



City of Santa Clara

Meeting Agenda

Joint Council and Authorities Concurrent & Stadium Authority Meeting

Tuesday, August 16, 2022

3:00 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. 22-9124, 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 (now available during the meeting)
- Via email to PublicComment@santaclaraca.gov

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

Closed Session - 3:00 PM | Regular Meeting - 7:00 PM

3:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 22-1033** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Forty Niners Stadium Management Company LLC, et al., v. City of Santa Clara, et al. Santa Clara County Superior Court Action No. 19CV355432; Forty Niners Stadium Management Company LLC, et al. v. Santa Clara Stadium Authority, et al., Santa Clara County Superior Court Action No. 17CV304903; and Forty Niners Stadium Management Company LLC v. Santa Clara Stadium Authority, JAMS Case No. 1110024318](#)
- 1.B 22-967** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Jacob Malae v. City of Santa Clara, et al., United States District Court, Northern District of California, Case Number 3:21-cv-1453](#)

- 1.C 22-1009** [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.D 22-1011** [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)

7:00 PM JOINT COUNCIL/STADIUM AUTHORITY MEETING

**Open Session will 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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

2.A 22-828 [Proclaim August 2022 as American Muslim Appreciation and Awareness Month](#)

2.B 22-1045 [Proclaim August 2022 as Transgender History 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.]

3.A 22-389 [Action on April 5, 2022 Council and Authorities Concurrent & Special Stadium Authority Meeting, April 19, 2022 Council Authorities Concurrent & Special Stadium Authority and Planning Commission Meeting, and April 28, 2022 Special City Council Meeting Minutes](#)

Recommendation: Approve the Meeting Minutes of:
April 5, 2022 Council and Authorities Concurrent & Special Stadium Authority;
April 19, 2022 Council and Authorities Concurrent & Special Stadium Authority and Planning Commission Meeting; and
April 28, 2022 Special City Council Meeting

3.B 22-24 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Parks & Recreation Commission - June 21, 2022
Senior Advisory Commission - February 28, 2022
Senior Advisory Commission - June 27, 2022
Cultural Commission - June 6, 2022
Planning Commission - June 15, 2022
Board of Library Trustees - May 2, 2022

3.C 22-838 [Action on Monthly Financial Status Report for May 2022 and Monthly Investment Reports for May 2022 and June 2022, and Approve the Related Budget Amendments](#)

Recommendation: Note and file the Monthly Financial Status Report for May 2022, Monthly Investment Reports for May 2022 and June 2022 as presented and Approve the Related Budget Amendments.

3.D 22-918 [Action on Award of Contract for the Mission Library Gazebo Project to Innovate Concrete and Related Budget Amendment](#)

- Recommendation:**
1. Award the Public Works Contract for the Mission Library Gazebo Project to the lowest responsive and responsible bidder, Innovate Concrete, in the amount of \$169,563 and authorize the City Manager or Designee to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
 2. Authorize the City Manager or Designee to execute change orders up to approximately 15 percent of the original contract price, or \$25,437, for a total not to exceed amount of \$195,000; and
 3. Approve the following FY 2022/23 budget amendment in the Parks and Recreation Capital Fund to increase the Mission Library Gazebo project appropriation by \$41,194 (from \$168,806 to \$210,000) and decrease the Parks and Recreation Capital Fund Quimby Act fund balance by \$41,194 **(five affirmative Council votes required for the use of unused balances)**.

3.E 22-1603 [Action on an Agreement with Wonderware, Inc., doing business as CORE Business Technologies \(CORE\), for a Central Cashiering System](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Wonderware, Inc., doing business as CORE Business Technologies, to provide software, hardware, and related professional services for a central cashiering system, with an initial term of five years starting on or around September 1, 2022 and ending on or around August 31, 2027, with maximum compensation not-to-exceed \$516,816, subject to the appropriation of funds; and
 2. Authorize the City Manager to amend the agreement to extend the term after the initial five-year term for as long as the system is being used by the City, subject to the appropriation of funds.

3.F 22-798 [Action on Historic Preservation Agreement \(Mills Act Contract\) for 1356 Main 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 1356 Main Street with applicants Brian Dawbin and Mary Ann Salyards; File No. PLN2021-15291.

3.G 22-889 [Action on an Agreement with Kyle Groundwater, Inc. for Well Condition Assessment and Engineering Services During Rehabilitation](#)

Recommendation: Authorize the City Manager to execute an agreement with KYLE Groundwater, Inc. for well condition assessment and engineering services during rehabilitation starting on or around September 1, 2022 and ending on or around August 31, 2025, with maximum compensation not-to-exceed \$1,007,880, subject to the appropriation of funds.

3.H 22-08 [Action on an Agreement with Advanced Mobility Group for Design Professional Services for the Lick Mill Boulevard Pedestrian Beacon Upgrade and Monroe Street at Los Padres Boulevard Traffic Signal Modification Project](#)

Recommendation:

1. Approve and authorize the City Manager to execute an agreement for Design Professional Services with Advanced Mobility Group for the Lick Mill Boulevard Pedestrian Beacon Upgrade and Monroe Street at Los Padres Boulevard Traffic Signal Modification Project in the amount not-to-exceed \$136,818; and
2. Authorize the City Manager to make minor modifications to the agreement if needed and to extend the term.

3.I 22-163 [Action on Software Services Agreement with Power Market Consulting Inc. for OASISLive Subscription Used for California Independent System Operator \(CAISO\) Congestion Revenue Rights \(CRR\) Market Participation with Options to Renew for up to Five Additional Years](#)

- Recommendation:**
1. Authorize the City Manager to Execute a Software Services Agreement (Agreement) with Power Market Consulting Inc. for OASISLive subscription used for CRR and power market participation in an amount not to exceed \$1,000,000 for the four-year initial period;
 2. Authorize the City Manager to execute amendments to extend the term of the Agreement for up to five additional years with a total maximum compensation not to exceed \$3,000,000; and
 3. Authorize the City Manager to amend the Agreement to (a) add or delete services, licenses, subscriptions, and equipment; and (b) allow for future rate adjustments, subject to appropriation of funds.

3.J 22-816 [Action on an Agreement with TT FASTER LLC, dba FASTER Asset Solutions, for a Fleet Management Information System](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with TT FASTER LLC, doing business as FASTER Asset Solutions, for a vendor-hosted fleet management information system, with an initial term of five years starting on or around September 1, 2022 and ending on or around August 31, 2027, with maximum compensation not-to-exceed \$149,194;
 2. Authorize the City Manager to execute amendments for any additional system modules not-to-exceed \$50,000 and subject to the appropriation of funds; and
 3. Authorize the City Manager to renew the agreement at the end of the five-year term for ongoing maintenance and support as long as the system is being used by the City and subject to the appropriation of funds.

3.K 22-968 [Action on the Approval of a Municipal Law Enforcement Services Agreement with San Francisco Police Department \(deferred from the July 12, 2022 City Council meeting\)](#)

Recommendation: Approve the Municipal Law Enforcement Services Agreement between the Santa Clara Stadium Authority, City of Santa Clara, and San Francisco Police Department for support services associated with events at Levi's Stadium.

3.L 22-715 [Action on Amendment No. 1 to the Agreement with WRECO for the Great America Parkway and Mission College Boulevard Intersection Improvements Project](#)

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with WRECO in the amount of \$381,629 for Great America Parkway and Mission College Boulevard Intersection Improvements Project for a total Agreement not-to-exceed amount of \$1,409,629; and
2. Authorize the City Manager to make minor modifications to the agreement if needed and to extend the term.

3.M 22-536 [Action on a Resolution Ordering the Vacation of an Electric Easement and Wire Clearance Easement at 2690 Scott Boulevard](#)

Recommendation:

1. Adopt a Resolution Ordering the Vacation of an Electric Easement and Wire Clearance Easement at 2690 Scott Boulevard [APN 224-10-131 (2021-22); SC 21-0014]; and
2. Authorize the recordation of the Resolution.

3.N 22-662 [Action on Award of a Purchase Order to American Truck & Trailer Body Co. for Automated Valve Operators and Installation Services](#)

Recommendation: 1. Authorize the City Manager to execute a Purchase Order with American Truck and Trailer Body Co. for the purchase and installation of three (3) automated valve operators, with a maximum compensation of \$156,844 plus applicable taxes for a one-year term; and
2. Authorize the City Manager to execute change orders for a not-to-exceed contingency amount of \$15,684 in the event any unforeseen changes arise, subject to the appropriation of funds.

3.O 22-900 [Action on a Request for a Special Permit to Allow Seasonal Pumpkin Patch and Christmas Tree Sales Events at 2610 El Camino Real from September 17, 2022 through December 24, 2022](#)

Recommendation: Approve the request of a Special Permit to allow for seasonal Pumpkin Patch and Christmas Tree sales events at 2610 El Camino Real from September 17, 2022 through December 24, 2022, subject to conditions.

3.P 22-901 [Action on a Request for a Special Permit to Allow Seasonal Pumpkin Patch and Christmas Tree Sales Events at 3590 Benton Street from October 1, 2022 through December 24, 2022](#)

Recommendation: Approve the request of a Special Permit to allow for a seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from October 1, 2022 through December 24, 2022, subject to conditions.

3.Q 22-561 [Action to Authorize the City Manager to Negotiate, Execute, and Administer an Agreement with the City of San Jose for the Stevens Creek Boulevard Vision Study and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to negotiate, execute, and administer an agreement with the City of San Jose for the Stevens Creek Boulevard Vision Study up to a total not-to-exceed amount of \$100,296;
 2. Authorize the City Manager to execute any and all documents necessary for or associated with the agreement, including payments to the City of San Jose; and
 3. Approve the FY 2022/23 budget amendment in the Streets and Highways Capital Fund to establish an appropriation for a new project - Stevens Creek Boulevard Vision Study in the amount of \$100,296, and decrease the Pedestrian and Bicycle Enhancement Facilities Project by \$100,296; **(majority affirmative Council votes required).**

3.R 22-765 [Actions on a Resolution Adopting the Updated Sanitary Sewer Outlet Charge - Conveyance Fee Report and List of Improvements, and a Resolution Accepting the Amended AB1600 Report on Development Impact Fees for Fiscal Year Ended June 30, 2021](#)

- Recommendation:**
1. Adopt a Resolution approving the updated Sanitary Sewer Outlet Charge - Conveyance Fee Report and List of Improvements; and
 2. Adopt a Resolution accepting the Amended AB1600 Report on Development Impact Fees for fiscal year ended June 30, 2021.

3.S 22-834 [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.

3.T 22-985 [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 located at Gianera Substation to Donald Von Raesfeld Power Plant.

3.U 22-817 [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 2400 Agnew Road, 3355 Thomas Road, 2175 Martin Avenue, 1850 El Camino Real, 2235 Calle De Luna and 2232 Calle Del Mundo.

3.V 22-1047 [Action to Waive Second Reading and Adopt Ordinance No. 2048 to establish objective subdivision, zoning, and design standards for SB 9 residential projects by amending Title 18 \(Zoning\) to create Chapter 18.13 \(Two Unit Dwelling Residential Development and Urban Lot Splits\)](#)

Recommendation: Waive Second Reading and Adopt Ordinance No. 2048 to establish objective subdivision, zoning, and design standards for SB 9 residential projects by amending Title 18 (Zoning) to create Chapter 18.13 (Two Unit Dwelling Residential Development).

3.W 22-1048 [Action to Waive Second Reading and Adopt Ordinance No. 2049 amending Chapter 17.05 \(Subdivisions\) of Title 17 \(Development\) to revise the subdivision process for SB 9 developments.](#)

Recommendation: Waive Second Reading and Adopt Ordinance No. 2049 to amend Chapter 17.05 (Subdivisions) of Title 17 (Development) to revise the subdivision process for SB 9 developments.

3.X 22-649 [Note and File the 2022 Evaluation Report of the Hazard Mitigation Plan](#)

Recommendation: Note and File the 2022 Evaluation Report of the Local Hazard Mitigation Plan.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4. **22-850** [Action on Stadium Authority Bills and Claims for the Month of May 2022](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for May 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. **22-1022** [Receive Silicon Valley Power Quarterly Report \(Deferred from July 5, 2022\)](#)

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

6. **22-1016** [Consideration of Action on a Resolution to Remove Ron Patrick from the Planning Commission in Accordance with Council Policy 032; and to Appoint First Eligible Appointee Mario Bouza to the Planning Commission](#)

Recommendation: Staff makes no recommendation.

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

7. **22-870** [Action on a Council Written Request \(Council Policy 030\) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Discuss working with the Water District and any other agency with Jurisdiction to Widen the San Tomas Aquino Trail. The Discussion Should also include a Discussion of the Costs of a Study to Look at all the Opportunities for Widening the Trail and Associated Costs](#)

Recommendation: Staff makes no recommendation.

8. 22-871 [Action on a Council Written Request \(Council Policy 030\) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Discuss Allocating up to \\$150K to create a Neighborhood Stadium Relations Committee using funds from the SCSA budget \(not the City of Santa Clara's General Fund\)](#)

Recommendation: Staff makes no recommendation.

9. 22-872 [Action on a Council Written Request \(Council Policy 030\) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Discuss Potential Uses, Unfunded Repairs and Finances \(Income and Expenses\) of Operating and Maintaining the Morse Mansion](#)

Recommendation: Staff makes no recommendation.

10. 22-981 [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 Review and Evaluate the Purchase of the Great America Theme Park](#)

Recommendation: Staff makes no recommendation.

11. 22-982 [Action on a Written Petition \(Council Policy 030\), Submitted by Thomas Calvello Requesting to Place an Agenda Item on a Future Council Meeting for Council to Discuss an Admission Tax of 6% be added to the Ticket Price or other Charge that Attendees Pay to Enter Entertainment Venues or Events in Santa Clara](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 22-1012 [Tentative Meeting Agenda Calendar \(TMAC\) - Will be Published on August 25, 2022](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, August 30, 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.