

# City of Santa Clara



## Joint Meeting Agenda of the Council and Authorities Concurrent & Santa Clara Stadium Authority Meeting

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Tuesday, September 27, 2022

5:00 PM

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

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The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9142, Councilmembers may teleconference from remote locations and the City continues to provide methods for the public to participate remotely:

• Via Zoom:

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

Meeting ID: 997-0675-9306 or

o Phone: 1(669) 900-6833

• Via the City's eComment (now available during the meeting)

• Via email to [PublicComment@santaclaraca.gov](mailto:PublicComment@santaclaraca.gov) (Comments received after 2:00 PM on the day of the meeting will be made part of the public record but will not be read out loud during the meeting). This email address will be disabled after the October 4, 2022 meeting. Comments will continue to be accepted through City's eComment.

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

**Closed Session - 5:00 PM | Regular Meeting - 7:00 PM**

### **5:00 PM CLOSED SESSION**

**Call to Order in the Council Chambers**

**Roll Call**

- 1.A 22-1182** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) - Exposure to litigation](#)  
[Number of potential cases: 1](#)  
[Facts and Circumstances: Pursuant to Gov. Code § 54956.9\(e\)](#)  
[\(1\) - Not disclosed on agenda](#)  
[\(Deferred from September 13, 2022\)](#)
- 1.B 22-1200** [Conference with Labor Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54957.6](#)  
[City representative: City Manager's designee](#)  
[Employee Organization\(s\):](#)  
[Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171](#)  
[Unit #2-Santa Clara Police Officer's Association](#)  
[Unit #3-IBEW Local 1245 \(International Brotherhood of](#)  
[Electrical Workers\)](#)  
[Unit #4-City of Santa Clara Professional Engineers](#)  
[Units #5, 7 & 8-City of Santa Clara Employees Association](#)  
[Unit #6-AFSCME Local 101 \(American Federation of State,](#)  
[County and Municipal Employees\)](#)  
[Unit #9-Miscellaneous Unclassified Management Employees](#)  
[Unit #9A-Unclassified Police Management Employees](#)  
[Unit #9B-Unclassified Fire Management Employees](#)  
[Unit #10-PSNSEA \(Public Safety Non-Sworn Employees](#)  
[Association\)](#)

- 1.C 22-1203** [Conference with Real Property Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54956.8](#)  
[Property: East of Loyalton and West of Cold Springs in Sierra and Lassen Counties, APN: 147-040-02-11, 147-050-02-11, 147-050-03-11, 147-05-19-11, 147-070-04-11, 147-070-05-11, 147-080-01-11, 147-080-03-11, 147-080-11-11, 147-080-14-11, 147-080-15-11, 021-010-003, 021-020-001, 016-100-004, 016-090, 059, 021-010-006, 021-010-012, 016-100-005, 016-080-008, 016-070-012, 016-090-011, 021-010-013, 016-100-001, 016-100-006 and 016-080-007](#)  
[City/Authority Negotiator: Rajeev Batra, City Manager \(or designee\)](#)  
[Negotiating Parties: California Department of Fish and Wildlife](#)  
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property \(provisions, price and terms\)](#)

**Public Comment**

*The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*

**Convene to Closed Session (Council Conference Room)**

**7:00 PM JOINT COUNCIL/STADIUM AUTHORITY MEETING**

*\*Open Session 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. 22-696** [Recognition of Northern California Cricket Association \(NCCA\) USA National Interleague Tournament](#)

**CONSENT CALENDAR**

*[Items listed on the CONSENT CALENDAR are considered routine and will be adopted by one motion. There will be no separate discussion of the items on the CONSENT CALENDAR unless discussion is requested by a member of the Council, staff, or public. If so requested, that item will be removed from the CONSENT CALENDAR and considered under CONSENT ITEMS PULLED FOR DISCUSSION.]*

**3.A 22-27** [Board, Commissions and Committee Minutes](#)

**Recommendation:** Note and file the Minutes of:  
Planning Commission - August 3, 2022 Special Meeting  
Historical and Landmarks Commission - June 2, 2022  
Youth Commission - May 10, 2022  
Parks & Recreation Commission - August 16, 2022

**3.B 22-1120** [Action on Agreement with Dasher Technologies, Inc. to Provide and Implement an Enterprise Data Storage Solution](#)

**Recommendation:** 1. Authorize the City Manager to execute an agreement with Dasher Technologies, Inc. to provide and implement an enterprise data storage solution for an initial five-year term, with maximum compensation not-to-exceed \$304,587.  
2. Authorize the City Manager to exercise up to five one-year options to extend the term of the agreement after the initial term, subject to the appropriation of funds.

**3.C 22-925** [Action on a Proposed Agreement with HSQ Technology to Upgrade the Supervisory Control and Data Acquisition \(SCADA\) System to Enable Fiber Communication and to Implement Various System Enhancements](#)

**Recommendation:** 1. Authorize the City Manager to execute an agreement with HSQ Technology to upgrade the SCADA system to enable fiber communication and to implement various system enhancements, with a five-year term starting on or around October 1, 2022 and ending on December 31, 2027, with an initial maximum compensation of \$500,000, subject to the appropriation of funds; and  
2. Authorize the City Manager to execute amendments to increase compensation not-to-exceed \$1,029,330 for a total maximum contract compensation of \$1,529,330, subject to the appropriation of funds.

3.D 22-1061 [Action on a Substation Agreement with Vantage Data Centers CA31, LLC for Bowers Avenue Junction Substation and Related Budget Amendment](#)

- Recommendation:**
1. Approve the Substation Agreement (Agreement) with Vantage Data Centers CA31, LLC to allow SVP to design, procure equipment, and construct 60kV facilities to serve the Bowers Avenue Junction Substation for electric service to 2590 Walsh Avenue, subject to the appropriation of funds;
  2. Authorize the City Manager to execute the Agreement and related documents and to take such actions as reasonable or necessary to implement and administer the Agreement;
  3. Authorize the City Manager to make minor modifications to the attached Agreement subject to approval by City Attorney as to form; and
  4. Approve the following FY 2022/23 budget amendment in the Electric Utility Capital Fund to recognize developer contributions of \$2,641,105, and increase the Bowers Avenue Junction Project appropriation by \$2,641,105 (**five affirmative Council votes required to appropriate additional revenue**).

**3.E 22-980** [Action on Agreements with Woodard and Curran for the Sanitary Sewer Master Plan Update and Sanitary Sewer Hydraulic Model Maintenance and Support and Approve Related Budget Amendment](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute an agreement with Woodard and Curran for the Sanitary Sewer Master Plan Update in the amount not-to-exceed \$980,038;
  2. Authorize the City Manager to make minor modifications to the Sanitary Sewer Master Plan Update Agreement if needed and to extend the term;
  3. Approve and authorize the City Manager to execute an agreement with Woodard and Curran for the Sanitary Sewer Hydraulic Model Maintenance and Support Agreement in the amount not-to-exceed \$1,000,000;
  4. Authorize the City Manager to exercise up to two one-year extensions to the agreement and make minor modifications to the Sanitary Sewer Hydraulic Model Maintenance and Support Agreement if needed and to extend the term; and
  5. Approve the following FY 2022/23 budget amendment in the Sewer Utility Capital Fund to increase the Sanitary Sewer Master Plan Update Project appropriation by \$480,038 and decrease the Unallocated Sanitary Sewer Conveyance Fees fund balance by \$480,038 **(five affirmative Council votes required for the use of unused balances)**.

**3.F 22-1005** [Action on Amendment No. 1 to the Agreement with NUVIS Landscape Architecture, Inc. for Design Professional Services for the Central Park New Entrance, Access, and Parking Improvements Project](#)

***Recommendation:*** 1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with NUVIS Landscape Architecture, Inc. in the amount of \$255,695 for the Central Park New Entrance, Access, and Parking Improvements Project for a total Agreement not-to-exceed amount of \$404,000; and  
2. Authorize the City Manager to make minor modifications to the agreement if needed and to extend the term.

**3.G 22-1071** [Action on Amendment No. 5 to the Agreement for Professional Services with Perkins + Will for the Tasman East Specific Plan](#)

***Recommendation:*** Authorize the City Manager to execute Amendment No. 5 to the Agreement with Perkins + Will for professional services to prepare the Amendment to the Tasman East Specific Plan to allow up to 1,500 additional units in the Tasman East area, along with preparation of the associated environmental clearance, by extending the term of the agreement through December 2023.

**3.H 22-1094** [Consideration of the Silicon Valley Power 2021 Power Content Label](#)

***Recommendation:*** Note and file Silicon Valley Power's 2021 Power Content Label(s).

**3.I 22-1125** [Action on a Resolution Approving the 2023 Planning Commission Calendar of Meetings](#)

***Recommendation:*** Adopt a Resolution approving the 2023 Planning Commission Calendar of Meetings.

3.J 22-1145 [Action on Addition of Five Positions Funded by Silicon Valley Power and Two Fire Department Positions Funded by Developer Permit Fees and Related Budget Amendment](#)

- Recommendation:**
1. Approve the addition of one Senior Management Analyst and two Management Analyst positions in the Electric Utility Department;
  2. Approve the addition of one Senior Management Analyst position in the Finance Department;
  3. Approve the addition of one Human Resources Technician position in the Human Resources Department;
  4. Approve the addition of one Fire Protection Engineer position and one Permit Technician position in the Fire Department; and
  5. Approve the following FY 2022/23 budget amendments:
    - a. In the Electric Utility Fund, increase the Electric Department Salaries and Benefits appropriation by \$407,000, increase the Transfer to the General Fund by \$243,000 and reduce the unrestricted ending fund balance by \$650,000 (**five affirmative Council votes required for the use of unused balances**);
    - b. In the General Fund, increase the Finance Department Salaries and Benefits appropriation by \$147,000, increase the Human Resources Salaries and Benefits appropriation by \$96,000, and increase the transfer from the Electric Utility Fund by \$243,000 (**five affirmative Council votes required to appropriate additional revenue**); and
    - c. In the General Fund, increase the Fire Department Salaries and Benefits appropriation by \$258,000 and increase the Fire Permits revenue estimate by \$258,000 (**five affirmative Council votes required to appropriate additional revenue**).



3.K 22-1184 [Actions to Approve Various Modifications to Existing Classified Job Specifications, Including Recruit Police Officer \(Job Code 689\), Police Officer \(Job Code 650\), and Firefighter \(Job Code 487\)](#)

**Recommendation:** Approve revisions to various classified job specifications including, Recruit Police Officer (Job Code 689), Police Officer (Job Code 650), and Firefighter (Job Code 487)

3.L 22-1126 [Authorize the City Manager to execute the Side Letter Agreement that amends the 2019-2023 Memorandum of Understanding Between the City of Santa Clara and the City of Santa Clara Employees' Association \(Units 5/7/8\), that incorporates the terms of the Side Letter Agreement and Related Budget Amendments](#)

**Recommendation:** 1. Authorize the City Manager to execute the Side Letter Agreement that amends the current Memorandum of Understanding with a term of December 15, 2019, through and including December 23, 2023, that incorporates the terms of the Side Letter Agreement reached between both parties; and  
2. Approve the related FY 2022/23 Budget Amendments as detailed in Attachment 2 (**five affirmative votes required for the use of unused fund balances and to appropriate additional revenue**).

- 3.M 22-1175 [Authorize the City Manager to execute the Side Letter Agreement that amends the 2019-2024 Memorandum of Understanding Between the City of Santa Clara and the Miscellaneous Unclassified Management Employees \(Unit 9\), that incorporates the terms of the Side Letter Agreement](#)

***Recommendation:*** Authorize the City Manager to execute the Side Letter Agreement that amends the current Memorandum of Understanding with Miscellaneous Unclassified Management Employees (Unit 9) with a term of December 15, 2019 through and including December 31, 2024, that incorporates the terms of the Side Letter Agreement reached between both parties.

- 3.N 22-1003 [Action on the Waiver of the First Reading and Introduction of an Ordinance Approving the Schematic Design for the Central Park Entrance, Accessibility, and Parking Improvements Project, in Accordance with City Charter Section 714.1](#)

***Recommendation:*** Waive first reading and introduce an ordinance approving the Schematic Design for the Central Park Entrance, Accessibility, and Parking Improvements Project in accordance with City Charter Section 714.

#### **SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR**

- 4.A 22-1060 [Action on Stadium Authority Bills and Claims for the Month of June 2022](#)

***Recommendation:*** Approve the list of Stadium Authority Bills and Claims for June 2022.

**4.B 22-1092** [Delegation of Authority to Executive Director and Stadium Authority Counsel to Negotiate and Execute Allocation Agreement with Various 49ers Entities and Insurance Carriers Relating to Proceeds from Their Settlement with Howard Needles Tammen & Bergendoff](#)

***Recommendation:*** Approve delegation of authority to the Executive Director and Stadium Authority Counsel to negotiate and execute an Allocation Agreement regarding proceeds from a settlement with HNTB that would include the following parties: Forty Niners Football Company LLC, Forty Niners Stadium Management Company LLC, Forty Niners SC Stadium Company LLC, Forty Niners Stadium LLC, Indian Harbor Insurance Company, North American Capacity Insurance Company, and Starr Indemnity & Liability Company.

**4.C Action on Request Submitted by the Stadium Manager to Award Purchase Order to imageOne Uniforms for Guest Services Uniforms**

**4.C.1 22-1177** [Request from the Stadium Manager to Award Purchase Order to imageOne Uniforms for Guest Services Uniforms](#)

**4.C.2 22-1178** [Report from Stadium Authority Regarding Stadium Manager's Request to Award Purchase Orders to imageOne Uniforms for Guest Services Uniforms](#)

***Recommendation:*** Approve the Stadium Manager's request to award a purchase order to imageOne Uniforms to procure Guest Services uniforms, in an amount not to exceed \$10,807.

**4.D Action on Request Submitted by the Stadium Manager to Utilize Cooperative Agreements to Leverage Discounted Pricing and Award Purchase Orders to EyeP Solutions, Inc. for Security Software Subscription Renewals and Security Cardkeys and Tags**

**4.D.1 22-1186** [Request from the Stadium Manager to Utilize Cooperative Agreements to Leverage Discounted Pricing and Award Purchase Orders to EyeP Solutions, Inc. for Security Software Subscription Renewals and Security Cardkeys and Tags](#)

**4.D.2 22-1189** [Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Utilize Cooperative Agreements to Leverage Discounted Pricing and Award Purchase Orders to EyeP Solutions, Inc. for Security Software Subscription Renewals and Security Cardkeys and Tags](#)

- Recommendation:**
1. Approve the Stadium Manager's request to utilize a cooperative agreement to leverage discounted pricing and award a purchase order to EyeP Solutions, Inc. in the amount of \$40,126 to provide Genetec Advantage software license subscription renewals for a one-year period; and
  2. Approve the Stadium Manager's request to utilize a cooperative agreement to leverage discounted pricing and award a purchase order to EyeP Solutions, Inc. in the amount of \$6,931 to procure Genetec proximity cardkeys and Microprox tags.

**PUBLIC PRESENTATIONS**

*[This item is reserved for persons to address the Council or authorities on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on the speaker card available in the Council Chambers.]*

**CONSENT ITEMS PULLED FOR DISCUSSION**

**PUBLIC HEARING/GENERAL BUSINESS**

**5. 22-953** [Public Hearing: 2021-2022 Consolidated Annual Performance and Evaluation Report \(CAPER\)](#)

- Recommendation:**
1. Approve the 2021-2022 Consolidated Annual Performance and Evaluation Report (Attachment 1) and authorize the City Manager, or his designee, to execute the documents for submission to the U.S. Department of Housing and Urban Development (HUD) by September 30, 2022 unless otherwise directed by HUD.
  2. Direct staff to incorporate all public comments into the final version to be submitted to HUD on or before September 30, 2022.

6. 22-1099 [Public Hearing: Actions on the Mitigated Negative Declaration \(MND\) and the Mitigation Monitoring and Reporting Program \(MMRP\), General Plan Amendment from Community Commercial to High Density Residential, Rezone from General Office \(OG\) to Planned Development \(PD\), and density bonus agreement to allow a multifamily affordable housing development with 108 rental units at 1601 Civic Center Drive](#)

**Recommendation:** Alternative: 1, 2, 3 and 4

1. Adopt a resolution to adopt the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the Civic Center Family Housing Project.
2. Adopt a resolution to approve a General Plan Amendment from Community Commercial to High Density Residential.
3. Adopt a resolution to approve a Rezone from General Office (OG) to Planned Development (PD) to allow a five-story affordable housing development with 108 rental units, on-site parking and amenities, landscaping, and off-site improvements.
4. Authorize the City Manager to negotiate and execute a density bonus agreement in a form approved by the City Attorney.

**WRITTEN PETITION (COUNCIL POLICY 030) REQUESTS FROM THE PUBLIC/COUNCIL**

7. 22-1223 [Action on a Council Written Request \(Council Policy 030\) Submitted by Councilmember Becker Requesting to Place an Agenda Item at a Future Council Meeting to Receive a Report Based on the Mayor's Request Concerning the Related Company and the Prevailing Wage Issues as well as a Report on the Claim from the Union of Painters made with the Department of Industrial Relations and that this Report and Discussion take place at the Council Meeting of October 4, 2022](#)

**Recommendation:** Staff makes no recommendation.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

- 22-902 [Update on City Council and Stadium Authority Staff Referrals](#)

22-1201 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

**ADJOURNMENT**

The next regular scheduled meeting is on Tuesday, October 4, 2022 in the City Hall Council Chambers.

**MEETING DISCLOSURES**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive \$30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA); Bayshore North Project Enhancement Authority (BNPEA); Public Facilities Financing Corporation (PFFC)

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<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.