



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, April 9, 2024

6:00 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

How to Submit Written Public Comment Before City Council Meeting:

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.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://santaclaraca.legistar.com/Calendar.aspx>

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at Santa Clara City Hall, 1500 Warburton Avenue, Santa Clara, CA 95050 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. For the final document, you may contact the Office of the City Clerk at (408) 615-2220 or Clerk@santaclaraca.gov.

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

6:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Confirmation of Quorum

1. **24-350** [Conference with Labor Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54957.6](#)

[City representatives: Jovan D. Grogan, Nadine Nader, Aracely Azevedo, Marco Mercado, Charles Sakai, Glen R. Googins](#)

[Employee Organization\(s\):](#)
[Units #5, 7 & 8 - City of Santa Clara Employees Association](#)

Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

Convene to Closed Session (Council Conference Room)

7:00 PM JOINT CITY COUNCIL /STADIUM AUTHORITY BOARD MEETING

Call to Order in the Council Chambers

Pledge of Allegiance and Statement of Values

Roll Call

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

April 8, 2024 and April 9, 2024

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 2.A **24-1595** [Proclamation of Earth Day/Arbor Day 2024](#)
- 2.B **24-1630** [Recognition of 2024 Relay for Life](#)
- 2.C **24-255** [Proclamation of April 7-13, 2024 as National Library 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.]

- 3.A 24-329** [Action on the March 12, 2024 Joint Council and Stadium Authority Board Special Meeting and March 19, 2024 Joint Council and Authorities Concurrent and Stadium Authority Meeting.](#)

Recommendation: Approve Minutes of the March 12, 2024 Joint Council and Stadium Authority Board Special Meeting and March 19, 2024 Joint Council and Authorities Concurrent and Stadium Authority Meeting.

- 3.B 24-06** [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Board of Library Trustees - February 5, 2024
Parks & Recreation Commission - January 16, 2024
Senior Advisory Commission - February 26, 2024
Audit Committee - November 15, 2023

- 3.C 24-262** [Action on City Bills and Claims Report for the period February 3, 2024 - March 8, 2024](#)

Recommendation: Approve the list of Bills and Claims for February 3, 2024 - March 8, 2024.

3.D 24-283 [Action on Monthly Financial Status and Investment Reports for January 2024 and to Approve the Related Budget Amendments](#)

Recommendation:

1. Note and file the Monthly Financial Status Report and Monthly Investment Report for January 2024 as presented; and
2. Approve the following FY 2023/24 Budget Amendments:
 - a. Recognize ambulance transport revenue in the amount of \$208,500 and wildland deployment reimbursements in the amount of \$67,306 in the General Fund and appropriate to the Fire Department (**five affirmative Council votes required to appropriate additional revenue**);
 - b. Implement technical adjustments in the Convention Center Enterprise Fund to align with the Management Agreement, including reallocating \$367,851 from the Indirect Expenses appropriation and \$93,891 from the unrestricted ending fund balance to the Interfund Services appropriation for property insurance costs in the amount of \$280,583 and to the Materials, Services, and Supplies appropriation for the management incentive fee in the amount of \$181,159 (**majority affirmative Council votes required**);
 - c. Increase the Stationary Standby Generators Project by \$292,800 in the Public Buildings Capital Fund, offset by a transfer from the Electric Utility Capital Fund in the amount of \$37,900 that is funded by a reduction in the Electric Yard Buildings and Grounds Project and a transfer from the Water Utility Capital Fund in the amount of \$254,900 that is funded by a reduction to the Buildings and Grounds Project (**five affirmative Council votes required to appropriate additional revenue**);
 - d. Establish the Fire Station Washer and Dryers Project in the amount of \$72,000

and the Fire Station 3 Sprinklers Project in the amount of \$66,000 in the Fire Department Capital Fund, offset by a decrease to the Diesel Exhaust Removal Systems Project in the amount of \$138,000 **(majority affirmative Council votes required)**;

- e. Recognize and appropriate Other Fees for Services in the Fire Development Services Fund in the amount of \$135,940 for Fire Department overtime to support development services **(five affirmative Council votes required to appropriate additional revenue)**;
- f. Recognize and appropriate grant funding in the Library Operating Grant Trust Fund in the amount of \$10,210 for the Pacific Library Partnership California Library Services Act Distribution of Funds grant **(five affirmative Council votes required to appropriate additional revenue)**;
- g. Increase the Sanitary Sewer System Improvements Project in the amount of \$4,450,000 and the S.J.-S.C. Regional Wastewater Facility Project in the amount of \$20,000 in the Sewer Utility Capital Fund, offset by a decrease in the unrestricted ending fund balance in the amount of \$4,470,000 **(five affirmative Council votes required for the use of unused balances)**;
- h. Transfer \$353,000 from the Solid Waste Fund to the Sanitary Landfill Development - Post Closure Project in the Solid Waste Capital Fund to account for repairs required following the storms **(five affirmative Council votes required to appropriate additional revenue)**; and
- i. Increase the Distribution System Replacement and Restoration Project by \$2,100,000 and the Tank Rehabilitation Project by \$10,000 in the Water Utility Capital Fund, offset by a

decrease to the unrestricted ending fund balance of \$2,110,000 **(five affirmative Council votes required for the use of unused balances)**).

3.E 24-266 [Action on Award of Contract for the Bowers Avenue Junction 60 kV Transmission Line Project Contract No. 2457B to Hot Line Construction Inc.](#)

- Recommendation:**
1. Award the Public Works Contract for the Bowers Avenue Junction 60 kV Transmission Line Project Contract No. 2457B to the lowest responsive and responsible bidder, Hot Line Construction Inc., in the amount of \$505,550, and authorize the City Manager to execute any and all contracts and other documents associated with, and necessary for the award, completion, and acceptance of the Project in final forms approved by the City Attorney, and
 2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$75,832.50, for a total not to exceed amount of \$581,382.50.

3.F 24-136 [Action on Award of Contract for the Permanent Changeable Message Signs Project to Tennyson Electric, LLC. and Related Budget Amendments](#)

- Recommendation:**
1. Determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities) of Title 14 of California Code of Regulations;
 2. Award the Public Works Contract for the Permanent Changeable Message Sign Project, to the lowest responsive and responsible bidder, Tennyson Electric, LLC, in the amount of \$3,042,385 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 15 percent of the original contract price, or \$456,360, for a total contract not-to-exceed amount of \$3,498,745; and
 4. Approve the following FY 2023/24 budget amendments:
 - a. In the Streets and Highways Capital Fund, increase the Other Revenue estimate to recognize funding from the Stadium Authority, establish a transfer to the Gas Tax Fund in the amount of \$747,880, and increase the Changeable Message Signs project by \$252,120 (**five affirmative Council votes required to appropriate additional revenue**);
 - b. In the Gas Tax Fund recognize a transfer from the Streets and Highways Capital Fund and increase the Unrestricted Ending Fund Balance by \$747,880 (**five affirmative Council votes required to appropriate additional revenue**).

3.G 24-267 [Action on Award of Contract for the Stender Way Junction Transmission Line Extension Project Contract No. 2448-9668 to Hot Line Construction Inc.](#)

- Recommendation:**
1. Award the Public Works Contract for the Stender Way Junction Transmission Line Extension Project Contract No. 2448-9668 to the lowest responsive and responsible bidder, Hot Line Construction Inc., in the amount of \$1,597,659, and authorize the City Manager to execute any and all contracts and documents associated with, and necessary for the award, completion, and acceptance of this Project in final forms approved by the City Attorney; and
 2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$239,648.85, for a total not to exceed amount of \$1,837,307.85.

3.H 24-1519 [Action on the Updated Park Master Plan with Preferred Playground Schematic Design for Henry Schmidt Park, Introduction of an Ordinance to Ensure Compliance with Measure R, and Related Budget Amendments](#)

- Recommendation:**
1. Determine that the proposed actions are exempt from CEQA pursuant to Section 15301 (Existing Facilities); Section 15303 (New Construction or Conversion of Small Structures); Section 15304 (Minor Alterations to Land); and Section 15304 (Replacement of Existing Landscaping with Water Efficient Landscaping) of Title 14 of California Code of Regulations;
 2. Recommend that Council approve the updated Henry Schmidt Park master plan with preferred playground schematic design;
 3. Approve the FY 2023/24 budget amendment in the Parks & Recreation Capital Fund to increase the Henry Schmidt Playground rehabilitation project appropriation by \$275,000 and decrease the Mitigation Fee Act fund balance by the same amount **(five affirmative Council votes required for the use of unused balances)**; and
 4. Waive first reading and introduce an ordinance authorizing the substantial building, construction, reconstruction and development of Henry Schmidt Park in accordance with the Henry Schmidt Park master plan.

3.I 24-295 [Action on Amendment No. 2 to the Agreement with Mesa Energy Systems, Inc. for As-Needed HVAC and Chiller Inspection and Maintenance Services for Silicon Valley Power](#)

- Recommendation:**
1. Determine the proposed actions are exempt from CEQA pursuant to Sections 15301 (Class 1 -Existing Facilities) and 15302 (Class 2 - Replacement or Reconstruction) of Title 14 of the California Code of Regulations;
 2. Authorize the City Manager to execute Amendment No. 2 to the Agreement for Services with Mesa Energy Systems, Inc., increasing the maximum compensation by \$1,250,000 for a new maximum compensation of \$2,000,000; and
 3. Authorize the City Manager or designee to take any actions as necessary to implement and administer the Agreement as amended and negotiate and execute amendments to (a) add or delete services consistent with the scope of services; (b) adjust future rates to account for reasonable changes in labor and materials rates; (c) exercise up to five one-year option to extend the term of the Agreement through December 31, 2031; and (d) increase the maximum compensation by an additional \$2,000,000 for a total maximum compensation not to exceed \$4,000,000 over a 10-year term, subject to the appropriation of funds and the review and approval as to form by the City Attorney.

3.J 24-225 [Action to Approve Modifications to Existing Classified Classification Specifications Represented by the Santa Clara Employees' Association \(Units 5/7/8\)](#)

- Recommendation:** Approve the removal of the typing certification and/or words per minute (WPM) requirement as part of the recruitment testing process for various existing classified class specifications represented by the Santa Clara Employees' Association (Units 5/7/8).

3.K 24-328 [Action to Authorize the Use of City Electric Forces for New Dark Fiber Installations at 2625 Walsh Avenue - 2972 Stender Way](#)

Recommendation: 1. Determine the proposed action is exempt from CEQA pursuant to Section 15303 (Class 3 - New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations; and
2. Declare and determine in accordance with Section 1310 of the City Charter that the public works located at 2625 Walsh Avenue to 2972 Stender Way are better performed by the City with its own employees based on the information set forth in this Report to Council and authorize the performance of this public work consistent with this authorization.

3.L 24-275 [Action on a Resolution Acknowledging Receipt by City Council of a State-Mandated Compliance Report on Required Annual Fire Inspections of Certain Occupancies](#)

Recommendation: Adopt a Resolution acknowledging receipt of a report made by the Fire Chief of the Santa Clara Fire Department regarding the inspection of certain occupancies requiring annual inspections in such occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code.

3.M 24-279 [Adopt a Resolution Declaring the Results of the Canvass of Returns of the Consolidated Special Municipal Election held on March 5, 2024 with the Statewide Presidential Primary Election](#)

Recommendation: Adopt a resolution reciting the fact of the Consolidated Special Municipal Election held on March 5, 2024 with the Statewide Presidential Primary Election, declaring the results, and other related matters.

3.N 24-1164 [Action on Resolution Establishing the Political Campaign Voluntary Expenditure Limit and Campaign Contribution Limits for the November 5, 2024 Municipal Election; Information on Levine Act \(SB1439\) Requirements](#)

Recommendation: Adopt a Resolution establishing the Political Campaign Voluntary Expenditure Limit and Campaign Contribution Limit for the November 5, 2024 General Municipal Election with:
the voluntary expenditure limit set to \$48,290 based on CPI adjustments for city-wide contests and sets a separate voluntary expenditure limit for district-based contests not to exceed \$26,110 (with future adjustments based on CPI). City Council sets the individual campaign contributions based on CPI adjustments as:

- \$660 for candidates who accept the voluntary expenditure limit
- \$320 for candidates who do not accept the voluntary expenditure limit

3.O 24-244 [Consideration of the Addition of Names to the City Street Name List including James McNamara, Carla Munoz, Doug Towne, Troy Buzzell, Dave Euerle, Lance Michaelis, and William Kelly.](#)

Recommendation: Approve the addition of seven names to the City Street Name List, as follows: James McNamara, Carla Munoz, Doug Towne, Troy Buzzell, Dave Euerle, Lance Michaelis, and William Kelly

3.P 24-338 [Action to Approve Adoption of an Ordinance Readopting the Expired Sidewalk Vendor Stadium Pilot Program with a New Sunset Date and Slightly Expanded Footprint](#)

Recommendation:

1. Waive Second Reading and Adopt Ordinance No. 2067 amending Chapter 5.05 (“Solicitors and Peddlers”) of the Santa Clara City Code to readopt the Street Vending Stadium Pilot Program to run through February 28, 2025, and modifying Section 5.05.430 (“Time, Place or Manner Restrictions”) to include Old Glory Lane west of Great America Parkway.
2. Authorize City Manager to waive fees and taxes for all required City business licenses and permits, for qualified sidewalk vendors operating at stadium events through the new sunset date on a first come first served basis in an amount not to exceed \$30,000, less fees/taxes previously waived.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

4.A 24-301 [Action on Stadium Authority Bills and Claims for the Month of January 2024](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for January 2024.

4.B 24-333 [Action on Stadium Manager’s Request to Approve an Amendment No. 3 to the Agreement with Bear Electrical Solutions, Inc. to Extend the Term and Increase Rates for Electrical Maintenance and Repair Services at Levi’s Stadium](#)

Recommendation:

Approve the Stadium Manager’s request to execute an Amendment No. 3 to the Agreement with Bear Electrical Services, Inc. to extend the term for one year beginning May 5, 2024 to May 4, 2025 with an option to extend for one additional year, in an amount not to exceed \$350,000 for the fourth contract year and a total not to exceed amount of \$1,770,000 over the four year term, subject to budget appropriations.

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. 24-73 [Study Session - Americans with Disabilities Act Self-Evaluation and Transition Plan](#)

Recommendation: Note and file Study Session Report and provide any feedback on the draft Americans with Disabilities Act Self-Evaluation and Transition Plan.

6. 24-100 [Study Session on the Fiscal Year 2024/25 Municipal Fee Schedule](#)

Recommendation: Review and Provide Input on the Proposed Fiscal Year 2024/25 Municipal Fee Schedule.

REPORTS OF MEMBERS, SPECIAL COMMITTEES AND COUNCILMEMBER 030 REQUESTS.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, April 23, 2024 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.