



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, August 22, 2023

4:30 PM

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

The City of Santa Clara is conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely).

- Via Zoom:
 - o <https://santaclaraca.zoom.us/j/99706759306>

Meeting ID: 997-0675-9306

- o Phone: 1(669) 900-6833

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1. Use the eComment tab located on the City Council Agenda page <https://santaclaraca.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and staff, and become part of the public record. eComment closes 15 minutes before the start of a meeting.
2. By email to clerk@santaclaraca.gov by 12 p.m. the day of the meeting. Those emails will be forwarded to the Council and will be uploaded to the City Council Agenda as supplemental meeting material. Emails received after the 12 p.m. cutoff time up through the end of the meeting will form part of the meeting record. Please identify the Agenda Item Number in the subject line of your email. NOTE: Please note eComments and Emails received as public comment will not be read aloud during the meeting.

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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 Santa 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 may contact the Office of the City Clerk at (408) 615-2220 or Clerk@santaclaraca.gov.

Closed Session - 4:30 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 23-985** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Marcus Dean Diaz v. City of Santa Clara, et al., United States District Court, Northern District of California, Case No. 5:20-cv-03506](#)
- 1.B 23-986** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Olga Zhmuliukina v. City of Santa Clara, et al., United States District Court, Northern District of California, Case No. 3:2022-cv-02668](#)

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. 23-786** [Study Session on the Zoning Code Update](#)

Recommendation: Provide feedback on the proposed Zoning Code Update.

7:00 PM JOINT COUNCIL /STADIUM AUTHORITY MEETING

**Open session will begin at 7:00 PM or shortly thereafter.*

Call to Order

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 3.A 23-828 [Recognition of Outgoing Commissioners on the Civil Service Commission, Historical and Landmarks, Parks and Recreation Commission, Planning Commission, Salary Setting Commission and the Senior Advisory Commission](#)

- 3.B 23-846 [Proclaim August 2023 as Muslim Appreciation and Awareness Month](#)

- 3.C 23-850 [Presentation from Santa Clara Sister Cities and Students for Recent Visit to Izumo, Japan](#)

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 23-911 [Action on the Minutes of June 6, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; June 27, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; July 11, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; and July 18, 2023 Special Council and Council and Authorities Concurrent Meeting](#)

Recommendation: Approve the Minutes of June 6, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; June 27, 2023 Council and Authorities Concurrent and Special Santa Clara Stadium Authority Meeting; July 11, 2023 Joint Council and Authorities Concurrent and Stadium Authority Meeting; and July 18, 2023 Special Council and Council and Authorities Concurrent Meeting.

- 4.B 23-18 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Planning Commission - January 23, 2023
Parks & Recreation Commission - May 16, 2023
Senior Advisory Commission - June 26, 2023
Cultural Commission - June 5, 2023
Board of Library Trustees - June 5, 2023

4.C 23-874 [Action on Bills and Claims Report \(CC, SCSA, HA\) for the period June 10, 2023 - July 14, 2023](#)

Recommendation: Approve the list of Bills and Claims for June 10, 2023 - July 14, 2023.

4.D 23-935 [Action on a Public Service Grant Agreement with ABODE Services for Administration of the City's Tenant-Based Rental Assistance Program \(TBRA\) and Related HOME Fund Budget Allocations](#)

Recommendation:

1. Authorize the City Manager to negotiate and execute a new Public Service Grant Agreement with ABODE Services for an amount not to exceed \$1,127,939 to administer the City's Tenant-Based Rental Assistance Program, and all related documents for the provision of administrative services for the TBRA Program effective July 1, 2023 through June 30, 2024 contingent upon available funding and appropriation of funds;
2. Authorize the City Manager to execute amendments to the Agreement including increasing maximum compensation and extending the term through June 30, 2025, contingent upon available funding and appropriation of funds; and
3. Authorize and direct the City Manager to make proportional adjustments to the HOME Fund allocations in the event that the City's Final FY 2023/24 and 2024/25 Award Amount is different than the projected amount, such that each project will receive a proportional allocation of the recommended amount, subject to the appropriation of funds and after the City's administration set-aside and CHDO set-aside is calculated.

4.E 23-467 [Action on Master Agreements with BKF Engineers, Bellecci & Associates, Inc., and Mott MacDonald Group, Inc for On-Call Design Services for Potable Water and Recycled Water Transmission and Distribution Systems and Sanitary Sewer Collection Systems](#)

- Recommendation:**
1. Authorize the City Manager to execute and implement on the terms presented agreements (Master Agreements) with BKF Engineers, Bellecci & Associates, Inc., and Mott MacDonald Group, Inc. for on call design services for potable water and recycled water transmission and distribution systems and sanitary sewer collection systems, for a five-year term starting on or about July 1, 2023 and ending on or about June 30, 2028, in substantially the forms presented, subject to approval of final forms by the City Attorney and the appropriation of funds, with a maximum aggregate compensation not-to-exceed \$3,000,000 for the three Master Agreements; and
 2. Authorize the City Manager to allow future annual rate adjustments in accordance with the percentage change in the Consumer Price Index, subject to approval by the City and the appropriation of funds.

4.F 23-105 [Action on Agreements with D2 Industrial Services, Farwest Insulation Contracting, and JT Thorpe Industrial Inc. for Insulation and Heat Trace Services Primarily at Power Plants](#)

- Recommendation:**
1. Determine the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of the California Code of Regulations;
 2. Authorize the City Manager to execute agreements with D2 Industrial Services, Farwest Insulation Contracting, and JT Thorpe Industrial Inc. (collectively, "Agreements") for a five year term starting on or around July 1, 2023 and ending on or around June 30, 2028, with a maximum compensation of \$500,000 for each agreement, funded by the Electric Operating and Capital Funds subject to the appropriation of funds;
 3. Authorize the City Manager to execute any related documents and take any actions as are necessary or advisable to implement and administer the Agreements; and
 4. Authorize the City Manager to negotiate and execute amendments to the Agreements to (a) add or delete services consistent with their scope of services; (b) adjust future rates to account for increased costs; (c) extend the term of the Agreements one additional year through June 30, 2029; and (d) increase the maximum compensation by a total of \$500,000 across all three Agreements for a total aggregate maximum compensation of \$2,000,000, subject to the appropriation of funds.

4.G 23-881 [Action on Historic Resource Inventory Property Designation and Historic Preservation Agreement \(Mills Act Contract\) for 1053 Lexington Street](#)

Recommendation: 1. Determine that the project is categorically exempt from CEQA under Class 31 (Section 15331) - Historical Resource Restoration / Rehabilitation
2. Approve the addition of the property located at 1053 Lexington Street to the City’s Historic Resource Inventory (HRI); and
3. Authorize the City Manager to execute a Mills Act Contract in a final form approved by the City Attorney, and adopt the 10-Year Restoration and Maintenance Plan associated with the property at 1053 Lexington Street.

4.H 23-110 [Action Authorizing the Use of City Electric Forces at Various Locations](#)

Recommendation: In accordance with Section 713 of the City Charter, the City Council hereby resolves as follows:

1. Determine the proposed action is exempt from CEQA pursuant to Sections 15302(c) (Class 2 - Replacement or Reconstruction) and 15303 (Class 3 - New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations; and
2. Declare and determine that the public works located at 73 Jenkins Place and 2300 Calle De Luna are better performed by the City with its own employees based on the information set forth in this Report to Council.

4.I 23-553 [Action to Adopt a Supplemental Resolution to include Additional Findings of Fact and amend several 2022 California Fire Code Appendices in Ordinance 2054; Action to Waive First Reading and Approve Introduction of an Ordinance Amending Chapter 15.60 “Municipal Fire and Environmental Code” and setting September 12, 2023, for a Public Hearing on Adoption of said Ordinance.](#)

Recommendation:

1. Approve introduction of an Ordinance amending Chapter 15.60 of the Santa Clara City Code (“Santa Clara Municipal Fire and Environmental Code”) to adopt the several 2022 California Fire Code appendices, as amended;
2. Adopt a Supplemental Resolution establishing the findings of fact necessary for the specified supplemental amendments; and
3. Set a public hearing date for September 12, 2023, for final adoption of the Supplemental Ordinance amending Chapter 15.60 of the Santa Clara City Code (“Santa Clara Municipal Fire and Environmental Code”) to adopt the 2022 Supplemental California Fire Code, appendices as amended.

4.J 23-813 [Action on a Resolution Delegating Authority to the City Manager to Execute Documents Associated with the Acceptance of a Grant from the Santa Clara Valley Open Space Authority Grant Program in the Amount of \\$21,076 for Funding of the City of Santa Clara’s Container Gardening Program and Related Budget Amendments](#)

Recommendation:

1. Adopt a resolution delegating authority to the City Manager to execute all documents associated with Santa Clara Valley Open Space Authority Grant;
2. Approve the FY 2023/24 budget amendment in the Parks and Recreation Operating Grant Trust Fund to recognize the grant revenue of \$21,076 and establish a Santa Clara Valley Open Space Authority Grant appropriation in the amount of \$21,076 for funding of the City’s Container Gardening Program (**five affirmative Council votes required to appropriate additional revenue**).

4.K 23-835 [Action on the Annual Report for FY2023 for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System](#)

Recommendation: Note and File the Annual Report for FY2023 for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System

4.L 23-845 [Action to Designate a Voting Delegate and Alternate\(s\) for the 2023 League of California Cities Annual Conference and Expo](#)

Recommendation: Designate Mayor Lisa M. Gillmor as a voting delegate and Vice Mayor Kevin Park as the alternate voting delegate for the 2023 League of California Cities Annual Conference and Expo

4.M 23-1027 [Action to Approve Up to Four Hours of Cancellation Pay for City Employees Related to the Cancelled July 22, 2023 Non-NFL Event at Levi's Stadium](#)

Recommendation: That City Council approve and authorize the City Manager to provide cancellation pay for up to four hours to City employees at their respective Stadium pay rate at an amount not to exceed \$80,000 for the cancelled July 22, 2023 Event at Levi's Stadium

4.N 23-1005 [Action to Adopt Ordinance No. 2062 Amending the Santa Clara City Code to Create a Limited-Term Pilot Project Regulating Vending Upon Certain Public Sidewalks and Pedestrian Paths Surrounding Levi's Stadium on Event Days](#)

Recommendation: Waive Second Reading and Adopt Ordinance No. 2062 Amending Chapter 5.05 (Solicitors and Peddlers) and Section 9.05.165 (Activities and Conduct Prohibited in Parking Facilities Adjacent to the Stadium or Parking Facilities Used for Stadium Events) of the Santa Clara City Code to Create a Limited-Term Pilot Project Regulating Vending Upon Certain Public Sidewalks and Pedestrian Paths Surrounding Levi's Stadium on Event Days Pursuant to SB 946

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

5. **23-790** [Action on Stadium Authority Bills and Claims for the Month of May 2023](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for May 2023.

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. **23-492** [Action to Adopt a Resolution Amending Parking Regulations on Lafayette Street related to possible parking removal for the Lafayette Street Class IV Bikeway Project and Direction on Use of Roadway on Lafayette for Bicycle Paths](#)

Recommendation: Alternative 1 and 2.

1. Determine the proposed action is exempt under CEQA pursuant to Class 1 (Existing Facilities) of CEQA Guidelines Section 15301.
2. Authorize staff to implement parking removal and a Class IV protected bikeway along Lafayette Street between Memorex Drive and Reed Street (Option 1)
 - a. Adopt a resolution amending parking regulations on Lafayette Street between Memorex Drive and Parker Court (Attachment 5).

7. **23-1003** [Action on Appointment of a Primary Member and an Alternate Member to the Stevens Creek Corridor Steering Committee](#)

Recommendation: Council take action to appoint a primary member and an alternate member to the Stevens Creek Corridor Steering Committee.

8. 23-810 [Public Hearing: Actions on an Environmental Impact Report \(EIR\) and Mitigation Monitoring and Reporting Program \(MMRP\), General Plan Amendment to the Community Mixed-Use Designation and Related Policies, Rezone to Planned Development, and Vesting Tentative Subdivision Map for the Development of 50 Multi-Family Residential Units, Four Townhomes, Three Single-Family Residences, and 3,800 Square Feet of Ground floor Commercial Space for the Properties Located at 906-950 Monroe Street and 1341 Homestead Road](#)

Recommendation:

1. .Adopt a resolution to adopt the Environmental Impact Report, CEQA Findings, and the Mitigation Monitoring and Reporting Program for the 950 Monroe Street Project.
2. Adopt a resolution to approve a General Plan Amendment to modify the text for the Community Mixed Use land use designation and related policies.
3. Adopt a resolution to approve a Rezone from General Office (OG), Historic Combining (HT), and Community Commercial (CC) to Planned Development (PD) to allow a six-story mixed-use development with 50 units, four townhomes, and three single-family residences with on-site parking and amenities, landscaping, and off-site improvements, with added standards for the two HRI properties with provisions of the HT Zoning District (Sections 18.58.050, 18.58.060, and 18.58.070) that would be applicable to both HRI properties.
4. Adopt a resolution to approve a Vesting Tentative Subdivision Map

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

9. **23-970** [Action on a Written Petition \(Council Policy 030\), Submitted by Nikki Welch Requesting to Place and Agenda Item on a Future Council Meeting for Council to Discuss SB9 Application Fee Waiver for Low-Income Homeowner by Grant or Government Loan](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, August 29, 2023 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.

STREAMING SERVICES: 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.

Note: The public cannot participate in the meeting through these livestreaming methods; livestreaming capabilities may be disrupted at times, viewers may always view and participate in meetings in-person and via Zoom as noted on the agenda.

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.