

City of Santa Clara

Agenda

Council and Authorities Concurrent Meeting Call and Notice of Special Meeting Santa Clara Stadium Authority



Tuesday, November 1, 2022

4:00 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. 22-9145 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.

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 November 1, 2022, at 4:00 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 - 4:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 22-1352 [Public Employee Appointment \(Government Code §§ 54957, 54954.5, subd. \(e\)\)](#)
[Title: City Attorney](#)
- 1.B 22-1353 [Public Employment Appointment \(Government Code §§ 54957, subd. \(b\)\(1\) and 54954.5, subd. \(e\)\)](#)
[Title: City Manager](#)
- 1.C 22-1269 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Cole v. City of Santa Clara, Workers Compensation Appeals Board Case Numbers ADJ11008641, ADJ7825501, ADJ9489229, ADJ7824961, ADJ11492695, ADJ2074466, ADJ4506124, ADJ9481064, ADJ1772651](#)
- 1.D 22-1324 [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\(e\) \(2\) - Allegation, known to potential plaintiffs, that certain trees caused damage to sound wall adjacent to private property located at southwest corner of Pruneridge Avenue and San Tomas Expressway](#)

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)

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

2. 22-1155 [Real Estate and Morse Mansion Study Session](#)

Recommendation: Provide Feedback on Possible Future Options for Morse Mansion

7:00 PM COUNCIL REGULAR/SPECIAL STADIUM AUTHORITY MEETING

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

3.A 22-833 [Proclaim November 2022 as Sikh Awareness and Appreciation Month](#)

3.B 22-1325 [Proclaim November 2022 as National Native American Heritage Month](#)

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 22-30 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Youth Commission - September 13, 2022
Historical and Landmarks Commission - September 1, 2022
Bicycle and Pedestrian Advisory Committee - June 27, 2022
Parks & Recreation Commission - September 20, 2022
Senior Advisory Commission - September 26, 2022

4.B 22-1192 [Action on Bills and Claims Report \(CC, HA\) for the period September 3, 2022 - September 30, 2022](#)

Recommendation: Approve the list of Bills and Claims for September 3, 2022 - September 30, 2022.

4.C 22-1199 [Action to Approve the FY 2022/23 California Library Literacy Services \(CLLS\) Grants for the Library Department's Read Santa Clara Program and Related Budget Amendments](#)

Recommendation: 1. Accept the total California Library Literacy Services grant award of \$147,266 for the Read Santa Clara program;
2. Approve the FY 2022/23 budget amendments in the Library Operating Grant Trust Fund to recognize the total grant revenue of \$147,266 and increase the FY 2022/23 appropriation by \$147,266 (**five affirmative Council votes required to appropriate additional revenue**).

4.D 22-0080 [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 2590 Walsh Avenue, Agnew Road and Bassett Street, 3595 MacGregor Lane, 3050 Tasman Drive, 909 Kiely Boulevard, 1834 Worthington Circle, 3379 - 3425 El Camino Real, 2378 Lass Drive, 2760 Homestead Road, and 3401 De La Cruz Boulevard.

4.E 22-170 [Authorize the City Manager to Negotiate and Execute an Amendment to the Agreement between the City of Santa Clara and Delta Star, Inc., to Upgrade Transformers at the Juliette Substation, and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to negotiate and execute an Amendment to the Agreement for services between the City of Santa Clara and Delta Star, Inc. to increase maximum compensation by \$1,922,420 for a total maximum compensation of \$2,000,000;
 2. Authorize the City Manager to negotiate and execute amendments with Delta Star, Inc. for transformer equipment and services at various substations, increase total maximum compensation by up to an additional \$2,000,000 for a revised maximum compensation up to \$4,000,000 over a five-year period ending on June 30, 2027 and subject to the appropriation of funds; and
 3. Approve the FY 2022/23 budget amendment in the Electric Utility Capital Fund to increase the estimate for Other Revenue in the amount of \$1,172,500 and the Juliette Substation Transformer Rerate and Installation Project in the same amount **(five affirmative Council votes required to appropriate additional revenue).**

4.F 22-882 [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](#)

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**).

4.G 22-1251 [Action on Removal of Commissioner Jennifer Garcia-Vega from the Cultural Commission and Declare a Vacancy](#)

Recommendation: Action on Removal of Commissioner Jennifer Garcia-Vega from the Cultural Commission and Declare a Vacancy.

4.H 22-1309 [Authorize the City Manager to execute the 2023-2025 Memorandum of Understanding Between the City of Santa Clara and the Unclassified Fire Management Employees \(“Unit 9B”\) that incorporates the terms of the Tentative Agreement and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to execute the 2023-2025 Memorandum of Understanding Between the City of Santa Clara and the Unclassified Fire Management Employees (“Unit 9B”) that incorporates the terms of the Tentative Agreement.
 2. Approve the related FY 2022/23 budget amendment in the General Fund to increase the Fire Department budget by \$143,000 and decrease the Land Sale Reserve by \$143,000 (**five affirmative votes required for the use of unused fund balances**).

4.I 22-1311 [Authorize the City Manager to execute the 2021-2025 Memorandum of Understanding Between the City of Santa Clara and the Public Safety Non-Sworn Employees Association \(“Unit 10”\) that incorporates the terms of the Mediated Tentative Agreement and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to execute the 2021-2025 Memorandum of Understanding Between the City of Santa Clara and the Public Safety Non-Sworn Employees Association (“Unit 10”) that incorporates the terms of the Mediated Tentative Agreement.
 2. Approve the related FY 2022/23 budget amendment in the General Fund to increase the Fire Department budget by \$34,000, increase the Police Department budget by \$446,000, and decrease the Land Sale Reserve by \$480,000 (**five affirmative votes required for the use of unused balances**).

4.J 22-1341 [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

5.A 22-1084 [Action on the Stadium Authority Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2022 and Related Budget Amendments](#)

Recommendation:

1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2022;
2. Approve various FY 2021/22 Santa Clara Stadium Authority budget amendments based on actual year-end performance in the Operating Fund from reserves and recognizing additional fee revenues; and
3. Approve various FY 2021/22 Santa Clara Stadium Authority budget amendments based on actual year-end performance in the Debt Service Fund from Debt Service Reserve.

5.B 22-1253 [Action on Amendments to Agreements for the Financial Management System for the Stadium Authority](#)

Recommendation:

1. Authorize the Stadium Authority Executive Director to execute Amendment No. 1 to the Agreement with Armanino, LLP for implementation and support services for the Stadium's Financial Management System, to extend the term of the agreement to October 31, 2025 and increase compensation by \$75,978 for a revised not to exceed amount of \$274,438, and to execute future amendments as may be required to add/delete support services during the term of the agreement, subject to the appropriation of funds; and
2. Authorize the Stadium Authority Executive Director to execute Amendment No. 1 to the Agreement with InTWO, Inc. for Microsoft Dynamics Great Plains software subscription and cloud/hosting services, to increase the one-time setup fee to \$5,969 and annual fee to \$56,532, and to execute future service orders and/or amendments to add/delete software services and extend the term for as long as the system is used by the Stadium Authority, subject to the appropriation of funds.

5.C 22-1090 [Report on the Audited Santa Clara Stadium Authority Fiscal Year 2021/22 Annual Financial Statements](#)

Recommendation: Note and file the Santa Clara Stadium Authority Fiscal Year 2021/22 Annual Financial Statements.

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. 22-1101 [Public Hearing: Action to Waive Second Reading and Adopt Ordinance No. 2053 Amending Title 15 \(“Buildings and Construction”\) of “The Code of the City of Santa Clara, California” for the Adoption of the 2022 California Building Standards Code, with local amendments](#)

Recommendation: Waive Second Reading and Adopt Ordinance No. 2053 Amending Title 15 (“Buildings and Construction”) of “The Code of the City of Santa Clara, California” for the Adoption of the 2022 California Building Standards Code, with local amendments.

7. 22-1021 [Public Hearing: Action to Waive Second Reading and Adopt Ordinance No. 2054 Amending Chapter 15.60 of the Santa Clara City Code \(“Santa Clara Municipal Fire and Environmental Code”\) to Adopt the 2022 California Fire Code, as Amended](#)

Recommendation: Waive Second Reading and Adopt Ordinance No. 2054 amending Chapter 15.60 of the Santa Clara City Code (“Santa Clara Municipal Fire and Environmental Code”) to adopt the 2022 California Fire Code, as amended.

8. 22-1346 [Public Hearing: Action to Waive Second Reading and Adopt Ordinance No. 2056 updating the 2021 Reach Code of Santa Clara to Conform to the 2022 California Building Standards Code](#)

Recommendation: Waive Second Reading and Adopt Ordinance No. 2056 updating the 2021 Reach Code of Santa Clara to Conform to the 2022 California Building Standards Code

9. 22-1124 [Public Hearing: Action to Accept the 2022 Report on the City's Water Quality Relative to Public Health Goals](#)

Recommendation: Accept the 2022 Report on the City's Water Quality Relative to Public Health Goals.

10. 22-150 [Receive Silicon Valley Power Quarterly Update](#)

Recommendation: Note and file the Silicon Valley Power Quarterly Update.

11. 22-1256 [Action on a Written Petition \(030\) Related to the Possibility of Acquiring 1601 Civic Center Drive for the Purpose of Establishing a City Park](#)

Recommendation: Note and file report.

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

12. 22-1340 [Action on a Written Petition \(Council Policy 030\), Submitted by Kirk Vartan Requesting to Place an Agenda Item on a Future Council Meeting for Council to Discuss the New Parking Permit Ordinance and Rules](#)

Recommendation: Staff makes no recommendation.

13. 22-1344 [Action on a Written Petition \(Council Policy 030\), Submitted by Shprese Head Requesting to Place an Agenda Item on a Future Council Meeting for Council to Discuss what the City of Santa Clara is doing to help get BMX riders back to Racing under USA BMX Sanction](#)

Recommendation: Staff makes no recommendation.

14. 22-1348 [Action on a Written Petition \(Council Policy 030\), Submitted by Lori Garmany Requesting to Place an Agenda Item on a Future Council Meeting for Council to Consider the Censure of Mayor Lisa Gillmor for the Leaking of Confidential Closed Session Settlement Information to the Press as well as Writing a Letter to Governor Newsom](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 22-904 [Update on City Council and Stadium Authority Staff Referrals](#)
- 22-1354 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURN INTO CLOSED SESSION (Council Conference Room)

15. 22-1315 [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 \(provisions, price and terms\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, November 15, 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>> 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.