



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, April 18, 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

- o Phone 1(669) 900-6833

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1. Use the eComment tab located on the City Council Agenda page <https://santaclaraca.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and staff, and become part of the public record. eComment closes 15 minutes before the start of a meeting.
2. By email to clerk@santaclaraca.gov by 12 p.m. the day of the meeting. Those emails will be forwarded to the Council and will be uploaded to the City Council Agenda as supplemental meeting material. Emails received after the 12 p.m. cutoff time up through the end of the meeting will form part of the meeting record. Please identify the Agenda Item Number in the subject line of your email. NOTE: Please note eComments and Emails received as public comment will not be read aloud during the meeting.

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Closed Session - 4:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 23-528** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 800 Mathew Street, Santa Clara, California 95050](#)
[\(APN: 224-03-081\)](#)
[City/Authority Negotiator: City Manager/Executive Director \(or designee\)](#)
[Negotiating Parties: Jitendra G. Patel and Sashi J. Patel](#)
[Under Negotiation: Accord and Satisfaction \(provisions, price and terms of payment\)](#)
- 1.B 23-531** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[City of Santa Clara v. Jitendra G. Patel, et al, Santa Clara County Superior Court Case No. 21CV377579](#)
- 1.C 23-523** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[County Sanitation District 2-3, et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 18CV325480](#)

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)

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

- 2. 23-1171** [Cleanup Campaign Alternatives and Community Survey Results](#)

Recommendation: Note and file the Report.

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

3. 23-527 [Per City Council Policy 042: Reconsideration of Council Action-Reconsideration of Council action taken March 7, 2023 regarding a Resolution Declaring City-Owned Property Located at 2319 Gianera Street as Surplus Land as Required by State Law \[APNs: 104-05-052\] \(Deferred from April 4, 2023\)](#)

Recommendation: Alternative 1: Approve a Resolution Declaring City-Owned Property Located at 2319 Gianera Street Surplus.

SPECIAL ORDER OF BUSINESS

- 4.A 23-386 [Proclaim April as National Autism Acceptance Month](#)
- 4.B 23-462 [Proclamation of April 23-29, 2023 as National Library Week](#)
- 4.C 23-551 [Proclaim April 30 through May 6, 2023 as Municipal Clerks Week](#)

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.]

- 5.A 23-543 [Action on the Minutes of March 7, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting and the March 21, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting](#)

Recommendation: Approve the Meeting Minutes Action on the Minutes of March 7, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting and the March 21, 2023 Joint Council and Authorities Concurrent and Santa Clara Stadium Authority Meeting.

5.B 23-11 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Senior Advisory Commission - February 27, 2023
Cultural Commission - March 6, 2023
Audit Committee - November 30, 2022
Audit Committee - February 3, 2023
Board of Library Trustees Minutes - January 26, 2023
Board of Library Trustees Minutes - February 16, 2023
Board of Library Trustees Minutes - March 6, 2023
Downtown Community Task Force (DCTF) Minutes - January 19, 2023
Downtown Community Task Force (DCTF) Minutes - February 6, 2023
Downtown Community Task Force (DCTF) Minutes - February 16, 2023
Downtown Community Task Force (DCTF) Minutes - November 18, 2021

5.C 23-159 [Action on the Single Audit Report for Fiscal Year 2021-22](#)

Recommendation: Note and file the City of Santa Clara Single Audit Report for the year ended June 30, 2022, as recommended by the Council Audit Committee.

5.D 23-1424 [Action on an Agreement with Kimley-Horn and Associates, Inc for Services for the Traffic Signal Management Software Upgrade and Adaptive Signal System Project](#)

Recommendation:

1. Authorize the City Manager or designee to execute an agreement with Kimley-Horn and Associates, Inc. for the purchase of a Citywide Advanced Traffic Management System and Adaptive Traffic Control System, including all software, hardware, and professional services for design, implementation, configuration, support, and maintenance, for a term starting on or around May 1, 2023 and ending on or around April 30, 2033, with maximum compensation amount not-to-exceed \$2,194,258, subject to the appropriation of funds.
2. Authorize the City Manager or designee to execute amendments to the agreement with Kimley-Horn and Associates, Inc. to implement any changes and enhancements to the system that may be required.

5.E 23-412 [Action on Agreement for Services with Hexagon Transportation Consultants, Inc. for Preparation and Application of a Transportation Demand Management Monitoring and Administration Program for Development Projects](#)

- Recommendation:**
1. Approve and authorize the City Manager's Office, consistent with properly delegated authority or existing policy, to execute an agreement with Hexagon Transportation Consultants, Inc. for preparation and application of a Transportation Demand Management (TDM) monitoring and administration program for development projects for a three year term starting on May 1, 2023 and ending on April 30, 2026 for a total maximum compensation amount not to exceed \$200,000; and
 2. Approve and authorize the City Manager's Office to execute amendments to the agreement to extend the term and increase compensation as may be required to support the requirements of the TDM monitoring and administration program, subject to appropriation of funds.

5.F 23-436 [Action on Agreement with Impec Group, Inc. for Janitorial Services Citywide](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Impec Group, Inc. for janitorial services citywide for an initial five-year term, with maximum compensation not-to-exceed \$7,830,683, subject to the appropriation of funds;
 2. Authorize the City Manager to amend the agreement with Impec Group, Inc. to add new sites or to revise pricing in the event a price adjustment is approved, subject to the appropriation of funds;
 3. Authorize the City Manager to execute additional agreements with Impec Group, Inc. as required for other City departments not-to-exceed \$250,000 each, such agreements shall contain the same terms and conditions as the agreement with Impec Group, Inc. for Department of Public Works and shall be subject to appropriation of funds; and
 4. Authorize the City Manager to exercise up to three one-year options to extend the term of the agreement(s) after the initial term, subject to the appropriation of funds.

5.G 23-550 [Authorize the City Manager to enter into an Agreement for Real Estate Services with CBRE Inc. for the Loyalton Property and Other City Properties and Enter into Listing Agreements for Individual Properties](#)

- Recommendation:**
1. Authorize the City Manager to negotiate and execute an Agreement for Real Estate Services with CBRE Inc. for the Loyalton Property and Other City Properties and Enter into Listing Agreements for Individual Properties;
 2. 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; and
 3. Authorize the City Manager to take any actions as necessary to implement and administer the agreement.

5.H 23-365 [Action on Sixth Amendment to Agreement A4220S with the Santa Clara Valley Water District \(Valley Water\) and the City of Santa Clara for Cost-Sharing of the Landscape Rebate Program](#)

Recommendation: Authorize the City Manager to execute the Sixth Amendment to the Agreement with Santa Clara Valley Water District (Valley Water) to increase the amount of the agreement by \$300,000 for a revised not-to-exceed maximum of \$550,000.

5.1 23-305 [Actions on Award of Contract for the Sanitary Sewer Condition Assessment Repairs - Package 1 Project \(CE 20-21-03\) to JMB Construction, Inc.; Adopt a Resolution Adopting a Mitigated Negative Declaration, for which an Initial Study was Prepared, and Mitigation Monitoring and Reporting Program; Adopt a CEQA Statutory Exemption; Adopt a Class 1 CEQA Categorical Exemption; and Related Budget Amendment.](#)

- Recommendation:**
1. Adopt a resolution Adopting the Mitigated Negative Declaration, for which an Initial Study was Prepared and Mitigation, Monitoring and Reporting Program or the Sanitary Sewer Condition Assessment Repairs - Package 1 Project for repair segments 100, 231, 232, 233, and 242;
 2. Adopt a Statutory Exemption under CEQA Guidelines Section 15282 for repair segments 228, 202, 136, 122, 115, 91, 86, 85, 80, 77, 130, 112, 109, 101, 96, 95, 45, and 31;
 3. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for repair segments 120, 132, 134, 203, 204, 205, 208, 209, 210, 211, 223, 224, 225, 226, 234, 235, 240, and 241;
 4. Authorize the Director of Public Works or designee, to file a Notice of Determination and a Notice of Exemption with the County Clerk-Recorder and the State Clearinghouse;
 5. Award the Public Works Contract for the Sanitary Sewer Condition Assessment Repairs - Package 1 Project (CE 20-21-03) for the Base Bid, to the lowest responsive and responsible bidder, JMB Construction, Inc., in the amount of \$5,178,003 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project on forms approved by the City Attorney;
 6. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$776,700, for a total project budget not to exceed amount of \$5,954,703; and
 7. Approve the following FY 2022/23 budget amendments:
 - A. In the Sewer Utility Fund, increase the transfer to the Sewer Utility Capital Fund by \$4,245,609 and reduce the unrestricted fund balance by \$4,245,609 (**five affirmative**

Council votes required for the use of unused balances); and

- B. In the Sewer Utility Capital Fund, increase the transfer from the Sewer Utility Fund by \$4,245,609 and increase the Sanitary Sewer System Improvements project by \$4,245,609 (**five affirmative Council votes required to appropriate additional revenue**).

5.J 23-193 [Adoption of a Resolution of Intention for Parking Maintenance District No. 122 - Franklin Square](#)

- Recommendation:**
1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122;
 2. Set a hearing date of June 6, 2023 to approve the Director's Report FY 2023/24; and
 3. Authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

5.K 23-196 [Adoption of a Resolution of Intention for Santa Clara Convention Center Complex - Maintenance District No. 183](#)

- Recommendation:**
1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183;
 2. Set a hearing date of June 6, 2023 to approve the Director's Report FY 2023/24; and
 3. Authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

5.L 23-444 [Action on a Resolution to Oppose Initiative 21-0042A1, "The Taxpayer Protection and Government Accountability Act"](#)

- Recommendation:** Adopt a Resolution Opposing Initiative 21-0042A1 "The Taxpayer Protection and Government Accountability Act".

- 5.M 23-522** [Action on a Request for a Two-Year Special Permit to Use the Santa Clara Marriott Hotel Parking Lot as an Event Site at 2700 Mission College Boulevard \(CEQA: Exempt 15304\(e\) Class 4 - Minor Alterations to Land\)](#)
[\(Deferred from April 4, 2023\)](#)

Recommendation: Approve the Use of a Categorical Exemption per CEQA 15304(e) Class 4 - Minor Alterations to Land and Approve the Request for a Two-Year Special Permit to use the Santa Clara Marriott Hotel Parking Lot as an Event Site at 2700 Mission College Boulevard, subject to conditions.

- 5.N 23-446** [Informational Report on 2023 Q1 Legislative Updates](#)

Recommendation: Note and file the informational report on 2023 Q1 legislative updates.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

- 6.A 23-340** [Action on Stadium Authority Bills and Claims for the Month of February 2023](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for February 2023.

- 6.B 23-58** [Informational Report on Stadium Authority Contracts for Fiscal Year 2022/23 As Required by Santa Clara City Code Chapter 17.30 \(Stadium Authority Procurement Policy\)](#)

Recommendation: Note and file the informational report on Stadium Authority contracts for FY 2022/23.

- 6.C 23-130** [Informational Report on Stadium Authority and Stadium Manager Meetings and Corresponding Minutes for the Period of October 1 to December 31, 2022](#)

Recommendation: Note and file the informational report on Stadium Authority and Stadium Manager staff meetings and corresponding minutes for the period of October 1 to December 31, 2022.

- 6.D Action on Request Submitted by the Stadium Manager to Execute Agreement with Gachina Landscape Management for Landscaping Services at Levi's Stadium**

6.D.1 23-507 [Request from the Stadium Manager to Execute Agreement with Gachina Landscape Management for Landscaping Services at Levi's Stadium](#)

6.D.2 23-508 [Report from Stadium Authority for Action Regarding Stadium Manager's Request to Execute Agreement with Gachina Landscape Management for Landscaping Services at Levi's Stadium](#)

Recommendation:

1. Approve the Stadium Manager's request to execute an agreement with Gachina Landscape Management to provide landscaping maintenance services at Levi's Stadium for a three-year period beginning April 19, 2023 through March 31, 2026, in an amount not exceed \$68,000 for the first contract year, \$70,000 for the second contract year, and \$72,000 for the third contract year for a total not to exceed amount of \$210,000 over the three-year period, subject to budget appropriations; and
2. Authorize the Executive Director to approve the Stadium Manager's exercise of the option to extend the agreement with the same basic terms and conditions for two additional one-year periods, subject to budget appropriations.

6.E Action on Request Submitted by the Stadium Manager to Execute Amendment No. 1 to the Agreement with Integrated Communication Systems (ICS) for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium

6.E.1 23-534 [Request from Stadium Manager to Execute Amendment No. 1 to the Agreement with Integrated Communication Systems \(ICS\) for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium](#)

6.E.2 23-535 [Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Execute Amendment No. 1 to the Agreement with Integrated Communication Systems \(ICS\) for Fire Alarm Testing, Inspection, Maintenance, and Related Services at Levi's Stadium](#)

Recommendation:

Approve the Stadium Manager's request to execute Amendment No. 1 to the agreement with Integrated Communication Systems (ICS) to move the term date from March 31, 2023 to May 31, 2023 and include a total not to exceed compensation amount of \$10,000 for the extended term only in order for ICS to complete the necessary repairs as part of the agreement for fire alarm testing, inspection, maintenance, and related services at Levi's Stadium.

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

7. 23-275 [Action on a Resolution Establishing the Average Per-Acre Land Values and Park Development Costs to be Used in Setting the Parkland In-Lieu Fees for New Residential Development for FY 2023/24](#)

Recommendation:

Adopt a Resolution to set the Parkland In-Lieu Fee Schedule For New Residential Development in accordance with Title 17 ("Development") Chapter 35 ("Park and Recreational Land") of the City Code establishing the average per acre land values as contained in the Annual Land Valuation Appraisal Report and the Park Development cost per capita value as contained in the Parks & Recreation Facilities Development Impact Fee Study (Nexus Study Update) and adjusted by the Construction Cost Index.

8. 23-141 [Public Hearing: Action on the Adoption of the Proposed FY 2023/24 Municipal Fee Schedule](#)

Recommendation: Alternative 1:
Adopt the “City of Santa Clara 2023/24 Municipal Fee Schedule” which by resolution (1) sets new Fees; (2) amends existing Fees; (3) retains unchanged Fees for various City departments; (4) deletes certain fees with an effective date of July 1, 2023.

9. 23-211 [Action on Policy Options to Amend Regulations Related to Street Vending Activities in the City of Santa Clara](#)

Recommendation: Direct staff to proceed with Option #1 (pilot program in the area of Levi’s Stadium from August 2023 through January 2024, with the Police Department returning to City Council with recommendations for implementation for the 2024 concert and NFL seasons, as well as how the Ordinance may need to be amended to apply in other areas of the City, such as City parks).

10. 23-145 [Discussion and Follow Up on a Written Petition \(Council Policy 030\) Submitted by Kirk Vartan Related to Permit Parking Zones](#)

Recommendation: Note and file the staff report.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

23-390 [Update on City Council and Stadium Authority Staff Referrals](#)

23-542 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, May 9, 2023 in the City Hall Council Chambers.

MEETING DISCLOSURES

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

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

Note: The public cannot participate in the meeting through these livestreaming methods; livestreaming capabilities may be disrupted at times, viewers may always view and participate in meetings in-person and via Zoom as noted on the agenda.

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

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

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

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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."

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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.