City of Santa Clara

Draft

Minutes

Council and Authorities Concurrent

Call and Notice of Special Meeting

Santa Clara Stadium Authority

06/27/2023 **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:
  - https://santaclaraca.zoom.us/j/99706759306

    Meeting ID: 997-0675-9306

  - 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 Santa 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 many contact the Office of the City Clerk at (408) 615-2220 or Clerk@santaclaraca.gov.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Governing Board of the Stadium Authority, to commence and convene on June 27, 2023, at 4:30 pm for a Special Meeting to be held virtually and in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

Closed Session - 4:30 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 4:34 p.m.

Roll Call

Council/Boardmember Hardy arrived at 4:40 p.m.

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

1. 23-552 Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(2) - Exposure to litigation
Number of potential cases: 1
Facts and Circumstances: Claim of Moonlite Associates, LLC (attached)

Public Comment

There were none.

Convene to Closed Session (Council Conference Room)

Council convened into Closed Session at 4:35 p.m.

7:00 PM COUNCIL/SPECIAL STADIUM AUTHORITY MEETING

Call to Order

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 AB 23 Announcement and Behavioral Standards.

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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Googins stated there were no reportable actions.

Mayor Gillmor stated that **City Manager Grogan** is on vacation and that **Assistant City Manager/Chief Utility Officer Pineda** will be Acting City Manager in his place.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Council/Boardmember Jain requested to have Item 8 heard after Public Presentations.

SPECIAL ORDER OF BUSINESS

2.A 23-820 Proclaim Portuguese National Heritage Month for June 2023

Mayor Gillmor proclaimed June as Portuguese National Heritage Month.

Manuel Silveira, President of the Sociedade do Espírito Santo (S.E.S.) Hall, accepted the proclamation.

2.B 23-485 Recognition of the Santa Clara Women's League donation of $8,000 to support the Senior Center Health & Wellness Case Management Program and the "Be Strong, Live Long 2023" Health & Wellness Fair

Nancy Velasco, President of the Women's League, presented a donation of $8,000 to support the Senior Center Heath & Wellness Case Management Program and the "Be Strong, Live Long 2023" Health & Wellness Fair.

2.C 23-806 Recognition of Silicon Valley Central Chamber of Commerce Board of Directors

Mayor Gillmor recognized the new Board of Directors of the Silicon Valley Central Chamber of Commerce.

Silicon Valley Central Chamber of Commerce President Elnaz Masoom spoke about the Chamber of Commerce's new **Chief Executive Officer Habir Bhatra**.

Mayor Gillmor introduced new Silicon Valley Central Chamber of Commerce Board of Directors **Elnaz Masoom, Franchesca Lacanlale, Joe Siecinski, Teresa O'Neill, Satish Ullal, Ana Vargas-Smith, Mike Wallace,** and **Gary Nobile** and administered the Chamber of Commerce's Oath of Office.

CONSENT CALENDAR

Mayor/Chair Gillmor stated she is abstaining from Item 3.J due to a potential conflict of interest.

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

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

3.A 23-801 Action on the Minutes of April 25, 2023 Council Special Meeting; May 5, 2023 Adjourned and Reconvened Special Council Meeting; May 9, 2023 Council and Authorities Concurrent; and May 23, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting

Recommendation: Approve the Minutes of April 25, 2023 Council Special Meeting; May 5, 2023 Adjourned and Reconvened Special Council Meeting; May 9, 2023 Council and Authorities Concurrent; and May 23, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting.

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Jain, to approve the minutes of the April 25, 2023 Council Special Meeting; May 2, 2023 Adjourned and Reconvened Special Council Meeting; May 9, 2023 Council and Authorities Concurrent Meeting; and the May 23, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting.

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

3.B 23-15 Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Board of Library Trustees Minutes - April 3, 2023 Minutes - Draft
Cultural Commission - May 1, 2023

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to note and file the minutes of the April 3, 2023 Board of Library Trustees meeting and the May 1, 2023 Cultural Commission meeting.

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

3.C 23-727 Action on Monthly Financial Status and Investment Reports for April 2023 and Approve the Related Budget Amendments

Recommendation: Note and file the Monthly Financial Status and Investment Reports for April 2023 as presented and Approve the Related Budget Amendments (five affirmative Council votes required to appropriate additional revenue or for the use of unused balances).

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to note and file the Monthly Financial Status and Investment Reports for April 2023 as presented and approve the related budget amendments.

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

3.D 23-424 Action on Award of Contract for the City of Santa Clara Utilities Corporation Yard Renovation Project to Ron Paris Construction

Recommendation:

1. Determine the proposed action is exempt pursuant to Class 1 (Existing Facilities) of CEQA Guidelines Section 15301;
2. Award the Public Works Contract for the City of Santa Clara Utilities Corporation Yard Renovation Project to the lowest responsive and responsible bidder, Ron Paris Construction, in the amount of $704,248 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in a final form approved by the City Attorney; and
3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or $105,637, for a total not-to-exceed amount of $809,885.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to determine the proposed action is exempt pursuant to Class 1 (Existing Facilities) of CEQA Guidelines Section 15301; award the Public Works Contract for the City of Santa Clara Utilities Corporation Yard Renovation Project to the lowest responsive and responsible bidder, Ron Paris Construction, in the amount of $704,248 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in a final form approved by the City Attorney; and authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or $105,637, for a total not-to-exceed amount of $809,885.

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

3.E 23-525 Actions on Award of Contract for the 2023 Americans with Disabilities Act (ADA) Curb Ramps Project to Villalobos & Associates, Inc., and Related Budget Amendments

Recommendation:

1. Determine the proposed project qualifies for a Categorical Exemption under CEQA Guidelines Section 15301;
2. Award the Public Works Contract for the 2023 ADA Curb Ramps Project to the lowest responsive and responsible bidder, Villalobos & Associates, Inc., in the amount of $470,733, funded in the Streets and Highways Capital Fund, and authorize the City Manager to execute any and all documents, in a final form approved by the City Attorney, associated with, and necessary for the award, completion, and acceptance of this Project;
3. Authorize the City Manager to execute change orders up to 10 percent of the original contract price, or $47,073, for a total not to exceed amount of $517,806, funded in the Streets and Highways Capital Fund; and
4. Approve the following FY 2022/23 Budget Amendments:
   A. In the Water Utility Capital Fund, establish a transfer of $1,500 to the Streets and Highways Capital Fund and decrease the Unrestricted Ending Fund Balance in the amount of $1,500 **(five affirmative Council votes required for the use of unused balances)**;
   B. In the Streets and Highways Capital Fund, recognize a transfer in from the Water Utility Capital Fund in the amount of $1,500, decrease the Annual Curb Ramp Installation project in the amount of $207,228, and increase the Citywide Priority Curb Ramp project in the amount of $208,728 **(five affirmative Council votes required to appropriate additional revenue)**.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to determine the proposed project qualifies for a Categorical Exemption under CEQA Guidelines Section 15301; to award the Public Works Contract for the 2023 ADA Curb Ramps Project to the lowest responsive and responsible bidder, Villalobos & Associates, Inc., in the amount of $470,733, funded in the Streets and Highways Capital Fund, and authorize the City Manager to execute any and all documents, in a final form approved by the City Attorney, associated with, and necessary for the award, completion, and acceptance of this Project; to authorize the City Manager to execute change orders up to 10 percent of the original contract price, or $47,073, for a total not to exceed amount of $517,806, funded in the Streets and Highways Capital Fund; and approve the following FY 2022/23 Budget Amendments: a) In the Water Utility Capital Fund, establish a transfer of $1,500 to the Streets and Highways Capital Fund and decrease the Unrestricted Ending Fund Balance in the amount of $1,500; b) In the Streets and Highways

Capital Fund, recognize a transfer in from the Water Utility Capital Fund in the amount of $1,500, decrease the Annual Curb Ramp Installation project in the amount of $207,228, and increase the Citywide Priority Curb Ramp project in the amount of $208,728.

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

3.F 23-588 Action on Award of Contract for the Westwood Oaks Park Playground Rehabilitation Project to Robert A. Bothman Construction and Related Budget Amendments

Recommendation:

1. Determine the project to be exempt from CEQA under Public Resources Code Section 15302 (Class 2 Categorical Exemption); Section 15303 (Class 3 Categorical Exemption); and Section 15304 (Class 4 Categorical Exemption);
2. Award the Public Works Contract for the Westwood Oaks Park Playground Rehabilitation Project to the lowest responsive and responsible bidder, Robert A. Bothman Construction, in the amount of $2,767,000 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in final forms approved by the City Attorney;
3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or $415,050, for a total not-to-exceed amount of $3,182,050 funded by the Parks and Recreation Capital Fund; and
4. Approve the following FY 2023/24 budget amendment in the Parks and Recreation Capital Fund to increase the Westwood Oaks Park Playground Rehabilitation project appropriation by $1,421,000 and decrease the Parks and Recreation Capital Fund Mitigation Fee Act fund balance by the same amount **(five affirmative Council votes required for the use of unused balances).**

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to determine that the project is exempt from CEQA under Public Resources Code Section 15302 (Class 2 Categorical Exemption); Section 15303 (Class 3 Categorical Exemption); and Section 15304 (Class 4 Categorical Exemption); award the Public Works Contract for the Westwood Oaks Park Playground Rehabilitation Project to the lowest responsive and responsible bidder, Robert A. Bothman Construction, in the amount of $2,767,000 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in final forms approved by the City Attorney; authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or $415,050, for a total not-to-exceed amount of $3,182,050 funded by the Parks and Recreation Capital Fund; and approve the following FY 2023/24 budget amendment in the Parks and Recreation Capital Fund to increase the Westwood Oaks Park Playground Rehabilitation project appropriation by $1,421,000 and decrease the Parks and Recreation Capital Fund Mitigation Fee Act

fund balance by the same amount.

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

3.G 23-677 Action on Award of Purchase Orders for Citywide As-Needed Interior and Exterior Painting Services

Recommendation:

1. Authorize the City Manager to execute Purchase Orders with Armstrong Painting, Inc., Fairway Painting, and Aiden's Quality Painting, Inc. for as-needed interior and exterior painting services for an initial one-year term starting on or around July 1, 2023 and ending on or around June 30, 2024 for a maximum aggregate amount not-to-exceed $200,000, funded by various City funds; and
2. Authorize the City Manager to exercise up to four one-year options to extend the term of the Purchase Orders, subject to compensation increases consistent with market rates not-to-exceed $250,000 per year and the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to authorize the City Manager to execute purchase orders with Armstrong Painting, Inc., Fairway Painting, and Aiden's Quality Painting, Inc. for as-needed interior and exterior painting services for an initial one-year term starting on or around July 1, 2023 and ending on or around June 30, 2024 for a maximum aggregate amount not-to-exceed $200,000, funded by various City funds; and authorize the City Manager to exercise up to four one-year options to extend the term of the Purchase Orders, subject to compensation increases consistent with market rates not-to-exceed $250,000 per year and the appropriation of funds.

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

3.H 23-732 Actions on a Density Bonus Agreement (DBA) with Santa Clara Pacific Associates to Allow a Multifamily Housing Development with 198 Affordable Rental Units at 80 Saratoga Avenue and Delegation of Authority to the City Manager to Negotiate and Execute Future DBAs in Accordance with Santa Clara City Code Section 18.78.060.

Recommendation:

1. Approve and authorize the City Manager or designee, to execute the Density Bonus Agreement with Santa Clara Pacific Associates for a 200 affordable housing project at 80 Saratoga Avenue on the terms presented, in a final form approved by the City Attorney.
2. Adopt a Resolution delegating to the City Manager the authority to negotiate, execute, or amend Density Bonus Agreements in accordance with the provisions of Santa Clara City Code Section 18.78.060, subject to final review and approval of such agreements by the Office of the City Attorney. All projects requiring an exception or modification to the City's standard Density Bonus Agreement shall continue to be brought to the City Council for approval.

Public Comment:
Alex Shoor

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve and authorize the City Manager or designee, to execute the Density Bonus Agreement with Santa Clara Pacific Associates for a 200 affordable housing project at 80 Saratoga Avenue on the terms presented, in a final form approved by the City Attorney; and adopt Resolution 23-9238 delegating to the City Manager the authority to negotiate, execute, or amend Density Bonus Agreements in accordance with the provisions of Santa Clara City Code Section 18.78.060, subject to final review and approval of such agreements by the Office of the City Attorney.

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

3.I 23-481 Action on Amendment No. 1 with PFM Asset Management LLC for Investment Management Services

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with PFM Asset Management LLC for Investment Management Services to extend the initial term of the Agreement to end on July 31, 2028 and increase compensation by $1,625,000 for a revised total maximum amount not to exceed $2,465,000, subject to the appropriation of funds; and
2. Authorize the City Manager to exercise options, by an amendment of the Agreement subject to review and approval as to form by the City Attorney, to extend the term of the Agreement for two additional years to July 31, 2030 and increase compensation by $686,000 for a revised total maximum amount not to exceed $3,151,000, subject to the appropriation of funds.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve and authorize the City Manager to execute Amendment No. 1 to the agreement with PFM Asset Management LLC for investment management services to extend the initial term of the agreement to end on July 31, 2028 and increase compensation by $1,625,000 for a revised total maximum amount not to exceed $2,465,000, subject to the appropriation of funds; and authorize the City Manager to exercise options, by an amendment of the Agreement for two additional years to July 31, 2030 and increase compensation by $686,000 for a revised total maximum amount not to exceed $3,151,000, subject to the appropriation of funds.

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

3.J 23-759 Action on Amendment No. 4 with Wallace Roberts and Todd, LLC (WRT) to Add Two Study Cities to the City Hall Relocation Study and Related Budget Amendment

Recommendation: 1. Authorize the City Manager to execute Amendment No. 4 to the Agreement with Wallace Roberts and Todd, LLC (WRT) for the City Hall Relocation Study, in a final form approved by the City Attorney, at a total cost not to exceed $16,000, funded by the General Fund; and
2. Approve the following FY 2023/24 budget amendment, subject to approval of the FY 2023/24 and FY 2024/25 operating budget:

A. In the General Fund, increase the transfer to the General Government Capital Fund by $16,000 and reduce the Budget Stabilization Reserve by $16,000 **(five affirmative Council votes required for the use of unused balances)**; and

B. In the General Government Capital Fund, recognize a transfer of $16,000 from the General Fund Budget Stabilization Reserve and increase the Precise Plan for Downtown project by $16,000 **(five affirmative Council votes required to appropriate additional revenue).**

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to authorize the City Manager to execute Amendment No. 4 to the Agreement with Wallace Roberts and Todd, LLC (WRT) for the City Hall Relocation Study, in a final form approved by the City Attorney, at a total cost not to exceed $16,000, funded by the General Fund; and approve the following FY 2023/24 budget amendment, subject to approval of the FY 2023/24 and FY 2024/25 operating budget: a) in the General Fund, increase the transfer to the General Government Capital Fund by $16,000 and reduce the Budget Stabilization Reserve by $16,000; and b) in the General Government Capital Fund, recognize a transfer of $16,000 from the General Fund Budget Stabilization Reserve and increase the Precise Plan for Downtown project by $16,000.

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

Abstained: 1 - Mayor Gillmor

3.K 23-687 Action on a Resolution Authorizing the Use of City Electric Forces at Various Locations

Recommendation: Determine the proposed actions are exempt from CEQA pursuant to Sections 15302 (c) and 15303 of Title 14 of the California Code of Regulations and adopt a Resolution authorizing the use of City Electric Forces for work detailed in this Report to Council located at 2300 Calle de Luna and 2920 Scott Boulevard.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to determine the proposed actions are exempt from CEQA pursuant to Sections 15303 of Title 14 of the California Code of Regulations and adopt Resolution 23-9239 authorizing the use of City Electric Forces for work detailed in this Report to Council located at 2300 Calle de Luna and 2920 Scott Boulevard.

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

3.L 23-830 Action to Adopt a Resolution to Provide Santa Clara Small Businesses Reporting 49 or Fewer Employees a One-Time Subsidy to Help Offset Costs of Modernized Business License Taxes Using Existing Silicon Valley Chamber of Commerce Settlement Funds Up to $330,000

Recommendation: Adopt a Resolution to provide a one-time subsidy to small businesses located in Santa Clara reporting 49 or fewer employees, applied upon business license tax renewal for Fiscal Year 2023/24, using existing Silicon Valley Chamber of Commerce settlement funds on a first come first serve basis in an amount not to exceed $330,000.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to adopt Resolution 23-9240 to provide a one-time subsidy to small businesses located in Santa Clara reporting 49 or fewer employees, applied upon business license tax renewal of Fiscal Year 2023/24, using existing Silicon Valley Chamber of Commerce settlement funds on a first come first serve basis in an amount not to exceed $330,000.

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

3.M 23-756 Approve a Silicon Valley Power One-Time Climate Credit for Small Commercial (C-1) Customers

Recommendation: Approve a Silicon Valley Power one-time $70 Climate Credit for all C-1 customers.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve a Silicon Valley Power one-time $70 Climate Credit for all C-1 customers.

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

3.N 23-734 Overview of the Citywide Risk Assessment and Proposed 2023 and 2024 Internal Audit Work Plans

Recommendation: Note and file the citywide risk assessment report from Baker Tilly, LLC and note the proposed 2023 and 2024 audit work plans as approved by the Audit Committee.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to note and file the Citywide risk assessment report from Baker Tilly, LLC and note the proposed 2023 and 2024 audit work plans as approved by the Audit Committee.

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

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4. 23-815 Action to Authorize the City Manager to Negotiate and Execute a One-Year Municipal Law Enforcement Services Agreement Between the City of Santa Clara and the City of Milpitas for Supplemental Law Enforcement Services at Levi's Stadium Events; Action on a Resolution Delegating Authority to the City Manager to Negotiate and Execute Future Indemnity Agreements and Municipal Law Enforcement Services Agreements Between the City of Santa Clara and Other Public Safety Agencies for "Double-Badgers" or Supplemental Law Enforcement Services

Recommendation:

1. Authorize the City Manager to Negotiate and Execute a One-Year Municipal Law Enforcement Services Agreement Between Santa Clara and the City of Milpitas Police Department for Supplemental Law Enforcement Services at Levi's Stadium Events in a form approved by the City Attorney
2. Adopt a Resolution Delegating Authority to the City Manager to Negotiate and Execute Future Indemnity Agreements and Municipal Law Enforcement Services Agreements, in a form approved by the City Attorney, Between the City and other Public Safety Agencies for "Double-Badgers" or Supplemental Law Enforcement Services

A motion was made by Boardmember Becker, seconded by Boardmember Jain, to authorize the City Manager to negotiate and execute a one-year Municipal Law Enforcement Services Agreement between Santa Clara and the City of Milpitas Police Department for supplemental law enforcement services at Levi's Stadium events in a form approved by the City Attorney and adopt Resolution 23-9241 delegating authority to the City Manager to negotiate and execute future Indemnity Agreements and Municipal Law Enforcement Services Agreements, in a form approved by the City Attorney, between the City and other Public Safety Agencies for "Double-Badgers" or Supplemental Law Enforcement Services.

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

PUBLIC PRESENTATIONS

Vikas Gupta, Margaret Nolin, Karen Cornwell, Ta-Ko Chuang, Kathleen Hayner, Public Speaker (1), Rick Rutter, Kevin Zacher, and Public Speaker (1) spoke on the need to repair and open the International Swim Center.

Police Chief Nikolai addressed comments regarding discussion on changing the positions of Police Chief and City Clerk from elected to appointed positions as well as addressed comments regarding the Sister Cities program at the June 6, 2023 Council meeting.

Tedra Nikolai addressed comments made by Councilmember Park at the June 6, 2023 Council meeting regarding her participation in the Sister Cities program.

Margaret Horoszko addressed comments made regarding the Sister Cities program at the June 6, 2023 Council meeting.

Burt Field addressed comments made at the June 6, 2023 Council regarding Police Chief Nikolai and his family.

Brian Darby reminded Santa Clara residents to drive slower in City neighborhoods.

Don Heinsen requested **Councilmember Becker** to resign from City Council.

Laney Brown requested **Councilmember Becker** and **Councilmember Jain** to resign from City Council.

Vice Mayor Park shared comments on the International Swim Center.

CONSENT ITEMS PULLED FOR DISCUSSION

There were none.

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

8. 23-775 Action on a Written Petition (Council Policy 030), Submitted by Adam Thompson Requesting to Place an Agenda Item on a Future Council Meeting to Request that Council Reconsider the El Camino Real Specific Plan Committee Membership

Recommendation: Staff makes no recommendation.

Adam Thompson spoke on his Written Petition (Council Policy 030) requesting that the Council reconsider the El Camino Real Specific Plan Committee membership.

Council comments followed.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to place the Written Petition (Council Policy 030) requesting that the Council reconsider the El Camino Real Special Plan Committee membership on a future Council agenda for discussion.

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

Nay: 2 - Councilmember Watanabe, and Mayor Gillmor

PUBLIC HEARING/GENERAL BUSINESS

5. FISCAL YEAR 2023/24 AND FY 2024/25 BUDGET ACTION ITEMS

5.A 23-144 Public Hearing: Action on the Adoption of the Proposed FY 2023/24 & FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Improvement Program Changes

Recommendation:

1. Approve the Proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Budget changes, including the recommended revisions detailed in Attachment 2;
2. Approve the Appropriation Schedule for operating funds totaling $1,617,369,144 in FY 2023/24 and $1,374,568,875 in FY 2024/25 and the FY 2023/24 Appropriation Schedule for capital funds totaling $657,486,151 as detailed in Attachment 3;
3. Approve the Housing Authority FY 2023/24 expenditure budget of $457,193 and FY 2024/25 expenditure budget of $414,581 as presented in the Operating Budget;
4. Approve the Sports and Open Space Authority FY 2023/24 expenditure budget of $10,000 and FY 2024/25 expenditure budget of $10,200 as presented in the Operating Budget; and
5. Direct staff to bring forward a separate resolution to increase the Transient Occupancy Tax rate by one percentage point effective January 1, 2024.

Finance Director Lee provided a PowerPoint presentation report on the proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Improvement Program changes.

Council questions followed.

Public Comment:
Karen Cornwell

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

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

Council comments followed.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to approve the Proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Budget changes, including the recommended revisions detailed in Attachment 2; approve the Appropriation Schedule for operating funds totaling $1,617,369,144 in FY 2023/24 and $1,374,568,875 in FY 2024/25 and the FY 2023/24 Appropriation Schedule for capital funds totaling $657,486,151 as detailed in Attachment 3; approve the Housing Authority FY 2023/24 expenditure budget of $457,193 and FY 2024/25 expenditure budget of $414,581 as presented in the Operating Budget; approve the Sports and Open Space Authority FY 2023/24 expenditure budget of $10,000 and FY 2024/25 expenditure budget of $10,200 as presented in the Operating Budget; and direct staff to bring forward a separate resolution to increase the Transient Occupancy Tax rate by one percentage point effective January 1, 2024.

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

5.B 23-519 Action Establishing the City's Fiscal Year 2023/24 Appropriations Limit of $628,493,798 Pursuant to Article XIIIB of the California State Constitution.

Recommendation: Adopt a Resolution Establishing the City's Fiscal Year 2023/24 Appropriations Limit of $628,493,798 Pursuant to Article XIIIB of the California State Constitution.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker to adopt Resolution 23-9242 establishing the City's Fiscal Year 2023/24 Appropriations Limit of $628,493,798 pursuant to Article XIIIB of the California State Constitution.

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

Mayor Gillmor called for a recess at 9:41 p.m. and reconvened the meeting at 10:00 p.m.

7. 23-808 Note and File the Resolutions of the Salary Setting Commission Establishing as Unchanged the Salary for the positions of Mayor and Council and City Clerk, and increasing the Salary for the Position of Police Chief to $345,060/annually; and Action to Adopt a Resolution Approving and Adopting the Updated Unclassified/Elected Salary Plan for the position of Police Chief for the Period of July 1, 2023 through June 30, 2025 (DEFFERED FROM JUNE 6, 2023)

Recommendation:

1. Note and file the Resolutions of the Salary Setting Commission establishing the salary for the positions of Mayor and Council, Police Chief, and City Clerk; and
2. Adopt a Resolution to approve the revised Unclassified/Elected Salary Plan for the position of Police Chief, which reflects the salary increase granted by the Salary Setting Commission, to satisfy the requirements of California Code of Regulations Section 570.5, effective July 1, 2023.

Human Resources Director Acevedo provided a verbal report on the resolutions of the Salary Setting Commission establishing an unchanged salary for the positions of Mayor and Council and City Clerk and increasing the salary for the position of Police Chief.

Council comments and questions followed.

Human Resources Director Acevedo responded to **Council** questions.

Public Comment:
Brian

A motion was made by Councilmember Watanabe, seconded by Councilmember Becker, to note and file the resolutions of the Salary Setting Commission establishing the salary for the positions of Mayor and Council, Police Chief, and City Clerk; and adopt Resolution 23-9244 to approve the revised Unclassified/Elected Salary Plan for the position of Police Chief, which reflects the salary increase granted by the Salary Setting Commission, to satisfy the requirements of California Code of Regulations Section 570.5, effective July 1, 2023.

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

Nay: 1 - Vice Mayor Park

6. 23-819 Public Hearing: Action on Amendment to the City of Santa Clara General Plan-Re-Adoption of the 2023-2031 Housing Element with Revisions

Recommendation: Alternative: 1

1. Adopt a Resolution to amend the General Plan by re-adopting the Housing Element for the 2023-2031 Cycle.

Community Development Director Crabtree provided the PowerPoint presentation on the revised 2023-2031 Housing Element.

Council comments and questions followed.

Public Comment:
Brian

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

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

Community Development Director Crabtree responded to **Council** questions.

By consensus, **Council** re-opened the Public Hearing.

Public Comment:
Sylvia Abboud

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

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

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to amend the General Plan by readopting a revised Housing Element, including staff's alternative language on adding units to the Tasman Specific Plan and staff's proposed alternative on labor friendly policies presented as Alternative 3.

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

Nay: 1 - Vice Mayor Park

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor reported she attended Conference on California Center for Cooperative Development in May 4-5, 2023 as well as the American Public Power Association National Conference in Seattle, WA on June 16-21, 2023.

Councilmember Watanabe reported that she also attended American Public Power Association National Conference in Seattle, WA on June 16-21, 2023.

Councilmember Hardy shared that the by 2028, the Bay Area Water Supply and Conservation Agency (BAWSCA) will include Santa Clara/San Jose as full members of the agency.

Vice Mayor Park reported that he along with **Councilmember Chahal** met with the **City of Fullerton Mayor Jung** and delegates from Fullerton's Sister City of Seongnam, South Korea.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

There were none.

23-843 Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

A motion was made by Council/Boardmember Becker, seconded by Council/Boardmember Hardy, to adjourn the meeting at 11:43 p.m.

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

The next regular scheduled meeting is on Tuesday, July 11, 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.