



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, August 29, 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

How to Submit Written Public Comment Before City Council Meeting:

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.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://santaclaraca.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 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.

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 August 29, 2023, at 4:30 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 - 4:30 PM | Regular Meeting - 7:00 PM

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 23-934** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 5201 Great America Parkway, Santa Clara, California 95054 \(APN: 104-55-013, 104-55-016\)](#)
[City Negotiators: Jōvan D. Grogan, Ruth Shikada, Glen Googins, Elizabeth Klotz](#)
[Negotiating Parties: City of Santa Clara and Hudson Pacific Properties](#)
[Under Negotiation: Purchase of Real Property interest\(s\), price and terms of payment](#)
- 1.B 23-1028** [Conference with Labor Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54957.6](#)
- [City representatives: Jōvan Grogan, Nadine Nader, Aracely Azevedo, Marco Mercado, Charles Sakai, Glen Googins](#)
- [Employee Organization\(s\):](#)
[Units #5, 7 & 8-City of Santa Clara Employees Association](#)
[Unit #9A-Unclassified Police 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 COUNCIL/SPECIAL STADIUM AUTHORITY REGULAR 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

- 2.A 23-277 [Proclamation of September 2023 as Community Preparedness Month](#)
- 2.B 23-1042 [Proclaim August 24, 2023 as Ukrainian Independence Day](#)
- 2.C 23-1039 [Proclaim Beyoncé Knowles-Carter as Honorary Mayor for Ceremonial Purposes Only on August 30, 2023 and Presentation of Key to the City of Santa Clara \(Ceremonial Vote\)](#)

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 23-19 [Board, Commissions and Committee Minutes](#)
Recommendation: Note and file the Minutes of:
Parks & Recreation Commission - July 18, 2023
- 3.B 23-822 [Action on Monthly Financial Status Report for May 2023 and Monthly Investment Reports for May and June 2023 and Approve Related Budget Amendment](#)
Recommendation: Note and file the Monthly Financial Status Report for May 2023 and Monthly Investment Reports for May and June 2023 as presented and Approve the Related Budget Amendment (**five affirmative Council votes required for the use of unused balances**).

3.C 23-848 [Action on Amendment No. 2 to the Master Product and Services Agreement with Hexagon Safety & Infrastructure to Extend the Computer Aided Dispatch System Contract Term to November 30, 2024 at No Additional Cost](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Master Product and Services Agreement with Hexagon Safety & Infrastructure dated October 12, 2017 to extend the contract term at no additional cost in a final form approved by the City Attorney.

3.D 23-116 [Action Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with Nalco Company LLC for Water Treatment Services for Silicon Valley Power at Power Plants and to Extend the Term Through December 31, 2023, With No Change to the Maximum Compensation](#)

Recommendation:

1. Authorize the City Manager to execute Amendment No. 2 to the Agreement for the Performance of Services with Nalco Company, LLC for water treatment services for Silicon Valley Power at power plants and to extend the term through December 31, 2023, with no change to the maximum compensation of \$900,000; and
2. Authorize the City Manager to make minor changes to the attached proposed amendment subject to review and approval as to form by the City Attorney.

3.E 23-109 [Action on Amendment No. 4 to the Silicon Valley Power Agreement with Advanced Chemical Transport, Inc. to Increase the Maximum Compensation by \\$340,000 for a Revised Maximum Compensation Amount of \\$2,140,000 to Cover Outstanding Invoices to be Funded by the Electric Utility Operating Budget - Compliance](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 4 to the Agreement for Services with Advanced Chemical Transport, Inc., increasing the maximum compensation by \$340,000 for a new maximum compensation of \$2,140,000; and
 2. Authorize the City Manager to make minor changes to the proposed Amendment No. 4, subject to the review and approval as to form by the City Attorney.

3.F 23-111 [Action to Authorize the Use of City Electric Forces for New Dark Fiber Installations at Various Locations](#)

- Recommendation:**
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 in accordance with Section 1310 of the City Charter that the public works located at Serra Tank Farm & SCVWD (W&S SCADA) and Northside Tank & Import#2 (W&S SCADA) are better performed by the City with its own employees based on the information set forth in this Report to Council.

3.G 23-114 [Action Authorizing the Use of City Electric Forces at Various Locations](#)

Recommendation:

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 in accordance with Section 1310 of the City Charter that the public works located at 3175 De La Cruz Boulevard, 3060 Raymond Street and 3402 El Camino Real are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of these public works consistent with this authorization.

3.H 23-115 [Action on a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Silicon Valley Power Kifer Battery Energy Storage System Project and Action to Delegate Authority to the City Manager to Negotiate and Execute an Interconnection Agreement with Kifer Energy Storage, LLC](#)

Recommendation:

1. Adopt a Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Kifer Battery Energy Storage System Project;
2. Authorize City Manager to negotiate, approve, and execute an Interconnection Agreement for Generating or Storage Facilities with Kifer Energy Storage, LLC, based on the draft attached hereto and any necessary or advisable amendments, subject to the review and approval as to form by the City Attorney; and
3. Authorize City Manager, or designee, to take any necessary or advisable actions to implement and administer the Interconnection Agreement with Kifer Energy Storage, LLC.

3.I 23-887 [Action on a Resolution Memorializing the Historical Calculation of Uniform Allowance and Holiday Pay for the Santa Clara Police Officers Association \(Unit 2\) from 2010 to 2021 Pursuant to CalPERS Request](#)

Recommendation: Adopt a Resolution Memorializing the Historical Calculation of Uniform Allowance and Holiday Pay for the Santa Clara Police Officers Association (Unit 2) from 2010 to 2021

3.J 23-917 [Adopt a Resolution Accepting the California Department of Alcoholic Beverage Control Grant and Authorizing the City Manager to Execute Grant Related Documents, and Approve the Related Budget Amendment](#)

Recommendation:

1. Adopt the Resolution accepting the California Department of Alcoholic Beverage Control Grant to be utilized to fund a variety of overtime assignments to curb alcohol-related challenges in our community, and authorizing the City Manager to execute all grant-related documents; and
2. Approve the FY 2023/24 budget amendment in the Police Operating Grant Trust Fund to recognize grant funding in the amount of \$75,068 and establish an Alcohol Policing Grant Partnership Grant appropriation in the amount of \$75,068 **(five affirmative Council votes required to appropriate additional revenue)**

3.K 23-919 [Action on a Request for a Special Permit to Allow for Seasonal Pumpkin Patch and Christmas Tree Sales Events at 2610 El Camino Real from September 16, 2023 through December 24, 2023](#)

Recommendation:

1. Determine the issuance of the Special Permit to be categorically exempt from formal environmental review pursuant to CEQA Guidelines section 15304(e) (Class 4 - "Minor Alterations to Land"); and
2. 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 16, 2023 through December 24, 2023, subject to conditions.

3.L 23-960 [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, 2023 through December 24, 2023](#)

Recommendation:

1. Determine the issuance of the Special Permit to be categorically exempt from formal environmental review pursuant to CEQA Guidelines section 15304(e) (Class 4 - "Minor Alterations to Land"); and
2. 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, 2023 through December 24, 2023, subject to conditions.

3.M 23-1002 [Action to Unfreeze 1.0 Assistant City Manager position \(Position 1685\) in the City Manager’s Office, Approve Related City and Stadium Authority Budget Amendments, and Modify the Assistant City Manager Classification Specification \(Job Code 016\)](#)

- Recommendation:**
1. Approve Unfreezing 1.0 Assistant City Manager position (position 1685) in the City Manager’s Office.
 2. Approve the following FY 2023/24 City Budget Amendments:
 - a. In the General Fund, increase the Other Fees for Services estimate by \$347,900, increase the Non-Departmental Salaries and Benefits appropriations by \$347,900, increase the City Manager’s Office Salaries and Benefits appropriations by \$49,700, and reduce the Budget Balancing Reserve in the amount of \$49,700 (**five affirmative Council votes required to appropriate additional revenue and for the use of unused balances**); and
 - b. In the Convention Center Enterprise Fund, increase the Salaries and Benefits appropriations by \$99,400 and reduce the unrestricted ending fund balance by \$99,400 (**five affirmative Council votes required for the use of unused balances**).
 3. Approve a FY 2023/24 Stadium Authority Budget Amendment to increase the General & Administrative expense and decrease the Unrestricted Fund Balance in the amount of \$347,900 to fund a portion of the Assistant City Manager position.
 4. Approve the modified Assistant City Manager (Job Code 016) classification specification.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4.A 23-798 [Informational Report on Stadium Authority and Stadium Manager Meetings for the Period of April 1 to June 30, 2023](#)

- Recommendation:** Note and file the quarterly report on Stadium Authority and Stadium Manager staff meetings and corresponding summaries for the period of April 1 to June 30, 2023.

4.B 23-996 [Action on Stadium Manager’s Request to Award Purchase Order to LRG Technologies, Inc. DBA Mobile Pro Systems for Mobile Pro Falcon 3100 Trailers \(Mobile Security Closed Circuit Television \(CCTV\) Pop Up Trailers CapEx Project\)](#)

Recommendation:

Approve the Stadium Manager’s request to award a one-time purchase order to Mobile Pro in the amount of \$389,982 to purchase six Mobile Pro Falcon 3100 trailers (Mobile Security CCTV Pop Up Trailers CapEx Project).

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. 23-924 [Public Hearing: Actions on a Mitigated Negative Declaration \(MND\) and Mitigation Monitoring and Reporting Program \(MMRP\), General Plan Amendment from Neighborhood Mixed-Use to Very High Density Residential, and a Rezone from Neighborhood Commercial to Planned Development to Allow the Development of a Four-Story Mixed-Use Development with 39 Residential Housing Units, and 1,500 Square Feet of Ground Floor Commercial Space for the Property Located at 2655 The Alameda](#)

Recommendation:

- Alternatives: 1, 2, and 3.
1. Adopt a resolution to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 2655 The Alameda Mixed Use Project.
 2. Adopt a resolution to approve a General Plan Amendment from Neighborhood Mixed Use to Very High Density Residential.
 3. Adopt a resolution to approve a Rezone from Neighborhood Commercial (CN) to Planned Development (PD).

6. 23-767 [Action on Resolutions Approving an Installment Sale Financing and Authorizing the Execution, Delivery and Sale of Wastewater Revenue Certificates of Participation and related Agreements in a Principal Amount not to Exceed \\$38 million to Finance and Refinance Capital Costs of the San José-Santa Clara Regional Wastewater Facility; and Approval of the Related Budget Amendment](#)

Recommendation: Alternative 1

City Council Actions

1. That the City Council by Resolution:

- a) Authorize the financing and refinancing plan for capital costs of the San José-Santa Clara Regional Wastewater Facility set forth in the Resolution;
- b) Authorize and approve (i) the Installment Sale Agreement between the City and the Corporation; (ii) the Trust Agreement among the City, Corporation, and the Trustee, in substantially the form attached hereto;
- c) Approve the execution and delivery of the Certificates, subject to the maximum principal amount, true interest cost and underwriting discount set forth in the Resolution;
- d) Approve the sale of the Certificates by competitive sale pursuant to the Official Notice of Sale relating to the Certificates in substantially attached hereto, or, by negotiated sale pursuant to the Purchase Contract in substantially the form attached hereto;
- e) Approve the Preliminary Official Statement, in substantially the form attached hereto, with such changes as may be approved by an authorized officer, and approve the execution and delivery of the Continuing Disclosure Certificate in the form attached as an appendix to the Preliminary Official Statement;
- f) Authorize the designated authorized officers to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution and

to make any minor non-substantive or routine changes to complete the financing transaction; and
g) Authorize certain other related actions in support of or related to the financing set forth in the Resolution;

2. That the City Council by Separate Resolution: Authorize and approve the Amendment to the Trimble Road Installment Sale Agreement between the City and the Corporation in substantially the form attached hereto with such changes as may be approved by an authorized officer; and

3. That the City Council by Motion: (a) Approve the FY 2023/24 budget amendment in the Sewer Utility Debt Service Fund to increase the bond proceeds estimate in the amount of \$5,000,000, decrease the debt repayment in the amount of \$1,506,135, and increase the unrestricted ending fund balance in the amount of \$6,506,135; and (b) Require any and all of the above agreements approved by resolution be subject to the review and approval as to form by the City Attorney.

City of Santa Clara Public Facilities Financing Corporation Actions

1. That the City Council, Acting as Board of Directors of the Corporation, by Resolution:

- a) Authorize the financing and refinancing plan for capital costs of the San José-Santa Clara Regional Wastewater Facility as set forth in the Resolution;
- b) Authorize and approve (i) the Installment Sale Agreement between the City and the Corporation; (ii) the Trust Agreement among the City, Corporation, and the Trustee, in substantially the form attached hereto;
- c) Approve the execution and delivery of the Certificates, subject to the maximum principal amount, true interest cost and underwriting discount set forth in the Resolution;
- d) Authorize the designated authorized officers to execute all required agreements necessary

to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution and to make any minor non-substantive or routine changes to complete the financing transaction; and
e) Authorize certain other related actions consistent with the financing as set forth in the Corporation's Authorizing Resolution;

2. That the City Council, Acting as Board of Directors of the Corporation, by Separate Resolution authorize and approve the Amendment to the Trimble Road Installment Sale Agreement between the City and the Corporation in substantially the form attached hereto with such changes as may be approved by an authorized officer; and

3. That the City Council, Acting as Board of Directors of the Corporation, by Motion require any and all of the above agreements approved by resolution be subject to the review and approval as to form by the City Attorney.

7. **23-1072** [Action on Appointment of a Primary Member and an Alternate Member to the Stevens Creek Corridor Steering Committee - Deferred from August 22, 2023](#)

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

8. **23-897** [Direction to Staff on the Revised El Camino Real Specific Plan Land Use Plan](#)

Recommendation: 1. Direct staff to continue planning work with the draft Land Use Plan as proposed.

9. **23-856** [Action on Membership for the El Camino Real Specific Plan Community Advisory Committee](#)

Recommendation: 1. Direct staff to continue with the current CAC.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, September 11, 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.