



City of Santa Clara

Meeting Minutes

Joint Council and Authorities Concurrent &

Santa Clara Stadium Authority Board

11/14/2023

6:00 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

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1. Use the eComment tab located on the City Council Agenda page <https://santaclaraca.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.

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Closed Session - 6:00 PM | Regular Meeting - 7:00 PM

6:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 6:02 p.m.

Roll Call

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

Absent: 2 - Council/Boardmember Raj Chahal, and Vice Mayor/Chair Kevin Park

A motion was made by Council/Boardmember Jain, seconded by Council/Boardmember Becker, to excuse the absences of Vice Mayor/Chair Park and Council/Boardmember Chahal from the November 14, 2023 Council meeting.

Aye: 5 - Council/Boardmember Watanabe, Council/boardmember Hardy, Council/Boardmember Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

Absent: 2 - Council/Boardmember Chahal, and Vice Mayor/Chair Park

1. [23-1394](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8

Property: East of Loyalton and West of Cold Springs in Sierra and Lassen Counties, APN: 147-040-02-11, 147-050-02-11, 147-050-03-11, 147-05-19-11, 147-070-04-11, 147-070-05-11, 147-080-01-11, 147-080-03-11, 147-080-11-11, 147-080-14-11, 147-080-15-11, 021-010-003, 021-020-001, 016-100-004, 016, 090, 059, 021-010-006, 021-010-012, 016-100-005, 016-080-008, 016-070-012, 016-090-011, 021-010-013, 016-100-001, 016-100-006 and 016-080-007

City/Authority Negotiator: Jovan D. Grogan, City Manager (or designee), Manuel Pineda

Negotiating Parties: Washoe Tribe of Nevada and California

Under Negotiation: Sale of Real Property (provisions, price and terms of payment)

Public Comment

There were none.

Convene to Closed Session (Council Conference Room)

Mayor/Chair Gillmor convened into Closed Session at 6:05 p.m.

7:00 PM CITY COUNCIL/STADIUM AUTHORITY BOARD MEETING

Call to Order in the Council Chambers

Mayor/Chair Gillmor called the meeting to order at 7:03 p.m.

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Jain 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.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Googins stated there was no reportable action from Closed Session.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

There were none.

SPECIAL ORDER OF BUSINESS

- 2.A** [23-1351](#) Presentation by Senator Aisha Wahab of an Award in the Amount of \$1.8 Million from the State of California to Support the Santa Clara Cares Overnight Locations Pilot Program

Mayor Gillmor introduced **Senator Aisha Wahab** who presented an award in the amount of \$1.8 million from the State of California to support the Santa Clara Cares Overnight Locations Pilot Program.

Council comments followed.

- 2.B** [23-1364](#) Presentation of a Legislative Update by California State Senator Aisha Wahab

Recommendation: Note and file Senator Aisha Wahab's legislative update.

Senator Wahab gave a Powerpoint presentation on the Legislative update and introduced her team.

Council comments followed.

- 2.C** [23-1154](#) Proclaim November 2023 as Native American Heritage Month

Mayor Gillmor proclaimed November as Native American Heritage Month.

Indian Health Center Chief Executive Officer Sonya Tetnowski accepted the proclamation and provided a few remarks.

Council comments followed.

- 2.D** [23-1297](#) Proclaim November 12 to November 18, 2023 as National Nurse Practitioner Week

Mayor Gillmor proclaimed November 12-18 as national Nurse Practitioner Week.

Sharlene Madanes, Nurse Practitioner at Santa Clara Homestead Medical Center in Cardiology, and Stacy Stefanopoulos, Nurse Practitioner at San Jose Medical Center in Minor Injury, accepted the proclamation and provided a few remarks.

Council comments followed.

- CONSENT CALENDAR** **Council/Boardmember Watanabe** pulled Item 4.E for discussion after Item 6.

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

Aye: 5 - Council/Boardmember Watanabe, Council/Boardmember Hardy, Council/Boardmember Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

Absent: 2 - Council/Boardmember Chahal, and Vice Mayor/Chair Park

3.A [23-25](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Downtown Community Task Force Meeting of June 15, 2023
Downtown Community Task Force Meeting of July 20, 2023
Downtown Community Task Force Meeting of August 17, 2023
Downtown Community Task Force Meeting of December 16, 2021
Cultural Commission - October 2, 2023

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to note and file the minutes of the June 15, 2023 Downtown Community Task Force meeting; July 20, 2023 Downtown Community Task Force meeting; August 17, 2023 Downtown Community Task Force meeting; December 16, 2021 Downtown Community Task Force meeting; and October 2, 2023 Cultural Commission meeting.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

3.B [23-1279](#) Action on City Bills and Claims Report for the period September 23, 2023 - October 13, 2023

Recommendation: Approve the list of Bills and Claims for September 23, 2023 - October 13, 2023.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve the list of Bills and Claims for September 23, 2023 - October 13, 2023.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

- 3.C [23-1288](#) Action on a Resolution Authorizing the City Manager or its designee to enter into an Exclusivity Agreement, as needed, to negotiate the terms of Energy-related Purchase and Sale Agreements with Project Developers

Recommendation: Adopt a Resolution authorizing the City Manager, or designee, to negotiate, approve, and execute exclusivity agreements for the negotiation of energy-related purchase and sale agreements with project developers and any required amendments so long as these agreements and amendments are at no cost to the City and do not commit the City to enter into power purchase agreements or other energy-related agreements, subject to review and approval as to form by the City Attorney.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9284 authorizing the City Manager, or designee, to negotiate, approve, and execute exclusivity agreements for the negotiation of energy-related purchase and sale agreements with project developers and any required amendments so long as these agreements and amendments are at no cost to the City and do not commit the City to enter into power purchase agreements or other energy-related agreements, subject to review and approval as to form by the City Attorney.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

3.D [23-1309](#) Action on Authorizing the Use of City Electric Forces at Various Locations

Recommendation:

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 in accordance with Section 1310 of the City Charter that the public works located at 2333 Calle Del Mundo, 3172 McKinley Drive, 2729 Columbus Place, 2241 Francis Avenue, 1657 Calabazas Boulevard, and 2850 Lafayette Street are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of these public works consistent with this authorization.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, 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 declare and determine in accordance with Section 1310 of the City Charter that the public works located at 2333 Calle Del Mundo, 3172 McKinley Drive, 2729 Columbus Place, 2241 Francis Avenue, 1657 Calabazas Boulevard, and 2850 Lafayette Street are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of these public works consistent with this authorization.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

3.E [23-1318](#) Action to Authorize the Use of City Electric Forces for New Dark Fiber Installations at Various Locations

- Recommendation:**
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 in accordance with Section 1310 of the City Charter that the public works located at Well 15 - 857 Hubbard Ave (W&S SCADA), Great America Parkway & Mission College Blvd (Engineering Department - Traffic), 5101 Lafayette Street - 3080 Raymond Street, and 1205 Coleman Avenue - 3080 Raymond Street are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of these public works consistent with this authorization.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, 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 declare and determine in accordance with Section 1310 of the City Charter that the public works located at Well 15 - 857 Hubbard Ave (W&S SCADA), Great America Parkway & Mission College Blvd (Engineering Department - Traffic), 5101 Lafayette Street - 3080 Raymond Street, and 1205 Coleman Avenue - 3080 Raymond Street are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of these public works consistent with this authorization.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

- 3.F [23-1087](#) Action to Adopt a Resolution to Set the Regular Meeting Schedules and Dates for the Bicycle and Pedestrian Advisory Committee for Calendar Year 2024

Recommendation: Adopt a Resolution approving the 2024 BPAC Calendar of Meetings and setting the number and start time of BPAC meetings.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to adopt Resolution 23-9285 approving the 2024 Bicycle and Pedestrian Advisory Committee Calendar of Meetings and setting the number and start time of Bicycle and Pedestrian Advisory Committee meetings.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

SANTA CLARA STADIUM AUTHORITY BOARD CONSENT CALENDAR

- 4.A [23-1088](#) Action on Stadium Authority Bills and Claims for the Month of August 2023

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

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

Aye: 5 - Boardmember Watanabe, Boardmember Hardy, Boardmember Jain, Boardmember Becker, and Chair Gillmor

Absent: 2 - Boardmember Chahal, and Vice Chair Park

- 4.B [23-962](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending June 30, 2023 and Approve Related Budget Amendments

Recommendation: 1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending June 30, 2023; and
2. Approve the FY 2023/24 Budget Amendments in the Operating Budget in the amount of \$34,626,312, Debt Service Budget in the amount of \$1,232,726 and Capital Budget in the amount of \$235,538 to make technical actions to true up fund balances based on actual FY 2022/23 performance, correct the treatment of Beginning and Ending Fund Balances, Transfers Out and Reserves to align the Stadium Authority Budget to City budgeting practices, and recognize and appropriate funds to pay additional Stadium Manager expenses and capital equipment purchases in the Operating and Capital Budget.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending June 30, 2023; and approve the FY 2023/24 Budget Amendments in the Operating Budget in the amount of \$34,626,312, Debt Service Budget in the amount of \$1,232,726 and Capital Budget in the amount of \$235,538 to make technical actions to true up fund balances based on actual FY 2022/23 performance, correct the treatment of Beginning and Ending Fund Balances, Transfers Out and Reserves to align the Stadium Authority Budget to City budgeting practices, and recognize and appropriate funds to pay additional Stadium Manager expenses and capital equipment purchases in the Operating and Capital Budget.

Aye: 5 - Boardmember Watanabe, Boardmember Hardy, Boardmember Jain, Boardmember Becker, and Chair Gillmor

Absent: 2 - Boardmember Chahal, and Vice Chair Park

- 4.C [23-1308](#) Action on Stadium Manager's Request for Budget Amendments Related to the Plumbing and Smoke Evacuation System - Fire Smoke Curtain Replacement CapEx Projects

Recommendation:

1. Approve a budget amendment for the Plumbing line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$9,663 from the Capital Budget Ending Fund Balance, for a total budget amount of \$88,134; and
2. Approve a budget amendment for the Smoke Evacuation System - Fire Smoke Curtain Replacement line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$11,904 from the Capital Budget Ending Fund Balance, for a total budget amount of \$53,663.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve a budget amendment for the Plumbing line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$9,663 from the Capital Budget Ending Fund Balance, for a total budget amount of \$88,134; and approve a budget amendment for the Smoke Evacuation System - Fire Smoke Curtain Replacement line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$11,904 from the Capital Budget Ending Fund Balance, for a total budget amount of \$53,663.

Aye: 5 - Boardmember Watanabe, Boardmember Hardy, Boardmember Jain, Boardmember Becker, and Chair Gillmor

Absent: 2 - Boardmember Chahal, and Vice Chair Park

- 4.D [23-1307](#) Action on Stadium Manager's Request to Approve a Purchase Order with EyeP Solutions, Inc. to Provide AXIS Cameras and Related Accessories for Levi's Stadium Security Coverage (Enhance Stadium Security Coverage CapEx Project)

Recommendation:

1. Approve the Stadium Manager's request to award a purchase order to EyeP Solutions, Inc. in the amount of \$220,201 to purchase AXIS cameras and related accessories for the Enhance Stadium Security Coverage CapEx Project.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve the Stadium Manager's request to award a purchase order to EyeP Solutions, Inc. in the amount of \$220,201 to purchase AXIS cameras and related accessories for the Enhance Stadium Security Coverage CapEx Project.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

- 4.F** [23-1317](#) Action on Stadium Manager's Request to Approve an Agreement with CWS Construction Group, Inc. for the Overhead Doors, Motors, Sensors and Track Replacements CapEx Project and Related Budget Amendment

Recommendation:

1. Approve a budget amendment for the Overhead Doors, Motors, Sensors and Track Replacements line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$15,370 from the Capital Budget Ending Fund Balance, for a total budget amount of \$109,170;
2. Approve the Stadium Manager's request to award an agreement to CWS Construction Group, Inc. in the amount of \$95,000 to replace an overhead door and associated motor, sensor, and tracks at Levi's Stadium for the Overhead Doors, Motors, Sensors and Track Replacements CapEx Project;
3. Authorize the Stadium Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the project; and
4. Authorize the Stadium Manager to execute change orders for the agreement up to \$9,500, for a total not to exceed amount of \$104,500.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve a budget amendment for the Overhead Doors, Motors, Sensors and Track Replacements line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$15,370 from the Capital Budget Ending Fund Balance, for a total budget amount of \$109,170; approve the Stadium Manager's request to award an agreement to CWS Construction Group, Inc. in the amount of \$95,000 to replace an overhead door and associated motor, sensor, and tracks at Levi's Stadium for the Overhead Doors, Motors, Sensors and Track Replacements CapEx Project; authorize the Stadium Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the project; and authorize the Stadium Manager to execute change orders for the agreement up to \$9,500, for a total not to exceed amount of \$104,500.

Aye: 5 - Boardmember Watanabe, Boardmember Hardy, Boardmember Jain, Boardmember Becker, and Chair Gillmor

Absent: 2 - Boardmember Chahal, and Vice Chair Park

- 4.G** [23-1352](#) Action on Stadium Manager's Request to Execute a Change Order to the Agreement with United Mechanical, Inc. for the Cooling Towers CapEx Project at Levi's Stadium and Related Budget Amendment

Recommendation:

1. Approve a budget amendment for the Cooling Towers line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$6,953 from the Capital Budget Ending Fund Balance, for a total budget amount of \$136,038;
2. Authorize the Stadium Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the project;
3. Authorize the Stadium Manager to execute a Contract Change Order No. 1 to the Agreement with United Mechanical, Inc. with a not to exceed amount of \$16,989; and
4. Authorize the Stadium Manager to execute change orders up to \$1,698 for a total not to exceed construction agreement amount of \$136,038.

A motion was made by Boardmember Becker, seconded by Boardmember Hardy, to approve a budget amendment for the Cooling Towers line item in the Stadium Authority FY 2023/24 CapEx Budget to increase the budget by \$6,953 from the Capital Budget Ending Fund Balance, for a total budget amount of \$136,038; authorize the Stadium Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the project; authorize the Stadium Manager to execute a Contract Change Order No. 1 to the Agreement with United Mechanical, Inc. with a not to exceed amount of \$16,989; and authorize the Stadium Manager to execute change orders up to \$1,698 for a total not to exceed construction agreement amount of \$136,038.

Aye: 5 - Boardmember Watanabe, Boardmember Hardy, Boardmember Jain, Boardmember Becker, and Chair Gillmor

Absent: 2 - Boardmember Chahal, and Vice Chair Park

PUBLIC PRESENTATIONS

Lee shared a video on ethics.

Adam spoke on housing laws and requested a hotel reservation paid by the City be made for him.

Brian Darby thanked Senator Wahab for her work in her district.

Caller 2269 (James Rowan) spoke about non-profit groups being attacked by Councilmembers.

Wanda Buck shared a video regarding ethics.

Council comments followed.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to have staff look into the Lobbyist Ordinance if the Special Advisor to the Mayor needs to be registered as a lobbyist.

Aye: 3 - Councilmember Hardy, Councilmember Jain, and Councilmember Becker

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

The motion failed.

PUBLIC HEARING/GENERAL BUSINESS

5. [23-952](#) Actions Authorizing the City Manager to Negotiate and Execute Loan Documents for a Loan to Charities Housing Development Corporation of Santa Clara County ("Charities") of up to \$4,944,484 to Support the Construction of 106 Affordable Housing Units at 1601 Civic Center Drive; and Direction to Allocate up to \$455,516 from the City's Permanent Local Housing Allocation (PLHA) Funds to Further Assist with Construction Costs (Total City Contribution of up to \$5,400,000), Actions Authorizing the City Manager to Execute Documents that will Release a Recorded Indenture that Currently Limits the Site's Developable Area, and Approve the Related Budget Amendment

Recommendation:

1. Adopt a resolution approving and authorizing the City Manager to negotiate and execute a Loan Agreement with Charities Housing for a loan of up to \$4,944,484 to support the construction of 106 affordable housing units and 2 manager units located at 1601 Civic Center Drive; to make modifications to the Loan Agreement and attachments consistent with the Term Sheet and as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow; and to execute documents that will release a recorded indenture that currently limits the site's developable area. This funding commitment shall be contingent upon National Environmental Policy Act (NEPA) clearance from HUD.

2. Approve the FY 2023/24 budget amendment in the City Affordable Housing Capital Fund to increase the Civic Center Drive - Low Income Housing Project appropriation by \$3,344,484 and reduce the unrestricted ending fund balance by \$3,344,484 (**five affirmative Council votes required for the use of unused balances**).

3. Direct the County of Santa Clara (PLHA fund administrator) to allocate up to \$455,516 from the City's Permanent Local Housing Allocation (PLHA) allocation to further support the construction of affordable housing at 1601 Civic Center Drive. This funding commitment shall be contingent upon National Environmental Policy Act (NEPA) clearance from HUD.

Housing Division Manager Marcus provided a Powerpoint presentation on a loan to Charities Housing Development Corporation of Santa Clara County ("Charities") of up to \$4,944,484 to support the construction of 106 Affordable Housing Units at 1601 Civic Center Drive. He also stated that staff is requesting direction on allocating up to \$455,516 from the City's Permanent Local Housing Allocation (PLHA) Funds to further assist with construction costs.

Council comments and questions followed.

Housing Division Manager Marcus responded to **Council** questions.

Public Comment:

Rigo

Matthew Caldwell

Brian Darby

Hai

A motion was made by Councilmember Jain, seconded by Councilmember Becker, to adopt Resolution 23-9286 approving and authorizing the City Manager to negotiate and execute a Loan Agreement with Charities Housing for a loan of up to \$4,944,484 to support the construction of 106 affordable housing units and 2 manager units located at 1601 Civic Center Drive; to make modifications to the Loan Agreement and attachments consistent with the Term Sheet and as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow; and to execute documents that will release a recorded indenture that currently limits the site's developable area. This funding commitment shall be contingent upon National Environmental Policy Act (NEPA) clearance from HUD; approve the FY 2023/24 budget amendment in the City Affordable Housing Capital Fund to increase the Civic Center Drive - Low Income Housing Project appropriation by \$3,344,484 and reduce the unrestricted ending fund balance by \$3,344,484; and direct the County of Santa Clara (PLHA fund administrator) to allocate up to \$455,516 from the City's Permanent Local Housing Allocation (PLHA) allocation to further support the construction of affordable housing at 1601 Civic Center Drive. This funding commitment shall be contingent upon National Environmental Policy Act (NEPA) clearance from HUD.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

6. [23-1234](#) Action on Award of Five Purchase Orders Greater than \$250,000, with an Aggregate Amount of \$30,164,272 for Finance Department Central Warehouse Purchases to Replenish Silicon Valley Power Inventory Funded by Electric Utility Funds

Recommendation:

1. Authorize the City Manager to negotiate and execute the attached Trayer Standard Conditions of Sale (Conditions of Sale) and issue purchase orders to Trayer Engineering Corporation for the purchase of five-position padmount switches with a cumulative total amount of \$14,876,917 for the time period beginning on the date of this authorization through December 31, 2025, subject to the annual appropriation of funds and review and approval of the Conditions of Sale by the City Attorney;
2. Authorize the City Manager to issue purchase orders to The Okonite Company for the purchase of 1100 KCMil and 1/0 MCM cables with a cumulative total amount of \$7,264,378 for the time period beginning on the date of this authorization through December 31, 2025, subject to the annual appropriation of funds;
3. Authorize the City Manager to negotiate and issue purchase orders to Fleming Electric, Inc. for the purchase of three-phase padmount transformers with a cumulative total amount of \$2,792,704 for the time period beginning on the date of this authorization through December 31, 2028, subject to the annual appropriation of funds and the review and approval as to form by City Attorney;
4. Authorize the City Manager to negotiate and issue purchase orders with a vendor or vendors selected pursuant to the Chapter 2.105 of the City Code for the purchase of three-phase padmount transformers with a cumulative total amount of \$4,441,591 for the time period beginning on the date of this authorization through December 31, 2028, subject to the annual appropriation of funds and the review and approval as to form by City Attorney;
5. Authorize the City Manager to negotiate and issue purchase orders with a vendor or vendors selected pursuant to the Chapter 2.105 of the City Code for the purchase of capacitor banks with a cumulative total amount of \$788,682 for the time period beginning on the date of this authorization through December 31, 2028, subject to the appropriation of funds; and
6. Authorize the City Manager to (a) take any actions as necessary to implement and administer the Conditions of Sale and purchase orders, and (b) negotiate and execute amendments to the Conditions of Sale and purchase orders, subject to the cumulative total amounts set forth above and the review and approval as to form by the City Attorney.

Finance Director Lee provided a Powerpoint presentation on the five purchase orders for Finance Department Central Warehouse purchases to replenish Silicon Valley Power Inventory funded by Electric Utility Funds.

Council questions followed.

Finance Director Lee responded to **Council** questions.

Public Comment:

Brian Darby

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to authorize the City Manager to negotiate and execute the attached Trayer Standard Conditions of Sale (Conditions of Sale) and issue purchase orders to Trayer Engineering Corporation for the purchase of five-position padmount switches with a cumulative total amount of \$14,876,917 for the time period beginning on the date of this authorization through December 31, 2025, subject to the annual appropriation of funds and review and approval of the Conditions of Sale by the City Attorney; authorize the City Manager to issue purchase orders to The Okonite Company for the purchase of 1100 KCMil and 1/0 MCM cables with a cumulative total amount of \$7,264,378 for the time period beginning on the date of this authorization through December 31, 2025, subject to the annual appropriation of funds; authorize the City Manager to negotiate and issue purchase orders to Fleming Electric, Inc. for the purchase of three-phase padmount transformers with a cumulative total amount of \$2,792,704 for the time period beginning on the date of this authorization through December 31, 2028, subject to the annual appropriation of funds and the review and approval as to form by City Attorney; authorize the City Manager to negotiate and issue purchase orders with a vendor or vendors selected pursuant to the Chapter 2.105 of the City Code for the purchase of three-phase padmount transformers with a cumulative total amount of \$4,441,591 for the time period beginning on the date of this authorization through December 31, 2028, subject to the annual appropriation of funds and the review and approval as to form by City Attorney; authorize the City Manager to negotiate and issue purchase orders with a vendor or vendors selected pursuant to the Chapter 2.105 of the City Code for the purchase of capacitor banks with a cumulative total amount of \$788,682 for the time period beginning on the date of this authorization through December 31, 2028, subject to the appropriation of funds; and authorize the City Manager to (a) take any actions as necessary to implement and administer the Conditions of Sale and purchase orders, and (b) negotiate and execute amendments to the Conditions of Sale and purchase orders, subject to the cumulative total amounts set forth above and

the review and approval as to form by the City Attorney.

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

Absent: 2 - Councilmember Chahal, and Vice Mayor Park

CONSENT ITEMS PULLED FOR DISCUSSION

4.E [23-1301](#) Action on Stadium Manager's Request to Execute Agreement with Colony Landscape and Maintenance, Inc. for Sod Removal and Related Services at Levi's Stadium

Recommendation:

1. Approve the Stadium Manager's request to execute an agreement with Colony Landscape and Maintenance, Inc. to provide sod removal and related services at Levi's Stadium for a three-year period beginning November 15, 2023 through November 14, 2026, in an amount not exceed \$600,000 annually for the first and second contract year and \$620,000 for the third contract year, for a total not to exceed amount of \$1,820,000 over the three-year period, subject to budget appropriations; and
2. Authorize the Stadium Manager to exercise the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

Boardmember Watanabe pulled this item for discussion.

Board questions and comments followed.

Executive Director Grogan and **Legal Counsel Googins** responded to **Board** questions.

Public Comment:

Lee

Brian Darby

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

Board discussion ensued.

Executive Director Grogan offered to return to the December 5 meeting to respond to **Board** questions.

Boardmember Becker withdrew his motion.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES/FUTURE AGENDA ITEMS

Councilmember Hardy spoke about the Bay Area Water Supply and Conservation Agency (BAWSCA) and announced that the agency will be celebrating its 20th anniversary on November 16 at the Burlingame Community Center at 5:30 p.m.

Councilmember Watanabe reported the River of Life Church is hosting a Thanksgiving Feast for members of the community on November 18.

Councilmember Becker reported that November 13-19 is Transgender Awareness Week and that November 20 is Transgender Day which memorializes the victims of transphobic violence.

Councilmember Jain reported for **Vice Mayor Park** and announced that the Triton Museum will be hosting an artist talk with John Searny and Robert Crane on November 18 from 12:00 - 2:00 p.m. He also reported that the Triton Museum as well as a Holiday Art Faire on December 2 at 10:00 - 4:00 p.m.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager/Executive Director Grogan stated there was no report.

ADJOURNMENT

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adjourn the meeting at 9:13 p.m.

Aye: 5 - Council/Boardmember Watanabe, Council/Boardmember Hardy, Council/Boardmember Jain, Council/Boardmember Becker, and Mayor/Chair Gillmor

Absent: 2 - Council/Boardmember Chahal, and Vice Mayor/Chair Park

The next regular scheduled meeting is on Tuesday, December 5, 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.

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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.

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