



City of Santa Clara

Agenda

Council and Authorities Concurrent Meeting

Call and Notice Special Meeting

Santa Clara Stadium Authority

Tuesday, March 8, 2022

4:00 PM

Virtual Meeting

4:00 PM Closed Session

6:00 PM Study Session

7:00 PM Open Session

Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution 22-9051, the City Council meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara continues to have 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 (now available during the meeting)

• Via email to PublicComment@santaclaraca.gov

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 Chair calls for a Special Meeting of the Governing Board of the Stadium Authority, to commence and convene on March 8, 2022 at 4:00 PM for a Special Meeting to be held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

4:00 PM CLOSED SESSION

Call to Order

Roll Call

Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

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- 1.A 22-249 [Public Employee Appointment \(Government Code §§ 54957, 54954.5, subd. \(e\)\)](#)
[Title: Interim City Attorney](#)
- 1.B 22-390 [Public Employee Discipline/Dismissal/Release \(Government Code § 54957, \(b\)\(1\)\)](#)
- 1.C 22-399 [Public Employment Appointment \(Government Code §§ 54957, 54954.5, subd. \(e\)\)](#)
[Title: Acting City Manager](#)
- 1.D 22-333 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Rodriguez Sheet Metal v. R.L. Ziegenbein Construction, Inc., et al., Santa Clara County Superior Court Case No. 21CV387089](#)
- 1.E 22-341 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Marina Landscape, Inc. v. O.C. Jones & Sons, Inc., et al., Santa Clara County Superior Court Case No. 21CV389960](#)

Convene to Closed Session

6:00 PM STUDY SESSION

2. 22-1669 [Study Session - Pruneridge Avenue Complete Streets Plan](#)

Recommendation: There is no staff recommendation.

7:00 PM COUNCIL REGULAR AND SPECIAL STADIUM AUTHORITY MEETING

**Open Session to begin at 7:00 PM or shortly thereafter*

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

3. **22-334** [Action to Continue the Public Hearing for the Patrick Henry Drive Specific Plan including: Determination of the Adequacy of the Environmental Impact Report \(EIR\) and Adoption of a Statement of Overriding Considerations and an Associated Mitigation Monitoring and Reporting Program \(MMRP\); Adoption of the Patrick Henry Drive Specific Plan; Adoption of General Plan Amendments to Create New General Plan Land Use Designations and Change the General Plan Land Use Diagram from Light Industrial to Various Residential Designations; and Adoption of Chapter 18.27 of the Zoning Code to Create Zoning Regulations for the Patrick Henry Drive Specific Plan and Rezoning of the Patrick Henry Drive Specific Plan Area](#)

Recommendation: Take action to continue the Patrick Henry Drive Specific Plan including: Determination of the Adequacy of the Environmental Impact Report (EIR) and Adoption of a Statement of Overriding Considerations and an Associated Mitigation Monitoring and Reporting Program (MMRP); Adoption of the Patrick Henry Drive Specific Plan; Adoption of General Plan Amendments to Create New General Plan Land Use Designations and Change the General Plan Land Use Diagram from Light Industrial to Various Residential Designations; and Adoption of Chapter 18.27 of the Zoning Code to Create Zoning Regulations for the Patrick Henry Drive Specific Plan and Rezoning of the Patrick Henry Drive Specific Plan Area, to March 22, 2022.

SPECIAL ORDER OF BUSINESS

- 4.A **22-385** [Informational Item Regarding Interim City Attorney Hiring \(No Council Action to Be Taken\)](#)
- 4.B **22-04** [Proclaim March 2022 as Women's History Month](#)
- 4.C **22-314** [Discussion by the Consulate of Ireland on the historic relationship between Santa Clara and Ireland](#)

4.D 22-127 [Recognition of the Donation in the Amount of \\$6,500 From Jerold W. Louderback, Jr. for the Purchase and Installation of a Memorial Bench to be Located in the Greek Section of the Mission City Memorial Park in Honor of Pauline M. Louderback, Ernest M. Peterson, and Helen F. Peterson and Related Budget Amendment](#)

- Recommendation:**
1. Recognition of the donation in the amount of \$6,500 from Jerold W. Louderback, Jr. for the purchase and installation of a Memorial Bench to be located in the Greek section of the Mission City Memorial Park In Honor of Pauline M. Louderback, Ernest M. Peterson, and Helen F. Peterson; and
 2. 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 FY2021/22 budget amendment in the Cemetery Fund to recognize and appropriate a donation in the amount of \$6,500 (**five affirmative Council votes required to appropriate additional revenue**).

CONSENT CALENDAR

[Items listed on the CONSENT CALENDAR are considered routine and will be adopted by one motion. There will be no separate discussion of the items on the CONSENT CALENDAR unless discussion is requested by a member of the Council, staff, or public. If so requested, that item will be removed from the CONSENT CALENDAR and considered under CONSENT ITEMS PULLED FOR DISCUSSION.]

5.A 22-350 [Action on December 7, 2021 Council & Authorities Concurrent and Special Stadium Authority Meeting Minutes](#)

- Recommendation:** Approve the Meeting Minutes of the December 7, 2021 - Council & Authorities Concurrent and Special Stadium Authority Meeting.

5.B **22-14** [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Planning Commission - January 26, 2022
Board of Library Trustees - July 19, 2021
Board of Library Trustees - November 1, 2021
Board of Library Trustees - December 6, 2021
Board of Library Trustees - January 6, 2022
Senior Advisory Commission - January 24, 2022

5.C **22-142** [Action on Bills and Claims Report \(CC, SCSA, SOSA\) for the period January 1, 2022 - January 28, 2022](#)

Recommendation: Approve the list of Bills and Claims for January 1, 2022 - January 28, 2022.

5.D **22-07** [Action on Monthly Financial Status and Investment Report for November 2021 and Approve Related Budget Amendments](#)

Recommendation: Note and file the Monthly Financial Status and Investment Reports for November 2021 as presented and Approve Related Budget Amendments in various funds 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,*” as noted for each individual item in Attachment 3.

5.E **22-141** [Action on the Santa Clara Convention Center FY 2021/22 2nd Quarter Financial Status Report](#)

Recommendation: Note and file the Santa Clara Convention Center Financial Status Report for the 2nd Quarter ending December 31, 2021, as submitted by Spectra.

5.F 22-1691 [Action on an Agreement with TJKM Transportation Consultants for Transportation Modeling Update Services](#)

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with TJKM Transportation Consultants for services to provide Transportation Modeling Update Services for an initial two-year term with maximum compensation not-to-exceed \$148,951;
 2. Authorize the City Manager to make minor modifications to the Agreement, if necessary; and
 3. Authorize the City Manager to execute a one-year option to extend the term of the Agreement, not to exceed three years, at the City's sole discretion, after the initial term and subject to the appropriation of funds.

5.G 22-40 [Action on Agreements with Construction Testing Services, Ninyo and Moore Geotechnical and Environmental Sciences Consultants, Quality Assurance Engineering, and Smith-Emery of San Francisco, for Materials Testing and Special Inspection Services for Public Works Projects](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute an agreement for the Performance of Services with Construction Testing Services, Inc. (\$105,000), Ninyo and Moore Geotechnical and Environmental Sciences Consultants (\$105,000), Quality Assurance Engineering, Inc. (\$105,000), and Smith-Emery of San Francisco, Inc. (\$105,000) to perform on-call materials testing and special inspection services for a combined amount not-to-exceed \$420,000 over the three-year terms of the agreements;
 2. Authorize the City Manager to amend agreement not-to-exceed amounts as long as the cumulative total does not exceed \$420,000 subject to annual appropriations; and
 3. Authorize the City Manager to exercise up to two one-year extensions for each agreement with no increase in compensation in the event that the work is not completed by the Agreement end dates and make minor modifications to the agreements, if necessary.

5.H 22-41 [Action on Agreements with CSG Consultants, CPM Associates, and Propcon Corp dba APC International, for Construction Management and Inspection Services for Public Works Projects](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute agreements for the Performance of Services with, CPM Associates, Inc. (\$246,000), CSG Consultants, Inc. (\$246,000) and Propcon Corp. (\$246,000), to perform on-call construction management and inspection services for a combined amount not-to-exceed \$738,000 over the initial three-year terms of the agreements;
 2. Authorize the City Manager to exercise up to two, one-year extensions for each agreement and make minor modifications to the agreements, if necessary; and
 3. Authorize the City Manager to adjust compensation amounts between the three agreements and to amend agreement not-to-exceed amounts up to an aggregate amount of \$1,050,000 subject to budget appropriations.

5.I 22-74 [Action on an Agreement with Baker Tilly US, LLP for Citywide Risk Assessment, Annual Work Plan, and Internal Audit Work](#)

- Recommendation:**
1. Authorize the Audit Manager to execute an agreement with Baker Tilly US, LLP for Citywide Risk Assessment, Annual Work Plan, and Internal Audit Work, for a five-year term starting on April 1, 2022 and ending on March 31, 2027, with maximum compensation not-to-exceed \$446,750 and subject to the appropriation of funds; and
 2. Authorize the Audit Manager to execute amendments to the Agreement for additional risk assessment and audit services that may be required during the five-year term, subject to the appropriation of funds.

5.J 22-152 [Action to Authorize the Office of the City Manager to Negotiate and Execute Amendments to Agreements for the Performance of Services with Precept Environmental, Inc. and Art Alger, Inc. dba Peninsula Crane & Rigging to Extend the Terms and Increase the Maximum Compensations](#)

- Recommendation:**
1. Authorize the Office of the City Manager to negotiate and execute Amendment No. 1 to the Agreement for the Performance of Services with Precept Environmental, Inc. to extend the term through March 16, 2025 (an additional three years) and increase the maximum compensation to \$280,000;
 2. Authorize the Office of the City Manager to negotiate and execute Amendment No. 2 to the Agreement for Services with Art Alger, Inc. dba Peninsula Crane & Rigging to extend the term through March 27, 2025 (an additional three years) and increase the maximum compensation to \$700,000; and
 3. Authorize the Office of the City Manager to execute additional amendments to increase the maximum compensation during the term of the subject agreements if the demand for services exceeds maximum compensation, subject to the appropriation of funds.

5.K 22-182 [Action on the Second Amendment to the Contract Between the County of Santa Clara And City of Santa Clara - Congregate Meals for the Senior Nutrition Program at the Santa Clara Senior Center for FY2021/22 and Related Budget Amendment](#)

- Recommendation:**
1. Approve and authorize the Office of the City Manager to execute the Second Amendment to the Contract Between the County of Santa Clara and City of Santa Clara -Congregate Meals at the Santa Clara Senior Center in the amount not to exceed \$121,324 for FY 2021/22;
 2. 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 related FY 2021/22 budget amendment in the Parks and Recreation Operating Grant Trust Fund to decrease the Other Agencies Revenue and the Senior Nutrition Program by \$23,215 (**majority affirmative Council votes required**); and
 3. Authorize the Office of the City Manager to negotiate and execute amendments to the Agreement, subject to Council appropriation of funds.

5.L 22-158 [Action to Authorize the Office of the City Manager to Negotiate and Execute Amendment No. 3 to the Steam Sales Agreement with The Newark Group, Inc. to Extend the Agreement Until March 31, 2024 and Add Additional Financial Provisions](#)

- Recommendation:** Authorize the Office of the City Manager to Negotiate and Execute Amendment No. 3 to the Steam Sales Agreement with The Newark Group, Inc. to extend the Agreement until March 31, 2024 and include additional financial provisions.

- 5.M 22-180** [Action on Park & Recreation Commission's Recommendation that Council Approve the Park Master Plan-Schematic Design for the New Public Mini-Park to be located at 5150 Calle Del Sol & 2350 Calle De Luna \(Related - Tasman East Focus Area\)](#)

Recommendation: Council approve the Park Master Plan - Schematic Design for the New Public Mini-Park to located at 5150 Calle Del Sol & 2350 Calle De Luna.

- 5.N 22-316** [Note and File the Strategy and Next Steps for the Sale of the Loyalton Ranch Property](#)

Recommendation: Note and File the Strategy and Next Steps for the sale of the Loyalton Ranch Property.

- 5.O 22-360** [Action on a Resolution Extending AB 361 Implementation to Allow City Legislative Bodies to Hold Public Meetings Solely by Teleconference or Otherwise Electronically During the Governor's Proclaimed COVID State of Emergency](#)

Recommendation: Adopt a Resolution finding the continued existence of the need to extend AB 361 implementation to allow the City's legislative bodies to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361.

SANTA CLARA STADIUM AUTHORITY

- 6. 22-111** [Action on Stadium Authority Bills and Claims for the Month of November 2021](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for November 2021.

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the Council or authorities on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on the speaker card available in the Council Chambers.]

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

7. **22-1582** [Action to Waive First Reading and Introduce an Ordinance Approving a Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481; and Note and File Recommendation Submitted by the Task Force on Diversity, Equity and Inclusion to Adopt AB481 Policy and Ordinance](#)

Recommendation: Waive First Reading and Introduce an Ordinance Approving a Military Equipment Funding, Acquisition and Use Policy Pursuant to Assembly Bill 481; and Note and File Recommendation submitted by the Task Force on Diversity, Equity and Inclusion to Adopt AB481 Policy and Ordinance.

8. **22-242** [Action on Amendment No. 5 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium](#)

Recommendation: Alternative 1:
Authorize the City Manager to execute Amendment No. 5 with Wilson, Ihrig & Associates to extend the term of the Agreement by 2 years ending on March 31, 2024, and increase maximum compensation by \$140,000 for a total not to exceed amount of \$439,840, subject to Santa Clara Stadium Authority Board appropriation of funds.

9. **22-384** [Discussion and Action on Potential March 10, 2022 Cities Association Legislative Action Committee Meeting AB 1944 Agenda Item](#)

Recommendation: 1. Council discussion and action to take either a "Support", "Oppose", or "No Position" position on the potential March 10, 2022 Cities Association LAC Meeting AB 1944 agenda item; and
2. Authorize Councilmember Watanabe to take action on the potential LAC Meeting AB 1944 agenda item consistent with the City Council's position.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, March 22, 2022.

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.

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.