



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, June 27, 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.

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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.

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 June 27, 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. **23-552** [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: Claim of Moonlite Associates, LLC](#)
[\(attached\)](#)

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 MEETING

**Open Session to 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 **23-820** [Proclaim Portuguese National Heritage Month for June 2023](#)

2.B 23-485 [Recognition of the Santa Clara Women's League donation of \\$8,000 to support the Senior Center Health & Wellness Case Management Program and the "Be Strong, Live Long 2023" Health & Wellness Fair](#)

2.C 23-806 [Recognition of Silicon Valley Central Chamber of Commerce Board of Directors](#)

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 23-801 [Action on the Minutes of April 25, 2023 Council Special Meeting; May 5, 2023 Adjourned and Reconvened Special Council Meeting; May 9, 2023 Council and Authorities Concurrent; and May 23, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting](#)

Recommendation: Approve the Minutes of April 25, 2023 Council Special Meeting; May 5, 2023 Adjourned and Reconvened Special Council Meeting; May 9, 2023 Council and Authorities Concurrent; and May 23, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting.

3.B 23-15 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Board of Library Trustees Minutes - April 3, 2023
Minutes - Draft
Cultural Commission - May 1, 2023

3.C 23-727 [Action on Monthly Financial Status and Investment Reports for April 2023 and Approve the Related Budget Amendments](#)

Recommendation: Note and file the Monthly Financial Status and Investment Reports for April 2023 as presented and Approve the Related Budget Amendments (five affirmative Council votes required to appropriate additional revenue or for the use of unused balances).

3.D 23-424 [Action on Award of Contract for the City of Santa Clara Utilities Corporation Yard Renovation Project to Ron Paris Construction](#)

- Recommendation:**
1. Determine the proposed action is exempt pursuant to Class 1 (Existing Facilities) of CEQA Guidelines Section 15301;
 2. Award the Public Works Contract for the City of Santa Clara Utilities Corporation Yard Renovation Project to the lowest responsive and responsible bidder, Ron Paris Construction, in the amount of \$704,248 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in a final form approved by the City Attorney; and
 3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$105,637, for a total not-to-exceed amount of \$809,885.

3.E 23-525 [Actions on Award of Contract for the 2023 Americans with Disabilities Act \(ADA\) Curb Ramps Project to Villalobos & Associates, Inc., and Related Budget Amendments](#)

- Recommendation:**
1. Determine the proposed project qualifies for a Categorical Exemption under CEQA Guidelines Section 15301;
 2. Award the Public Works Contract for the 2023 ADA Curb Ramps Project to the lowest responsive and responsible bidder, Villalobos & Associates, Inc., in the amount of \$470,733, funded in the Streets and Highways Capital Fund, and authorize the City Manager to execute any and all documents, in a final form approved by the City Attorney, associated with, and necessary for the award, completion, and acceptance of this Project;
 3. Authorize the City Manager to execute change orders up to 10 percent of the original contract price, or \$47,073, for a total not to exceed amount of \$517,806, funded in the Streets and Highways Capital Fund; and
 4. Approve the following FY 2022/23 Budget Amendments:
 - A. In the Water Utility Capital Fund, establish a transfer of \$1,500 to the Streets and Highways Capital Fund and decrease the Unrestricted Ending Fund Balance in the amount of \$1,500 **(five affirmative Council votes required for the use of unused balances)**;
 - B. In the Streets and Highways Capital Fund, recognize a transfer in from the Water Utility Capital Fund in the amount of \$1,500, decrease the Annual Curb Ramp Installation project in the amount of \$207,228, and increase the Citywide Priority Curb Ramp project in the amount of \$208,728 **(five affirmative Council votes required to appropriate additional revenue)**.

3.F 23-588 [Action on Award of Contract for the Westwood Oaks Park Playground Rehabilitation Project to Robert A. Bothman Construction and Related Budget Amendments](#)

- Recommendation:**
1. Determine the project to be exempt from CEQA under Public Resources Code Section 15302 (Class 2 Categorical Exemption); Section 15303 (Class 3 Categorical Exemption); and Section 15304 (Class 4 Categorical Exemption);
 2. Award the Public Works Contract for the Westwood Oaks Park Playground Rehabilitation Project to the lowest responsive and responsible bidder, Robert A. Bothman Construction, in the amount of \$2,767,000 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in final forms approved by the City Attorney;
 3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$415,050, for a total not-to-exceed amount of \$3,182,050 funded by the Parks and Recreation Capital Fund; and
 4. Approve the following FY 2023/24 budget amendment in the Parks and Recreation Capital Fund to increase the Westwood Oaks Park Playground Rehabilitation project appropriation by \$1,421,000 and decrease the Parks and Recreation Capital Fund Mitigation Fee Act fund balance by the same amount **(five affirmative Council votes required for the use of unused balances)**.

3.G 23-677 [Action on Award of Purchase Orders for Citywide As-Needed Interior and Exterior Painting Services](#)

- Recommendation:**
1. Authorize the City Manager to execute Purchase Orders with Armstrong Painting, Inc., Fairway Painting, and Aiden's Quality Painting, Inc. for as-needed interior and exterior painting services for an initial one-year term starting on or around July 1, 2023 and ending on or around June 30, 2024 for a maximum aggregate amount not-to-exceed \$200,000, funded by various City funds; and
 2. Authorize the City Manager to exercise up to four one-year options to extend the term of the Purchase Orders, subject to compensation increases consistent with market rates not-to-exceed \$250,000 per year and the appropriation of funds.

3.H 23-732 [Actions on a Density Bonus Agreement \(DBA\) with Santa Clara Pacific Associates to Allow a Multifamily Housing Development with 198 Affordable Rental Units at 80 Saratoga Avenue and Delegation of Authority to the City Manager to Negotiate and Execute Future DBAs in Accordance with Santa Clara City Code Section 18.78.060.](#)

- Recommendation:**
1. Approve and authorize the City Manager or designee, to execute the Density Bonus Agreement with Santa Clara Pacific Associates for a 200 affordable housing project at 80 Saratoga Avenue on the terms presented, in a final form approved by the City Attorney.
 2. Adopt a Resolution delegating to the City Manager the authority to negotiate, execute, or amend Density Bonus Agreements in accordance with the provisions of Santa Clara City Code Section 18.78.060, subject to final review and approval of such agreements by the Office of the City Attorney. All projects requiring an exception or modification to the City's standard Density Bonus Agreement shall continue to be brought to the City Council for approval.

3.I 23-481 [Action on Amendment No. 1 with PFM Asset Management LLC for Investment Management Services](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with PFM Asset Management LLC for Investment Management Services to extend the initial term of the Agreement to end on July 31, 2028 and increase compensation by \$1,625,000 for a revised total maximum amount not to exceed \$2,465,000, subject to the appropriation of funds; and
 2. Authorize the City Manager to exercise options, by an amendment of the Agreement subject to review and approval as to form by the City Attorney, to extend the term of the Agreement for two additional years to July 31, 2030 and increase compensation by \$686,000 for a revised total maximum amount not to exceed \$3,151,000, subject to the appropriation of funds.

3.J 23-759 [Action on Amendment No. 4 with Wallace Roberts and Todd, LLC \(WRT\) to Add Two Study Cities to the City Hall Relocation Study and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 4 to the Agreement with Wallace Roberts and Todd, LLC (WRT) for the City Hall Relocation Study, in a final form approved by the City Attorney, at a total cost not to exceed \$16,000, funded by the General Fund; and
 2. Approve the following FY 2023/24 budget amendment, subject to approval of the FY 2023/24 and FY 2024/25 operating budget:
 - A. In the General Fund, increase the transfer to the General Government Capital Fund by \$16,000 and reduce the Budget Stabilization Reserve by \$16,000 **(five affirmative Council votes required for the use of unused balances)**; and
 - B. In the General Government Capital Fund, recognize a transfer of \$16,000 from the General Fund Budget Stabilization Reserve and increase the Precise Plan for Downtown project by \$16,000 **(five affirmative Council votes required to appropriate additional revenue)**.

3.K 23-687 [Action on a Resolution Authorizing the Use of City Electric Forces at Various Locations](#)

- Recommendation:** Determine the proposed actions are exempt from CEQA pursuant to Sections 15302 (c) and 15303 of Title 14 of the California Code of Regulations and adopt a Resolution authorizing the use of City Electric Forces for work detailed in this Report to Council located at 2300 Calle de Luna and 2920 Scott Boulevard.

- 3.L 23-830 [Action to Adopt a Resolution to Provide Santa Clara Small Businesses Reporting 49 or Fewer Employees a One-Time Subsidy to Help Offset Costs of Modernized Business License Taxes Using Existing Silicon Valley Chamber of Commerce Settlement Funds Up to \\$330,000](#)

Recommendation: Adopt a Resolution to provide a one-time subsidy to small businesses located in Santa Clara reporting 49 or fewer employees, applied upon business license tax renewal for Fiscal Year 2023/24, using existing Silicon Valley Chamber of Commerce settlement funds on a first come first serve basis in an amount not to exceed \$330,000.

- 3.M 23-756 [Approve a Silicon Valley Power One-Time Climate Credit for Small Commercial \(C-1\) Customers](#)

Recommendation: Approve a Silicon Valley Power one-time \$70 Climate Credit for all C-1 customers.

- 3.N 23-734 [Overview of the Citywide Risk Assessment and Proposed 2023 and 2024 Internal Audit Work Plans](#)

Recommendation: Note and file the citywide risk assessment report from Baker Tilly, LLC and note the proposed 2023 and 2024 audit work plans as approved by the Audit Committee.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4. 23-815 [Action to Authorize the City Manager to Negotiate and Execute a One-Year Municipal Law Enforcement Services Agreement Between the City of Santa Clara and the City of Milpitas for Supplemental Law Enforcement Services at Levi's Stadium Events; Action on a Resolution Delegating Authority to the City Manager to Negotiate and Execute Future Indemnity Agreements and Municipal Law Enforcement Services Agreements Between the City of Santa Clara and Other Public Safety Agencies for "Double-Badgers" or Supplemental Law Enforcement Services](#)

Recommendation:

1. Authorize the City Manager to Negotiate and Execute a One-Year Municipal Law Enforcement Services Agreement Between Santa Clara and the City of Milpitas Police Department for Supplemental Law Enforcement Services at Levi's Stadium Events in a form approved by the City Attorney
2. Adopt a Resolution Delegating Authority to the City Manager to Negotiate and Execute Future Indemnity Agreements and Municipal Law Enforcement Services Agreements, in a form approved by the City Attorney, Between the City and other Public Safety Agencies for "Double-Badgers" or Supplemental Law Enforcement Services

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. FISCAL YEAR 2023/24 AND FY 2024/25 BUDGET ACTION ITEMS

5.A 23-144 [Public Hearing: Action on the Adoption of the Proposed FY 2023/24 & FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Improvement Program Changes](#)

- Recommendation:**
1. Approve the Proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Budget changes, including the recommended revisions detailed in Attachment 2;
 2. Approve the Appropriation Schedule for operating funds totaling \$1,617,369,144 in FY 2023/24 and \$1,374,568,875 in FY 2024/25 and the FY 2023/24 Appropriation Schedule for capital funds totaling \$657,486,151 as detailed in Attachment 3;
 3. Approve the Housing Authority FY 2023/24 expenditure budget of \$457,193 and FY 2024/25 expenditure budget of \$414,581 as presented in the Operating Budget;
 4. Approve the Sports and Open Space Authority FY 2023/24 expenditure budget of \$10,000 and FY 2024/25 expenditure budget of \$10,200 as presented in the Operating Budget; and
 5. Direct staff to bring forward a separate resolution to increase the Transient Occupancy Tax rate by one percentage point effective January 1, 2024.

5.B 23-519 [Action Establishing the City's Fiscal Year 2023/24 Appropriations Limit of \\$628,493,798 Pursuant to Article XIIIB of the California State Constitution.](#)

- Recommendation:** Adopt a Resolution Establishing the City's Fiscal Year 2023/24 Appropriations Limit of \$628,493,798 Pursuant to Article XIIIB of the California State Constitution.

6. 23-819 [Public Hearing: Action on Amendment to the City of Santa Clara General Plan-Re-Adoption of the 2023-2031 Housing Element with Revisions](#)

- Recommendation:** Alternative: 1
1. Adopt a Resolution to amend the General Plan by re-adopting the Housing Element for the 2023-2031 Cycle.

7. **23-808** [Note and File the Resolutions of the Salary Setting Commission Establishing as Unchanged the Salary for the positions of Mayor and Council and City Clerk, and increasing the Salary for the Position of Police Chief to \\$345,060/annually; and Action to Adopt a Resolution Approving and Adopting the Updated Unclassified/Elected Salary Plan for the position of Police Chief for the Period of July 1, 2023 through June 30, 2025 \(DEFERRED FROM JUNE 6, 2023\)](#)

Recommendation:

1. Note and file the Resolutions of the Salary Setting Commission establishing the salary for the positions of Mayor and Council, Police Chief, and City Clerk; and
2. Adopt a Resolution to approve the revised Unclassified/Elected Salary Plan for the position of Police Chief, which reflects the salary increase granted by the Salary Setting Commission, to satisfy the requirements of California Code of Regulations Section 570.5, effective July 1, 2023.

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

8. **23-775** [Action on a Written Petition \(Council Policy 030\), Submitted by Adam Thompson Requesting to Place an Agenda Item on a Future Council Meeting to Request that Council Reconsider the El Camino Real Specific Plan Committee Membership](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 23-843** [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, July 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.