Draft

City of Santa Clara

Minutes

Joint Council and Authorities Concurrent &

Santa Clara Stadium Authority

08/22/2023 **4:30 PM** **Hybrid Meeting**
City Hall Council Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely).

• Via Zoom:
  o https://santaclaraca.zoom.us/j/99706759306

    Meeting ID: 997-0675-9306

  o Phone: 1(669) 900-6833

How to Submit Written Public Comment Before City Council Meeting:

1. Use the eComment tab located on the City Council Agenda page https://santaclara.legistar.com/Calendar.aspx. eComments are directly sent to the iLegislate application used by City Council and staff, and become part of the public record. eComment closes 15 minutes before the start of a meeting.
2. By email to clerk@santaclaraca.gov by 12 p.m. the day of the meeting. Those emails will be forwarded to the Council and will be uploaded to the City Council Agenda as supplemental meeting material. Emails received after the 12 p.m. cutoff time up through the end of the meeting will form part of the meeting record. Please identify the Agenda Item Number in the subject line of your email.
   NOTE: Please note eComments and Emails received as public comment will not be read aloud during the meeting.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at https://santaclara.legistar.com/Calendar.aspx

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at Sana Clara City Hall, 1500 Warburton Avenue, Santa Clara, CA 95050 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. For the final document, you may contact the Office of the City Clerk at (408) 615-2220 or Clerk@santaclaraca.gov.

Closed Session - 4:30 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 4:36 p.m.

Council/Boardmember Watanabe stated she is participating in the meeting via teleconference using the AB 2449 provision due to a family emergency.

Assistant City Clerk/Secretary Pimentel stated that **Councilmember Jain** is absent from this meeting due to a planned vacation.

Roll Call

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

Absent: 1 - Council/Boardmember Suds Jain

A motion was made by Council/Boardmember Hardy, seconded by Council/Boardmember Becker, to allow Council/Boardmember Watanabe to participate in the Council/Board meeting via teleconference using the AB 2449 emergency provision.

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

Absent: 1 - Council/Boardmember Jain

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Chahal, to excuse Council/Boardmember Jain's absence from the August 22, 2023 Council and Authorities Concurrent and Stadium Authority meeting.

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

Absent: 1 - Council/Boardmember Jain

1.A 23-985 Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Marcus Dean Diaz v. City of Santa Clara, et al., United States District Court, Northern District of California, Case No. 5:20-cv-03506

1.B 23-986 Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Olga Zhmuliukina v. City of Santa Clara, et al., United States District Court, Northern District of California, Case No. 3:2022-cv-02668

Public Comment

There were none.

Convene to Closed Session (Council Conference Room)

Mayor/Chair Gillmor convened the meeting into Closed Session at 4:46 p.m.

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Study Session to order at 6:15 p.m.

2. 23-786 Study Session on the Zoning Code Update

Recommendation: Provide feedback on the proposed Zoning Code Update.

Community Development Assistant Director Brilliot provided a PowerPoint presentation on the Zoning Code Update.

Council comments and questions followed.

Public Comment:
Public Speaker (2)

City Manager Grogan stated staff would return with responses to questions raised at either the September 19 or October 10 Council meeting.

Mayor Gillmor called for a recess at 6:57 p.m.

7:00 PM JOINT COUNCIL /STADIUM AUTHORITY MEETING

Call to Order

Mayor/Chair Gillmor called the Regular Meeting to order at 7:04 p.m.

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 AB23 announcement and Statement of Behavioral Standards.

Assistant City Clerk/Secretary Pimentel also noted that any registered Lobbyist speaking during Public Meeting will need to identify themselves and who they represent.

Assistant City Clerk/Secretary Pimentel announced that **Council/Boardmember Watanabe** would be participating remotely under the provision of AB2449 due to a family emergency.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Googins stated there were no reportable action.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Council/Boardmember Watanabe made a motion to continue Item 8 to the meeting of August 29 to allow participation by **Council/Boardmember Jain**. The motion failed due to a lack of second.

Vice Mayor/Chair Park requested to move Item 9 to be heard after Public Presentations.

SPECIAL ORDER OF BUSINESS

3.A 23-828 Recognition of Outgoing Commissioners on the Civil Service Commission, Historical and Landmarks, Parks and Recreation Commission, Planning Commission, Salary Setting Commission and the Senior Advisory Commission

Mayor Gillmor recognized **Civil Service Commissioners Willie Brown Jr., John Casey, and Carolyn McAllister; Cultural Commissioner Jennifer Vega; Historical & Landmarks Commissioner Megan Swartzwelder; Parks & Recreation Commissioner Burt Field; Planning Commissioner Ricci Herro; Salary Setting Commissioners Marjorie Banko, Eric Chu, and Ram Misra; and Senior Advisory Commissioners Grant McCauley and Nancy Toledo** for their service to the City of Santa Clara.

3.B 23-846 Proclaim August 2023 as Muslim Appreciation and Awareness Month

Mayor Gillmor proclaimed August as Amercian Muslim Appreciation and Awareness month. **Samer Darwish**, President of the Muslim Community Association, and **Musa Tariq** from the Council on American-Islamic Relation accepted the proclamation.

3.C 23-850 Presentation from Santa Clara Sister Cities and Students for Recent Visit to Izumo, Japan

Mayor Gillmor invited the President of the Santa Clara Sister Cities Association **Margaret Horoszko** to speak on the recent visit to Izumo, Japan.

CONSENT CALENDAR

Mayor Gillmor abstained on voting on Item 4.G due to a potential conflict of interest as her business is within 1,000 feet from the subject property.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Chahal, to approve the Consent Calendar.

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

Absent: 1 - Council/Boardmember Jain

4.A 23-911 Action on the Minutes of June 6, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; June 27, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; July 11, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; and July 18, 2023 Special Council and Council and Authorities Concurrent Meeting

Recommendation: Approve the Minutes of June 6, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; June 27, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; July 11, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; and July 18, 2023 Special Council and Council and Authorities Concurrent Meeting.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Chahal, to approve the minutes of June 6, 2023 Joint Council and Authorities Concurrent and Stadium Authority meeting; June 27, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority meeting; July 11, 2023 Joint Council and Authorities Concurrent and Stadium Authority meeting; and July 18, 2023 Special Council and Council and Authorities Concurrent meeting.

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

Absent: 1 - Council/Boardmember Jain

4.B 23-18 Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Planning Commission - January 23, 2023
Parks & Recreation Commission - May 16, 2023
Senior Advisory Commission - June 26, 2023
Cultural Commission - June 5, 2023
Board of Library Trustees - June 5, 2023

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to note and file the minutes of the January 23, 2023 Planning Commission; May 16, 2023 Parks & Recreation Commission; June 26, 2023 Senior Advisory Commission; June 5, 2023 Cultural Commission; and June 5, 2023 Board of Library Trustees.

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

Absent: 1 - Councilmember Jain

4.C 23-874 Action on Bills and Claims Report (CC, SCSA, HA) for the period June 10, 2023 - July 14, 2023

Recommendation: Approve the list of Bills and Claims for June 10, 2023 - July 14, 2023.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to approve the list of Bills and Claims for June 10, 2023 - July 14, 2023.

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

Absent: 1 - Councilmember Jain

4.D 23-935 Action on a Public Service Grant Agreement with ABODE Services for Administration of the City's Tenant-Based Rental Assistance Program (TBRA) and Related HOME Fund Budget Allocations

Recommendation:

1. Authorize the City Manager to negotiate and execute a new Public Service Grant Agreement with ABODE Services for an amount not to exceed $1,127,939 to administer the City's Tenant-Based Rental Assistance Program, and all related documents for the provision of administrative services for the TBRA Program effective July 1, 2023 through June 30, 2024 contingent upon available funding and appropriation of funds;
2. Authorize the City Manager to execute amendments to the Agreement including increasing maximum compensation and extending the term through June 30, 2025, contingent upon available funding and appropriation of funds; and
3. Authorize and direct the City Manager to make proportional adjustments to the HOME Fund allocations in the event that the City's Final FY 2023/24 and 2024/25 Award Amount is different than the projected amount, such that each project will receive a proportional allocation of the recommended amount, subject to the appropriation of funds and after the City's administration set-aside and CHDO set-aside is calculated.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to authorize the City Manager to negotiate and execute a new Public Service Grant Agreement with ABODE Services for an amount not to exceed $1,127,939 to administer the City's Tenant-Based Rental Assistance Program, and all related documents for the provision of administrative services for the TBRA Program effective July 1, 2023 through June 30, 2024 contingent upon available funding and appropriation of funds; authorized the City Manager to execute amendments to the agreement including increasing maximum compensation and extending the term through June 30, 2025, contingent upon available funding and appropriation of funds; and to authorize and direct the City Manager to make proportional adjustments to the HOME Fund allocations in the event that the City's Final FY 2023/24 and 2024/25 Award Amount is different than the projected amount, such that each project will receive a proportional allocation of the recommended amount, subject to the appropriation of funds and after the City's administration set-aside and CHDO set-aside is calculated.

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

Absent: 1 - Councilmember Jain

4.E 23-467 Action on Master Agreements with BKF Engineers, Bellecci & Associates, Inc., and Mott MacDonald Group, Inc for On-Call Design Services for Potable Water and Recycled Water Transmission and Distribution Systems and Sanitary Sewer Collection Systems

Recommendation:

1. Authorize the City Manager to execute and implement on the terms presented agreements (Master Agreements) with BKF Engineers, Bellecci & Associates, Inc., and Mott MacDonald Group, Inc. for on call design services for potable water and recycled water transmission and distribution systems and sanitary sewer collection systems, for a five-year term starting on or about July 1, 2023 and ending on or about June 30, 2028, in substantially the forms presented, subject to approval of final forms by the City Attorney and the appropriation of funds, with a maximum aggregate compensation not-to-exceed $3,000,000 for the three Master Agreements; and
2. Authorize the City Manager to allow future annual rate adjustments in accordance with the percentage change in the Consumer Price Index, subject to approval by the City and the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to authorize the City Manager to execute and implement on the terms presented agreements (Master Agreements) with BKF Engineers, Bellecci & Associates, Inc., and Mott MacDonald Group, Inc. for on call design services for potable water and recycled water transmission and distribution systems and sanitary sewer collection systems, for a five-year term starting on or about July 1, 2023 and ending on or about June 30, 2028, in substantially the forms presented, subject to approval of final forms by the City Attorney and the appropriation of funds, with a maximum aggregate compensation not-to-exceed $3,000,000 for the three Master Agreements; and to authorize the City Manager to allow future annual rate adjustments in accordance with the percentage change in the Consumer Price Index, subject to approval by the City and the appropriation of funds.

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

Absent: 1 - Councilmember Jain

4.F 23-105 Action on Agreements with D2 Industrial Services, Farwest Insulation Contracting, and JT Thorpe Industrial Inc. for Insulation and Heat Trace Services Primarily at Power Plants

Recommendation:

1. Determine the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of the California Code of Regulations;
2. Authorize the City Manager to execute agreements with D2 Industrial Services, Farwest Insulation Contracting, and JT Thorpe Industrial Inc. (collectively, "Agreements") for a five year term starting on or around July 1, 2023 and ending on or around June 30, 2028, with a maximum compensation of $500,000 for each agreement, funded by the Electric Operating and Capital Funds subject to the appropriation of funds;
3. Authorize the City Manager to execute any related documents and take any actions as are necessary or advisable to implement and administer the Agreements; and
4. Authorize the City Manager to negotiate and execute amendments to the Agreements to (a) add or delete services consistent with their scope of services; (b) adjust future rates to account for increased costs; (c) extend the term of the Agreements one additional year through June 30, 2029; and (d) increase the maximum compensation by a total of $500,000 across all three Agreements for a total aggregate maximum compensation of $2,000,000, subject to the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to determine the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of the California Code of Regulations; to authorize the City Manager to execute agreements with D2 Industrial Services, Farwest Insulation Contracting, and JT Thorpe Industrial Inc. (collectively, "Agreements") for a five year term starting on or around July 1, 2023 and ending on or around June 30, 2028, with a maximum compensation of $500,000 for each agreement, funded by the Electric Operating and Capital Funds subject to the appropriation of funds; to authorize the City Manager to execute any related documents and take any actions as are necessary or advisable to implement and administer the agreements; and to authorize the City Manager to negotiate and execute amendments to the agreements to (a) add or delete services consistent with their scope of services; (b) adjust future rates to account for increased costs; (c) extend the term of the Agreements one additional year through June 30, 2029; and (d) increase the maximum compensation by a total of $500,000 across all three agreements for a total aggregate maximum compensation of $2,000,000, subject to the appropriation of funds.

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

Absent: 1 - Councilmember Jain

4.G 23-881 Action on Historic Resource Inventory Property Designation and Historic Preservation Agreement (Mills Act Contract) for 1053 Lexington Street

Recommendation: 1. Determine that the project is categorically exempt from CEQA under Class 31 (Section 15331) - Historical Resource Restoration / Rehabilitation
2. Approve the addition of the property located at 1053 Lexington Street to the City's Historic Resource Inventory (HRI); and
3. Authorize the City Manager to execute a Mills Act Contract in a final form approved by the City Attorney, and adopt the 10-Year Restoration and Maintenance Plan associated with the property at 1053 Lexington Street.

Mayor Gillmor abstained on this item due to a potential conflict of interest as her business is within 1,000 feet from the subject property.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to determine that the project is categorically exempt from CEQA under Class 31 (Section 15331) - Historical Resource Restoration/Rehabilitation; to approve the addition of the property located at 1053 Lexington Street to the City's Historic Resource Inventory (HRI); and to authorize the City Manager to execute a Mills Act Contract in a final form approved by the City Attorney, and adopt the 10-Year Restoration and Maintenance Plan associated with the property at 1053 Lexington Street.

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

Absent: 1 - Councilmember Jain

Abstained: 1 - Mayor Gillmor

4.H 23-110 Action Authorizing the Use of City Electric Forces at Various Locations

Recommendation: In accordance with Section 713 of the City Charter, the City Council hereby resolves as follows:

1. Determine the proposed action is exempt from CEQA pursuant to Sections 15302(c) (Class 2 - Replacement or Reconstruction) and 15303 (Class 3 - New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations; and
2. Declare and determine that the public works located at 73 Jenkins Place and 2300 Calle De Luna are better performed by the City with its own employees based on the information set forth in this Report to Council.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to determine the proposed action is exempt from CEQA pursuant to Sections 15302(c) (Class 2 - Replacement or Reconstruction) and 15303 (Class 3 - New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations; and to declare and determine that the public works located at 73 Jenkins Place and 2300 Calle De Luna are better performed by the City with its own employees based on the information set forth in this Report to Council.

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

Absent: 1 - Councilmember Jain

4.I 23-553 Action to Adopt a Supplemental Resolution to include Additional Findings of Fact and amend several 2022 California Fire Code Appendices in Ordinance 2054; Action to Waive First Reading and Approve Introduction of an Ordinance Amending Chapter 15.60 "Municipal Fire and Environmental Code" and setting September 12, 2023, for a Public Hearing on Adoption of said Ordinance.

Recommendation: 1. Approve introduction of an Ordinance amending Chapter 15.60 of the Santa Clara City Code ("Santa Clara Municipal Fire and Environmental Code") to adopt the several 2022 California Fire Code appendices, as amended;
2. Adopt a Supplemental Resolution establishing the findings of fact necessary for the specified supplemental amendments; and
3. Set a public hearing date for September 12, 2023, for final adoption of the Supplemental Ordinance amending Chapter 15.60 of the Santa Clara City Code ("Santa Clara Municipal Fire and Environmental Code") to adopt the 2022 Supplemental California Fire Code, appendices as amended.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to adopt Supplemental Resolution 23-9251, finding and determining the need for modifications to the California Fire Code, 2022 edition; and to adopt Supplemental Ordinance 2063, amending Chapter 15.60 ("Santa Clara Municipal Fire and Environmental Code") of the Code of the City of Santa Clara to adopt the 2022 California Fire Code, as amended.

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

Absent: 1 - Councilmember Jain

4.J 23-813 Action on a Resolution Delegating Authority to the City Manager to Execute Documents Associated with the Acceptance of a Grant from the Santa Clara Valley Open Space Authority Grant Program in the Amount of $21,076 for Funding of the City of Santa Clara's Container Gardening Program and Related Budget Amendments

Recommendation:

1. Adopt a resolution delegating authority to the City Manager to execute all documents associated with Santa Clara Valley Open Space Authority Grant;
2. Approve the FY 2023/24 budget amendment in the Parks and Recreation Operating Grant Trust Fund to recognize the grant revenue of $21,076 and establish a Santa Clara Valley Open Space Authority Grant appropriation in the amount of $21,076 for funding of the City's Container Gardening Program **(five affirmative Council votes required to appropriate additional revenue)**.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to adopt Resolution 23-9252 delegating authority to the City Manager to execute all documents associated with Santa Clara Valley Open Space Authority Grant; and to approve the FY 2023/24 budget amendment in the Parks and Recreation Operating Grant Trust Fund to recognize the grant revenue of $21,076 and establish a Santa Clara Valley Open Space Authority Grant appropriation in the amount of $21,076 for funding of the City's Container Gardening Program.

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

Absent: 1 - Councilmember Jain

4.K 23-835 Action on the Annual Report for FY2023 for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System

Recommendation: Note and File the Annual Report for FY2023 for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to note and file the Annual Report for FY2023 for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System.

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

Absent: 1 - Councilmember Jain

4.L 23-845 Action to Designate a Voting Delegate and Alternate(s) for the 2023 League of California Cities Annual Conference and Expo

Recommendation: Designate Mayor Lisa M. Gillmor as a voting delegate and Vice Mayor Kevin Park as the alternate voting delegate for the 2023 League of California Cities Annual Conference and Expo

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to designate Mayor Lisa M. Gillmor as a voting delegate and Vice Mayor Kevin Park as the alternate voting delegate for the 2023 League of California Cities Annual Conference and Expo.

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

Absent: 1 - Councilmember Jain

4.M 23-1027 Action to Approve Up to Four Hours of Cancellation Pay for City Employees Related to the Cancelled July 22, 2023 Non-NFL Event at Levi's Stadium

Recommendation:

That City Council approve and authorize the City Manager to provide cancellation pay for up to four hours to City employees at their respective Stadium pay rate at an amount not to exceed $80,000 for the cancelled July 22, 2023 Event at Levi's Stadium

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to approve and authorize the City Manager to provide cancellation pay for up to four hours to City employees at their respective Stadium pay rate at an amount not to exceed $80,000 for the cancelled July 22, 2023 Event at Levi's Stadium.

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

Absent: 1 - Councilmember Jain

4.N 23-1005 Action to Adopt Ordinance No. 2062 Amending the Santa Clara City Code to Create a Limited-Term Pilot Project Regulating Vending Upon Certain Public Sidewalks and Pedestrian Paths Surrounding Levi's Stadium on Event Days

Recommendation: Waive Second Reading and Adopt Ordinance No. 2062 Amending Chapter 5.05 (Solicitors and Peddlers) and Section 9.05.165 (Activities and Conduct Prohibited in Parking Facilities Adjacent to the Stadium or Parking Facilities Used for Stadium Events) of the Santa Clara City Code to Create a Limited-Term Pilot Project Regulating Vending Upon Certain Public Sidewalks and Pedestrian Paths Surrounding Levi's Stadium on Event Days Pursuant to SB 946

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to waive the second reading and adopt Ordinance No. 2062 Amending Chapter 5.05 (Solicitors and Peddlers) and Section 9.05.165 (Activities and Conduct Prohibited in Parking Facilities Adjacent to the Stadium or Parking Facilities Used for Stadium Events) of the Santa Clara City Code to create a limited-term pilot project regulating vending upon certain public sidewalks and pedestrian paths surrounding Levi's Stadium on event days pursuant to SB 946.

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

Absent: 1 - Councilmember Jain

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

5. 23-790 Action on Stadium Authority Bills and Claims for the Month of May 2023

Recommendation: Approve the list of Stadium Authority Bills and Claims for May 2023.

A motion was made by Boardmember Becker, seconded by Boardmember Chahal, to approve the list of Stadium Authority Bills and Claims for May 2023.

Aye: 6 - Boardmember Watanabe, Boardmember Chahal, Boardmember Hardy, Vice Chair Park, Boardmember Becker, and Chair Gillmor

Absent: 1 - Councilmember Jain

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

9. 23-970 Action on a Written Petition (Council Policy 030), Submitted by Nikki Welch Requesting to Place and Agenda Item on a Future Council Meeting for Council to Discuss SB9 Application Fee Waiver for Low-Income Homeowner by Grant or Government Loan

Recommendation: Staff makes no recommendation.

Petitioner Nikki Welch was not present.

No action was taken and **Council** directed staff to place this item on the priority session for consideration.

PUBLIC PRESENTATIONS

Jacob Sterling spoke on his non-profit that helps veterans.

The following people spoke on Senate Bill 403:
Kaushal Varshney
Satish Chandra
Vamci Rajanala
Malavika
Param Desai
Ashish Garg
Neetu Garg
Shailendra
Puja Kohli
Kiran, Mohan
Gayatri Girirajan
Thenmozhi Soundararajan
Kamaljeet
Sana Din
Sandeep L.
Shahira Kaur
Sunita Singh
S.R.
Prem Pariyar
BAWS Curriculum
Rajinder Momi
Musa Tariq
Raj Kumar

Gregory Ospina and **Amanda Pearce** thanked the City for opening the Swim Center.

Vennessa Arellanes spoke about parking at Calle del Mundo and Calle del Luna near Levi's Stadium.

Kale requested that **Councilmemer Becker** resign from the City Council.

Mayor Gillmor called a meeting recess at 9:12 p.m. and reconvened the meeting at 9:20 p.m.

By consensus, the **Council** moved to hear the remainder of Public Presentations to be heard after Item 8 and continued Items 6 and 7 to the next Council Meeting.

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

6. 23-492 Action to Adopt a Resolution Amending Parking Regulations on Lafayette Street related to possible parking removal for the Lafayette Street Class IV Bikeway Project and Direction on Use of Roadway on Lafayette for Bicycle Paths

Recommendation: Alternative 1 and 2.

1. Determine the proposed action is exempt under CEQA pursuant to Class 1 (Existing Facilities) of CEQA Guidelines Section 15301.
2. Authorize staff to implement parking removal and a Class IV protected bikeway along Lafayette Street between Memorex Drive and Reed Street (Option 1)
    a. Adopt a resolution amending parking regulations on Lafayette Street between Memorex Drive and Parker Court (Attachment 5).

This item was deferred to the August 29, 2023 Council meeting.

7. 23-1003 Action on Appointment of a Primary Member and an Alternate Member to the Stevens Creek Corridor Steering Committee

Recommendation: Council take action to appoint a primary member and an alternate member to the Stevens Creek Corridor Steering Committee.

This item was deferred to the August 29, 2023 Council meeting.

8. 23-810 Public Hearing: Actions on an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (MMRP), General Plan Amendment to the Community Mixed-Use Designation and Related Policies, Rezone to Planned Development, and Vesting Tentative Subdivision Map for the Development of 50 Multi-Family Residential Units, Four Townhomes, Three Single-Family Residences, and 3,800 Square Feet of Ground floor Commercial Space for the Properties Located at 906-950 Monroe Street and 1341 Homestead Road

Recommendation:

1. .Adopt a resolution to adopt the Environmental Impact Report, CEQA Findings, and the Mitigation Monitoring and Reporting Program for the 950 Monroe Street Project.
2. Adopt a resolution to approve a General Plan Amendment to modify the text for the Community Mixed Use land use designation and related policies.
3. Adopt a resolution to approve a Rezone from General Office (OG), Historic Combining (HT), and Community Commercial (CC) to Planned Development (PD) to allow a six-story mixed-use development with 50 units, four townhomes, and three single-family residences with on-site parking and amenities, landscaping, and off-site improvements, with added standards for the two HRI properties with provisions of the HT Zoning District (Sections 18.58.050,18.58.060, and 18.58.070) that would be applicable to both HRI properties.
4. Adopt a resolution to approve a Vesting Tentative Subdivision Map

Mayor Gillmor recused herself from this item due to her place of business being 1,000 feet of the subject property.

City Manager Grogan introduced the agenda item.

Assistant Director of Community Development Brilliot provided a PowerPoint presentation.

Applicant Salvatore Caruso of Lamb Development provided a PowerPoint presentation.

Public Comment:
Steve Kelly and Hyru Gau
Ed Stocks - oppose
Danielle Kaliterna (time given by Sherry Ernst)
Patrick Clark
Jonathon Merinaro
Noah MacDonald (time given by Ann MacDonald)
Robert Fitch
Brian Goldenberg

Mark Hoag
Dan Ondrasek (time given by Patricia Machado)
Mary Grizzle (time given by Ginger Beck)
Jim McNamee
David Delozier
Adam Thompson (time given by Scott Machado, Robert Blake)
Rob Mayer (time given by Ellie Mayer, Marisa Mayer)
Jorge Haro (time given by Lucilia Haro)
Kristen Brown
Janet Stevenson
Joya Dieas
Matt Hancock
Jonathon Evans
Tommy Tran
William Wisdom
Annekathrin Chatterjee
Willy Lamb
Michael Kohl
Carol Lucero
Diane Ringer
Steve Ringer
Noreen Carlson
Gabrielle Seagrave
Quentin Diduck
Joann Hill
Patricia Leung
Lou Faria
Saskia (time given by Sue Harper)
Bajis Katwan
Connie Costa
Kathleen Romano
Mark Kelsey
Donna West
Matt Regan
Public Speaker #8181
Myron Von Raesfeld
Public Speaker #6267

eComments:
Noah MacDonald
Eric Mosinger
Jonathon Evans
Patty Costantini

Vice Mayor Park called for a meeting recess at 12:15 a.m. and reconvened the meeting at 12:35 a.m.

Applicant Salvatore Caruso of Lamb Development provided rebuttal.

Assistant Director of Community Development Brilliot responded to public comment.

City Attorney Googins provided staff comment.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to close the Public Hearing.

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

Absent: 1 - Councilmember Jain

Recused: 1 - Mayor Gillmor

Council comments and questions followed.

A motion was made by **Councilmember Becker,** seconded by **Councilmember Chahal,** to deny the project.

A substitute motion was made by **Councilmember Hardy,** seconded by **Councilmember Watanabe**, to continue this item to a to be determined date to allow the applicant time to consider the proposed modifications to the project.

A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to consider the substitute motion.

Aye: 4 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, and Vice Mayor Park

Nay: 1 - Councilmember Becker

Absent: 1 - Councilmember Jain

Recused: 1 - Mayor Gillmor

A substitute motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to continue this item to a to be determined date to allow the Applicant time to consider the proposed modifications to the project.

Aye: 4 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, and Vice Mayor Park

Nay: 1 - Councilmember Becker

Absent: 1 - Councilmember Jain

Recused: 1 - Mayor Gillmor

PUBLIC PRESENTATIONS (CONTINUED)

The following people spoke on Senate Bill 403:
Monica Kaur
Prabhakar M.
Anwar Mirza
Karina Chadha
Padmaja I

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

There were no reports.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

There were no reports.

ADJOURNMENT

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to adjourn the meeting at 2:24 a.m.

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

Absent: 2 - Councilmember Watanabe Councilmember Jain, and Mayor Gillmor

The next regular scheduled meeting is on Tuesday, August 29, 2023 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.

STREAMING SERVICES: 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.

Note: The public cannot participate in the meeting through these livestreaming methods; livestreaming capabilities may be disrupted at times, viewers may always view and participate in meetings in-person and via Zoom as noted on the agenda.

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.