee by adding one At-Large Director and one Caucus Director for a total of 13 Nominating Committee members; 3) provide that, unless the Board establishes otherwise, the Cal Cities President appoints the chair of board-established committees; 4) replace the title "Second Vice-President/Treasurer" with "Second Vice President"; and 5) replace the term "board member(s)" with "Director(s)"; and authorize the City's voting delegate to cast a vote consistent with the Council's adopted position.

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

3.L 22-931 Authorize the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the County of Santa Clara for a Psychiatric Emergency Response Team (PERT) program in a form substantially similar to the attached draft MOU

Recommendation: Authorize the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the County of Santa Clara for a Psychiatric Emergency Response Team (PERT) program in a form substantially similar to the attached draft MOU

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

3.M 22-971 Action on Historic Resource Inventory Property Designation and Historical Preservation Agreement (Mills Act) for 1091 Jefferson Street

Recommendation: 1. Approve the addition of the property located at 1091 Jefferson Street to the City's HRI; and
2. Authorize the City Manager to execute a Mills Act Contract and adopt the 10-Year Restoration and Maintenance Plan associated for the property at 1091 Jefferson Street.

Mayor Gillmor noted she will be abstaining from Item 3.M due to a potential conflict of interest as her property is within 1,000 ft of subject property.

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

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

Excused: 1 - Councilmember Chahal

Abstained: 1 - Mayor Gillmor

3.N 22-923 Note and File Informational Report to Council on Modifications to the Police Department's Unmanned Aircraft System Program Policy

Recommendation: Note and file informational report to Council on adjustments to Santa Clara Police Department Policy #606, Unmanned Aircraft System Operations.

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

3.O 22-2029 Action on the Introduction of an Ordinance Repealing Chapter 2.105 (Finance Department) of Title 2 (Administration and Personnel) and Adding a New Chapter 2.105 (Finance Department) of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" to Implement New Purchasing Requirements and Update Administrative Language

Recommendation: Introduce an Ordinance Repealing Chapter 2.105 (Finance Department) of Title 2 (Administration and Personnel) and Adding a New Chapter 2.105 (Finance Department) of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" to Implement New Purchasing Requirements and Update Administrative Language.

A motion was made by Councilmember Becker, seconded by Councilmember Park, to Pass to Print Ordinance No.2050 Repealing Chapter 2.105 (Finance Department) of Title 2 (Administration and Personnel) and Adding a New Chapter 2.105 (Finance Department) of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" to Implement New Purchasing Requirements and Update Administrative Language.

PUBLIC PRESENTATIONS

Priya expressed comments of concern regarding matters discussed in Closed Session.

Betsy Megas noted that she emailed information to Councilmembers on the ballot regarding transportation management.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS

4. 22-605 Action on a Resolution Adopting the Pruneridge Avenue Complete Streets Plan and Selection of a Preferred Design Concept

Recommendation: Alternative 1: Adopt a resolution adopting the Pruneridge Avenue Complete Streets Plan; and
select one of the following
Alternative 5: Concept 2 (Two lanes, center turn lane, and buffered bike lanes) as the preferred alternative;
or
Alternative 7: Concept 4 with buffered bike lanes (Hybrid Option - Two lanes between Pomeroy Avenue and Luther Drive, four lanes between Gamblin Drive and Saratoga Avenue, two lanes between Harold Avenue and Winchester Boulevard, center turn lane, buffered bike lanes along the entire study area, and parking removal on the south side of Pruneridge Avenue between Saratoga Avenue and Harold Avenue) as the preferred alternative.

Mayor Gillmor recused herself from the dais due to a potential conflict of interest as FPPC is determining whether she can vote on Pruneridge related items.

Vice Mayor Jain presided over this item.

Director of Public Works Mobeck provided an introduction to this item and **Assistant Director of Public Works Liw** gave a Powerpoint presentation.

Council comments and questions followed.

Assistant Director of Public Works Liw addressed **Council** questions.

Public Speaker(s): Gabriela Landaveri
Betsy Megas
Mikael Bengtson
Rosie Chen
Alexis Tan
Vincent Chen
Sahana Moogi
Jessie
Kathryn Hedges
Thomas Granvold
Erik Lindskog
Marylou Avanzino
Public Speaker (2)
Ray Hosler (eComment)
Kirk Vartan (E-Mail)

Council comments and questions followed.

Assistant Director of Public Works Liw addressed **Council** questions.

Public Speaker(s): George Stoyko

A motion was made by Councilmember Hardy, seconded by Councilmember Park, to adopt Resolution No. 22-9139 adopting the Pruneridge Avenue Complete Streets Plan.

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

Excused: 1 - Councilmember Chahal

Recused: 1 - Mayor Gillmor

Council comments followed.

A motion was made by Councilmember Hardy, seconded by Councilmember Jain, to adopt Concept 4 with buffered bike lanes (Hybrid Option - Two lanes between Pomeroy Avenue and Luther Drive, four lanes between Gamblin Drive and Saratoga Avenue, two lanes between Harold Avenue and Winchester Boulevard, center turn lane, buffered bike lanes along the entire study area, and parking removal on the south side of Pruneridge Avenue between Saratoga Avenue and Harold Avenue) as the preferred alternative.

Aye: 4 - Councilmember Hardy, Councilmember Park, Vice Mayor Jain, and Councilmember Becker

Nay: 1 - Councilmember Watanabe

Excused: 1 - Councilmember Chahal

Recused: 1 - Mayor Gillmor

Vice Mayor Jain called for a 5 minute recess at 9:54 PM.

Mayor Gillmor returned to the dais and presided over the meeting.

11. 22-984 Action on a Written Petition (Council Policy 030), Submitted by Victor Ojakian Requesting to Place an Agenda Item on a Future Council Meeting for Council to Adopt a City Suicide Prevention Policy

Recommendation: Staff makes no recommendation.

A motion was made by Councilmember Park, seconded by Councilmember Hardy, to agendize the Written Petition for Council to consider adopting a City Suicide Prevention Policy for a future Council and Authorities Concurrent meeting agenda.

Aye: 5 - Councilmember Watanabe, Councilmember Hardy, Councilmember Park, Vice Mayor Jain, and Mayor Gillmor

Excused: 1 - Councilmember Chahal

Absent: 1 - Councilmember Becker

10 22-983 Action on a Written Petition (Council Policy 030), Submitted by Lee Broughman Requesting to Place an Agenda Item on a Future Council Meeting for Council to Discuss the Issue of Council Person Karen Hardy and Raj Chahal Attendance as a Guest of 49ers at a Game on November 15, 2021 in Violation of Santa Clara City Council Gift Policy and reprimand for these violations

Recommendation: Staff makes no recommendation.

Item deferred to the next Council and Authorities Concurrent Meeting.

Written Petitioner Victor Ojakian provided comments on his written petition request to adopt a written City Suicide Prevention Policy. (Item 11)

5. 22-623 Action to Consider Possible Financial Assistance Options Related to the Replacement of a Private Concrete Wall Adjacent to Pruneridge Avenue in the Laurel Park East Neighborhood and Potential Delegated Authority for a Budget Amendment

Recommendation:

1. Any one of Alternatives 1 through 4; Alternative 5; and Alternative 6 (only if one of Alternatives 1 through 4 is selected).
2. Delegate authority to the City Manager to execute a budget amendment, offset by the General Fund Land Sale Reserve, based on any potential scenario not to exceed $95,548, if approved by the City Council. Under Article XIII of the City Charter, the City Council must first approve any budget amendment or supplement by at least five (5) affirmative votes.

Mayor Gillmor recused herself from this item due to a potential conflict of interest as her property is near Pruneridge Avenue and left the dais at 10:04 PM.

Vice Mayor Jain presided over the item.

Director of Public Works Mobeck gave a Powerpoint presentation.

Council comments and questions followed.

Director of Public Works Mobeck addressed **Council** questions.

Jared Peters (property owner) gave a verbal report.

Public Speaker(s): Public Speakers (2)

A motion was made by **Councilmember Becker** to approve Alternative 3: reimburse property owners 100% for permits, demolition, and temporary fencing and 50% for wood fencing and staining costs (not to exceed $95,548).

Motion failed due to a lack of second.

Council comments and questions followed.

A motion was then made by **Councilmember Becker**, seconded by **Vice Mayor Jain**, to approve Alternative 2: reimburse property owners 50% (not to exceed $70,494) of the project cost.

City Manager Batra, **Interim City Attorney Ngo**, **Director of Public Works Mobeck**, and **Jared Peters** addressed **Council** questions.

A motion was made by Councilmember Becker, seconded by Vice Mayor Jain, to approve Alternative 2: reimburse property owners 50% (not to exceed $70,494) of the project cost.

Aye: 3 - Councilmember Watanabe, Vice Mayor Jain, and Councilmember Becker

Nay: 2 - Councilmember Hardy, and Councilmember Park

Excused: 1 - Councilmember Chahal

Recused: 1 - Mayor Gillmor

Motion failed due to requiring five affirmative votes.

Council comments and questions followed.

Director of Public Works Mobeck and **Interim City Attorney Ngo** addressed **Council** questions.

A motion was made by Councilmember Becker, seconded by Vice Mayor Jain, to approve Alternative 1: reimburse property owners 25% (not to exceed $35,247) of the project cost.

Aye: 4 - Councilmember Watanabe, Councilmember Hardy, Vice Mayor Jain, and Councilmember Becker

Nay: 1 - Councilmember Park

Excused: 1 - Councilmember Chahal

Recused: 1 - Mayor Gillmor

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to approve Alternative 5: authorize tree related work described in this report that will be performed by City contractors through existing contracts and budgets

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

Excused: 1 - Councilmember Chahal

Recused: 1 - Mayor Gillmor

Council comments and questions followed.

Director of Public Works Mobeck and **Interim City Attorney Ngo** addressed **Council** questions.

A motion was by Councilmember Becker, seconded by Hardy, to approve Alternative 6: authorize the City Manager to execute reimbursement agreements with individual property owners, as necessary and consistent with this Report, not to exceed the total reimbursement amount authorized by Council and staff recommendation 2: delegate authority to the City Manager to execute a budget amendment, offset by the General Fund Land Sale Reserve, based on any potential scenario not to exceed $95,548, if approved by the City Council. Under Article XIII of the City Charter, the City Council must first approve any budget amendment or supplement by at least five (5) affirmative votes.

Aye: 4 - Councilmember Watanabe, Councilmember Hardy, Vice Mayor Jain, and Councilmember Becker

Nay: 1 - Councilmember Park

Excused: 1 - Councilmember Chahal

Recused: 1 - Mayor Gillmor

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

6. 22-839 Action on Written Petition Regarding Street Tree Canopy Advocacy

Recommendation: Alternative 1: Note and file this staff report.

Craig Larsen and **Charlotte** gave a Powerpoint presentation.

Director of Public Works Mobeck provided a brief verbal report.

Council questions followed.

Director of Public Works Mobeck addressed **Council** questions.

Public Speaker(s): George Stoyko spoke on Item 5

Council comments followed.

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

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

Excused: 1 - Councilmember Chahal

WRITTEN PETITION (COUNCIL POLICY 030) REQUESTS SUBMITTED BY THE PUBLIC/COUNCIL

7. 22-858 Action on a Council Written Request (Council Policy 030) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Discuss the Possibility of a Ballot Measure to Change the Chief of Police and City Clerk Position from Elected to Appointed

Recommendation: Staff makes no recommendation.

Vice Mayor Jain provided a verbal report to discuss the possibility of a Ballot Measure to change the Chief of Police and City Clerk position from Elected to Appointed.

Council comments followed.

Public Speaker(s): Chief of Police Nikolai
Lori Garmany
Susan Hinton (eComment)
City Clerk Hosam Haggag

A motion was made by Councilmember Park, seconded by Councilmember Jain, to place the written petition on a future agenda and include police survey.

Aye: 4 - Councilmember Hardy, Councilmember Park, Vice Mayor Jain, and Councilmember Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

Excused: 1 - Councilmember Chahal

City Manager Batra noted this item be brought back early next year.

8. 22-873 Action on a Council Written Request (Council Policy 030) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Discuss Changing the Parking Policy Since Providing Free Parking at the Convention Center is Very Expensive

Recommendation: Staff makes no recommendation.

Vice Mayor Jain provided a verbal report on his written petition to discuss changing the Parking Policy since providing free parking at the Convention Center is very expensive.

A motion was made by Councilmember Becker, seconded by Vice Mayor Jain, to place this request on a future Council and Authorities Concurrent Meeting agenda.

Aye: 4 - Councilmember Hardy, Councilmember Park, Vice Mayor Jain, and Councilmember Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

Excused: 1 - Councilmember Chahal

9. 22-875 Action on a Council Written Request (Council Policy 030) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Discuss how to Change the Noticing Policy so as to Reach More People

Recommendation: Staff makes no recommendation.

Vice Mayor Jain provided a verbal report on his written petition requesting to discuss how to change the Noticing Policy so as to reach more people.

Public Speaker(s): Lori Garmany

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to agendize the written petition to a future priority setting session.

Aye: 4 - Councilmember Hardy, Councilmember Park, Vice Mayor Jain, and Councilmember Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

Excused: 1 - Councilmember Chahal

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Batra noted the Police Department's quick response to aid re-connecting a member of the public with her family.

22-903 Update on City Council and Stadium Authority Staff Referrals

22-1104 Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

The meeting was adjourned at 11:59 PM.

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

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

Excused: 1 - Councilmember Chahal

The next regular scheduled meeting is on Tuesday, September 13, 2022 in the City Hall Council Chambers.

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

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