Draft

City of Santa Clara

Minutes

Special Meetings of the Council and Authorities

Concurrent Meeting and Santa Clara Stadium Authority

12/08/2022 **5:00 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 continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9160 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

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 Mayor/Chair calls for a Special Meeting of the Governing Board of the City Council, Housing Authority and Sports and Open Space Authority and the Stadium Authorityand the Stadium Authority, to commence and convene on December 8, 2022, at 5:00 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 - 5:00 PM | Special Meeting - 5:30 PM

5:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session meeting to order at 5:01 p.m.

Roll Call

Councilmember Park arrived at 5:02 p.m.

Councilmembers Watanabe and Hardy arrived at approximately 5:15 p.m.

Present: 5 - Councilmember Kevin Park, Vice Mayor Suds Jain, Councilmember Anthony Becker, Councilmember Raj Chahal, and Mayor Lisa M. Gillmor

Absent: 2 - Councilmember Kathy Watanabe, and Councilmember Karen Hardy

1. 22-1506 Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation to litigation
Number of potential cases: 1

Public Comment

There were none.

Convene to Closed Session (Council Conference Room)

Council convened into Closed Session 5:03 p.m.

5:30 PM SPECIAL MEETING

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

Absent: 1 - Council/Boardmember Kevin Park

Call to Order

Mayor/Chair Gillmor called the Open Session to order at 6:32 p.m.

Pledge of Allegiance and Statement of Values

Council/Board recited the Pledge of Allegiance.

Council/Boardmember Chahal read the Statement of Values.

Deputy City Clerk/Secretary Estabillo recited the AB23 Announcement and the Statement of Behavioral Standards.

Deputy City Clerk/Secretary Estabillo also 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

Mayor/Chair Gillmor stated there were no reportable actions taken in Closed Session.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

There were none.

CONSENT CALENDAR

Vice Mayor/Chair Jain and **Council/Boardmember Chahal** pulled Item 2.B from the Consent Calendar.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve the balance of the Consent Calendar (except Item 2.B).

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

Absent: 1 - Council/Boardmember Park

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

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

Absent: 1 - Council/Boardmember Park

2.A 22-1368 Action on a Joint Resolution Delegating Authority to the City Manager/Executive Director for City/Santa Clara Stadium Authority/Contract Administrator for Sports and Open Space Authority/Executive Director for Housing Authority During the period from December 14, 2022 to January 9, 2023

Recommendation: That the City Council/Stadium Authority Board/Sports and Open Space Authority/Housing Authority:

Adopt a Joint Resolution delegating authority to the City Manager/Executive Officer for City/Santa Clara Stadium Authority/Contract Administrator for Sports and Open Space Authority/Executive Director for Housing Authority to approve project related documents during the period from December 14, 2022 to January 9, 2023 and requiring the City Manager/Executive Director/Contract Administrator to submit a report on actions taken during the Council recess at a City Council/Stadium Authority/Sports and Open Space Authority/Housing Authority meeting in January 2023.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adopt Resolution 22-9174 delegating authority to the City Manager/Executive Officer for City/Santa Clara Stadium Authoirty/Contract Administrator for Sports and Open Space Authority/Executive Director for Housing Authority to approve project related documents during the period from December 14, 2022 to January 9, 2023 and requiring the City Manager/Executive Director/Contract Administrator to submit a report on actions taken during the Council recess at City Council/Stadium Authority/Sports and Open Space Authority/Housing Authority meeting in January 2023.

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

Absent: 1 - CouncilBoardmember Park

2.C 22-1482 Action on License Agreement with Related Santa Clara Granting Temporary Right of Entry to City-Owned Tasman Garage Located at 2525 Tasman Drive

Recommendation: Alternative 1: Authorize the City Manager to negotiate and execute the License Agreement granting temporary right of entry with Related Santa Clara to the City-owned Tasman Garage to construct pedestrian and vehicle connections from the Related Santa Clara project to the City garage located at 2525 Tasman Drive.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve staff recommendation.

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

Absent: 1 - Council/Boardmember Park

2.D 22-987 Action on Agreements for Professional Services for the Benton Bicycle Lanes, De La Cruz Boulevard Class IV Bikeway, Monroe Street Class II Buffered Bikeway, and Walsh Avenue Class IV Bikeway Projects and Related Budget Amendments

Recommendation:

1. Authorize the City Manager to negotiate and execute an agreement with Alta Planning + Design, Inc. to provide professional bike planning services for the Benton Bicycle Lanes project for a maximum compensation of $285,669 and for the Monroe Street Class II Buffered Bikeway project for a maximum compensation of $263,700 for an initial three-year term with a total maximum compensation not-to-exceed $549,369;
2. Authorize the City Manager to negotiate and execute an agreement with Kimley-Horn and Associates, Inc. to provide professional bike planning services for the De La Cruz Boulevard Class IV Bikeway project for an initial three-year term with maximum compensation not-to-exceed $250,083;
3. Authorize the City Manager to negotiate and execute an agreement with TJKM Transportation Consultants to provide professional bike planning services for the Walsh Avenue Class IV Bikeway project for an initial three-year term with maximum compensation not-to-exceed $301,708;
4. Authorize the City Manager to make modifications to all three agreements, if necessary and to extend the term; and
5. Consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the* ***affirmative votes of at least five members*** *so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget*," approve the FY 2022/23 budget amendment in the Streets and Highways Capital Fund to increase the De La Cruz Boulevard Class IV Bikeway Study Project by $50,083, increase the Walsh Avenue Class IV Bikeway Study Project by $51,708, increase the Monroe Street Class II Buffered Bike Lane Study Project by $63,700, and decrease the Pedestrian and Bicycle Enhancement Facilities Project by $165,491.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve staff recommendation.

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

Absent: 1 - Council/Boardmember Park

2.E 22-1458 Action on First Amendment to Disposition and Development Agreement with Related Santa Clara for the Development of 240-acres of City-Owned Property located at 5155 Stars and Stripes Drive

Recommendation: Approve and authorize the City Manager to execute First Amendment to Disposition and Development Agreement with Related Santa Clara for the Related Santa Clara development located at 5155 Stars and Stripes Drive.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve staff recommendation.

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

Absent: 1 - Council/Boardmember Park

2.F 22-1477 Action on First Amendment to Landfill Post-Closure Operation and Management Agreement with Related Santa Clara for the Related Santa Clara project located on Former City All-Purpose Landfill at 5155 Stars and Stripes Drive

Recommendation: Approve and authorize the City Manager to execute the First Amendment to Landfill Post-Closure Operation and Management Agreement.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to approve staff recommendation.

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

Absent: 1 - Council/Boardmember Park

PUBLIC PRESENTATIONS

22-1531 PUBLIC PRESENTATIONS

Kirk Vartan spoke about Section 8.07 of the City Charter.

CONSENT ITEMS PULLED FOR DISCUSSION

2.B 22-951 Action on a Purchase Order with One Day Installation and Repairs, Inc. for Work Related to the Fire Damage at Eddie Souza Park Building; Related Budget Amendment; and Class 1 CEQA Categorical Exemption

Recommendation:

1. Authorize the City Manager to execute a purchase order with One Day Installation and Repairs, Inc. in the amount of $259,000 for base services related to fire damage repairs at the Eddie Souza park Building;
2. Authorize a contingency of $41,000 for any unforeseen conditions that may arise during the project for a total amount not-to-exceed $300,000;
3. Authorize the City Manager to execute all documents associated with the project including necessary paperwork and reimbursement documents with the City's insurer, McLarens;
4. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301; and
5. Approve the following FY 2022/23 Budget Amendments **(five affirmative Council votes required)**:
   A. In the Parks and Recreation Capital Fund, increase the Other Revenue estimate by $275,000, increase the Transfer from the General Fund by $25,000 and establish an Eddie Souza Park Building Repair project in the amount of $300,000.
   B. In the General Fund, increase the Transfer to the Parks and Recreation Capital Fund by $25,000 and decrease the Land Sale Reserve by $25,000.

Vice Mayor Jain asked questions regarding the fire damages sustained at the community garden at Eddie Souza Park.

Councilmember Chahal provided comments regarding the time frame it took to repair the restroom at Eddie Souza Park.

City Manager Batra responded to the questions.

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

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

Absent: 1 - Council/Boardmember Park

PUBLIC HEARING/GENERAL BUSINESS

3. 22-1426 Action on a Draft Response to the October 7, 2022 Santa Clara County Civil Grand Jury Report, “If You Only Read the Ballot, You’re Being Duped”

Recommendation:

Approve the draft response to the 2022 Santa Clara County Civil Grand Jury Report “If You Only Read the Ballot, You’re Being Duped”

Assistant City Attorney Liz Klotz provided a PowerPoint presentation.

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

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

Absent: 1 - Council/Boardmember Park

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

Councilmember Becker requested to have Agenda Item 5 be heard prior to Agenda Item 4.

Mayor Gillmor moved Agenda Item 4 to be heard before Agenda Item 5.

5. 22-1509 Action on a Written Petition (Council Policy 030), Submitted by Joseph P. Goschy Requesting to Place an Agenda Item on a Future Council Meeting for Council to Address Noise Violations from New Construction that was Approved by the City

Recommendation: Staff makes no recommendation.

Petitioner Joseph P. Goschy was called to speak.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to refer this Written Petition to the City Manager and to return to Council with an update.

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

Absent: 1 - Council/Boardmember Park

PUBLIC HEARING/GENERAL BUSINESS

4. 22-1501 Action on the Council/Board's Comment to the October 10, 2022 Santa Clara County Civil Grand Jury Report: "Unsportsmanlike Conduct: Santa Clara City Council."

Recommendation:

1. Consider the draft comment to the Report, including a date to implement Recommendation 4b, and propose any other revisions to the draft comment.
2. Approve the final version of the draft comment ("Comment to the Civil Grand Jury Report").
3. Authorize Mayor/Board Chair to submit the Council/Board's Comment to the Civil Grand Jury Report subject only to technical, conforming, non-substantive modifications prepared by the City Attorney's Office, to the Honorable Beth McGowan, Presiding Judge, Superior Court of California, County of Santa Clara, 191 North First Street, San Jose, California 95113, no later than Monday, January 9, 2023.

Interim City Attorney Ngo presented the staff report and stated that a Council consensus is needed on a date to implement Finding 4B of the Grand Jury Report.

Council discussion ensued.

Public Speaker was called.

A motion was made by Council/Boardmember Hardy seconded by Council/Boardmember Becker to receive the World Cup 2026 bid by February 1, 2023, and implement Recommendation 4B by end of 2023.

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

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

Absent: 1 - Council/Boardmember Park

Council discussion was held on submitting a dissenting opinion with the City's response to the Grand Jury Report.

Public Speakers:
Public Speaker
Nancy Biagini

A motion was made by Council/Boardmember Hardy, seconded by Council/Boardmember Becker, to approve staff recommendation and to include a cover memo to the Grand Jury Report response stating the decision was not unanimous.

Aye: 4 - Vice Mayo/Chairr Jain, Council/Boardmember Becker, Council/ Boardmember Chahal, and Council/boardmember Hardy

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

Absent: 1 - Council/Boardmember Park

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

There were none.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

There were none.

22-1508 Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

A motion by Council/Boardmember Becker, seconded by Council/ Boardmember Chahal, to adjourn the meeting at 7:44 p.m.

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

Absent: 1 - Council/Boardmember Park

The next regular scheduled meeting is on Tuesday, December 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.

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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.