

City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, January 10, 2023

3:30 PM

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

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. 22-9175 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) 900-6833Via 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.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at https://santaclara.legistar.com/Calendar.aspx

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at Sana Clara City Hall, 1500 Warburton Avenue, Santa Clara, CA 95050 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. For the final document, you many contact the Office of the City Clerk at (408) 615-2220 or Clerk@santaclaraca.gov.

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 January 10, 2023, at 3:00 pm for a Special Meeting to be held virtually and in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

Closed Session - 3:00 PM | Study Session - 5:30 PM | Regular Meeting - 7:00 PM

3:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 23-03 Public Employment Appointment (Government Code §§ 54957, subd. (b)(1) and 54954.5, subd. (e))

 Title: City Manager
- 1.B 23-37 Conference with Legal Counsel-Anticipated Litigation (CC)

 Pursuant to Gov. Code § 54956.9(d)(2) Exposure to litigation

 Number of potential cases: 1

 Facts and Circumstances: Pursuant to Gov. Code § 54956.9(e)

 (1) Not disclosed on agenda
- 1.C 23-1196 Conference with Legal Counsel-Existing Litigation (CC)

 Pursuant to Gov. Code § 54956.9(d)(1)

 County Sanitation District 2-3, et al. v. City of Santa Clara, et al.,

 Santa Clara County Superior Court Case No. 18CV325480
- 1.D 23-1539 Conference with Legal Counsel-Anticipated Litigation (CC)

 Pursuant to Gov. Code § 54956.9(d)(4) Initiation to litigation

 Number of potential cases: 1
- 1.E 23-1544 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.F 23-1534 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)

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)

5:30 PM STUDY SESSION

*Study Session to begin at 5:30 PM or shortly thereafter.

Call to Order in the Council Chambers

2. 23-1316 Study Session to Report on the Work of the City of Santa Clara

Homelessness Taskforce and to Gather Feedback on a Draft

Framework of the City's Homelessness Response Plan

Recommendation: The purpose of this report is to support a Study

Session on this topic and to receive input from the City Council on the development of the City's Homelessness Response Plan. Possible next steps for Council consideration are discussed in the report.

7:00 PM COUNCIL REGULAR MEETING

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

Call to Order

Call to Order in the Council Chambers (Open to the Public)

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS ON 12-16-2022 AND 1-10-2023

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 3.A 23-1547 Recognition of the Santa Clara Lions 11U Team for Winning the Pacific Northwest Championship Division 1 Title
- 23-1548 Introduction of the New Chief Executive Officer of Silicon 3.B Valley/Santa Clara DMO. Inc. dba Discover Santa Clara®

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.]

4.A 23-02 Action on September 13, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes and September 27, 2022 Joint Council and Authorities Concurrent & **Stadium Authority Meeting Minutes**

Recommendation: Approve the meeting minutes of September 13, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting and September 27, 2022 Joint Council and Authorities Concurrent & Stadium Authority Meeting.

4.B 23-04 Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Downtown Community Task Force - October 21, 2021 Downtown Community Task Force - October 20, 2022 Governance & Ethics Committee - June 7, 2021 Youth Commission - November 8, 2022 Audit Committee - September 30, 2022

4.C 23-1510 Action on Bills and Claims Report (CC, SCSA, HA, SOSA) for the period November 5, 2022 - December 3, 2022

Recommendation: Approve the list of Bills and Claims for November 5, 2022 - December 3, 2022.

4.D 23-1330 Action on Monthly Financial Status and Investment Reports for September and October 2022 and Approve the Related Budget Amendments

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

4.E 23-1337 Action on an Agreement for Conservation Easement in Lieu of Fees at the Regional Wastewater Facility (RWF) and a Class 25 Categorical Exemption Under CEQA

Recommendation: 1. Adopt Class 25 Categorical Exemption Under CEQA Guidelines section 15325(a)

2. Approve the Agreement for Conservation Easement in Lieu of Fees at the Regional Wastewater Facility (RWF)

4.F 23-1249

Action on Award of Purchase Orders to Presidio for Cisco Catalyst Network Switches (Replacement of End of Life Network Equipment CapEx Project), MedixSafe for the Narcotics Safe CapEx Project and Related Budget Amendment, Orlandi Trailer, Inc. for the Enclosed Trailer CapEx Project and Related Budget Amendment, and Dell and Pivot Interiors, Inc. for Office Supplies and Equipment.

Recommendation:

- Authorize the Executive Director to award a purchase order to Presidio for Cisco Catalyst Network Switches including three-year software subscriptions and maintenance and support for a maximum amount not-to-exceed \$69,298, plus any applicable taxes;
- Approve a budget amendment to add a new Narcotics Safe line item in the Stadium Authority FY 2022/23 CapEx Budget for the amount of \$1,857 from the Capital Expense Reserve;
- Authorize the Executive Director to award a purchase order to MedixSafe in the amount of \$1,857 to purchase a narcotics safe (Narcotics Safe CapEx Project);
- 4. Approve a budget to add a new Enclosed Trailer line item in the Stadium Authority FY 2022/23 CapEx Budget for the amount of \$15,283 from the Capital Expense Reserve;
- Authorize the Executive Director to award a purchase order to Orlandi Trailer, Inc. in the amount of \$15,283 to purchase an enclosed trailer to haul and store Police Department mules that are primarily used for Levi's Stadium events (Enclosed Trailer CapEx Project);
- Authorize the Executive Director to award a purchase order to Dell in the amount of \$740 to purchase computer monitors; and
- 7. Authorize the Executive Director to award a purchase order to Pivot Interiors, Inc. in the amount of \$1,391 to purchase an office chair.

4.G 23-1551

Action to Authorize the City Manager to Negotiate, Approve, and Execute Power Purchase and Sale Agreement With Power Authority to Tri-Dam Purchase Carbon-Free Energy From the Tri-Dam Project

- **Recommendation:** 1. Authorize the City Manager to negotiate, approve, and execute a Power Purchase and Sale Agreement with the Tri-Dam Power Authority to purchase energy and associated attributes from the Tri-Dam Project; and
 - 2. Authorize the City Manager to execute all related documents, agreements, and administrative amendments, subject to the approval as to form by the City Attorney, including, but not limited to, collateral assignment agreements and security documentation, and take any and all actions as are necessary or advisable to implement and administer the Power Purchase and Sale Agreement.

4.H 23-1438

Action to Delegate Authority to the City Manager to Negotiate Execute for Services With Reliability and an Agreement Optimization, Inc. for Predictive Maintenance Services for Silicon Valley Power

- **Recommendation:** 1. Determine that the proposed actions are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of Title 14 of the California Code of Regulations;
 - 2. Delegate authority to the City Manager to negotiate, approve and execute an Agreement for Services (Agreement) with Reliability Optimization, Inc. for a five-year term beginning on or around January 25, 2023 with maximum compensation not to exceed \$2,250,000; and
 - 3. Delegate authority to the City Manager to execute amendments in order to add or delete services consistent with the scope of work and increase the total maximum compensation to an amount not to exceed \$3 million subject to the appropriation of funds; and to take any and all actions as are necessary or advisable to implement and administer the Agreement.

4.I 23-1552 Action on Award of Contract for Construction of the Storm Water Compliance Project, Contract No. 2429, to Galeb Paving, Inc. and Related Budget Amendment

- **Recommendation:** 1. Determine the proposed Project is exempt from CEQA pursuant to Section 15301(c) of Title 14 of the California Code of Regulations;
 - 2. Award the Contract for Construction of the Storm Water Compliance Project (Contract No. 2429) to Galeb Paving, Inc., in the amount of \$580,685 and authorize the City Manager to execute any and all documents necessary for the award, completion and acceptance of the Project;
 - 3. Authorize the City Manager to execute change orders up to 15% of the original contract amount, or \$87,103, for a total not-to-exceed amount of \$667,788 for Contract No. 2429; and
 - 4. Approve a FY 2022/2023 budget amendment in the Electric Utility Capital Fund to increase the Storm Water Compliance Capital Improvement Program Project budget by \$500,000 and decrease the Unrestricted Fund Balance by \$500,000 (five affirmative Council votes required for the use of unused balances).

4.J 23-28

Action on Amendments to Three Professional Service Agreements for the Related Santa Clara Development Project Extending the Terms with Milstone Geotechnical Consulting Services, Valbridge Property Advisors and Robert E. Van Heuit and Related Budget Amendment

Recommendation: Approve and authorize the City Manager to execute:

- Amendment No. 6 with Barry Milstone DBA Milstone Geotechnical Consulting Services for the Related Santa Clara Development Project to add \$30,000 for a total not-to-exceed contract amount of \$200,000 and to extend the term through December 31, 2023;
- Amendment No. 6 with Hulberg and Associates, Inc., DBA Valbridge Property Advisors for Consulting Services for the Related Santa Clara Development Project to extend the term through December 31, 2023; and
- 3. Amendment No. 5 to Amended and Restated Agreement with Robert E. Van Heuit for Consulting Services for the Related Santa Clara Development Project to add \$30,000 for a total not-to-exceed contract amount of \$430,000 extend the term through December 31, 2023.
- 4. Any further Amendments to the Agreements to extend the term or modify hourly rate schedule only with no additional funds added to the Agreement.
- Approve the FY 2022/23 budget amendment in the Related Santa Clara Developer Fund to recognize developer contributions in the amount of \$60,000 and increase the Other Development Project Services project by \$60,000 (five affirmative Council votes required to appropriate additional revenue).

4.K 23-1420 Informational Report on Existing Parking Zones related to a Written Petition (Council Policy 030), Submitted by Kirk Vartan, Related to the New Parking Permit Ordinance and Rules

Recommendation: Note and File the Informational Report on Existing

Parking Zones related to a Written Petition (Council Policy 030), Submitted by Kirk Vartan, Related to the

New Parking Permit Ordinance and Rules

4.L 23-1459 Action on Adoption of a Resolution Authorizing the Submittal of Application(s) for the California Department of Water Resources

Urban Multi-Benefit Drought Relief Grant Program

Recommendation: 1. Adopt a Resolution authorizing the City Manager to

apply for, accept, and execute a grant agreement with the California Department of Water Resources for the Urban Multi-Benefit Drought Relief Grant Program

4.M 23-1411 Action on Annual Appointment of Vice Mayor and Chaplain

Recommendation: 1. Appoint Councilmember Kevin Park as Vice Mayor for approximately one year until the

appointment of a successor Vice Mayor; and 2. Appoint Vice Mayor Suds Jain as Chaplain for

approximately one year until the appointment of a

successor Chaplain in January 2024.

4.N 23-1456 Consideration of the Proposed East Neighborhood Park Master
Plan & Schematic Design to be located at 5155 Stars & Stripes
Drive (Related)

Recommendation: Recommend that Council approve the proposed East

Neighborhood Park Master Plan & Schematic Design

to be located at 5155 Stars & Stripes Blvd.

4.0 23-1545 Action to Approve Official Travel Request from Vice Mayor Suds
Jain for the 31st Annual CivicWell Policy Makers Conference

Recommendation: Action on approval for Official Travel Request from

Vice Mayor Suds Jain for the 31st Annual CivicWell

Policy Makers Conference

4.P 23-29 Actions to Approve Various Modifications to Existing Classified Specifications, Including Retitling Facilities Technician Utility Inspection Technician (Job Code 469) and Facilities Supervisor to Utility Inspection Supervisor (Job Code 467) and Adopt a Resolution Approving the Updated Classified Salary Plan

Recommendation: Approve revisions and retitles to various classified job specifications including, Facilities Technician to Utility Inspection Technician (Job Code 469) and Facilities Supervisor to Utility Inspection Supervisor (Job Code 467)

4.Q 23-38 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.

4.R 23-44 Action on Appointment of City Attorney and Approval of the Employment Agreement between City of Santa Clara and Glen R. Googins

Recommendation: No Recommendation from Staff

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

- 5. Action on Request Submitted by the Stadium Manager to Award Agreement to Devcon Construction, Inc. to Remove and Replace Existing Padded Club Seats in Levi's Stadium (New Seating - Bowl Padded Seats Replacement Project - Lower and Mid Level Club Seating Bowl CapEx Project)
 - 5.A 23-1540 Request from the Stadium Manager to Award Agreement to Devcon Construction. Inc. to Remove and Replace Existing Padded Club Seats in Levi's Stadium (New Seating -Bowl Padded Seats Replacement Project - Lower and Mid Level Club Seating Bowl CapEx Project)

5.B

23-1538 Report from the Stadium Authority for Action Regarding Stadium Request to Award Manager's Agreement to Devcon Construction, Inc. to Remove and Replace Existing Padded Club Seats in Levi's Stadium (New Seating - Bowl Padded Seats Replacement Project - Lower and Mid Level Club Seating Bowl CapEx Project)

Recommendation:

- 1. Approve the Stadium Manager's request to award a one-time agreement to Devcon Construction, Inc. to remove and replace the existing padded club seats in Levi's Stadium (New Seating - Bowl Padded Seats Replacement Project - Lower and Mid Level Club Seating Bowl CapEx Project) in the amount of \$3,094,382;
- 2. Authorize the Executive Director to approve the Stadium Manager's execution of any and all documents associated with, and necessary for the award, completion, and acceptance of the project; and
- 3. Authorize the Executive Director to approve the Stadium Manager's execution of change orders up to 10% of the contract cost (\$309,438), for a total not to exceed construction agreement amount of \$3,403,820.

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

6. 23-1381 Status Report on the BMX lease agreement between the City of Santa Clara and the Police Activities League

Recommendation: Alternative 1: Note and file the staff report

23-1053 Update on Collaboration with the City of San José, Santa Clara 7. Valley Water District (Valley Water) and the San Francisco Public Utilities Commission (SFPUC) on Recycled and Purified Water: Action on Letter of Intent with Valley Water and the City of San Jose for Collaborating on Expanding the Use of Purified Water: Action on Memorandum of Understanding with San Jose and the SFPUC on a Purified Water Feasibility Study and Action on a Class 6 Categorical Exemption Under CEQA.

- **Recommendation:** 1. Adopt a Class 6 Categorical Exemption Under CEQA Guidelines Section 15306);
 - 2. Note and file the informational report on the Collaboration with the City of San José and Santa Clara Valley Water District (Valley Water) and the San Francisco Public Utilities Commission (SFPUC) on Recycled and Purified Water;
 - 3. Authorize the City Manager to Execute the Letter of Intent for Collaborating on the Expansion of Purified Water in Santa Clara County, subject to minor modifications approved by the City Attorney; and 4. Authorize the City Manager to Execute the
 - Memorandum of Agreement Between San Jose, Santa Clara, and the SFPUC for the South Bay Purified Water Project Feasibility Study.
- 8. 23-1554 Informational Report on a Written Petition (Council Policy 030) Submitted by Anurag Aggrawal and Ajay Thadhlani and Other Residents of North Santa Clara Near Levi's Stadium which Requested a Debrief of the Noise Levels Associated with the Coldplay Concert Held on Sunday, May 19, 2022.

Recommendation: Note and File the Informational Report

9. 23-1570 Action on Resolution for an Exception to the 180 Day Waiting Period To Appoint Retired Annuitants 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 Four Retired Annuitants To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).

SANTA CLARA STADIUM AUTHORITY GENERAL BUSINESS

10. 23-1541 Update the Levi's Stadium Naming Rights on Signage Assessment and Request for Direction from the Stadium **Authority Board**

Recommendation: Staff requests direction from the Stadium Authority

Board on how to move forward with the Levi's

Stadium Naming Rights signage.

WRITTEN PETITION (COUNCIL POLICY 030) SUBMITTED BY THE PUBLIC/COUNCIL

11. 23-1685 Action on a Written Petition (Council Policy 030), Submitted by Paul Rosa Requesting to Place an Agenda Item on a Future Council Meeting for Council to Consider the request by Wilcox High School for a One Time Waiver for Tournaments at Washington Park in 2023

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

<u>The next regular scheduled meeting is on Tuesday, January 31, 2023 in the City Hall Council Chambers.</u>

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.