



City of Santa Clara

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

Tuesday, December 14, 2021

2:30 PM

Virtual Meeting
2:30 PM Closed Session
5:30 PM Open Session

Pursuant to the provisions of Government Code Section 54953(e) and City of Santa Clara Resolution 21-9023, the City Council meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara 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 (now available during the meeting)

• Via email to PublicComment@santaclaraca.gov

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.

2:30 PM CLOSED SESSION

Call to Order

Roll Call

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.

- 1.A 21-1737** [Public Employee Appointment \(Gov. Code §§ 54957, 54954.5, subd. \(e\).\)](#)
[Title: Executive Recruiter for City Attorney](#)

1.B 21-1716 [Conference with Real Property Negotiators \(CC\)](#)

	APN	Property Address	Property Owner (Name)
1	224-63-020	2380 Lafayette Street, Santa Clara	Dinapoli Family, LP
2	224-63-006	985 Memorex Drive, Santa Clara	Dinapoli Family, LP
3	224-67-023	2199 Ronald Street, Santa Clara	Richard Rossi, Tr.
4	224-66-005	2222 Ronald Street, Santa Clara	Portisi Investments, LLC
5	224-66-003	2122 Ronald Street, Santa Clara	JB Manufacturing, LLC
6	224-05-093	1040 Di Giulio Avenue, Santa Clara	Jon Anderson, Tr.
7	224-05-043	1034 Di Giulio Avenue, Santa Clara	Curtis Chew, Tr.
8	224-05-044	1024 Di Giulio Avenue, Santa Clara	Dante Esposito, Tr.
9	224-05-045	996 Di Giulio Avenue, Santa Clara	Dorothy Luth, Tr.
10	224-05-046	982 Di Giulio Avenue, Santa Clara	Sunding Brothers, LLC
11	224-05-047	962 Di Giulio Avenue, Santa Clara	Sunding Brothers, LLC
12	224-05-048	942 Di Giulio Avenue, Santa Clara	Aaron Smith
13	224-05-049	934 Di Giulio Avenue, Santa Clara	Timmy Chun
14	224-05-050	2200 Lafayette Street, Santa Clara	Better Melon LLC
15	224-67-042	2206 Lafayette Street, Santa Clara	Felix Panis
16	224-67-048	2222 Lafayette Street, Santa Clara	Huy Nguyn
17	224-67-028	2234 Lafayette Street, Santa Clara	Posouvat se, LLC
18	224-03-080	2265 Lafayette Street, Santa Clara	SEW LLC

Convene to Closed Session

5:30 PM JOINT COUNCIL/STADIUM MEETING

**Open Session is to begin at 5:30 PM or shortly thereafter*

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 2.A 21-174 [Task Force on Diversity, Equity, and Inclusion Update \(October-December 2021\)](#)**
- 2.B 21-1673 [Verbal Report from City Manager regarding COVID-19 Pandemic](#)**
- 2.C 21-1717 [Verbal Report Update from City Manager Regarding the Local Drought Emergency](#)**

AGENDA ITEMS CONTINUED/DEFERRED FROM DECEMBER 7, 2021

3. **21-1736** [Action on Adoption of a Resolution Approving 2022 Salary Plans for Classified and Unclassified Employees, Including City Manager, Pursuant to Council's Approved Cost of Living Increases effective December 26, 2021 \(Continued from December 7, 2021\)](#)

Recommendation: Adopt a Resolution approving the updated and amended salary plans for various classified and unclassified positions including the position of City Manager to satisfy the requirements of California Code of Regulations Section 570.5 effective December 26, 2021.

4. **21-1731** [Action on Amendment No. 1 for the Agreement with Accela, Inc. for Land Management Software and Related Budget Amendment \(Continued from December 7, 2021\)](#)

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement and order documents with Accela, Inc. to purchase additional software licenses for Land Management Software and increase the maximum compensation by \$1,420,640 for a total maximum contract compensation of \$2,639,300, subject to the appropriation of funds; and
2. Consistent with City Charter Section 1305, "*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*" approve a FY 2021/22 budget amendment in the General Fund to increase the Non-Departmental Citywide Programs Budget by \$48,197 and decrease the technology fee reserve by \$48,197 (**five affirmative Council votes required for use of unused balances**).

5. **Action on Approval of Various Board, Commissions and Committees Governance Items**

- A. 21-1733 [Information and Update on the Ad Hoc Committee on the Apology Letter Relating to the City's California Voting Rights Act Litigation \(Deferred from November 9, 16, and December 7, 2021\)](#)

Recommendation:

1. Review expanded scope and provide direction on staff resources to support the committee; and
2. Review the provided history and background and provide feedback on what should be posted on the Open City Hall survey as a history.

- B. 21-1734 [Action on Formalization of the Bicycle and Pedestrian Advisory Committee \(Deferred from November 9, 16 and December 7, 2021\)](#)

Recommendation: Alternatives 1, 3, 5, 8 and 9:

1. Modify BPAC membership eligibility to require that applicants must be at least 18 years of age and live or work in the City;
3. Reduce the number of BPAC members from the current maximum of nine members to seven members and phase in this change so no current member loses their position during the current term;
5. Modify how BPAC members are interviewed and appointed similar to other Boards and Commissions by having Council interview applicants and make selections;
8. Remove the requirement that a Councilmember chair the BPAC and allow the BPAC to select its own chair in July 2025 once all members of the BPAC are comprised of those who were interviewed by Council; and
9. Direct staff to bring an ordinance and revised BPAC Policy Guidelines formalizing the BPAC for Council consideration.

- C. 21-1735 [Action to Waive First Reading and Introduce an Ordinance to Amend Chapter 2.120, Entitled Boards and Commissions, to Update Boards and Commission Members Qualifications \(Deferred from November 9 and 16, 2021\)](#)

Recommendation: Waive First Reading and Introduce an Ordinance to amend Chapter 2.120, entitled Boards and Commissions, to update Boards and Commissions qualifications to be residents of the City instead of qualified electors.

6. 21-1732 [Update on Sustainability Program and Provide Feedback on 2022 Program Focus Areas \(Deferred from December 7, 2021\)](#)

Recommendation: Note and file the Update on Sustainability Program and Provide Feedback on 2022 Program Focus Areas.

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.]

- 7.A 21-25 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Audit Committee - September 16, 2021
Cultural Commission - November 1, 2021
Planning Commission - November 17, 2021

- 7.B 21-1742 [Action on August 24, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting; September 1, 2021 Special City Council Meeting; September 7, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting, and September 8, 2021 Joint Special Meeting City Council, Planning Commission, and Downtown Community Task Force](#)

Recommendation: Approve the Meeting Minutes of:
August 24, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting;
September 1, 2021 Special City Council Meeting
September 7, 2021 Joint Council and Authorities Concurrent & Stadium Authority Meeting; and
September 8, 2021 Joint Special Meeting City Council, Planning Commission, and Downtown Community Task Force

7.C 21-931 [Action on the City of Santa Clara Audited Annual Comprehensive Financial Report \(ACFR\) and Audited Silicon Valley Power \(SVP\) Financial Statements for Fiscal Year Ended June 30, 2021, as Recommended by the City Council Audit Committee](#)

Recommendation: Note and file, as recommended by the City Council Audit Committee:

1. The audited City of Santa Clara Annual Comprehensive Financial Report (ACFR) for fiscal year ended June 30, 2021; and
2. The audited City of Santa Clara Electric Utility Enterprise Fund (Silicon Valley Power) Financial Statements for fiscal year ended June 30, 2021.

7.D 21-1260 [Action on Award of Purchase Orders with Grand Electric & Construction Company and True Blue Automation Services for Electrical Maintenance and Repair Services](#)

- Recommendation:**
1. Authorize the City Manager to execute a Purchase Order with True Blue Automation Services for as-needed electrical maintenance and repair services Citywide including Maintenance District #183, and for an initial three-year term, with maximum compensation not-to-exceed \$309,000, subject to the appropriation of funds;
 2. Authorize the City Manager to execute a Purchase Order with Grand Electric and Construction Company for as-needed electrical repair services Citywide including Maintenance District #183 for an initial three-year term, with maximum compensation not-to-exceed \$234,000 and subject to the appropriation of funds;
 3. Authorize the City Manager to adjust maximum compensation during the initial three-year term if the demand for services exceeds the forecasted amount, subject to the appropriation of funds; and
 4. Authorize the City Manager to exercise up to two one-year options to extend the term of both purchase orders, subject to the appropriation of funds.

7.E 21-1550 [Action on an Agreement with Black & Veatch Management Consulting, LLC for Consulting Services for the Setting of Water, Sewer, and Recycled Water Rates Charged to Santa Clara Customers](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Black & Veatch Management Consulting, LLC to prepare rate and fee study reports for the City's water, sewer, and recycled water rates for a five-year term starting January 1, 2022 and ending on December 31, 2026, with maximum compensation not-to-exceed \$184,975 and subject to the appropriation of funds; and
 2. Authorize the City Manager to negotiate and execute amendments to the Agreement for additional related services that may be required, subject to the appropriation of funds.

7.F 21-1419 [Action on an Agreement for Services with Mesa Energy Systems, Inc. for As-Needed Heating, Ventilation, Air Conditioner and Chiller Inspection, Maintenance, and Repair Services](#)

- Recommendation:**
1. Authorize the City Manager to execute the proposed Agreement for Services with Mesa Energy Systems, Inc. for as-needed heating, ventilation, air conditioner and chiller inspection, maintenance, and repair services, in an amount not-to-exceed \$750,000 during the initial five-year term, ending December 2026, subject to the annual appropriation of funds;
 2. Authorize the City Manager to make minor changes to the proposed Agreement for Services subject to approval by the City Attorney as to form;
 3. Authorize the City Manager to execute up to five one-year options to extend the term of the proposed Agreement for Services after the initial term, ending December 2031, assuming all options are exercised, and subject to the annual appropriation of funds; and
 4. Authorize the City Manager to take actions to add or delete services consistent with the scope of the proposed Agreement for Services and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds.

7.G 21-1562 [Action on Delegation of Authority to the City Manager to Negotiate and Execute the Third Phase Agreement with the Northern California Power Agency for a Power Purchase Agreement with South Sutter Water District](#)

- Recommendation:**
1. Authorize the City Manager to negotiate and execute the Third Phase Agreement with Northern California Power Agency for a Power Purchase Agreement with South Sutter Water District; and
 2. Authorize the City Manager to execute administrative amendments to the Third Phase Agreement with Northern California Power Agency as may be needed from time to time during the term of the Power Purchase Agreement.

7.H 21-1636 [Action on a Resolution Delegating Authority to the City Manager to Execute Natural Gas Purchase Contracts and Related Documents for Delivery Through 2034](#)

Recommendation: Adopt a Resolution delegating authority to the City Manager, or designee, to execute on behalf of the City any and all natural gas purchase contracts (not to exceed the total of 40,000 MMBtu per day) and related documents for delivery through 2034.

7.I 21-1045 [Action on Amendment No. 1 to the Agreement for Design Professional Services with Electrical Consultants Inc.](#)

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with Electrical Consultants Inc to extend the term of the Agreement by two years, ending on December 31, 2023, with no change in the maximum compensation;
2. Authorize the City Manager to make minor changes to the attached Amendment subject to approval of the City Attorney as to form; and
3. Authorize the City Manager to add or delete services consistent with the scope of the agreements subject to request and justification by contractor, approval by the City, and the appropriation of funds and extend the term, if necessary, for a total term not to exceed five years.

7.J 21-1543 [Action on Amendment No. 1 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Vantage CA2 Data Center and Owens Corning Facility and Related Budget Amendment](#)

Recommendation: 1. Authorize the City Manager to execute Amendment No. 1 with Wilson, Ihrig & Associates to expand the Scope of Services, and increase maximum compensation by \$76,600 for a total not to exceed amount of \$86,600; and

2. Consistent with City Charter Section 1305, "At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget," approve the related FY 2021/22 budget amendment in the General Fund to increase the Community Development Department appropriation by \$76,600 and decrease the Land Sale Reserve by \$76,600. **(five affirmative Council votes required for the use of unused balances).**

7.K 21-1627 [Action on Amendment No. 3 to the Exclusive Negotiation Agreement with Habitat for Humanity East Bay / Silicon Valley for 3575 De La Cruz Boulevard](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 3 to the Exclusive Negotiation Agreement (ENA) with Habitat for Humanity East Bay / Silicon Valley for the development 3575 De La Cruz Boulevard.

- 7.L 21-1620 [Adoption of a Resolution Recognizing and Supporting the Amah Mutsun Tribal Band in Protecting Their Sacred Lands of Juristac from Development by Public or Private Entities, and Instruct the Mayor to Send a Letter to Santa Clara County](#)

Recommendation: Adopt a Resolution Recognizing and Supporting the Amah Mutsun Tribal Band in Protecting Their Sacred Lands of Juristac from Development by Public or Private Entities, and Instruct the Mayor to Send a Letter to Santa Clara County.

- 7.M 21-1674 [Action on a Resolution Extending AB 361 Implementation to Allow City Legislative Bodies to Hold Public Meetings Solely by Teleconference or Otherwise Electronically During the Governor's Proclaimed COVID State of Emergency](#)

Recommendation: Adopt a Resolution finding the continued existence of the need to extend AB 361 implementation to allow the City's legislative bodies to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361.

- 7.N 21-1464 [Action on Appointment of Members to the Bicycle and Pedestrian Advisory Committee](#)

Recommendation: Appoint Jane Casamajor, Bruce Donoghue, and Sukrit Ganesh to serve three-year terms on the Bicycle and Pedestrian Advisory Committee, expiring on December 31, 2024. Appoint Cecily Cox to serve a one-year term on the Bicycle and Pedestrian Advisory Committee, expiring on December 31, 2022.

- 7.O 21-1659 [Action to Waive First Reading and Introduce an Ordinance Amending Chapter 13.10 "Sewers" of Title 13 "Public Services" of the City of Santa Clara Code to Modify Regulations Regarding Pretreatment Programs to Conform with Recent Updates to the Regional Wastewater Facility Requirements](#)

Recommendation: Waive first reading and introduce the ordinance amending City of Santa Clara Code Section 13.10 (Sewers)

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

8.A 21-1459 [Action on Stadium Authority Bills and Claims for the Month of August 2021](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for August 2021.

8.B 21-1596 [Action on Stadium Authority Bills and Claims for the Month of September 2021](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for September 2021.

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

9. 21-930 [Action on FY 2020/21 Budget Year-End Report and Approve the Related Budget Amendments](#)

- Recommendation:**
1. Note and file the FY 2020/21 Budget Year-End Report;
 2. Consistent with City Charter Section 1305, “*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*” approve the FY 2020/21 Budget Amendments to address necessary budget ratifications as set forth in Attachment 1 of this report (**five affirmative Council votes required for revenue actions and the use of unused balances as noted for each item in Attachment 1**);
 3. Consistent with City Charter Section 1305, “*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*” Approve the FY 2021/22 Budget Amendments as set forth in Attachment 2 of this report (**five affirmative Council votes required for revenue actions and the use of unused balances as noted for each item in Attachment 2**); and
 4. Direction, if any, by the City Council regarding initiatives to be funded by the \$400,000 allocation included in this report.

10. 21-1251 [Action on the Warburton Avenue - Civic Center Drive Area Parking Analysis](#)

Recommendation: Alternative 1: Approve the Warburton Avenue - Civic Center Drive Area Parking Analysis and direct the City Manager to include a budget proposal for Council consideration to fund a new project for installing diagonal parking on Civic Center Drive between Lincoln Street and Warburton Avenue as part of the Biennial 2022/23 and 2023/24 Capital Improvement Program budget process.

11. 21-1629 [Action on Whether to Accept a Formal Recommendation from the Task Force on Diversity, Equity, and Inclusion Regarding the City's Model for Electing its Chief of Police](#)

Recommendation: Provide direction on whether to accept the formal letter of recommendation from the Task Force on Diversity, Equity, and Inclusion in support of the City's model of electing its Chief of Police and hold harmless on this topic the City Manager from any and all actions that may violate the Political Reform Act or FPPC regulations.

12. 21-1577 [Discussion and Possible Direction on Consideration of the Sale of the Loyaltan Ranch Property \(Continued from October 26, 2021\)](#)

Recommendation: Staff has no recommendation and is seeking Council direction on whether additional steps toward the sale of the Loyaltan Ranch Property should be implemented.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, January 11, 2022.

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>> 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.