

City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Call and Notice of Special Meeting

Santa Clara Stadium Authority

Successor Agency to the City of Santa Clara Redevelopment Agency



Tuesday, May 25, 2021

4:00 PM

Virtual Meeting

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://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 and the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency to commence and convene on May 25, 2021, 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.

- 1.A 21-707** [Conference with Legal Counsel-Existing Litigation \(CC, SARDA\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[County of Santa Clara, et al., v. City of San Jose, et al.](#)
[Santa Clara County Superior Court Master Case Number](#)
[\(consolidated\) 105CV046005](#)

- 1.B 21-712** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Properties: 890 Walsh Avenue, Santa Clara, APN: 224-04-057](#)
[City/Authority Negotiator: Deanna J. Santana, City](#)
[Manager/Executive Director \(or designee\)](#)
[Negotiating Parties: L.A.W. LLC](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real](#)
[Property \(provisions, price and terms of payment\)](#)
- 1.C 21-786** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[City of Santa Clara v. Diana J. Alman, Trustee of the Douglas S.](#)
[Alman Family Trust, et al., Santa Clara County Superior Court](#)
[Case Number 21CV377630](#)
- 1.D 21-787** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[City of Santa Clara v. Jitendra G. Patel and Shashi J. Patel, et](#)
[al., Santa Clara County Superior Court Case Number](#)
[21CV377579](#)
- 1.E 21-788** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[City of Santa Clara v. Dollinger Lafayette Associates, et al.,](#)
[Santa Clara County Superior Court Case Number 20CV374460](#)

Convene to Closed Session

6:00 PM COUNCIL REGULAR/SPECIAL STADIUM AUTHORITY MEETING

**Open Session to be heard at 6:00 p.m. or shortly thereafter*

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

- 2. 21-721** [Action to Continue the Discussion on Consideration of the Sale](#)
[of the Loyalton Ranch Property to August 17, 2021](#)

Recommendation: Continue the Discussion on Consideration of the Sale
of the Loyalton Ranch Property to August 17, 2021.

3. 21-702 [Action to Continue the Adoption of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission - Continued to August 17, 2021](#)

Recommendation: Continue the adoption of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission to August 17, 2021.

STUDY SESSION

4. 21-524 [Joint Study Session to review Proposed FY 2021/22 and FY 2022/23 Biennial Operating Budget and FY 2021/22 Capital improvement Program Budget Adjustments and to review the Proposed FY 2021/22 Municipal Fee Schedule](#)

Recommendation:

1. Review and provide input on the Proposed FY 2021/22 and FY 2022/23 Biennial Operating Budget and FY 2021/22 Capital Improvement Program Amendments.
2. Review and provide input on the Proposed FY 2021/22 Municipal Fee Schedule.
3. Provide direction on the implementation of a Transient Occupancy Tax rate increase that received voter approval in November 2020.
4. Provide direction to the City Manager to return to Council with a Parks and Recreation fee cost recovery policy for Council consideration.

SPECIAL ORDER OF BUSINESS

- 5.A 21-710 [Proclamation of Asian American and Pacific Islander Heritage Month](#)
- 5.B 21-743 [Recognize Local Student for Achievement in the Telugu Book of Records and Super Kids of India](#)
- 5.C 21-646 [Verbal Report from City Manager regarding COVID-19 Pandemic](#)

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.]

6.A 21-11 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:

Santa Clara Tourism Improvement District - March 18,
2021
Santa Clara Tourism Improvement District - April 16,
2021
City-School Liaison Committee - March 3, 2021
City-Mission College Liaison Committee - November
30, 2021
Cultural Commission - April 5, 2021
Board of Library Trustees - April 5, 2021
Historical and Landmarks Commission - April 1, 2021
Planning Commission - April 28, 2021

6.B 21-583 [Action on Bills and Claims Report \(CC, SA\) for the period April 10th, 2021 - April 23rd, 2021](#)

Recommendation: Approve the list of Bills and Claims for April 10, 2021 -
April 23, 2021.

6.C 21-427 Action on Agreements for Sales, Use, Tax Audit and Recovery Services; Property Tax Audit and Management Services; and Transient Occupancy Tax Audit Services

- Recommendation:**
1. Authorize the City Manager to execute an agreement with MuniServices, LLC, doing business as Avenu MuniServices LLC, for Sales, Use and Transactions Tax Audit and Recovery Services for a five-year term starting July 1, 2021 and ending on June 30, 2026, with maximum compensation not to exceed \$1,500,000, subject to the appropriation of funds;
 2. Authorize the City Manager to execute an agreement with HdL Coren & Cone for Property Tax Audit and Management Services for a five-year term starting July 1, 2021 and ending on June 30, 2026, with maximum compensation not to exceed \$100,000, subject to the appropriation of funds;
 3. Authorize the City Manager to execute an agreement with MuniServices, LLC, doing business as Avenu MuniServices LLC, for Transient Occupancy Tax Audit Services for a five-year term starting July 1, 2021 and ending on June 30, 2026, with maximum compensation not to exceed \$150,000, subject to the appropriation of funds; and
 4. Authorize the City Manager to execute amendments to each of the agreements to add funds as required in the event revenues recovered exceed staff's estimates and/or additional related audit services are required, subject to the appropriation of funds.

6.D 21-1078 [Action on Agreement for Services with NAZ & CO., doing business as True Blue Automation Services, for Electrical Support Services for the City's Water, Sewer and Storm Assets](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with NAZ & CO., doing business as True Blue Automation Services, for electrical support services for the City's water, sewer, and storm assets, for an initial one-year term starting on or about July 1, 2021 and ending on June 30, 2022, with maximum compensation not-to-exceed \$300,000 and to make minor adjustments to the agreement to facilitate execution; and
 2. Authorize the City Manager to exercise up to four one-year options to extend the term of the agreement after the initial one-year term through June 30, 2026, subject to the annual appropriation of funds.

6.E 21-508 [Action on an Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 801 Martin Avenue](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land allowing the installation and maintenance of private improvements within the public right-of-way at 801 Martin Avenue [APN 224-04-090 SC 19,351];
 2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if necessary; and
 3. Authorize the recordation thereof.

6.F 21-519 [Action on an Agreement with Business Recovery Services, Inc., dba Bank Up Corporation, for Remittance Lockbox Processing Services for Utility Payments](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Business Recovery Services, Inc., dba Bank Up Corporation, for Remittance Lockbox Processing Services with an initial term starting on July 1, 2021 and ending on June 30, 2024 for a total maximum not-to-exceed amount of \$120,000, subject to the appropriation of funds;
 2. Authorize the City Manager to execute amendments over the initial term of the agreement, not-to-exceed \$20,000 as contingency to cover any unanticipated service requirements including additional checks for processing, subject to the appropriation of funds; and
 3. Authorize the City Manager to execute up to two (2) additional one-year options to extend the term through June 30, 2026, subject to the appropriation of funds.

6.G 21-528 [Action on Agreements with the County of Santa Clara for the Countywide AB 939 Implementation Fee and Countywide Household Hazardous Waste Collection Program](#)

- Recommendation:**
1. Approve and Authorize the City Manager to execute the Agreement for Countywide AB 939 Implementation Fee to collect and distribute the AB 939 Implementation Fee over the three-year term of the agreement;
 2. Approve and authorize the City Manager to execute the Agreement for Countywide Household Hazardous Waste Collection Program with the County of Santa Clara to enable residents to participate in the Countywide Household Hazardous Waste Collection Program for a three-year term;
 3. Authorize the City Manager to execute future amendments to the Agreement for Countywide Household Hazardous Collection Program with the County of Santa Clara to adjust the annual augmentation over the baseline 4 percent participation level; and
 4. Authorize the City Manager to execute future license agreements with the County of Santa Clara that enable drop-off events to be conducted on the Public Works Corporation Yard premises.

6.H 21-667 [Authorize the City Manager to execute an Amendment to the Agreement with Wallace Roberts & Todd, LLC for Downtown Precise Plan Consultant Services pending funding proposed as part of the FY 2021/22 and FY 2022/23 Proposed Operating Budget](#)

- Recommendation:**
1. Authorize the City Manager to execute and amend the agreement with Wallace Roberts & Todd, LLC to provide added Downtown Precise Plan Consultant Services, subject to modifications as agreed to by the City Manager in coordination with the City Attorney; increase the maximum compensation not to exceed amount by \$300,000 (from \$578,346 to \$878,346), subject to the annual appropriation of funds; and
 2. Authorize the City Manager to execute an amendment to increase maximum compensation in the event that additional services are required, subject to the annual appropriation of funds.

6.I 21-545 [Action to Amend the Agreement Between TruePoint Solutions, LLC, and the City of Santa Clara](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement between TruePoint Solutions, LLC, and the City of Santa Clara to extend the term of the agreement ending on June 30, 2022, and increase the maximum compensation amount by \$215,436 for a total maximum compensation of \$1,100,518 to provide additional services for data conversion, continued system configuration, and project management consultation hours, subject to the appropriation of funds; and
 2. Authorize the City Manager to exercise the option to extend the term of the Agreement between TruePoint Solutions, LLC, and the City of Santa Clara for one year after June 30, 2022; and increase the not to exceed amount by \$50,000, if necessary, subject to the appropriation of funds.

6.J 21-561 [Action on 2021 Q1 Legislative Update and Proposed Amendments to the 2021 Energy Legislation, Regulations, and Issues and Public Safety Legislative Advocacy Positions](#)

Recommendation: 1. Note and file the 2021 Q1 Legislative Update; and
2 Approve the amended 2021 Energy Legislation, Regulations, and Issues and Public Safety Legislative Advocacy Positions.

6.K 21-568 [Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for April 5 - May 9, 2021](#)

Recommendation: Note and file the Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for April 5 - May 9, 2021.

6.L 21-673 [Written Petition submitted by Amrit S. Kulkarni requesting the City Council hear appeals regarding permit and environmental process determinations regarding three Use Permit Applications for Bloom Fuel Cell Power System projects filed for 2960 Corvin Drive, 2970/3000 Corvin Drive, and 2200 Mission College Boulevard](#)

Recommendation: Staff recommends that no action be taken.

6.M 21-581 [Informational Report on Dates and Purpose of Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the Period January 1, 2021 to March 31, 2021](#)

Recommendation: Note and file the quarterly report on Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the period of January 1, 2021 to March 31, 2021.

6.N 21-662 [Informational Report Regarding Bi-yearly Project Status Report of the GIS Services Program](#)

Recommendation: Note and file the Informational Report regarding the Bi-yearly Project Status Report of the GIS Services Program.

6.O 21-767 [Action to Approve/Ratify Agreement with Management Partners for Executive Evaluation Facilitation](#)

Recommendation: Approve/ratify the agreement with Management Partners for facilitation of the City Attorney performance evaluation process.

6.P 21-729 [Report from the City Attorney on California Voter Rights Act \(CVRA\) Litigation](#)

Recommendation: Note and file report.

6.Q 21-722 [Action on a Written Petition submitted by Robert Mezzetti, II Requesting to Discuss Amendment No. 3 to the Exclusive Negotiation Agreement by and between the City, VTA and Republic Metropolitan an LLC for the proposed project located at 500 S. Benton Street \(APN 230-08-061 and 230-08-078\)](#)

Recommendation: That Council take no action on the petition and do not place the item on a future agenda.

6.R 21-778 [Action on Stadium Authority & Special City Council Meeting Minutes of March 2, 2021 and Council & Authorities Concurrent and Special Stadium Authority Minutes of March 9, 2021](#)

Recommendation: Approve the Stadium Authority & Special City Council Meeting Minutes of March 2, 2021 and Council & Authorities Concurrent and Special Stadium Authority Minutes of March 9, 2021.

STADIUM AUTHORITY CONSENT CALENDAR

6.S 21-485 [Action on Stadium Authority Bills and Claims for the Month of March 2021](#)

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

6.T 21-1137 [Action on an Agreement with KPMG LLP to provide auditing services for the Santa Clara Stadium Authority](#)

Recommendation: Approve and authorize the Executive Director to execute an agreement with KPMG LLP to provide auditing services for the Santa Clara Stadium Authority for FY 2020/21 through FY 2024/25 in the amount not-to-exceed \$754,554.

6.U Request from the Stadium Manager for Authority to Execute Amendment No. 1 to Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership

A. 21-740 [Request from the Stadium Manager for Authority to Execute Amendment No. 1 to Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership](#)

B. 21-742 [Report from the Stadium Authority Regarding the Stadium Manager's Request to Execute Amendment No.1 to Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership](#)

Recommendation: Alternative 1

1. Approve the Stadium Manager's request for authority to execute Amendment No. 1, with the redlined changes outlined in Attachment 3, to the Concessions Operating Agreement with Levy which will extend the term of the agreement by one year and modify the Investment Use Fee Schedule and the amortization schedules for the Capital Investment, Innovation, Refresh Investment, and Hub for Next Generation Sports Entertainment Funds to align with the new agreement term, at no cost to the Stadium Authority.

6.V Request from the Stadium Manager for Approval to Add Stadium Builder Licenses to Field Seating in the North and South Endzones of Levi's Stadium

A. 21-745 [Request from the Stadium Manager for Approval to Add Stadium Builder's Licenses to Temporary Field Seats in the North and South Endzones of Levi's Stadium](#)

B. 21-736 [Stadium Authority Response Regarding the Stadium Manager's Proposal to Add Stadium Builder's Licenses to Temporary Field Seats in the North and South Endzones of Levi's Stadium](#)

Recommendation: Alternatives 1 and 2:

1. Take no action on the Stadium Manager's proposal to add Stadium Builder Licenses to the 64 temporary field seats in the North and South endzones of Levi's Stadium; and
2. Direct the Stadium Manager to present revenue options, based on previous direction, within three months for the Board to consider.

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. 21-155 [Public Hearing: Adoption of a Resolution of Formation of the Santa Clara Tourism Improvement District under the Property and Business Improvement District Law of 1994](#)

Recommendation: Alternative 1: Adopt a Resolution of Formation to establish the Santa Clara Tourism Improvement District (SCTID) for five years starting July 1, 2021 if there is no legally sufficient protest.

8. 21-701 [Adopt a Resolution Approving the Proposed Charter Amendment to enact Council District elections and Introduction of an Ordinance Establishing District Boundaries to conduct By-District Elections in Santa Clara](#)

Recommendation: Staff recommends:

1. Adopt Resolution directing the City Clerk to bring back a resolution to call for a Special Municipal Election on June 7, 2022 for the purpose of placing one measure on the ballot that, if passed, would amend the Santa Clara City Charter sections 600, 700.1 and 700.2, as set forth in Exhibit A, in accordance with the requirements of section 10403 of the California Elections Code; and
2. Approve introduction of an Ordinance for the Council District Boundary Map for Councilmember elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process.

9. 21-1163 [Public Hearing: Adoption of a Resolution Setting Rates for Overall Solid Waste Services and Annual Clean-up Campaign in the Exclusive Franchise Area](#)

- Recommendation:**
1. Adopt a Resolution setting the overall rates to be charged to rate payers for the collection and disposal of garbage, refuse, yard trimmings, recycling, annual Clean-up Campaign, and Household Hazardous Waste in the exclusive franchise area, effective for the utility bills issued for services rendered on and after July 1, 2021;
 3. Authorize the City Manager to incorporate the transfer of \$33,600 from the General Fund to the Solid Waste Fund into Biennial FY 2021/22 and FY 2022/23 Operating Budget and each subsequent operating budget; and
 4. Direct the City Manager to bring forward an amendment to the Proposed Biennial FY 2021/22 and 2022/23 Operating Budget that allocates \$75,000 from the Solid Waste Fund unrestricted ending fund balance in FY 2021/22 to hire a consultant to develop alternatives to the current annual Clean-up Campaign format and conduct a customer survey.

10. 21-760 [Public Hearing: Action on a Resolution Establishing the Average Per-Acre Land Values and Updating the Parkland In-Lieu Fee Schedule for FY2021/22 for New Residential Development](#)

- Recommendation:** Adopt a Resolution to Establish the Parkland In-Lieu Fee Schedule for New Residential Development for FY2021/22 In Accordance with Title 17 ("Development") Chapter 35 ("Park and Recreational Land") of the City Code using the December 31, 2020 land valuation report.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

21-717 [Update on City Council and Stadium Authority Staff Referrals](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, June 8, 2021.

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.