



# City of Santa Clara

## Joint Meeting Agenda of the Council and Authorities Concurrent & Santa Clara Stadium Authority

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**Tuesday, November 15, 2022**

**4:30 PM**

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

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The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9150 Councilmembers may teleconference from remote locations and the City continues to provide 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

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.

**Closed Session - 4:30 PM | Regular Meeting - 7:00 PM**

**4:30 PM CLOSED SESSION**

**Call to Order in the Council Chambers**

**Roll Call**

- 1.A 22-1314** [Conference with Labor Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54957.6](#)  
[City representative: City Manager's 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 \(Public Safety Non-Sworn Employees Association\)](#)
- 1.B 22-1351** [Conference with Legal Counsel - Anticipated Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) and \(d\)\(4\)](#)  
[Consider Authorization of Limited Scope Waiver of Privileged Communications and Any Other Response to Subpoena/Subpoena Duces Tecum](#)
- 1.C 22-1392** [Conference with Real Property Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54956.8](#)  
[Property: 1601 Civic Center Drive, Santa Clara, CA 95050;](#)  
[APN: 224-49-006](#)  
[City/Authority Negotiator: Rajeev Batra, City Manager \(or designee\)](#)  
[Negotiating Parties: Charities Housing, Kathy Robinson](#)  
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property \(provisions, price and terms\)](#)
- 1.D 22-1429** [Conference with Legal Counsel - Existing Litigation \(SA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners Stadium Management Company LLC v. Santa Clara Stadium Authority, JAMS Case No. 1110024318](#)

### 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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**Convene to Closed Session (Council Conference Room)**

**7:00 PM JOINT COUNCIL/STADIUM AUTHORITY MEETING**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

**SPECIAL ORDER OF BUSINESS**

- 2.A 22-1276** [Report from the Chair of the Historical and Landmarks Commission \(HLC\) on Commission Activities](#)

**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.]*

- 3.A 22-1336** [Action of the Minutes of June 21, 2022, July 5, 2022 Council and Authorities Concurrent & Special Stadium Authority, and July 12, 2022 Council and Authorities Concurrent & Special Stadium Authority and Planning Commission Meetings](#)

**Recommendation:** Approve the meeting minutes of:  
June 21, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting; July 5, 2022 Special Stadium Authority Meeting; and  
July 12, 2022 Council and Authorities Concurrent & Special Stadium Authority and Planning Commission Meeting

- 3.B 22-31** [Board, Commissions and Committee Minutes](#)

**Recommendation:** Note and file the Minutes of:  
Planning Commission - September 21, 2022

- 3.C 22-1070** [Action on Monthly Financial Status and Investment Reports for July and August 2022, and Approve the Related Budget Amendments](#)

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for July and August 2022 as presented and Approve the Related Budget Amendments.

3.D 22-1153 [Action on the Vesting Tentative Subdivision Map for Development Area Plan \(DAP\) 1 of the Related Santa Clara Project at 5155 Stars and Stripes Drive](#)

**Recommendation:** Adopt a resolution approving the Vesting Tentative Subdivision Map for DAP 1 (Phase 1) for the Related Santa Clara development located at 5155 Stars and Stripes Drive.

3.E 22-1174 [Action on Award of Purchase Orders with Guerra Construction Group, SBV Concrete, Inc. DBA Valley Concrete, and Spencon Construction for As-Needed Asphalt and Concrete Repair and Replacement Services](#)

**Recommendation:**

1. Authorize the City Manager to execute a purchase order with Guerra Construction Group in the amount of \$560,000 for as-needed concrete services (Package A) and \$10,000 for asphalt cement pavement services (Package B) for an initial one-year term, with maximum compensation not-to-exceed \$570,000;
2. Authorize the City Manager to execute a purchase order with Spencon Construction in the amount of \$90,000 for asphalt cement pavement services (Package B) and \$7,500 for other work (Package C) for an initial one-year term, with maximum compensation not-to-exceed \$97,500;
3. Authorize the City Manager to execute a purchase order with Valley Concrete in the amount of \$42,500 for other work (Package C) and \$140,000 for as-needed concrete services (Package A) for an initial one-year term, with maximum compensation not-to-exceed \$182,500;
4. Authorize the City Manager to adjust compensation amounts between the purchase orders during the term, provided the aggregate compensation of the initial term does not exceed \$977,500, including a 15 percent contingency; and
5. Authorize the City Manager to exercise up to four one-year options to extend the purchase orders after the initial term, subject to the appropriation of funds.

**3.F 22-990** [Action on an Agreement with CSG Consultants, Inc. for Design Professional Services for Annual Street Pavement Maintenance and Rehabilitation Projects \(2023 & 2024 Projects\)](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute an agreement for Design Professional Services with CSG Consultants, Inc. for the Annual Street Pavement Maintenance and Rehabilitation Projects (2023 & 2024 Projects) for a combined total amount not-to-exceed \$668,184; and
  2. Authorize the City Manager to make minor modifications to the Agreement and to extend the term, if needed.

**3.G 22-1229** [Action on a Revised Revenue Agreement with the County of Santa Clara for the Santa Clara Intensive Case Management and Homeless Prevention Program](#)

- Recommendation:** Approve and authorize the City Manager to execute the revised Revenue Agreement with the County of Santa Clara for the Santa Clara Intensive Case Management and Homeless Prevention Program for two years not to exceed \$350,000.

**3.H 22-1187** [Action on an Agreement with the California Office of Traffic Safety for State and Community Highway Funding for the Santa Clara Pedestrian and Bicycle School Safety Project and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager, Finance Director, and Transportation Manager to execute the grant agreement between the City of Santa Clara and the State of California for the Santa Clara Pedestrian and Bicycle School Safety Project;
  2. Approve the FY 2022/23 budget amendment in the Streets and Highways Capital Fund to increase the Other Agencies Revenue estimate by \$25,000 to recognize grant funding for the OTS grant and establish the new Santa Clara Pedestrian and Bicycle School Safety Project in the amount of \$25,000 (**five affirmative Council votes required to appropriate additional revenue**) and;
  3. Authorize the City Manager to make minor modifications to the Agreement and to extend the term, if needed.

3.I 22-1190 [Action on a Professional Services Agreement with Safe Moves, Inc. for the Safe Routes to School Project](#)

- Recommendation:**
1. Authorize the City Manager to execute a professional services Agreement with Safe Moves, Inc. for the Safe Routes to School Program for an initial three-year term with maximum compensation not-to-exceed \$600,000;
  2. Authorize the City Manager to make minor modifications to the Agreement and execute a one-year option to extend the agreement after the initial term, subject to the appropriation of funds.

3.J 22-1214 [Action on Historic Preservation Agreement \(Mills Act Contract\) for 957 Lewis Street](#)

- Recommendation:** Authorize the City Manager to execute a Mills Act Contract and adopt the 10-Year Restoration and Maintenance Plan associated with the property at 957 Lewis Street.

3.K 22-1113 [Action on Historic Preservation Agreement \(Mills Act Contract\) for 1184 Washington Street](#)

- Recommendation:** Authorize the City Manager to execute a Mills Act contract and adopt the Ten-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 1184 Washington Street with applicants Robert and Julie Salinas; File No. PLN22-00244.

- 3.L 22-1378 [Action authorizing the City Manager to Negotiate and Execute an Amendment to the City's Loan Agreement with Monroe Street Housing Partners, L.P by an Increased Amount Not to Exceed \\$3.0 Million to Upgrade Approximately 1,860 Lineal Feet of Water Main to Support the Construction of a Residential Affordable Housing Project at 2330 Monroe Street and Related Budget Amendment \(Deferred from November 1, 2022\)](#)

**Recommendation:** 1. Adopt a resolution, Attachment 3, authorizing the City Manager to negotiate and execute an amendment to the City's loan agreement with Monroe Street Housing Partners, L.P by an increased amount not to exceed \$3.0 million to support the construction of a Residential Affordable Housing Project at 2330 Monroe Street; to make modifications to the Loan Agreement and attachments consistent with the Term Sheet and as reviewed by the City Attorney for form and consistency; to execute all documents necessary to implement the Loan Agreement and close escrow; and

2. Approve the FY 2022/23 budget amendment in the City Affordable Housing Fund to appropriate \$3.0 million to the Monroe Water Main Upgrade and reduce the unrestricted ending fund balance (**five affirmative Council votes required for the use of unused balances**).

- 3.M 22-167 [Action on a Resolution Authorizing the Use of City Electric Forces at Various Locations](#)

**Recommendation:** Determine the proposed actions are exempt from CEQA and adopt a Resolution authorizing the use of City Electric Forces for work detailed in this report located at 902 Lexington Street and 3131 Homestead Road.

**3.N 22-169** [Action on a Resolution Authorizing the Use of City Electric Forces for New Dark Fiber Installations at Various Locations](#)

**Recommendation:** Determine the proposed actions are exempt from CEQA and adopt a Resolution authorizing the use of City Electric Forces for work detailed in this report at Santa Clara City Hall to Santa Clara Police Department Dispatch Datacenter, Primavera Sewer Lift Station, 1890 Lafayette Street, 3460 Brookdale Drive (Well 17-02), 2600 Benton Street (Well 25), Serra Tanks & Santa Clara Valley Water District Import, 2800 Mead Avenue, 3080 Raymond Street, 1700 Richard Avenue, 1525 Comstock Street, and 2151 Mission College Boulevard.

3.O 22-1172 [Action on Silicon Valley Power System Expansion Plan for California Independent System Operators Transmission Planning Process FY2023/024 Agreement with Power System Professionals, Inc. Doing Business as Power Pros \(Power Pros\), Related Budget Amendments \(Five Affirmative Votes Required\), and Addition of New Positions](#)

- Recommendation:**
1. Accept a report on the SVP System Expansion Plan for California Independent System Operators Transmission Planning Process FY2023/24;
  2. Authorize the City Manager to negotiate and execute an Agreement for Services Between the City of Santa Clara, California and Power System Professionals, Inc. doing business as Power Pros for a maximum compensation not to exceed \$17,500,000, subject to appropriation of funds;
  3. Authorize the City Manager to execute amendments to increase maximum compensation in the event that additional services are required, subject to the appropriation of funds and take such additional actions as needed or required in furtherance of the agreement;
  4. Approve the addition of one Electric Program Manager, one Senior Electric Utility Engineer, one Senior Electric and Water System Operator, one Electric Utility Network Administrator, and one Service Coordinator positions in the Electric Utility Department; and
  5. Approve the following FY2022/23 budget amendments:
    - a. In the Electric Utility Fund, increase the Electric Department appropriation by \$690,500 and reduce the unrestricted ending fund balance by \$690,500 (**five affirmative Council votes required for the use of unused balances**);
    - b. In the Electric Utility Capital Fund, increase the revenue estimate for developer contributions in the amount of \$2,000,000, and establish the New Transmission Loop 2 project appropriation in the amount of \$2,000,000 (**five affirmative Council votes required to appropriate additional revenue**).

- 3.P 22-1300** [Adopt the Side Letter Agreement that Updates the Procedures for Intermittent Bonding Leave Between the City of Santa Clara and Santa Clara Firefighters, International Association of Firefighters, Local 1171 \(Unit 1\)](#)

***Recommendation:*** Adopt the Side Letter Agreement that updates the procedures for intermittent bonding leave between the City of Santa Clara and Santa Clara Firefighters, International Association of Firefighters, Local 1171 (Unit 1).

- 3.Q 22-1302** [Action to Adopt Resolutions to Set the Regular Meeting Schedules and Dates for the Cultural Commission, Youth Commission, Parks & Recreation Commission, and Senior Advisory Commission for Calendar Year 2023](#)

***Recommendation:*** Adopt the proposed resolutions to set each of the 2023 Calendar of Regular Meetings for the Cultural Commission, Youth Commission, Parks & Recreation Commission, and Senior Advisory Commission.

- 3.R 22-1299** [Update on Request for Proposals Related to Janitorial Work at Various City Facilities](#)

***Recommendation:*** Note and file the report incorporating changes discussed in this memorandum allowing Staff to move forward with issuing the RFP.

- 3.S 22-1291** [Action on a Request for a Special Permit to allow the Santa Clara First Baptist Church, located at 3111 Benton Street, to conduct an outdoor Christmas Pageant from December 8, 2022 through December 11, 2022, and December 7, 2023 through December 11, 2023.](#)

***Recommendation:*** Approve the request of a Special Permit to allow the Santa Clara First Baptist Church, located at 3111 Benton Street, to conduct an outdoor Christmas Pageant from December 8, 2022 through December 11, 2022, and December 7, 2023 through December 11, 2023, subject to conditions.

- 3.T 22-1362 [Accept the resignation of James Hohenshelt from the Senior Advisory Commission, Declare a Vacancy on the Senior Advisory Commission, and Action on the appointment of Rick Andrews to the Senior Advisory Commission to serve a partial term ending June 30, 2023](#)

**Recommendation:** Accept the resignation of James Hohenshelt from the Senior Advisory Commission, Declare a vacancy on the Senior Advisory Commission and appoint Rick Andrews from the established eligibility list to serve a partial term ending June 30, 2023.

- 3.U 22-1252 [Informational Report Regarding Bi-Annual Project Status Report of the GIS Services Program](#)

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

- 3.V 22-1188 [Informational Report Regarding the City's Shared Mobility Permit Program](#)

**Recommendation:** Note and file Informational Report Regarding the City's Shared Mobility Permit Program

- 3.W 22-1404 [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 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 CONSENT CALENDAR**

- 4.A 22-1205 [Action on Stadium Authority Bills and Claims for the Month of August 2022](#)

**Recommendation:** Approve the list of Stadium Authority Bills and Claims for August 2022.

**4.B 22-1332** [Action on Stadium Authority Bills and Claims for the Month of September 2022](#)

**Recommendation:** Approve the list of Stadium Authority Bills and Claims for September 2022.

**4.C 22-2219** [Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending June 30, 2022](#)

**Recommendation:** Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending June 30, 2022.

**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**

**5. 22-1374** [Action to Waive Second Reading and Adopt Ordinance No. 2055, Adding Section 2.05.100 to the City Code, Amending the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Santa Clara to Eliminate a Clause Relating to Temporary Employees](#)

**Recommendation:** Waive Second Reading and Adopt Ordinance No. 2055, Adding Section 2.05.100 to the City Code, Amending the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Santa Clara to Eliminate a Clause Relating to Temporary Employees

**6. 22-1317** [Action on Resolution for an Exception to the 180 Day Waiting Period To Appoint a Retired Annuitant To Serve as Temporary Extra Help \(Government Code Sections 7522.56 and 21224\)](#)

**Recommendation:** Alternative 1: Adopt the attached Resolutions for an Exception to the 180 Day Waiting Period To Appoint One Retired Annuitant To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).

7.     **22-1268**   [Hold a Public Hearing under the Tax and Equity Fiscal Responsibility Act \(TEFRA\) and Action on the Adoption of a Resolution Approving the California Municipal Finance Authority \(CMFA\) Reissuance of Tax-Exempt Bonds Relating to the Financing of 145-unit Affordable Housing Project for Low-income Households, Located in the City of Santa Clara, California at 3311 Kifer Road](#)

**Recommendation:**

1. Conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended (the “Code”).
2. Adopt the resolution approving the reissuance of the Bonds by the CMFA for the benefit of Allied 2904 Corvin, L.P., to provide for the refinancing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

8.     **22-1257**   [Public Hearing: Actions on the Mitigated Negative Declaration \(MND\) and the Mitigation Monitoring and Reporting Program \(MMRP\), General Plan Amendment from Community Commercial to High Density Residential, Rezone from General Office \(OG\) to Planned Development \(PD\), and density bonus agreement to allow a multifamily affordable housing development with 108 rental units at 1601 Civic Center Drive \(Continued from September 27, 2022\)](#)

**Recommendation:** Alternative: 1, 2, 3 and 4:

1. Adopt a resolution to adopt the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the Civic Center Family Housing Project.
2. Adopt a resolution to approve a General Plan Amendment from Community Commercial to High Density Residential.
3. Adopt a resolution to approve a Rezone from General Office (OG) to Planned Development (PD) to allow a five-story affordable housing development with 108 rental units, on-site parking and amenities, landscaping, and off-site improvements.
4. Authorize the City Manager to negotiate and execute a density bonus agreement in a form approved by the City Attorney.

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

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

- 22-1389**   [Tentative Meeting Agenda Calendar \(TMAC\)](#)

### **ADJOURNMENT**

The next regular scheduled meeting is on Tuesday, December 6, 2022 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); 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) <<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.