

# City of Santa Clara

## Meeting Agenda



### Council and Authorities Concurrent Meeting Call and Notice of Special Meeting Santa Clara Stadium Authority

Tuesday, September 17, 2019

4:00 PM

City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Mayor calls for a Special Meeting of the Governing Board of the Stadium Authority to commence and convene on September 17, 2019, at 4:00 PM for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

#### **4:00 PM CLOSED SESSION**

#### **Call to Order in the Council Chambers**

#### **Confirmation of a Quorum**

#### **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.*

- 19-1061** [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners Stadium Management Company LLC, et al. v. Santa Clara Stadium Authority, et al., Santa Clara County Superior Court Case No. 17CV304903](#)
- 19-1062** [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 6/14/19](#)
- 19-1063** [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 7/26/19](#)

- 19-1065** [Conference with Legal Counsel-Anticipated Litigation \(SA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(4\) - Initiation of litigation](#)  
[Number of potential cases: 1](#)
- 19-1066** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Nevarez v. City of Santa Clara, et al., United States District](#)  
[Court, Northern District of California Case No.](#)  
[5:16-CV-07013-HRL](#)
- 19-1064** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners SC Stadium Company LLC v. City of Santa Clara,](#)  
[Santa Clara County Superior Court Case No. 18CV326430](#)
- 19-1068** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Lo, et al., v. City of Santa Clara, et al., United States District](#)  
[Court, Northern District of California Case No.](#)  
[5:18-CV-03153-NC](#)

**Convene to Closed Session (Council Conference Room)**

**5:15 PM REGULAR COUNCIL AND AUTHORITIES CONCURRENT/SPECIAL STADIUM  
AUTHORITY MEETING**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**CONTINUANCES/EXCEPTIONS**

**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.]*

**1.A 19-752** [Council and Authorities Concurrent Meeting Minutes of July 16, 2019](#)

**Recommendation:** Note and file the Council and Authorities Concurrent Meeting Minutes of July 16, 2019.

**1.B 19-931** [Action on Stadium Authority Meeting Minutes](#)

**Recommendation:** Note and file the Stadium Authority Meeting Minutes of April 30, 2019.

**1.C 19-034** [Board, Commissions and Committee Minutes](#)

**Recommendation:** Note and file the Minutes of:  
Charter Review Committee - July 18, 2019  
Historical and Landmarks Commission - May 2, 2019  
Planning Commission - August 14, 2019  
Senior Advisory Commission - July 22, 2019

**1.D 19-820** [Action on Bills and Claims Report \(CC, SA, SOSA\) for the period July 26th - August 22nd](#)

**Recommendation:** Approve the list of Bills and Claims for July 26, 2019 - August 22, 2019.

- 1.E 19-297** [Action on the Funding Agreement between Peninsula Clean Energy, San Jose Clean Energy, Silicon Valley Clean Energy, City of Palo Alto Utilities, and the City of Santa Clara dba Silicon Valley Power and the California Energy Commission and Center for Sustainable Energy to Fund the Regional Electric Vehicle Infrastructure Incentive Project Under the California Electric Vehicle Infrastructure Project Program](#)

**Recommendation:**

1. Authorize the City Manager to finalize negotiations with the California Energy Commission on behalf of the City of Santa Clara and enter into the resulting Funding Agreement between Peninsula Clean Energy, San Jose Clean Energy, Silicon Valley Clean Energy, City of Palo Alto Utilities, and the City of Santa Clara dba Silicon Valley Power and the California Energy Commission and Center for Sustainable Energy to Fund the Regional Electric Vehicle Infrastructure Incentive Project under the California Electric Vehicle Infrastructure Project Program; and
2. Authorize the City Manager to adjust the funding up to \$1.0 million annually as needed to support Electric Vehicle Charging Stations in the City of Santa Clara through the CALeVIP program.

- 1.F 19-803** [Action on a Joint Maintenance Agreement with Peninsula Corridor Joint Powers Board for the Caltrain Electrification Project](#)

**Recommendation:** Approve and authorize the City Manager to execute the Joint Maintenance Agreement with the Peninsula Corridor Joint Powers Board for the maintenance of Peninsula Corridor Electrification Project (PCEP) Facilities at De La Cruz Boulevard, Scott Boulevard, and the Lafayette Street pedestrian bridge crossing; SC 19,207.

- 1.G 19-832** [Action on a Resolution Ordering the Vacation of the Electric Easements at 190 N. Winchester Boulevard](#)

**Recommendation:**

1. Adopt a Resolution Ordering the Vacation of the Electric Easements at 190 N. Winchester Boulevard [APN 303-16-073 (2018-19); SC 19,172]; and
2. Authorize the recordation of the Resolution.

**1.H 19-872** [Action on a Resolution for the Natural Gas Service Agreement Modification and Revised Exhibits with Pacific Gas and Electric Company](#)

**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate and execute the Natural Gas Service Agreement Modification and Revised Exhibits which converts the standard PG&E G-EG tariff rate to the terms of the described negotiated rate in a form substantially similar to that in Attachment 2 and Subsequent Natural Gas Service Agreements, Natural Gas Service Agreement Modifications and Revised Exhibits required to support the continued operation of SVP's gas fired generation with Pacific Gas & Electric within approved budgeted amounts.

**1.I 19-876** [Action to Award Agreement to Ice Rentals, LLC dba Special Ice for Annual Seasonal Ice Rink Installation, Management and Operation Services](#)

**Recommendation:**

1. Authorize the City Manager to execute an Agreement with Ice Rentals, LLC dba Special Ice to install, operate, and manage a seasonal outdoor ice rink at Santa Clara Central Park for an initial term ending January 31, 2025, for a maximum compensation not to exceed \$545,000 for the initial term, subject to the appropriation of funds;
2. Authorize the City Manager to execute amendments to increase the maximum compensation for the agreement, subject to the appropriation of additional funds; and
3. Authorize the City Manager to execute five one-year options to extend the term of the Agreement after the initial term through January 31, 2030, subject to the appropriation of funds.

**1.J 19-892** [Report on Actions Taken During City Council Recess from July 17, 2019 to August 20, 2019](#)

**Recommendation:** Note and file the report on actions taken during Council Recess from July 17, 2019 to August 20, 2019.

**1.K 19-941** [Action to Approve California Board of State and Community Corrections Funding to Combat Auto Burglaries and Related Budget Amendment](#)

**Recommendation:** Approve California Board of State and Community Corrections Funding to Combat Auto Burglaries and Related Budget Amendment in the amount of \$750,000.

**1.L 19-957** [Action on a Resolution Revising the Council and Authorities Concurrent/Stadium Authority Regular Meetings Dates for the 2019 Calendar Year](#)

**Recommendation:** Adopt a Resolution revising the Council and Authorities Concurrent/Stadium Authority regular meeting dates for the 2019 calendar year to to set November 5, 2019 as a Stadium Authority regular meeting.

**1.M 19-935** [Note and File Healthier Kids Foundation 4th Quarter Report FY 2018/19](#)

**Recommendation:** Note and file the Healthier Kids Foundation FY2018-19 4th Quarter Report.

**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 (CITY COUNCIL AND STADIUM AUTHORITY)**

**2. Presentation and Action on City Council and Stadium Authority Items:**

A.     **19-1043**   [Informational Report on Litigation Matters Between the City/Stadium Authority and the Forty Niners, and Third-Party Litigation Matters Arising from the Stadium](#)

**Recommendation:** Note and file Informational Report on Status of Litigation Matters Between the City/Stadium Authority and the Forty Niners, and Third-Party Litigation Matters Arising from the Stadium.

B.     **19-1025**   [Introduction of an Ordinance to Amend Sections 17.30.080, 17.30.090 and 17.30.120 modifying the Stadium Authority Executive Director's Authority to Execute Contracts](#)

**Recommendation:** Alternative 1:  
1. Introduce an Ordinance to Amend Development Code Chapter 17.30 Stadium Authority Procurement Policy to remove the Executive Director's delegated procurement authority.

C.     **19-1011**   [Action on the Audited Santa Clara Stadium Authority Fiscal Year 2018/19 Annual Financial Statements](#)

**Recommendation:** Note and file the Santa Clara Stadium Authority Fiscal Year 2018/19 Annual Financial Statements.

3.      19-804      [Direction to Finalize Terms for a Residential Recycling Agreement with Recology and Exclusive Franchise Agreement for Collection and Transportation of Garbage, Organics and Commercial Recyclables with Mission Trail Waste Systems, and to Enter into Negotiation with GreenWaste Recovery, Inc. for Solid Waste Processing, Transfer, Transport, Recycling, and Disposal Services](#)

**Recommendation:** Alternatives 1, 3 or 4, and 6:

1. Direct staff to finalize terms with Recology for an agreement for residential recycling services for City Council consideration at a subsequent meeting.
3. Direct staff to finalize terms with Mission Trail Waste Systems for an exclusive franchise agreement for collection and transportation of garbage, organics and commercial recyclables for Council consideration at a subsequent meeting that incorporates Option 1 - expansion of the existing pilot split-cart food scraps recycling program to all single-family and townhouse customers/no change to current yard waste program.
4. Direct staff to finalize terms with Mission Trail Waste Systems for an exclusive franchise agreement for collection and transportation of garbage, organics and commercial recyclables for Council consideration at a subsequent meeting that incorporates Option 2 - provision of organics container to all single-family and townhouse customers to collect yard waste, food scraps and food-soiled paper.
6. Direct staff to enter negotiations with GreenWaste Recovery, Inc. for mixed waste processing, recycling, transfer, and disposal services of garbage, organics, and commercial recyclables. If negotiations are successful, incorporate into the Mission Trail Waste System Agreement for Council consideration at a subsequent meeting, Option 3 (in lieu of Option 1 and 2) - continuation of the same single-compartment garbage and yard waste services (that does not require customers to separate food scraps and food-soiled paper) and have the organic materials removed at a mixed



waste processing material recovery facility.

## **REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

### **CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

4.      **19-672**      [Response to the September 9, 2019 San José Spotlight article, written by Janice Bitters, titled "Santa Clara Bucked City Rules with Singer Public Relations Contracts"](#)
- 19-732**      [Monthly Update on City Council and Stadium Authority Staff Referrals](#)
- 19-929**      [Tentative Meeting Agenda Calendar](#)

### **ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, September 24, 2019 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."