



# City of Santa Clara

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

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Tuesday, September 7, 2021

4:30 PM

Virtual Meeting  
Closed Session 4:30 PM  
Open Session 6:00 PM

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Pursuant to the provisions of California Governor's Executive Order N-08-21, issued on June 11, 2021, 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](mailto:PublicComment@santaclaraca.gov)

As always, the public may view the meetings on [SantaClaraCA.gov](http://SantaClaraCA.gov), Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

### **4:30 PM CLOSED SESSION**

#### **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. **21-5232** [Public Employee Appointment \(Government Code Section 54954, subd. \(e\)\)](#)  
[Title: Interim City Attorney](#)

#### **Convene to Closed Session**

### **6:00 PM JOINT COUNCIL/STADIUM AUTHORITY REGULAR MEETING**

*\*Open Session is to begin at 6:00 PM or shortly thereafter*

#### **Pledge of Allegiance and Statement of Values**

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

**CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

**SPECIAL ORDER OF BUSINESS**

- 2.A 21-1071 [Presentation by Santa Clara Relay for Life](#)
- 2.B 21-1113 [Proclamation Commemorating the Twentieth Anniversary of the Terrorist Attacks of September 11, 2001](#)
- 2.C 21-1121 [Proclaim National Hispanic Heritage Month, September 15, 2021 through October 15, 2021](#)

**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 21-819 [Action on the Meeting Minutes of May 4, 2021 Council & Authorities Concurrent and Special Stadium Authority/Public Facilities Financing Corporation, May 24, 2021 Special City Council, May 25, 2021 Council and Authorities Concurrent & Special Stadium Authority/Successor Agency to the City of Santa Clara Redevelopment Agency, and May 27, 2021 Special City Council](#)

**Recommendation:** Approve the Meeting Minutes of:  
May 4, 2021 Council & Authorities Concurrent and Special Stadium Authority/Public Facilities Financing Corporation  
May 24, 2021 Special City Council  
May 25, 2021 Council and Authorities Concurrent & Special Stadium Authority/Successor Agency to the City of Santa Clara Redevelopment Agency  
May 27, 2021 Special City Council

3.B 21-17 [Board, Commissions and Committee Minutes](#)

**Recommendation:** Note and file the Minutes of:

Senior Advisory Commission - July 26, 2021  
Bicycle & Pedestrian Advisory Committee - June 28,  
2021  
Planning Commission - July 12, 2021

3.C 21-962 [Action on the Santa Clara Convention Center FY 2020/21 4th Quarter Financial Status Report](#)

**Recommendation:** Note and file the Santa Clara Convention Center Financial Status Report for the 4th Quarter ending June 30, 2021, as submitted by Spectra.

3.D 21-1134 [Action on the Appropriation of Funds from the Silicon Valley Central Chamber of Commerce and Related Budget Amendment](#)

**Recommendation:** Consistent with City Charter Section 1305, “*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*” approve the FY 2021/22 budget amendment in the General Fund to recognize and appropriate revenue in the amount of \$330,000 to the City Manager’s Office operating budget (**five affirmative Council votes required to appropriate additional revenue**).

**3.E 21-1079** [Action on a Purchase Order with Syserco, Inc. for Heating, Ventilation, and Air Conditioning Environmental Control Systems](#)

- Recommendation:**
1. Authorize the City Manager to execute a Purchase Order with Syserco, Inc. for HVAC preventative maintenance and as-needed repairs of Alerton control systems, for an initial one-year term beginning on or about September 7, 2021 and ending on September 30, 2022 for a maximum compensation not-to-exceed \$37,137, subject to the appropriation of funds;
  2. Authorize the City Manager to amend the Purchase Order to increase maximum compensation at the same unit pricing, in the event actual repairs exceed the forecasted amounts; and
  3. Authorize the City Manager to exercise up to four one-year options to extend the term of the Purchase Order after the initial term, ending on September 30, 2026 assuming all options are exercised and subject to the appropriation of funds.

**3.F 21-1199** [Action on Amendment No. 2 to the Agreement with Moore Iacofano Goltsman, Inc. \(MIG\) for preparation of the Freedom Circle Focus Area Plan, Amendment No. 2 to Reimbursement Agreement with Freedom Circle Venture, LLC, and Related Budget Amendment \(Deferred from August 24, 2021\)](#)

- Recommendation:**
1. Consistent with City Charter Section 1305 , “At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,” approve the FY 2021/22 budget amendment in the Prefunded Plan Review Fund to recognize developer contributions in the amount of \$66,000 and establish an appropriation for the Freedom Circle Focus Area Plan in the amount of \$66,000 (five affirmative council votes required to appropriate additional revenue);
  2. Authorize the City Manager to execute Amendment No. 2 to the Agreement with Moore Iacofano Goltsman (MIG) for professional services to prepare the Freedom Circle Focus Area Plan and related Environmental Review documents by increasing the amount of the agreement by \$66,000 and extending the term of the agreement through December 31, 2022, for a revised not-to-exceed maximum compensation of \$751,635, subject to the appropriation of funds; and
  3. Authorize the City Manager to execute Amendment No. 2 to the Reimbursement Agreement with Freedom Circle Venture LLC.

**3.G 21-530** [Action on Amendment No. 2 to the Agreement for Design Services with Bellecci & Associates, Inc. and associated budget amendment for the Loyalton and Benicia Properties.](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 2 to the Agreement for Design Services with Bellecci & Associates, Inc. for engineering design services for the demolition buildings at the City's properties located at remote facilities in Benicia and Loyalton, California, to increase the maximum compensation from \$116,021 to \$356,021;
  2. Authorize the City Manager to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds; and
  3. Consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*" approve the following FY 2021/22 budget amendment: In the Electric Utility Operating Fund, increase the Electric Utility Department budget by \$290,000 and reduce the unrestricted ending fund balance by \$290,000 **(five affirmative Council votes required for the use of unused balances).**

**3.H 21-1143** [Action on Amendment No. 4 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 4 with Wilson, Ihrig & Associates to extend the term of the Agreement by 18 months ending on March 30, 2023, and increase maximum compensation by \$100,000 for a total not to exceed amount of \$349,840, subject to Santa Clara Stadium Authority Board appropriation of funds; and
  2. Authorize the City Manager to execute additional amendments to extend the term of the Agreement for as long as the noise monitoring system is operable, and increase maximum compensation as required to fund the extension(s), subject to the Santa Clara Stadium Authority Board appropriation of funds.

3.1 21-1172 [Action on City Positions on Proposed League of California Cities' 2021 Annual Conference Resolutions](#)

- Recommendation:**
1. Approve a “Take No Action” position for the proposed Cal Cities 2021 Annual Conference Resolution calling on the State Legislature to pass legislation that provides for a fair and equitable distribution of the Brady Burns 1% local sales tax from in-state online purchases, based on data where products are shipped to, and that rightfully takes into consideration the impacts that fulfillment centers have on host cities but also provides a fair share to California cities that do not and/or cannot have a fulfillment center within their jurisdiction, and authorize the City’s voting delegate/alternates to cast a vote consistent with the City Council’s adopted position; and
  2. Approve a “Support” position for the proposed Cal Cities’ 2021 Annual Conference Resolution calling upon the Governor and the Legislature to work with the League of California Cities and other stakeholders to provide adequate regulatory authority and necessary funding to assist cities with these railroad right-of-way areas so as to adequately deal with illegal dumping, graffiti and homeless encampments that proliferate along the rail lines and result in public safety issues, and authorize the City’s voting delegate/alternates to cast a vote consistent with the City Council’s adopted position.



**3.J 21-1002** [Actions to Approve Various Modifications to Existing Classified Classifications and Adopt a Resolution Approving and Adopting the Revised Classified Salary Plan, and Add a Management Analyst Position Previously Approved in the Stadium Authority's Budget](#)

- Recommendation:**
1. Approve revisions to various class specifications including, making the Human Resources Technician (Job Code 508) and Senior Human Resources Technician (Job Code 747) flexibility staffed, retitling Water Resources Specialist (Job Code 907; formerly Water Resources Planner), and merging the Assistant Water Superintendent (Job Code 229) and Assistant Sanitary Sewer Superintendent (Job Code 235) classifications into one classification titled Assistant Water and Sanitary Sewer Superintendent (Job Code 229) and deletion of Assistant Sanitary Sewer Superintendent (Job Code 235);
  2. Adopt a Resolution to approve the revised classified salary plan to satisfy the requirements of California Code of Regulations Section 570.5; and
  3. Approve the addition of 1.0 FTE Management Analyst in the City Manager's Office.

**3.K 21-898** [Action on the City Plaza Park Gazebo Enhancement Schematic Design Option B and Introduction of an Ordinance Approving the City Plaza Park Schematic Design Update in Accordance with City Charter Section 714.1](#)

- Recommendation:**
1. Introduce an ordinance to approve the City Plaza Park Gazebo Enhancement Schematic Design Option B; and
  2. Update the City Plaza Park Site Plan to include additional concrete activity area and related project improvements.

**SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR**

**4.A 21-1074** [Action on Stadium Authority Bills and Claims for the Month of June 2021](#)

- Recommendation:** Approve the list of Stadium Authority Bills and Claims for June 2021.

**4.B Request from Stadium Manager to Execute an Agreement with Unique Venues for Non-NFL Catered Events Marketing**

1. **21-11820** [Request from Stadium Manager to Execute an Agreement with Unique Venues for Non-NFL Catered Events Marketing](#)
2. **21-11830** [Report from the Stadium Authority Regarding Stadium Manager's Request to Execute an Agreement with Unique Venues for Non-NFL Catered Events Marketing](#)

**Recommendation:** Approve the Stadium Manager's request to execute an agreement with Unique Venues in the amount of \$1,995 to implement a Non-NFL catered events email campaign, and authorize the Executive Director to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager.

**4.C Request from the Stadium Manager to Approve Budget Amendment for CapEx Project (Levi's Signage Repairs) and Execute Amendment to Agreements with Bear Electrical Solutions, Inc. for Electrical Maintenance and Repair Services**

1. **21-12030** [Request from the Stadium Manager to Approve Budget Amendment for Levi's Signage Repairs CapEx Project and Execute Amendment to Agreement with Bear Electrical Solutions, Inc. for Electrical Maintenance and Repair Services](#)

2. 21-1204 [Report from the Stadium Authority Regarding Stadium Manager's Request to Approve Budget Amendment for Levi's Signage Repairs CapEx Project and Execute Amendment to Agreement with Bear Electrical Solutions, Inc. for Electrical Maintenance and Repair Services](#)

**Recommendation:**

1. Require that the Work Order be updated to require the cost estimate being provided by the Contractor (Bear Electrical) include details such as, but not limited to, breakdown of costs related to equipment, supplies, and labor related to the project;
2. Approve a budget amendment of \$250,000 to the Stadium Authority FY 2021/22 CapEx Budget for the Levi's Signage Repairs project; and
3. Approve the Stadium Manager's request to execute an amendment to the agreement with Bear Electrical Solutions, Inc. to increase the not to exceed amount from \$250,000 to \$500,000 for the first year of the agreement term to cover the cost of the interim repairs (for a total not to exceed amount of \$1 million over the initial three-year term), subject to budget appropriations for every contract year, and authorize the Executive Director to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager.

**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. 21-1799 [Consideration of Silicon Valley Power Quarterly Strategic Plan Update \(Deferred from July 13, 2021\)](#)

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

6.      **21-990**      [Action on a Rezone from Planned Development \(PD\) to Planned Developed \(PD\) of the property located at 190 N. Winchester Boulevard](#)

**Recommendation:** There is no staff recommendation on the application to rezone the project site from PD to PD to modify the project by removing the restricted occupancy requirement from senior households age 55 years and older in order to allow occupancy for residents of all ages.

7.      **21-1153**      [Action on a Written Petition \(Council Policy 030\) submitted by David Donaldson on August 14, 2021 to add an Agenda Item to a future Council Agenda to Consider Placing a Ballot Measure on the 2022 Ballot for Charter Amendments calling for the voters to consider \(1\) Establishing Mayor and City Council positions as full-time and with an annual salary of \\$96,000 and \\$80,000, respectively, plus commensurate benefits and COLA adjustments and \(2\) Campaign Reform actions relative to donations from Santa Clara businesses and residents, City matching funds for donations, funding caps, and disclosures of funding raising activities.](#)

**Recommendation:** Staff makes no recommendation.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

- 21-1180**      [Update on City Council and Stadium Authority Staff Referrals](#)

- 21-2247**      [Tentative Meeting Agenda Calendar \(TMAC\)](#)

**ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, September 28, 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) <<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.