



City of Santa Clara

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

Tuesday, February 21, 2023

4:00 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 or

o Phone: 1(669) 900-6833

• Via the City's eComment (located at the Legislative Public Meetings Page

<https://santaclara.legistar.com/Calendar.aspx>)

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

Closed Session - 4:00 PM | Regular Meeting - 7:00 PM

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 23-269** [Public Employment Appointment \(Government Code §§ 54957, subd. \(b\)\(1\) and 54954.5, subd. \(e\)\)](#)
[Title: Interim City Manager](#)
- 1.B 23-203** [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 \(Deferred from January 31, 2023\)](#)
[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 23-207** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Republic Metropolitan LLC v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 22CV393667](#)
- 1.D 23-257** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 981 Fremont Street, Santa Clara, CA 95050; APN 984-12-011](#)
[City/Authority Negotiator: City Manager \(or designee\)](#)
[Negotiating Parties: Jeff Riser, Kappa Alpha Theta; Teresa Smith, Fraternity Housing Corporation](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property \(provisions, price and terms of payment\)](#)

- 1.E 23-241 [Conference with Legal Counsel-Existing Litigation \(CC\) Pursuant to Gov. Code § 54956.9\(d\)\(1\) Bloom Energy Corporation, et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 21CV383800](#)

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. 23-189 [Recognition of the Wilcox High School Robotics Team](#)

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 23-212 [Action on Joint Council and Authorities & Stadium Authority Meeting Minutes of October 18, 2022](#)

Recommendation: Approve the Joint Council and Authorities & Stadium Authority meeting minutes of October 18, 2022.

3.B 23-07 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Historical and Landmarks Commission - December 1, 2022
Cultural Commission - January 9, 2023 (Special Meeting)
Neighborhood University Relations Committee - December 12, 2022

3.C 23-149 [Action on Monthly Financial Status and Investment Reports for December 2022 and Approve the Related Budget Amendments](#)

Recommendation: Note and file the Monthly Financial Status and Investment Reports for December 2022 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 23-55 [Action on the Santa Clara Convention Center FY 2022/23 2nd Quarter Financial Status Report](#)

Recommendation: Note and file the Santa Clara Convention Center Financial Status Report for the 2nd Quarter ending December 31, 2022, as submitted by OVG.

3.E 23-1463 [Action on Award of Contract for the Citywide Emergency Generator Replacement Phase 2 Project to Redwood Engineering Construction, Related Budget Amendments, and Adopting a Class 1 CEQA Categorical Exemption](#)

- Recommendation:**
1. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301;
 2. Award the Public Works Contract for the Citywide Emergency Generator Replacement Phase 2 Project to the lowest responsive and responsible bidder, Redwood Engineering Construction, in the amount of \$2,739,000 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
 3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$410,850, for a total not to exceed amount of \$3,149,850; and
 4. Approve the following FY 2022/23 Budget Amendments:
 - A. In the Water Utility Capital Fund, establish a Transfer to the Public Buildings Capital Fund and decrease the Unrestricted Ending Fund Balance in the amount of \$1,263,050 (**five affirmative Council votes required for the use of unused balances**);
 - B. In the General Fund, establish a Transfer to the Public Buildings Capital Fund and decrease the Reserve for Programmed Capital Projects in the amount of \$80,000 (**five affirmative Council votes required for the use of unused balances**); and
 - C. In the Public Buildings Capital Fund, establish a Transfer from the Water Utility Capital Fund in the amount of \$1,263,050 and a Transfer from the General Fund - Reserve for Programmed Capital Projects in the amount of \$80,000 and increase the Standby Stationary Generators project in the amount of \$1,343,050 (**five affirmative Council votes required to appropriate additional revenue**).

3.F 23-1529 [Action on Award of Contract for the Central Park Magical Bridge Playground Project to Robert A Bothman Construction, S&H Construction Bid Withdrawal, Related Budget Amendments, and Adopting a Class 1 CEQA Categorical Exemption](#)

- Recommendation:**
1. Adopt the findings of Council contained in this report, pursuant to California Public Contract Code section 5103, et seq., and relieve S&H Construction, Inc., of its bid for the Central Park Magical Bridge All-Inclusive Playground Project;
 2. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301;
 3. Award the Public Works Contract for the Central Park Magical Bridge All-Inclusive Playground Project to the lowest responsive and responsible bidder, Robert A Bothman Construction, in the amount of \$7,595,000 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
 4. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$1,139,250, for a total not to exceed amount of \$8,734,250; and
 5. Approve the following FY 2022/23 budget amendment in the Parks and Recreation Capital Fund to increase the Central Park Magical Bridge Playground project appropriation by \$4,363,500 and increase the Parks and Recreation Capital Fund Mitigation Fee Act revenue estimate by the same amount **(five affirmative Council votes required to appropriate additional revenue)**.

3.G 23-96 [Action on Agreements for Services with Stephens Mechanical Corporation, Axis Mechanical Group, Inc, and Performance Mechanical, Inc. for Millwright Services](#)

- Recommendation:**
1. Determine the proposed actions are exempt from CEQA pursuant to Section 15301 of Title 14 of the California Code of Regulations;
 2. Authorize the City Manager to negotiate and execute Amendment No. 1 to the Agreement with Stephens Mechanical Corporation for as needed millwright services increasing the maximum compensation to \$1,000,000 for a five-year term ending on October 31, 2027;
 3. Authorize the City Manager to negotiate and execute Agreements for Services with Axis Mechanical Group, Inc. and Performance Mechanical Inc. for as needed millwright services with a maximum compensation of \$1,000,000 each and a five-year term ending on or around March 31, 2028;
 4. Authorize the City Manager to negotiate and execute amendments to these agreements to (a) add or delete services consistent with the scope of services for the agreements (b) adjust future rates subject to the appropriation of funds; (c) increase maximum compensation up to an aggregate maximum compensation of \$15,000,000 over a five-year period; and (d) extend the term of the agreements and increase maximum compensation by \$15,000,000 for an aggregate compensation of \$30,000,000 over a ten-year period, subject to the annual appropriation of funds; and
 5. Authorize the City Manager to take any actions as necessary to implement and administer the agreement

3.H 23-1586 [Action to Delegate Authority to the City Manager to Negotiate and Execute an Agreement for Services with International Cooling Tower to Overhaul a Cooling Tower and to Perform Ongoing As-needed Maintenance and Repair Services at the Donald Von Raesfeld Power Plant for Silicon Valley Power](#)

- Recommendation:**
1. Determine that the proposed actions are categorically exempt from CEQA pursuant to Section 15301 of Title 14 of the California Code of Regulations;
 2. Authorize the City Manager to negotiate and execute an Agreement for Services with International Cooling Tower for a five-year term beginning on or around March 1, 2023, with a maximum compensation not to exceed \$2,000,000 to perform ongoing as-needed maintenance and repair services at the Donald Von Raesfeld Power Plant for Silicon Valley Power; and
 3. Authorize the City Manager take any and all actions as are necessary or advisable to implement and administer the Agreement and negotiate and execute amendments to the Agreement to (a) to add or delete services consistent with the scope of the services for the Agreement, (b) incorporate future rate adjustments, and (c) increase maximum compensation up to a total maximum compensation of \$3,000,000 subject to the appropriation of funds.

3.I 23-210 [Authorize the City Manager to Negotiate and Execute Amendment No. 2 to the Agreement for Distributed Control System Upgrade/Replacement Project with Emerson Process Management Power and Water Solutions](#)

- Recommendation:**
1. Determine the proposed actions are exempt from CEQA pursuant to Section 15301 of Title 14 of the California Code of Regulations;
 2. Authorize the City Manager to negotiate and execute Amendment No. 2 to the Agreement for Distributed Control System Upgrade/Replacement Project with Emerson Process Management Power and Water Solutions increasing maximum compensation by \$8,275,000 from \$3,725,000 to \$12,000,000 and extending the term through December 31, 2030;
 3. Authorize the City Manager to negotiate and execute additional amendments as needed to (a) add or delete services consistent with the scope of services for the agreement, (b) adjust future rates, and (c) increase maximum compensation to a not to exceed amount of \$15,000,000, subject to the appropriation of funds; and
 4. Authorize the City Manager to take any actions as necessary to implement and administer the agreement.

3.J 23-43 [Action on the Fourth Amendment to the Memorandum of Agreement with Santa Clara Valley Municipalities to Allow for the Continuation of the Santa Clara Valley Urban Runoff Pollution Prevention Program](#)

- Recommendation:** Authorize the City Manager to execute the Fourth Amendment to the Memorandum of Agreement with Santa Clara Valley Municipalities to Allow for the Continuation of the Santa Clara Valley Urban Runoff Pollution Prevention Program

3.K 23-126 [Action on the Schematic Design - Master Plan for the New Public Mini Park at 2263 Calle Del Mundo \(Ensemble Investments/Rethink Development - Tasman East Specific Plan\)](#)

Recommendation: Approve the proposed Schematic Design - Master Plan for the New Public Mini Park at 2263 Calle Del Mundo.

3.L 23-158 [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 Scott Boulevard and Harrison Street, 3402 El Camino Real, 4062 Davis Street, 5407 Stevens Creek Boulevard, 2225 Calle de Luna, and 2620 Tuliptree Lane.

3.M 23-129 [Action on the Proposed Schematic Design - Master Plan for a New Public Mini Park at 3000 Patrick Henry Drive \(SummerHill\)](#)

Recommendation: Approve the proposed Schematic Design - Master Plan for the New Public Mini Park at 3000 Patrick Henry Drive.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4. 23-56 [Action on Stadium Authority Bills and Claims for the Month of December 2022](#)

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

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. 23-263 [Action on Appointment to Cities Association of Santa Clara County Board of Directors \(Alternate Member\) for the 2023 Calendar Year](#)

Recommendation: Staff makes no recommendation.

6. 23-182 [Public Hearing: Adoption of a Resolution Ordering the Abatement of a Nuisance Consisting of Growing Weeds in Association with the County Weed Abatement Program for 2022-2023](#)

Recommendation: Adopt a Resolution ordering the abatement of a nuisance consisting of growing weeds in the City.

7. 23-157 [Action on Agreement for Services with Wilson, Ihrig & Associates for Noise Monitoring System and Services for the Levi's Stadium](#)

Recommendation: Alternative 1:
Approve and authorize the City Manager's Office, consistent with properly delegated authority or existing policy, to execute an agreement with Wilson Ihrig for Noise Monitoring System and Services for the Levi's Stadium, including the use of two fixed monitoring sites, for a five year term starting on April 1, 2023 and ending on March 31, 2028 for a total maximum compensation amount not to exceed \$296,000, subject to Santa Clara Stadium Authority appropriation of funds.

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

8. 23-261 [Action on a Written Petition \(Council Policy 030\), Submitted by Laurel Anderson Requesting to Place an Agenda Item on a Future Council Meeting for Council to Discuss Approval of a Dog Park at Earl Carmichael Park on Benton Street](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 22-906 [Update on City Council and Stadium Authority Staff Referrals](#)

23-255 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, March 7, 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.

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)

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 via Zoom as noted on the agenda

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.