



# City of Santa Clara

## Joint Meeting Agenda

### Council and Authorities Concurrent & Santa Clara Stadium Authority Meeting

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**Tuesday, May 12, 2020**

**2:00 PM**

**City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050**

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Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:
  - o <https://zoom.us/join> 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](mailto:PublicComment@santaclaraca.gov)

As always, the public may view the meetings on [SantaClaraCA.gov](http://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.

For those individuals that do not have the above access, the City Cafeteria has been set up to accommodate up to 10 people at a time and public comment will be given from that location.

The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. The Mayor will be present for the meeting with Councilmembers and department heads participating remotely. A limited number of staff will also be present.

#### **2:00 PM COUNCIL/STADIUM AUTHORITY REGULAR MEETING**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**Closed Session**

- 20-532** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[Christopher Gaffney, et al. v. City of Santa Clara, United States District Court, Northern District of California Case No. 4:18-cv-06500-JST](#)
- 20-538** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) - Significant exposure to litigation](#)  
[Number of potential cases: 1](#)  
[\(Facts and Circumstances\)](#)  
[City as potential defendant: Receipt of claim pursuant to the Government Claims Act from Meng Lim regarding sewer lateral damage at 1731 Roll Street](#)
- 20-533** [Conference with Labor Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54957.6](#)  
[City representative: Deanna J. Santana, City Manager \(or designee\)](#)  
[Employee Organization\(s\):](#)  
[Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171](#)  
[Unit #2-Santa Clara Police Officer's Association](#)  
[Unit #3-IBEW Local 1245 \(International Brotherhood of Electrical Workers\)](#)  
[Unit #4-City of Santa Clara Professional Engineers](#)  
[Units #5, 7 & 8-City of Santa Clara Employees Association](#)  
[Unit #6-AFSCME Local 101 \(American Federation of State, County and Municipal Employees\)](#)  
[Unit #9-Miscellaneous Unclassified Management Employees](#)  
[Unit #9A-Unclassified Police Management Employees](#)  
[Unit #9B-Unclassified Fire Management Employees](#)  
[Unit #10-PSNSEA \(Public Safety Non-Sworn Employees Association\)](#)
- 20-540** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Nevarez v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:16-CV-07013-HRL](#)

## 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.

## Convene to Closed Session (Council Conference Room)

## REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

### CONTINUANCES/EXCEPTIONS

### SPECIAL ORDER OF BUSINESS

- 1.A 20-463 [Verbal Report from City Manager regarding COVID-19 Pandemic \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 1.B 20-500 [Proclamation of National Public Works Week 2020 \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

### STUDY SESSION

- 2. 20-172 [Review of the Proposed FY 2020/21 & FY 2021/22 Biennial Capital Improvement Program Budget and FY 2020/21 Operating Budget Changes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)  
  
**Recommendation:** Review and provide input on the Proposed FY 2020/21 & FY 2021/22 Biennial Capital Improvement Program Budget and FY 2020/21 Operating Budget Changes.
- 3. 20-229 [Update on Proposed Changes to the City's Transportation Analysis Methodology from Level of Service to Vehicles Miles Traveled \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

### 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.]*

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- 4.A 20-07** [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- Recommendation:*** Note and file the Minutes of:  
Audit Committee - September 10, 2019
- 4.B 20-517** [Action on an Ordinance Amending the Compensation for the City Clerk As Set by the Salary Setting Commission \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- Recommendation:*** Approve introduction of Ordinance amending Section 2.20.015 (Compensation), of Chapter 2.20 (“City Clerk”) of Title 2 (“Administration and Personnel”) of “The Code of the City of Santa Clara, California” which will amend the compensation for the City Clerk.
- 4.C 20-400** [Action on Bills and Claims Report \(CC, SA\) for the period March 20th, 2020 - April 9th, 2020 \[Council Pillars: Enhance Community Engagement and Transparency\]](#)
- Recommendation:*** Approve the list of Bills and Claims for March 20, 2020 - April 9, 2020.
- 4.D 20-401** [Action on Monthly Financial Status and Investment Reports for February 2020 and Approve the Related Budget Amendments \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- Recommendation:*** Note and file the Monthly Financial Status and Investment Reports for February 2020 as presented and Approve Related Budget Amendments.
- 4.E 20-435** [Action on Addendum No. 4 to Software License Agreement Contract No. 2005-204 with Telvent USA LLC to Allow for Continued Operability of the Currently-Installed GIS System \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)
- Recommendation:*** Authorize the City Manager to execute Addendum No. 4 to Software License Agreement Contract No. 2005-204 with Telvent USA LLC in an amount of \$180,000 to allow for continued operability of the currently installed GIS system.

- 4.F 20-448** [Adopt a resolution approving the California Statewide Communities Development Authority \(“CSCDA”\) issuance of tax-exempt bonds relating to the financing of 165 Affordable Housing Units at 1834 Worthington Circle, Santa Clara \[Council Pillars: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** 1. Hold a Tax Equity and Fiscal Responsibility Act public hearing for the issuance of up to \$60,000,000 in tax-exempt private-activity bonds by the California Statewide Communities Development Authority for the benefit of Core Affordable Housing, LLC; and

2. Adopt the resolution approving the issuance of the Bonds by the California Statewide Communities Development Authority not to exceed \$60,000,000, for the benefit of Core Affordable Housing, LLC, to provide financing for the acquisition, construction and development of a 165-unit multifamily rental housing project generally known as Agrihood Senior Apartments.

- 4.G 20-458** [Action on an Affordable Housing Agreement with SHAC Tasman CDM Apartments LLC \(an affiliate of SummerHill Apartment Communities\), for 2343 Calle del Mundo \(APN# 097-05-062; 097-05-063; and 097-05-064\) \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** Approve and authorize the City Manager to execute and record the Affordable Housing Agreement with SHAC Tasman CDM Apartments LLC (Attachment 1), to execute amendments thereto, and to take any other action necessary to implement the requirement for the provision of thirty-four (34) affordable rental housing Units at for 2343 Calle del Mundo (APN# 097-05-062; 097-05-063; and 097-05-064).

- 4.H 20-467** [Action on an Annual Technical Services Support Order with Oracle America, Inc. for Software License Update and Support of Systems Used by Silicon Valley Power \(SVP\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

***Recommendation:*** Authorize the City Manager to execute an annual Technical Services Support Order with Oracle America, Inc. for Software License Update and Support of systems used by Silicon Valley Power (SVP), and authorize this Agreement to be renewed annually, subject to the appropriation of funds.

- 4.I 20-480** [Actions to Approve a New Classification and Modifications to an Unclassified Class Specification and Adopt a Resolution Approving and Adopting Updated Salary Plans for Unclassified Positions \[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

***Recommendation:***

1. Approve the creation of the Legal Executive Assistant class specification and modification to the City Librarian class specification; and
2. Adopt a Resolution to approve the revised unclassified salary plan to satisfy the requirements of California Code of Regulations Section 570.5

- 4.J 20-103** [Action on the Governance and Ethics Committee Recommendation to Name the Public Park in the 575 Benton Street Project "Vincent Fiorillo & Family Park" \[Council Pillar: Enhance Community Sports, Recreation and Art Assets\]](#)

***Recommendation:*** Recommend that Council name the public mini-park located in the 575 Benton Street residential Project "Vincent Fiorillo & Family Park."

**4.K 20-505** [Action on a Resolution Adopting CARES Act Provisions Relating to the City's Section 457 Deferred Compensation Plan and Authorizing the City Manager to Execute the Necessary Documents \[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

**Recommendation:** 1. Adopt a Resolution adopting the provisions of the CARES Act relating to the City's 457 plan and authorizing the City Manager to execute the documents necessary for Nationwide Retirement Services to offer these new provisions to the City's plan participants; and  
2. Direct staff to revise the plan document accordingly and bring it back to the Council for approval at a later date.

**4.L 20-525** [Adoption of Ordinance No. 2018 Amending Zoning Code Chapter 18.102 - Regulation of Marijuana \(Cannabis\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Adopt Ordinance No. 2018 amending Chapters 18.06 ("Definitions") and 18.102 ("Regulation of Marijuana") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" to prohibit all commercial cannabis activity.

**4.M 20-471** [Action on an Agreement for Services with Vicki Vanderburg, Inc. dba Power Systems Operations \(PSO\) for Software License Update and Maintenance of the Validate, Estimate, Reconcile, Allocate \(VERA\) Settlements Software and Provision of Cloud Hosting \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** Authorize the City Manager to execute an Agreement for Services with Vicki Vanderburg, Inc. dba Power System Operations for the Validate, Estimate, Reconcile, Allocate (VERA) Settlements Software license update, maintenance and cloud hosting.

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**STADIUM AUTHORITY CONSENT ITEMS**

**4.N 20-456** [Action on Bills and Claims for the month of February 2020 \[Board Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Approve the list of Bills and Claims for February 2020.

**4.O 20-133** [Action on Agreement with Singer Associates, Inc. for Communications Consulting Services \[Board Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:**

1. Authorize the Executive Director to execute an agreement with Singer Associates, Inc. to provide communications and marketing services for an initial 21-month term ending on March 31, 2022, with maximum compensation not to exceed \$170,000; and
2. Authorize the Executive Director to exercise up to three, one-year options to extend the agreement with the last option year ending on March 31, 2025 provided all three option years are exercised, and subject to the appropriation of funds.

**4.P 20-502** [Informational Report on Dates and Purpose of Stadium Authority and Stadium Manager Meetings for the Period January 1, 2020 to March 31, 2020 \[Board Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Note and file the quarterly report on Stadium Authority and Stadium Manager Meetings for the period of January 1, 2020 to March 31, 2020.

**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**



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**PUBLIC HEARING/GENERAL BUSINESS**

5.     **20-431**     [Public Hearing: Opportunity for Public Comment on the Final version of the 2020-2025 Consolidated Action Plan and the final version of the 2020-2021 Annual Action Plan for U.S. Department of Housing and Urban Development Funds \(CDBG & HOME\) \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** 1. Note and File Public Comment on the 2020-2025 Consolidated Action Plan and FY2020-2021 Annual Action Plan for U.S. Department of Housing and Urban Development Funds (CDBG & HOME); and  
2. Approve the 2020-2025 Consolidated Plan and FY2020-2021 Annual Action Plan, and direct staff to incorporate all public comments to be submitted to HUD by or before May 15, 2020.

6.     **20-514**     [Action on Councilmember Chahal's Request Related to Resident's Request for Financial Assistance with Sanitary Sewer Overflow \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Staff makes no recommendation.

7.     **20-497**     [Action on Resolution Establishing the Political Campaign Voluntary Expenditure Limit and Campaign Contribution Limit for the November 3, 2020 Municipal Election \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Adopt a Resolution establishing the Political Campaign Voluntary Expenditure Limit and Campaign Contribution Limit for the November 3, 2020 General Municipal Election with either Option 1 or Option 2.

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## **STADIUM AUTHORITY GENERAL BUSINESS**

### **8. Financial Status Reports**

- A. 20-455 [Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending December 31, 2019 \[Board Pillars: Ensure Compliance with Measure J and Manage Levi's Stadium & Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending December 31, 2019.

- B. 20-512 [Informational Report on Levi's Stadium Activities During the COVID-19 Pandemic \[Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium\]](#)

**Recommendation:** Note and file the Informational Report on Levi's Stadium activities during the COVID-19 Pandemic.

9. 20-495 [Board Consideration and Possible Action on the Stadium Manager's Proposal to Add Stadium Builder's Licenses \(SBLs\) to Field Seating in the North and South Endzones of Levi's Stadium \[Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium\]](#)

**Recommendation:** Alternatives 1 and 2:

1. "Take no action" and receive further information from the State of California and County of Santa Clara about how large sports gatherings will be conducted to respond to the global COVID-19 pandemic for the 2020 NFL season; and
2. Direct the Stadium Manager, after such information about the 2020 season is received, continue to develop a "similar instrument" proposal that addresses the resolves the Stadium Authority's concerns.

## **REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

### **CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

10. 20-487 [Inside Santa Clara Redesign Update \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Note and file the Inside Santa Clara Redesign Update.

- 20-258 [Update on City Council and Stadium Authority Staff Referrals \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- 20-398 [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

## **ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, May 26, 2020 in the City Hall Council Chambers.

## **MEETING DISCLOSURES**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive \$30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA)

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) <<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."