



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, October 22, 2024

5:30 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.

Study Session - 5:30 PM | Regular Meeting - 7:00 PM

5:30 PM STUDY SESSION

Call to Order in the Council Chambers

Confirmation of Quorum

1. **24-765** [Study Session: Overview of the Citywide Risk Assessment and Proposed 2024 and 2025 Internal Audit Work Plans](#)

Recommendation: Review and provide input on the Annual Risk Assessment and 2024/2025 Audit Work Plan.

7:00 PM JOINT CITY COUNCIL/STADIUM AUTHORITY BOARD MEETING

Call to Order in Council Chambers

Pledge of Allegiance and Statement of Values

Roll Call

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS ON OCTOBER 21, 2024

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 2.A **24-566** [Proclamation of October 2024 as Domestic Violence Awareness Month](#)
- 2.B **24-1068** [Proclamation of October 2024 as Hindu American Awareness and Appreciation Month](#)
- 2.C **24-828** [Proclamation of October 2024 as Cybersecurity Awareness 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 **24-898** [Action on the July 9, 2024 Joint Council & Authorities Concurrent and Stadium Authority Meeting Minutes](#)

Recommendation: Approve the July 9, 2024 Joint Council & Authorities Concurrent and Stadium Authority Meeting Minutes.

3.B 24-19 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Governance and Ethics Committee - July 2, 2024
Planning Commission - September 11, 2024
Civil Service Commission - August 8, 2024

3.C 24-890 [Action on City Bills and Claims Report for the period August 10, 2024 - September 20, 2024](#)

Recommendation: Approve the list of Bills and Claims for August 10, 2024 - September 20, 2024.

3.D 24-857 [Action on Monthly Financial Status and Investment Reports for July and August 2024 and Approve the Related Budget Amendments](#)

Recommendation:

1. Note and file the Monthly Financial Status Reports and Monthly Investment Reports for July 2024 and August 2024 as presented; and
2. Approve the FY 2024/25 Budget Amendments in the following funds (as detailed in Attachment 5): (a) In the General Fund, with a net impact of \$0; (b) In the City Affordable Housing Fund, with a net impact of \$0; and (c) In the Electric Utility Capital Fund, with a net impact of \$3,640,629.

3.E 24-830 [Resolution Increasing the Transient Occupancy Tax Rate from 12.5% to 13.5% effective January 1, 2025; and Introduction of an Ordinance Amending Section 3.25.030 of the Santa Clara City Code to Reflect the Increase in the Transient Occupancy Tax Rate](#)

Recommendation:

1. Approve a resolution increasing the Transient Occupancy Tax rate from 12.5% to 13.5% effective January 1, 2025; and
2. Approve the introduction of an ordinance amending section 3.25.030 of the Santa Clara City Code to reflect the increase in the Transient Occupancy Tax rate.

3.F 24-54 [Action Authorizing the City Manager to Award Purchase Orders to Vendor\(s\) for the Purchase of Streetlight Poles for the Great America Parkway Streetlight Replacement Project](#)

Recommendation: Authorize the City Manager or designee to issue purchase order(s) to vendor(s) presenting the lowest responsive and responsible bids for the purchase of aluminum streetlight poles and required hardware for the Great America Parkway Streetlight Replacement Project, with a total amount not-to-exceed \$700,000, inclusive of applicable taxes, subject to compliance with Chapter 2.105 of the City Code, approval as to form by the City Attorney, and appropriation of funds.

3.G 24-1031 [Action on Award of Contract for Pool Replastering Services at the George F. Haines International Swim Center to Adams Pool Solutions](#)

- Recommendation:**
1. Determine that the proposed action is exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of California Code of Regulations.
 2. Authorize the City Manager to negotiate and execute an agreement with Adams Pool Solutions (Agreement) for Pool Replastering Services at the George F. Haines International Swim Center with maximum compensation not-to-exceed \$420,072 plus applicable taxes, subject to the appropriation of funds, in final forms approved by the City Attorney;
 3. Authorize the City Manager to negotiate and execute amendments to the Agreement to (a) increase the maximum compensation amount by \$400,000 for a revised maximum compensation amount of \$820,072 for additional time and materials to remedy any unforeseen damages discovered during the course of the project and (b) add or delete services consistent with the scope of services, subject to the appropriation of funds, in final forms approved by the City Attorney; and
 4. Authorize the City Manager to negotiate and execute an agreement with Burkett's Pool Plastering in the event Adams Pool Solutions is unable to provide the services, subject to the total maximum compensation amount of \$820,072 and the appropriation of funds, in final forms approved by the City Attorney.

3.H 24-49 [Action on Northern California Power Agency \(NCPA\) Shared Use and Occupancy Agreement](#)

- Recommendation:**
1. Authorize the City Manager or designee to execute the (a) Northern California Power Agency Shared Use and Occupancy Agreement Signatory Member Execution Page; and (b) Northern California Power Agency Shared Use and Occupancy Agreement Signatory Member Request to Use and Occupy Available Office Space in the forms presented; and
 2. Authorize the City Manager or designee to (a) take any actions as necessary to implement and administer the Northern California Power Agency Shared Use and Occupancy Agreement, and (b) amend the agreement with no material cost increase, subject to budget appropriations and review and approval as to form by City Attorney.

3.I 24-758 [Action on Authorizing the Use of City Electric Forces for Public Works Located at 45 Cronin Drive](#)

- Recommendation:**
1. Determine that the proposed action is exempt from CEQA pursuant to Section 15302 (Class 2 - Replacement or Reconstruction) 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 work located at 2900 Mead Avenue is 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 this public work consistent with this authorization.

3.J 24-834 [Adopt the Resolution Amending the City of Santa Clara Conflict of Interest Codes for Designated Positions as Required by the Political Reform Act Conflict of Interest Code Biennial Update](#)

Recommendation: Adopt the Resolution amending the City of Santa Clara Conflict of Interest Code required by the Political Reform Act and Regulations of the Fair Political Practices Commission

3.K 24-871 [Action on the FY 2023/24 Annual Report for the Santa Clara Tourism Improvement District \(SCTID\) as Presented by the SCTID Owner's Association](#)

Recommendation: Approve the FY 2023/24 Annual Report for the Santa Clara Tourism Improvement District (SCTID) as presented by the SCTID Owner's Association.

3.L 24-1002 [Action to Waive Second Reading and Adopt Ordinance No. 2072 Amending and Restating in its Entirety Chapter 13.20 \(Storm Drains and Discharges\) of Title 13 \(Public Services\) of "The Code of the City of Santa Clara, California" to Enable Compliance with Regional Water Resources Control Board Requirements and Update Administrative Language.](#)

Recommendation: Waive Second Reading and adopt Ordinance No. 2072 amending and restating in its entirety Chapter 13.20 (Storm Drains and Discharges) of Title 13 (Public Services) of "The Code of the City of Santa Clara, California" to enable compliance with Regional Water Resources Control Board Requirements and update administrative language.

SANTA CLARA STADIUM AUTHORITY BOARD CONSENT CALENDAR

4.A 24-905 [Action on Stadium Authority Bills and Claims for the Month of August 2024](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for August 2024.

4.B 24-760 [Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending June 30, 2024 and Related Budget Amendments](#)

Recommendation:

1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending June 30, 2024; and
2. Approve a budget amendment in the Operating Budget to increase the Performance-Based Rent (paid to City) in the amount of \$225,000 and Stadium Authority G&A in the amount of \$100,000 offset by a decrease to Ending Fund Balance - Unrestricted.

4.C 24-1015 [Action on the Stadium Manager’s Request for Approval of an Agreement with AMS Electric LLC dba Prime Electric LLC to Replace the Lighting Systems at Levi’s Stadium \(Lighting Systems - Fixture Replacement of Major Outdoor Lighting/LED Retrofit/Sports Lighting CapEx Project\) and Related Budget Amendment](#)

Recommendation:

1. Approve a budget amendment for the Lighting Systems - Fixture Replacement of Major Outdoor Lighting/LED Retrofit/Sports Lighting line item in the Stadium Authority FY 2024/25 CapEx Budget to increase the budget by \$414,631 from the Capital Budget Ending Fund Balance, for a total budget amount of \$5,139,631;
2. Approve the Stadium Manager’s request to award a one-time agreement to AMS Electric LLC dba Prime Electric LLC in the amount of \$4,736,475 to replace the lighting systems at Levi’s Stadium (Lighting Systems - Fixture Replacement of Major Outdoor Lighting/LED Retrofit/Sports Lighting CapEx Project);
3. Authorize the Stadium Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the project, in a form substantially similar to Attachment 2; and
4. Authorize the Stadium Manager to execute change orders for the agreement up to \$236,824, for a total not to exceed amount of \$4,973,299.

4.D 24-925 [Action on Stadium Manager’s Request to Execute a Second Amendment to the Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership](#)

Recommendation:

Approve the Stadium Manager’s request to execute a Second Amendment to the Concessions Operating Agreement with Levy Premium Foodservice Limited Partnership on the terms presented.

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. **24-514** [Action on Resolutions Accepting the Walsh/Martin Avenue Bikeway Planning Study, Selecting a Preferred Design Concept and, as Appropriate, Taking Related Actions Regarding Parking and Curb Modifications.](#)

Recommendation:

- Alternatives 1, 2b, 3b, 4b, and 5.
 - 1. Adopt a resolution accepting the Walsh/Martin Avenue Bikeway Planning Study;
 - 2b. Approve the roadway concept Four Lanes, Protected/Buffered Bikeway, Center Turn Lane, Maintain No Parking for the 80-foot-wide section of Walsh Avenue;
 - 3b. Approve the roadway concept Four Lanes, Protected/Buffered Bikeway, Remove Parking for the 64-foot-wide section of Walsh Avenue; adopt a resolution amending parking regulations to remove on-street parking on both sides of Walsh Avenue between San Tomas Expressway and Lafayette Street
 - 4b. Approve the roadway concept Four Lanes, Protected/Buffered Bikeway, Remove Parking for Martin Avenue;_adopt a resolution amending parking regulations to remove on-street parking on both sides of Martin Avenue between Lafayette Street and De La Cruz Boulevard; and
 - 5. Adopt a resolution to establish no parking zones as necessary on Walsh Avenue between Bowers Avenue and Lafayette Street and Martin Avenue between Lafayette Street and De La Cruz Boulevard.

- 6. 24-515 [Action on Resolutions Accepting the De La Cruz Boulevard/Coleman Avenue Bikeway Planning Study, Selecting a Preferred Design Concept and, as Appropriate, Taking Related Actions Regarding Parking and Curb Modifications](#)

Recommendation: Alternatives 1, 4, and 5:

1. Adopt a resolution accepting the De La Cruz Boulevard/Coleman Avenue Bikeway Planning Study;
4. Approve Corridor Concept B as the preferred alternative and adopt a resolution amending parking regulations to remove on-street parking on the west side of De La Cruz Boulevard between Central Expressway and Reed Street; and
5. Adopt a resolution establishing no parking zones as necessary on De La Cruz Boulevard and Coleman Avenue to accommodate the approved bicycle facilities.

- 7. 24-1021 [Action on Resolution for an Exception to the 180 Day Waiting Period to Appoint Michael Morgan, A Retired Annuitant To Serve as Temporary Extra Help \(Government Code Sections 7522.56 and 21224\) in the Police Department to Perform Work as a Senior Public Safety Dispatcher](#)

Recommendation: Adopt a Resolution for an Exception to the 180 Day Waiting Period To Appoint, Michael Morgan, A Retired Annuitant To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224) in the Police Department to Perform Work as a Senior Public Safety Dispatcher

REPORTS OF MEMBERS, SPECIAL COMMITTEES AND COUNCILMEMBER 030

REQUESTS

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, November 12, 2024 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.