



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

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**Tuesday, April 28, 2020**

**2:00 PM**

**City Hall Council Chambers**

**1500 Warburton Avenue**

**Santa Clara, CA 95050**

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Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:
  - o <https://zoom.us/join> 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)

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.

For those individuals that do not have the above access, the City Cafeteria has been set up to accommodate up to 10 people at a time and public comment will be given from that location.

The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. The Mayor will be present for the meeting with Councilmembers and department heads participating remotely. A limited number of staff will also be present.

#### **2:00 PM COUNCIL REGULAR MEETING**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

#### **CONTINUANCES/EXCEPTIONS**

**SPECIAL ORDERS OF BUSINESS**

**March 3, 2020 Special Election**

1.     **20-482**     [Adopt a Resolution Declaring the Results of the Canvass of Returns of the Consolidated Special Municipal Election held on March 3, 2020 with the Statewide Presidential Primary Election \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Adopt a resolution reciting the facts of the Consolidated Special Municipal Election held on March 3, 2020 with the Statewide Presidential Primary Election and declare the following candidate elected: Pat Nikolai for Chief of Police for a partial term ending 2020.

2.     **20-461**     [Administration of the Oath of Office for Elected Chief of Police Pat Nikolai](#)

3.     **20-447**     [Verbal Report from City Manager regarding COVID-19 Pandemic \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

4.     **20-481**     [Update on Small Business Assistance Grant Program and Approval of Related Budget Amendments \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:**

1. Note and file the Update on Small Business Assistance Grant Program.
2. Approve the related FY 2019/20 Budget Amendments, decreasing the Non-Departmental budget by \$250,000, returning \$15,540 to the Budget Stabilization Reserve and augmenting the City Manager's Office operating budget by \$234,460 for a total Small Business Assistance Grant Program cost of \$800,000 in the General Fund.

**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 20-118** [Informational Report Regarding Bi-yearly Project Status Report of the GIS Services Program \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** Note and file the Informational Report regarding the Bi-yearly Project Status Report of the GIS Services Program.

**5.B 20-157** [Action on Award of Contract for the Agnew and Fuller Street Parks Rehabilitation Project \(CE 18-19-04\) and Related Budget Amendment \[Council Pillar: Enhance Community Sports, Recreational and Arts Assets\]](#)

**Recommendation:**

1. Award the Public Works Contract for the Agnew and Fuller Parks Rehabilitation Project (CE 18-19-04) to the lowest responsive and responsible bidder, Suarez and Munoz Construction, Inc. in the amount of \$967,000 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
2. Authorize the City Manager to execute change orders up to 15 percent of the original contract price, or \$145,050, for a total not to exceed amount of \$1,112,050;
3. Approve additional funding in the amount of \$145,050 for the items as noted in the Park Site Plan Update including park furnishing, fixtures, and equipment; and,
4. Approve the related budget amendment in the Parks and Recreation Capital Fund to increase the Playground Construction Project by \$857,100 and decrease the Unallocated Quimby Act Fee Fund Balance by \$857,100.

**5.C 20-179** [Action on the Federal and State Income Tax Exempt Reporting for Fiscal Year 2018/2019 \[Council Pillars: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Authorize the City Manager, or her designee, to file the 2018 Internal Revenue Service Form 990 (Return of Organization Exempt from Income Tax) and the State of California Form 199 (Exempt Organization Annual Information Return) on behalf of the City of Santa Clara Public Facilities Financing Corporation.

**5.D 20-226** [Action on an Agreement for Design Professional Services with SSA Landscape Architects, Inc. for the Fairway Glen Park Restroom Construction Project \[Council Pillar: Enhance Community Sports, Recreation and Arts Assets\]](#)

**Recommendation:** 1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with SSA Landscape Architects, Inc. for the Fairway Glen Park Restroom Project in the amount not-to-exceed \$199,418; and  
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if needed.

**5.E 20-287** [Approval of a High Intensity Activated Crosswalk Beacon on Scott Boulevard at Harrison Street and Related Budget Amendment \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** 1. Approve the installation of a High-Intensity Activated Crosswalk (HAWK) beacon on Scott Boulevard at Harrison Street;  
2. Approve the addition of the new CIP Project - High-Intensity Activated Crosswalk beacon on Scott Boulevard at Harrison Street; and  
3. Approve the related budget amendment in the Deposit Funds to reduce the Transportation Environmental Mitigation and Regional Traffic Mitigation Fee Deposits fund balance by \$750,000 and transfer those funds to the Streets and Highways Capital Fund; in the Streets and Highways Capital Fund, establish a transfer from the Deposit Funds in the amount of \$750,000 and establish a new High-Intensity Activated Crosswalk Beacon on Scott Boulevard at Harrison Street Project.

**5.F 20-298** [Update on Patrick Henry Drive Specific Plan Conceptual Land Use Diagram and Project Schedule \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

**Recommendation:** Alternative 1:  
Accept the report on the Patrick Henry Drive Specific Plan Conceptual Land Use Diagram and schedule as presented by staff.

**5.G 20-303** [Action on Award of Contract for the ADA Curb Ramps FY 2019-20 Project \(CE 18-19-01\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** 1. Award the Public Works Contract for the ADA Curb Ramps FY 2019-20 Project (CE 18-19-01) to the lowest responsive and responsible bidder, ASG Builders, in the amount of \$186,634.09 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and  
2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$27,995.91, for a total project budget not-to-exceed amount of \$214,630.

**5.H 20-397** [Action on Amendment No. 2 to the Agreement with Granicus, LLC for Agenda Management System and Closed Captioning Services \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** 1. Authorize the City Manager to negotiate and execute Amendment No. 2 to the Agreement with Granicus, LLC. for an Agenda Management System and Closed Captioning Services to increase the amount of the agreement by \$161,955 and to extend the term of the agreement through September 28, 2023 for a revised not-to-exceed maximum compensation of \$672,885;  
2. Authorize the City Manager to execute amendments over the amended term of the contract to add and/or delete system functionalities as required; and  
3. Authorize the City Manager to execute four (4) additional one-year options to extend the term of the agreement through September 28, 2027, subject to the appropriation of funds.

5.I 20-439 [Action on Amendment No. 2 to the Agreement for Performance of Services with Davey Tree Surgery Company \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

***Recommendation:*** 1. Authorize the City Manager to execute Amendment No. 2 to the Agreement for Performance of Services with Davey Tree Surgery Company; and  
2. Authorize the City Manager to add or delete tree trimming services consistent with the scope of the agreement, and allow future rate adjustments subject to request and justification by Davey Tree Surgery Company and approval by the City, subject to the appropriation of funds.

5.J 20-470 [Action on a Resolution Revising the Council and Authorities/Stadium Authority Regular Meetings Dates for the 2020 Calendar Year \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

***Recommendation:*** Adopt a Resolution revising the Council and Authorities/Stadium Authority regular meeting dates for the 2020 calendar year to reflect the cancelation of the May 5 & 19 and June 2, 2020 Council and Authorities regular meeting and to set May 12 & 26, 2020 and June 9, 2020 as a Council and Authorities regular meeting.

5.K 20-476 [Action on an Amendment to Zoning Code Chapter 18.102 - Regulation of Marijuana \(Cannabis\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

***Recommendation:*** Alternative 1:  
Approve Introduction of Ordinance amending Chapters 18.06 (“Definitions”) and 18.102 (“Regulation of Marijuana”) of Title 18 (“Zoning”) of “The Code of the City of Santa Clara, California” to prohibit all commercial cannabis activity.

- 5.L 20-477 [Adoption of a Resolution extending the Moratorium on Evictions for the Non-payment of Rent and No-Fault Evictions for Tenants with Incomes Affected by the Novel Coronavirus \(COVID-19\) to May 31, 2020 \[Promote and Enhance Economic and Housing Development\]](#)

***Recommendation:*** Adopt a resolution extending the Urgency Ordinance temporary moratorium on evictions for the non-payment of rent and no-fault evictions for Tenants affected by the novel coronavirus (COVID-19) to May 31, 2020.

- 5.M 20-484 [Action on Adoption of Ordinance No. 2015 Adding Chapter 8.65 of the City Code \("Emergency Evictions Protection"\) Related to the Temporary Moratorium on Evictions for the Non-payment of Rent and No-Fault Evictions for Residential Tenants with incomes affected by the novel coronavirus \(COVID-19\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

***Recommendation:*** Adopt Ordinance No. 2015 Adding a New Chapter 8.65 to Title 8 of the City Code ("Health and Safety") Related to Temporary Moratorium on Evictions.

- 5.N 20-485 [Adoption of Ordinance No. 2016 Amending Chapters 5.75 \("Bingo"\) and 10.20 \("Funeral Escort Services"\) of "The Code of the City of Santa Clara, California" to Make Correlating Changes to Ensure Consistency with the Recent Revision and Renumbering of Chapter 2.115 \("General Characteristics of License or Permit - Suspension Procedure"\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

***Recommendation:*** Adopt Ordinance No. 2016 Amending Chapters 5.75 ("Bingo") and 10.20 ("Funeral Escort Services") of "The Code of the City of Santa Clara, California" to Make Correlating Changes to Ensure Consistency with the Recent Revision and Renumbering of Chapter 2.115 ("General Characteristics of License or Permit - Suspension Procedure")

**5.O 20-486** [Action on the Adoption of Ordinance No. 2017 Adding a New Chapter 10.06 to Title 10 of the City Code \(“Vehicles and Traffic”\) Related to Illegal Street Racing and Sideshows \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** Adopt Ordinance No. 2017 Adding a New Chapter 10.06 to Title 10 of the City Code (“Vehicles and Traffic”) Related to Illegal Street Racing and Sideshows.

**5.P 20-366** [Action on a Resolution for the Use of City Water Forces at 3439 Stevens Creek Boulevard \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** Adopt a Resolution approving the use of City Water forces for water and fire service upgrades at 3439 Stevens Creek Boulevard.

**5.Q 20-438** [Action on Amendment No. 3 to an Agreement for Professional Services with GEI Consulting, Inc. to Provide Project Management Support for the Bucks Creek Project Relicensing \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** Authorize the City Manager to execute Amendment No. 3 to the Agreement for Professional Services with GEI Consultants, Inc. to increase the not-to-exceed amount by \$50,000, for a total contact not-to-exceed amount of \$1,078,841 to provide continued Project Management support for the Bucks Creek Project Relicensing until April 30, 2021.

**5.R. 20-126** [Approval to Negotiate and Execute an Agreement with Mark43, Inc. for the Purchase of a Records Management System \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Authorize the City Manager to negotiate and execute an agreement with Mark43, Inc. for the purchase of a Records Management System, for a term starting on or about May 1, 2020 and ending on or about June 30, 2025 for total maximum amount not-to-exceed \$1,108,066, subject to the annual appropriation of funds;
  2. Approve change orders and amendments not to exceed \$250,000 during the initial five-year term, subject to the annual appropriation of funds; and
  3. Authorize the City Manager to execute up to ten one-year options to extend the term of the agreement after the initial term through June 30, 2035 for ongoing software subscription and maintenance and support services, subject to the annual appropriation of funds.

**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**

**6. 20-173** [Public Hearing: Action on the Adoption of the Fiscal Year 2020/21 Municipal Fee Schedule \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:** Alternative 1:  
Adopt a resolution for the “City of Santa Clara 2020/21 Municipal Fee Schedule” which (1) sets new fees, rates and charges (collectively “fees”); (2) amends existing fees; (3) deletes certain fees; and (4) retains unchanged fees for various City departments effective on July 1, 2020.

7.     **20-407**     [Consideration of Silicon Valley Power Quarterly Strategic Plan Update \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\] Deferred from March 17, 2020](#)

***Recommendation:*** Note and file the SVP Quarterly Strategic Plan Update.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

- 20-257**     [Update on City Council and Stadium Authority Staff Referrals \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 20-494**     [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, May 12, 2020 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)

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."