



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, June 6, 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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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.

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

4:00 PM STUDY SESSION

Call to Order in the Council Chambers

Roll Call

- 1.A 23-143** [Study Session to Review Proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Improvement Program Budget Changes](#)

Recommendation: 1. Review and Provide Input on the Proposed FY 2023/24 and FY 2024/25 Biennial Operating Budget and FY 2023/24 Capital Improvement Program Amendments.

- 1.B 23-748** [Presentation on Timelines and Administrative Requirements For Placement of Ballot Measures on the March and/or November 2024 Ballot Including Consideration of Amendments to the City Charter to Change the Police Chief and/or City Clerk from Elected to Appointed Positions and Consideration of an Action to Approve a Work Plan for Same, Including Possible Formation of a Charter Review Committee](#)

Recommendation: If the Council chooses to proceed with a measure(s) to amend the City Charter, direct staff to proceed with a proposed public input process, including the establishment of a CRC, to consider an amendment to the City Charter on the March 5, 2024 ballot that would change the positions of Police Chief and/or City Clerk from elected to appointed positions with the scope, size and method of appointment for the CRC to be defined by the City Council.

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Call to Order in the Council Chambers (Open to the Public)

Pledge of Allegiance and Statement of Values

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 2.A 23-684 [Recognition of Santa Clara University Student Graduate Kairan Quazi](#)
- 2.B 23-502 [Proclaim June 19, 2023 as Juneteenth](#)
- 2.C 23-501 [Proclaim June 2023 as LGBTQIA+ Pride Month](#)

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 23-14 [Board, Commissions and Committee Minutes](#)
Recommendation: Note and file the Minutes of:
Historical and Landmarks Commission - February 2, 2023
Youth Commission - February 14, 2023
Senior Advisory Commission - April 24, 2023
- 3.B 23-655 [Action on Bills and Claims Report \(CC, SCSA, HA\) for the period April 8, 2023 - May 5, 2023](#)
Recommendation: Approve the list of Bills and Claims for April 8, 2023 - May 5, 2023.
- 3.C 23-106 [Action on Rejection of All Bids for the Benicia Ranch Demolition Project Contract No. 18119](#)
Recommendation: 1. Reject all bids received for the Benicia Ranch Demolition Project Contract No. 18119.

- 3.D 23-593 [Action on the Award of Purchase Orders Greater than \\$250,000, with an Aggregate Amount of \\$4,275,000, for Vehicles and Equipment for the Fire, Silicon Valley Power, Public Works and Water and Sewer Utilities Departments to be Funded by Amounts Previously Approved in the Vehicle Replacement Fund in the City's Operating Budget for Fiscal Year 2022/23.](#)

Recommendation: Approve and authorize the City Manager to execute purchase orders in amounts greater than \$250,000, at an aggregate amount of \$4,275,000, with various vendors for the purchase of vehicles and equipment presented for the Fire, Silicon Valley Power, Public Works and Water and Sewer Utilities Departments, to be funded by amounts previously approved in the Vehicle Replacement Fund in the City's Operating Budget for Fiscal Year 2022/23.

3.E 23-526 [Actions on Award of Contract for the 2023 Annual Street Pavement Maintenance and Rehabilitation Project \(CE 23-24-01\) to O'Grady Paving, Inc., Approve a Class 1 CEQA Categorical Exemption, and Related Budget Amendment](#)

- Recommendation:**
1. Approve use of a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 for the project;
 2. Award the Public Works Contract for the 2023 Annual Street Pavement Maintenance and Rehabilitation Project (CE 23-24-01), to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$2,526,640 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project, in a final form approved by the City Attorney;
 3. Authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$252,664, for a total project budget not to exceed amount of \$2,779,304; and
 4. Approve the following FY 2022/23 budget amendments:
 - A. In the Streets and Highways Capital Fund, recognize transfers of \$50,700 from the Water Utility Fund and \$50,700 from the Sewer Utility Fund, and increase the Annual Street Maintenance and Rehabilitation Program project by \$101,400 (**five affirmative Council votes required to appropriate additional revenue**);
 - B. In the Water Utility Fund, increase the transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$50,700 (**five affirmative Council votes required for the use of unused balances**); and
 - C. In the Sewer Utility Fund, increase the transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$50,700. (**five affirmative Council votes required for the use of unused balances**).

3.F 23-652 [Action on the Fourth Amendment to the Contract Between the County of Santa Clara and City of Santa Clara - Congregate Meals for FY 2022/23, including the Home and Community Based Services Infrastructure Grant, and Related Budget Amendments](#)

- Recommendation:**
1. Authorize the City Manager to execute the Fourth Amendment to the Contract Between the County of Santa Clara and City of Santa Clara - Congregate Meals at the Santa Clara Senior Center for additional funding in the amount of \$10,862.40, for a new not-to-exceed amount of \$135,780 for FY 2022/23 and a total contract not-to-exceed amount of \$497,509.89, in a final form approved by the City Attorney;
 2. Accept and appropriate the Home and Community Based Services Senior Nutrition Infrastructure grant funding in an amount not-to-exceed \$27,022 in a final form approved by the City Attorney; and
 3. Approve the related FY 2022/23 budget amendment in the Parks and Recreation Operating Grant Trust Fund to increase the Other Agencies Revenue estimate and the Senior Nutrition Program by \$37,884 (**five affirmative Council votes required to appropriate additional revenue**).

3.G 23-107 [Action on an Agreement for Services with Advanced Chemical Transport, Inc. to Provide Hazardous Waste Management Services for Silicon Valley Power](#)

- Recommendation:**
1. Determine that the proposed actions are categorically exempt from CEQA pursuant to Section 15330 of Title 14 of the California Code of Regulations;
 2. Authorize the City Manager to execute an Agreement for Services with Advanced Chemical Transport, Inc. (Agreement) for an initial five-year term starting on or around July 1, 2023 and ending on or around June 30, 2028, with a maximum compensation not to exceed \$2,500,000, subject to the appropriation of funds; and
 3. Authorize the City Manager to take any actions as necessary to implement and administer the Agreement and to negotiate and execute amendments to the Agreement to (a) add or delete services consistent with the Agreement's scope of services; (b) adjust future rates in accordance with the Agreement; (c) extend the term of the Agreement one additional year through June 30, 2029; and (d) increase the maximum compensation by \$1,500,000 for a revised maximum compensation of up to \$4,000,000 for the six-year term, subject to the appropriation of funds.

3.H 23-123 [Action on an Agreement for Services with Davey Tree Surgery Company with a Maximum Compensation of \\$25,000,000 for the Initial Five-year Term and an Option to Extend for an Additional Five Years for a Total Maximum Compensation of \\$60,000,000 Over the Ten-year Term](#)

- 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 execute an Agreement for Services with Davey Tree Surgery Company for power line clearance and related tree trimming services for an initial five-year term starting on or around July 1, 2023, and ending on or around June 30, 2028, with a maximum compensation of \$25,000,000, subject to the appropriation of funds; and
 3. Authorize the City Manager to take any actions as necessary to implement and administer the Agreement; and negotiate and execute amendments to the Agreement to (a) add or delete services consistent with the Agreement's scope of services; (b) adjust future rates; (c) exercise the option to extend the term for up to five additional years through June 30, 2033; and (d) increase the maximum compensation after the initial five-year term by \$35,000,000 for a maximum compensation of \$60,000,000 for the 10-year term, subject to Agreement extension, approval by the City Attorney as to form, and the appropriation of funds.

3.1 23-409 [Action to Authorize the City Manager to Negotiate, Execute, and Administer an Agreement with the City of Cupertino for the Cupertino-Santa Clara Joint On-Demand Shuttle Service Project and Approval of a Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to Negotiate, Execute, and Administer an Agreement with the City of Cupertino for the Cupertino-Santa Clara Joint On-Demand Shuttle Service Project up to a total not-to-exceed amount of \$4,007,230, subject to the appropriation of funds and in a final form approved by the City Attorney;
 2. Authorize the City Manager to execute any and all documents necessary for or associated with the agreement, including payments to the City of Cupertino, in a final form approved by the City Attorney; and
 3. Approve the following FY 2022/23 budget amendments:
 - A. In the Electric Operating Grant Trust Fund, decrease the Electric Department budget by \$689,547 and establish a transfer to the Streets and Highways Capital Fund in the same amount (**majority affirmative Council votes required**);
 - B. In the Streets and Highways Capital Fund, recognize a transfer in from the Electric Operating Grant Trust Fund of \$689,547 and establish the Cupertino-Santa Clara On-Demand Shuttle Project in the amount of \$689,547 (**five affirmative Council votes required to appropriate additional revenue**).

3.J 23-251 [Action on Silicon Valley Power's Public Benefit Programs for Fiscal Years 2023-2024 through 2027-2028](#)

Recommendation: 1. Approve the City of Santa Clara, Silicon Valley Power's, Public Benefit Programs Proposal for Fiscal Years 2023-2024 through 2027-2028; and
2. Delegate authority to the City Manager, or designees, to make changes to the approved proposal, including adding or modifying programs, as necessary to meet PUC requirements and/or ensure program effectiveness during the above-fiscal year periods.

3.K 23-654 [Informational Report and Status Update on the Morse Mansion](#)

Recommendation: Note and File Informational Report on Morse Mansion

3.L 23-738 [Action on a Special Permit to Allow Two Occurrences of Car Shows at 958 Homestead Road \(CEQA: Exempt 15304\(e\) Class 4 - Minor Alterations to Land\)](#)

Recommendation: 1. Approve the use of a Class 4 Categorical Exemption, and
2. Approve the Special Permit to allow two occurrences of Car Shows at 958 Homestead Road, subject to conditions, based upon the Director of Community Development's findings set forth in the Permit.

3.M 23-530 [Informational Report Regarding Bi-Annual Project Status Report of the GIS Services Program](#)

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

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4. 23-601 [Action on Stadium Authority Bills and Claims for the Month of April 2023](#)

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

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. **23-206** [Public Hearing: Adoption of a Resolution Approving the Levy of Benefit Assessment upon the City of Santa Clara Parking Maintenance District No. 122 - Franklin Square](#)

Recommendation: Alternative 1: Adopt a Resolution approving the levy of benefit assessment upon the City of Santa Clara Parking Maintenance District No. 122 and approving, confirming, and adopting the Director's Report for FY 2023/24.

6. **23-209** [Public Hearing: Adoption of a Resolution Approving the Levy of Benefit Assessment Upon the Santa Clara Convention Center Complex - Maintenance District No. 183](#)

Recommendation: Alternative 1:
Adopt a resolution approving the levy of benefit assessment upon the Santa Clara Convention Center Complex - Maintenance District No. 183, and approving, confirming, and adopting the Director's Report for FY 2023/24.

7. **23-447** [Public Hearing: Action on Resolutions Approving Water, Sewer and Recycled Water Amended Rates to be Effective July 1, 2023](#)

Recommendation: Alternative 1: Adopt the Proposed Resolutions Establishing Water Rate Schedule 2023-01, Recycled Water Rate Schedule 2023-02 and Sewer Rate Schedule S-23

8. 23-740 [Public Hearing: Waive Second Reading and Adopt Ordinance No. 2060 to Repeal Chapter 15.45 \(Prevention of Flood Damage Code\) and Adopt the New Floodplain Management Ordinance Establishing a New Chapter 15.45 \(Floodplain Management Regulations\) of the Santa Clara City Code. \(CEQA: Exempt Pursuant to CEQA Guidelines Section 15061\(b\)\(3\), Projects Which Do Not Have the Potential for Causing a Significant Effect on the Environment\)](#)

Recommendation:

1. Approve the Use of CEQA Exemption Pursuant to CEQA Guidelines Section 15061(b)(3), Projects Which Do Not Have the Potential for Causing a Significant Effect on the Environment
2. Waive Second Reading and Adopt Ordinance No. 2060 to Repeal Chapter 15.45 (Prevention of Flood Damage Code) and Adopt the New Floodplain Management Ordinance Establishing a New Chapter 15.45 (Floodplain Management Regulations) of the Santa Clara City Code.

9. 23-575 [Action on Approval of the West Portal Early Works Construction Transportation Management Plan for the Valley Transportation Authority's BART Phase II Extension Project](#)

Recommendation:

Alternative 1: Approve the West Portal Early Works Construction Transportation Management Plan for the VTA's BART Phase II Extension Project

10. 23-682 [Note and File the Resolutions of the Salary Setting Commission Establishing as Unchanged the Salary for the positions of Mayor and Council and City Clerk, and increasing the Salary for the Position of Police Chief to \\$313,692/annually; and Action to Adopt a Resolution Approving and Adopting the Updated Unclassified/Elected Salary Plan for the position of Police Chief for the Period of July 1, 2023 through June 30, 2025](#)

Recommendation:

1. Note and file the Resolutions of the Salary Setting Commission establishing the salary for the positions of Mayor and Council, Police Chief, and City Clerk; and
2. Adopt a Resolution to approve the revised Unclassified/Elected Salary Plan for the position of Police Chief, which reflects the salary increase granted by the Salary Setting Commission, to satisfy the requirements of California Code of Regulations Section 570.5, effective July 1, 2023.

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

11. 23-689 [Action on a Written Petition \(Council Policy 030\), Submitted by Howard Myers Requesting to Place an Agenda Item on a Future Council Meeting to Request that Councilmember Becker Resign from the Council](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 23-606 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, June 27, 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)

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.