



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

11/07/2023

5:30 PM

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

Councilmember Chahal participated from the following location:
224 Av Aristide Briand, 93150 Le Blanc Mesnil, France

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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Joint Dinner - 5:30 PM | Regular Meeting - 7:00 PM

5:30 PM JOINT DINNER

Call to Order in the Council Chambers

Mayor Gillmor called the meeting to order at 5:33 p.m.

Roll Call

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

1. [23-860](#) Joint Dinner Meeting with City Council and Bicycle and Pedestrian Advisory Committee

Council and the **Bicycle, Pedestrian Advisory Committee (BPAC)** held a joint dinner.

Public Works Assistant Director Liw gave a Powerpoint presentation which outlined BPAC's accomplishments and provided a list of the 2024 BPAC Workplan and Priorities.

Committee and **Council** comments followed.

The joint dinner concluded at 6:37 p.m.

7:00 PM COUNCIL REGULAR MEETING

Call to Order in the Council Chambers

Mayor Gillmor called the meeting to order at 7:01 p.m.

Pledge of Allegiance and Statement of Values

Council recited the Pledge of Allegiance.

Councilmember Jain recited the Statement of Values.

Assistant City Clerk Pimentel recited the AB23 announcement and Statement of Behavioral Standards.

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

Mayor Gillmor asked for a moment of silence in memory of former **Mayor and Councilmember Patricia "Patty" Mahan**.

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

Mayor Gillmor requested to move Item 5 up to be heard first under Public Hearing/General Hearing.

SPECIAL ORDER OF BUSINESS

2.A [23-1368](#) Proclamation in Recognition of Former Mayor and Councilmember Patricia "Patty" Mahan

Mayor Gillmor recognized the contributions of **Patricia "Patty" Mahan** and presented a proclamation in her honor to members of her family.

Council remarks followed.

Patty Mahan's husband **John Boyle** and sister **Jeannie** made remarks.

Public Comment:
Mary Grizzle

2.B [23-1106](#) Proclaim Sikh American Awareness and Appreciation Month

Mayor Gillmor proclaimed November as Sikh American Awareness and Appreciation month.

Harpreet Singh Kohli along with **Silicon Valley Gurwara** accepted the proclamation and made a few remarks.

2.C [23-1107](#) Proclaim the Celebration of Diwali in the City of Santa Clara

Mayor Gillmor recognized the Celebration of Diwali, the Festival of Lights, in the City of Santa Clara.

Nilay Varshney, Laasya Pandravada, Swarada Ghawde, Lavitr Dhir, and Neetu Garg gave a Powerpoint presentation on the Diwali celebration.

Council comments followed.

CONSENT CALENDAR

Mayor Gillmor stated she is abstaining from voting on Item 3.D due to a potential conflict of interest as one of her properties is within 500 feet of the project.

Councilmember Jain stated he is also abstaining from voting on Item 3.D due to a potential conflict of interest as the project is running within 500 feet of his property. He also stated he was abstaining from voting on Item 3.A the August 22, 2023 minutes as he was not present at that meeting.

Councilmember Chahal stated he is abstaining from voting on Item 3.I due to a potential conflict of interest as his property lies within 500 feet of the project.

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

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

- 3.A** [23-1354](#) Action on the Minutes of August 22, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting; August 29, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; September 12, 2023 Council and Authorities Concurrent; and September 19, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority

Recommendation: Approve the Minutes of August 22, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting; August 29, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; September 12, 2023 Council and Authorities Concurrent; and September 19, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority

Councilmember Jain abstained from voting on approving the August 22, 2023 Joint Council and Authorities Concurrent and Stadium Authorities minutes as he was not present at that meeting.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to approve the minutes of August 22, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting.

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

Abstained: 1 - Councilmember Jain

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to approve the minutes of the August 29, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; September 12, 2023 Council and Authorities Concurrent meeting; and September 19, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority meeting.

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

3.B [23-24](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Bicycle & Pedestrian Advisory Committee - August 28, 2023
Historical and Landmarks Commission - September 7, 2023
Parks & Recreation Commission - September 19, 2023
Senior Advisory Commission - September 25, 2023
Planning Commission - October 11, 2023

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to note and file the minutes of the August 28, 2023 Bicycle & Pedestrian Advisory Committee meeting; the September 7, 2023 Historical and Landmarks Commission meeting; the September 19, 2023 Parks & Recreation Commission meeting; the September 25, 2023 Senior Advisory Commission meeting, and the October 11, 2023 Planning Commission meeting.

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

3.C [23-829](#) Action on Award of Purchase Order with St. Francis Electric for Upgrading Pedestrian Signal and Luminaire Lighting at Traffic Signals to LED

Recommendation: 1. Determine the project to be exempt from CEQA under Public Resources Code Section 15301 (Class 1 Categorical Exemption).
2. Authorize the City Manager to execute a purchase order with St. Francis Electric for upgrading pedestrian signal and luminaire lighting at traffic signals to LED for a one-year term starting on or about November 6, 2023, for a maximum not-to-exceed amount of \$552,000 with an option to extend the purchase order for one additional year on the same terms, in a final form approved by the City Attorney.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to determine the project to be exempt from CEQA under Public Resources Code Section 15301 (Class 1 Categorical Exemption); and authorize the City Manager to execute a purchase order with St. Francis Electric for upgrading pedestrian signal and luminaire lighting at traffic signals to LED for a one-year term starting on or about November 6, 2023, for a maximum not-to-exceed amount of \$552,000 with an option to extend the purchase order for one additional year on the same terms, in a final form approved by the City Attorney.

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

- 3.D** [23-1151](#) Action on Award of Contract for the Intelligent Transportation Systems Rehabilitation Phase 2 Project to Bear Electric Solutions, Inc. and Related Budget Amendment

Recommendation:

1. Determine the project to be exempt under CEQA Guidelines Section 15301 (Class 1) Categorical Exemption;
2. Award the Public Works Contract for the Intelligent Transportation Systems Rehabilitation Phase 2 Project to the lowest responsive and responsible bidder, Bear Electric Solutions, Inc., in the amount of \$1,267,360 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 10 percent of the original contract price, or \$126,736, for a total not-to-exceed amount of \$1,394,096;
4. Approve the FY 2023/24 budget amendment in the Streets and Highways Capital Fund to decrease the Traffic Signal Interconnect Upgrade Project by \$804,198 and increase the Santa Clara Citywide ITS Project 2 by \$804,198 (**majority affirmative Council votes required**).

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to determine the project to be exempt under CEQA Guidelines Section 15301 (Class 1) Categorical Exemption; award the Public Works Contract for the Intelligent Transportation Systems Rehabilitation Phase 2 Project to the lowest responsive and responsible bidder, Bear Electric Solutions, Inc., in the amount of \$1,267,360 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 10 percent of the original contract price, or \$126,736, for a total not-to-exceed amount of \$1,394,096; and approve the FY 2023/24 budget amendment in the Streets and Highways Capital Fund to decrease the Traffic Signal Interconnect Upgrade Project by \$804,198 and increase the Santa Clara Citywide ITS Project 2 by \$804,198.

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

Abstained: 2 - Councilmember Jain, and Mayor Gillmor

- 3.E [23-1174](#) Action to Authorize the City Manager to Execute Agreements with TOD Brokaw, LLC for the Construction of Park Improvements and the Maintenance of the Parks within the Gateway Crossings Mixed-Use Development at Developer's Sole Cost

Recommendation: Authorize the City Manager to execute the Park Improvement Agreement and the Park Maintenance Agreement with TOD Brokaw, LLC on substantially the terms and in the forms presented, with such minor, non-substantive changes and amendments that may be necessary to implement the project, in final forms approved by the City Attorney.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to authorize the City Manager to execute the Park Improvement Agreement and the Park Maintenance Agreement with TOD Brokaw, LLC on substantially the terms and in the forms presented, with such minor, non-substantive changes and amendments that may be necessary to implement the project, in final forms approved by the City Attorney.

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

3.F [23-1310](#)

Action on a Model Interconnection Agreement for Generating or Storage Facilities, Ratification of Previously Executed Interconnection Agreements, and Authorization to Execute Future Interconnection Agreements

Recommendation:

1. Approve a model Interconnection Agreement for Generating and Storage Facilities (Interconnection Agreement) in the form attached hereto;
2. Authorize the City Manager or their designee (a) to execute future Interconnection Agreements using the model form, with any revisions, modifications, or amendments thereto, which are necessary or advisable as determined by the City Attorney's Office so long as such revisions, modifications, or amendments do not result in additional material costs to the City, and (b) to take such actions as are necessary or advisable to implement and administer the Interconnection Agreements; and
3. Ratify Interconnection Agreements which have been previously executed by City staff.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to approve a model Interconnection Agreement for Generating and Storage Facilities (Interconnection Agreement) in the form attached hereto; authorize the City Manager or their designee (a) to execute future Interconnection Agreements using the model form, with any revisions, modifications, or amendments thereto, which are necessary or advisable as determined by the City Attorney's Office so long as such revisions, modifications, or amendments do not result in additional material costs to the City, and (b) to take such actions as are necessary or advisable to implement and administer the Interconnection Agreements; and ratify Interconnection Agreements which have been previously executed by City staff.

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

- 3.G [23-1202](#) Action on the Historic Preservation Agreement (Mills Act Contract) for 2566 Homestead Road

Recommendation: 1. Determine that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15331(Class 31 - Historical Resource Restoration / Rehabilitation); and
2. Authorize the City Manager to execute a Mills Act Contract in a final form approved by the City Attorney, and adopt the 10-Year Restoration and Maintenance Plan associated with the property at 2566 Homestead Road.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to determine that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15331(Class 31 - Historical Resource Restoration / Rehabilitation); and authorize the City Manager to execute a Mills Act Contract in a final form approved by the City Attorney, and adopt the 10-Year Restoration and Maintenance Plan associated with the property at 2566 Homestead Road.

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

- 3.H [23-1172](#) Action to Accept the FY 2023/24 California Library Literacy Services (CLLS) Grants for the Library Department's Read Santa Clara Program and Approve the Related Budget Amendment

Recommendation: 1. Accept the total California Literacy Services (CLLS) grant award of \$169,115 for the Read Santa Clara program;
2. Approve the FY 2023/24 budget amendments in the Library Operating Grant Trust Fund to recognize a total grant revenue of \$169,115 and establish grant appropriations for Adult and Family Services in the amount of \$111,012 and ESL Services in the amount of \$58,103 for the Read Santa Clara program **(five affirmative Council votes required to appropriate additional revenue).**

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to accept the total California Literacy Services (CLLS) grant award of \$169,115 for the Read Santa Clara program; and approve the FY 2023/24 budget amendments in the Library Operating Grant Trust Fund to recognize a total grant revenue of \$169,115 and establish grant appropriations for Adult and Family Services in the amount of \$111,012 and ESL Services in the amount of \$58,103 for the Read Santa Clara program.

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

3.I [23-880](#)

Action to Adopt a Resolution of Local Support for the Central Santa Clara Bicycle and Pedestrian Improvement Project, Authorize the City Manager to Execute All Documents Related to Accepting One Bay Area Grant Program Funding, and Approve the Related Budget Amendment

Recommendation:

1. Adopt a Resolution authorizing the filing of an application for \$9,029,000 in funding assigned to the MTC, committing the necessary matching funds, and stating assurance to complete the Central Santa Clara Bicycle and Pedestrian Improvement project;
2. Authorize the City Manager to execute all documents related to accepting One Bay Area Grant Cycle 3 funding for the Central Santa Clara Bicycle and Pedestrian Improvement project funded in the Streets and Highways Capital Fund in final forms approved by the City Attorney; and
3. Approve a FY 2023/24 budget amendment In the Streets and Highways Capital Fund, to increase the Other Agencies Revenue estimate in the amount of \$9,029,000 to recognize One Bay Area Grant Cycle 3 funding, decrease the Pedestrian and Bicycle Enhancement Facilities Project in the amount of \$380,000, decrease the Uncontrolled Crosswalks Improvement Project in the amount of \$1,900,000, and establish the Central Santa Clara Bicycle and Pedestrian Improvement Project in the amount of \$11,309,000 **(five affirmative Council votes required to appropriate additional revenue)**.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to adopt Resolution 23-9279 authorizing the filing of an application for \$9,029,000 in funding assigned to the MTC, committing the necessary matching funds, and stating assurance to complete the Central Santa Clara Bicycle and Pedestrian Improvement project; authorize the City Manager to execute all documents related to accepting One Bay Area Grant Cycle 3 funding for the Central Santa Clara Bicycle and Pedestrian Improvement project funded in the Streets and Highways Capital Fund in final forms approved by the City Attorney; and approve a FY 2023/24 budget amendment In the Streets and Highways Capital Fund, to increase the Other Agencies Revenue estimate in the amount of \$9,029,000 to recognize One Bay Area Grant Cycle 3 funding, decrease the Pedestrian and Bicycle Enhancement Facilities Project in the amount of \$380,000, decrease the Uncontrolled Crosswalks Improvement Project in the amount of \$1,900,000, and establish the Central Santa Clara Bicycle and Pedestrian Improvement Project in the amount of \$11,309,000.

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

Abstained: 1 - Councilmember Chahal

3.J [23-1055](#) Action on Resolutions Dedicating Portions of City-Owned Land for Use as an Emergency Vehicle Access Easement, Underground Electric Easement, Water Utility Easement and Sidewalk Easement at 2330 Monroe Street

Recommendation:

1. Adopt a Resolution Dedicating a Portion of City-owned Land located at 2330 Monroe Street for use as an Emergency Vehicle Access Easement [APN 216-05-009 (2023-24); SC 23-0024];
2. Adopt a Resolution Dedicating a Portion of City-owned Land located at 2330 Monroe Street for use as a sidewalk easement [APN 216-05-009 (2023-24); SC 23-0025];
3. Adopt a Resolution Dedicating a Portion of City-owned Land located at 2330 Monroe Street for use as a Water Utility Easement [APN 216-05-009 (2023-24); SC 23-0026];
4. Adopt a Resolution Dedicating a Portion of City-owned Land located at 2330 Monroe Street for use as an Underground Electric Easement [APN 216-05-009 (2023-24); SC 23-0027]; and
5. Authorize the recordation of the Resolutions.

A motion was made by Councilmember Hardy, seconded by Councilmember Becker, to adopt Resolution 23-9280 dedicating a portion of City-owned land located at 2330 Monroe Street for use as an Emergency Vehicle Access Easement [APN 216-05-009 (2023-24); SC 23-0024]; adopt Resolution 23-9281 dedicating a portion of City-owned land located at 2330 Monroe Street for use as a sidewalk easement [APN 216-05-009 (2023-24); SC 23-0025]; adopt Resolution 23-9282 dedicating a portion of City-owned land located at 2330 Monroe Street for use as a Water Utility Easement [APN 216-05-009 (2023-24); SC 23-0026]; adopt Resolution 23-9283 dedicating a portion of City-owned land located at 2330 Monroe Street for use as an Underground Electric Easement [APN 216-05-009 (2023-24); SC 23-0027]; and authorize the recordation of the Resolutions.

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

3.K [23-1272](#) Action to Authorize 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 706 Benton Street, 700 Mathew Street, 2041 Harrison Street, 3333 Kifer Road, and 2333 Calle Del Mundo 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 Hardy, seconded by Councilmember Becker, 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 706 Benton Street, 700 Mathew Street, 2041 Harrison Street, 3333 Kifer Road, and 2333 Calle Del Mundo 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: 7 - Councilmember Watanabe, Councilmember Chahal, Councilmember Hardy, Vice Mayor Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

PUBLIC PRESENTATIONS

Pilar Furlong with the Bill Wilson Center announced that November is National Runaway and Homeless Youth Prevention Month to increase awareness on homelessness among youth and young adults in our community and invited the community to attend the Homeless Rally Walk on November 10, 2023 starting at San Jose City Hall.

Ron Avnur from the Santa Clara Swim Club urged the City to build a new International Swim Center.

Debra Von Huene (time was given to her by Neetu and Paul McNamarra for a total of nine minutes) spoke on the mechanical horse art installed at Santa Clara University in partnership with the Cultural Commission and Santa Clara University and invited the public to view the art installation.

Jane Xu urged the City to build a new International Swim Center.

Debbie Tryforos shared a video regarding ethics.

CONSENT ITEMS PULLED FOR DISCUSSION

There were no Consent Items pulled for discussion.

PUBLIC HEARING/GENERAL BUSINESS

5. [23-1294](#) Presentation of the Recommendations from the 2023 Charter Review Committee Related to the Positions of Chief of Police and City Clerk

Recommendation: Staff does not have a position on the recommendations from the Charter Review Committee or the potential ballot measures.

Should the City Council find that the Charter Review Committee has completed its charge, the City Council should:

1. Accept the report of the Charter Review Committee; and
2. Provide initial feedback and direction to staff on the preparation of required ballot submission materials for the City Council to consider at a subsequent meeting on December 5th or a prior date.

City Manager Grogan gave a brief overview of the presentation to follow.

Assistant City Manager Bojorquez introduced **Chair Houston** who gave a Powerpoint presentation on the recommendation from the 2023 Charter Review Committee (CRC) related to the positions of Police Chief and City Clerk.

Council comments and questions followed.

Assistant City Manager Bojorquez and **Chair Houston** addressed **Council** questions.

CRC Member Chandra made some remarks.

CRC Member Koltermann made some remarks.

Public Comment:
Jeremy Schmidt
Pedro Hernandez-Ramos
Kevin Albanese
Dana Caldwell
John Haggerty
Hosam Haggag
Public Speaker
Edward Strine
Michelle Ryan
Jeff Houston
Gary
Kumar Patel

Council comments followed.

A motion was made by Councilmember Becker, seconded by Councilmember Hardy, to direct staff to return to Council with the CRC recommendation on ballot language: "Shall an amendment to the City Charter providing that the City Clerk position be appointed by the City Manager be adopted?" and "Shall an amendment to the City Charter providing that the Chief of Police position be appointed by the City Manager be adopted?" and request that the City Manager be encouraged to utilize recruitment strategies and hiring practices that would promote as diverse a pool of qualified candidates as possible if the charter amendments are ultimately approved by voters; and direct staff to review what occurred with the survey and determine IP addresses of survey respondents.

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

Nay: 2 - Councilmember Watanabe, and Vice Mayor Park

4. [23-1296](#) Discussion and Potential Action on the Proposed Joint Powers Agency Agreement to Establish the Cities Association of Santa Clara County Joint Powers Agency

Recommendation: Staff recommends that the City Council discuss the proposed Joint Powers Agency (JPA) Agreement for Cities Association of Santa Clara County (CASCC) and provide direction to staff on any requested or required changes to be shared with the CASCC regarding the proposed terms, and/or take action to approve the JPA Agreement in the form presented. As such, there are a few options available to the City Council:

Option 1: Approve the JPA Agreement in the form presented and delegate authority to Councilmember Watanabe to report approval of the JPA Agreement at the CASCC Board of Directors Meeting and authorize the City Manager to execute the JPA Agreement in a final form approved by the City Attorney.

Option 2: Recommend specific amendments to the proposed JPA Agreement and delegate authority to Councilmember Watanabe to report approval of the JPA Agreement at the CASCC Board of Directors Meeting, subject to the City Council's amendments, and authorize the City Manager to execute the JPA Agreement in a final form approved by the City Attorney.

Option 3: Recommend specific amendments to the proposed JPA Agreement and request that the Cities Association of Santa Clara County propose a revised agreement.

Option 4: Take no action and do not approve the proposed JPA Agreement.

Other cities and towns in Santa Clara County are also in the process of considering the proposed JPA Agreement. At the time of writing this report, seven cities have approved the proposed JPA Agreement and 4-5 cities are planning to agendize the JPA Agreement sometime between October 31 and November 7, 2023.

City Manager Grogan introduced the item.

Assistant to City Manager Jung who gave a Powerpoint presentation on the proposed Joint Powers Agency Agreement to establish the Cities Association of Santa Clara County.

Council comments and questions followed.

City Manager Grogan, City Attorney Googins, Shali Sirkay with the Cities Association, and Andrew Shen with the Public Law Group addressed Council's concerns and questions.

Public Comment:
John Haggerty

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to approve the Joint Powers Agency Agreement in the form presented and delegate authority to Councilmember Watanabe to report approval of the Joint Powers Authority Agreement at the Cities Association of Santa Clara County Board of Director's meeting and authorize the City Manager to execute the Joint Powers Authority Agreement in a final form approved by the City Attorney.

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

6. [23-1358](#) Discussion and Action on the Written Petition from Vice Mayor Park To Move the Topic(s) or date of the November 14, 2023 City Council Meeting to Another Date

Recommendation: Staff makes no recommendation on this item.

Vice Mayor Park requested that the topic of the ballot measure be moved to a meeting date where all members of the **Council** are available to attend in person.

A motion was made by Councilmember Becker, seconded by Councilmember Jain, to select the December 5 Council meeting to discuss the topic of placing a March ballot measure.

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

Nay: 1 - Councilmember Watanabe

REPORTS OF MEMBERS AND SPECIAL COMMITTEES/FUTURE AGENDA ITEMS

7. [23-1370](#) Action on a Council Written Request (Council Policy 030) Submitted by Councilmember Becker Requesting to Place an Agenda Item at a Future Council Meeting to Consider Releasing to the Public the Investigative Findings Prepared by the Van Dermeyden Makus Law Firm Regarding a Complaint of Alleged Misconduct at the August 30, 2022 Closed Session Meeting

Recommendation: Staff makes no recommendation.

Councilmember Becker explained his request to consider releasing to the public the investigative findings prepared by the Van Dermeyden Makus Law Firm regarding a complaint of alleged misconduct at the August 30, 2022 Closed Session meeting.

Councilmember Becker abstained from voting on this item.

A motion was made by Councilmember Jain, seconded by Councilmember Hardy, to place this item on a future Council meeting agenda for consideration and discussion.

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

Abstained: 1 - Councilmember Becker

Councilmember Jain reported that on the Valley Transportation Authority Board ordered the \$76 million tunnel boring machine.

Mayor Gillmor announced that Santa Clara Lions 10U and 12U football teams playing are playing the championship game on November, 11, 2023 at Yerba Buena High School.

Vice Mayor Park reported upcoming events at the Triton Museum.

Councilmember Hardy requested to be excused from Veterans Day events on November 11, 2023 as she will be out of town.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Grogan stated there was no report.

ADJOURNMENT

A motion was made by Vice Mayor Park, seconded by Councilmember Hardy, to adjourn the meeting at 12:13 a.m. in memory of Patricia "Patty" Mahan.

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

The next regular scheduled meeting is on Tuesday, November 14, 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.