

City of Santa Clara

Meeting Agenda



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

Tuesday, September 29, 2020

3:30 PM

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

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://santaclaraca.zoom.us/j/99706759306>

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

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.

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 Chair calls for a Special Meeting of the the Governing Board of the Stadium Authority to commence and convene on September 29, 2020, at 3:30 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.

3:30 PM COUNCIL/STADIUM AUTHORITY MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 1.A 20-785 [Special Order of Business - Neighborhood Watch Program \[Council Pillar - Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)
- 1.B 20-888 [Recognize City Librarian Hilary Keith for her Service to the City of Santa Clara](#)
- 1.C 20-937 [Recognize October 3, 2020 as National Day of Korea](#)
- 1.D 20-875 [Report from the Mayor and Police Chief on "Commit to Action" Initiative Efforts and Action on Establishing a Community-based Task Force on Diversity, Equity, and Inclusion and Council Appointment of Task Force Members \[Not to be heard Prior to 6:00 PM\]](#)

Recommendation:

1. Approve the establishment of the Task Force on Diversity, Equity, and Inclusion to support the development of a Santa Clara Plan to address the four (4) components of the "Commit to Action" Initiative to achieve equality for historically disenfranchised communities in our City; and
2. Appoint Andrew Knaack, FY2019/20 Chair of the Parks and Recreation Commission; Darius Brown, Member of the HRLC; Neil Datar, Former Chair of Santa Clara University's Student Senate for Associated Student Government; and Dianna Zamora-Marroquin, Political/Communications Director at the South Bay AFL-CIO Labor Council, to the Task Force on Diversity, Equity, and Inclusion.

- 1.E 20-877 [Verbal Report from City Manager regarding COVID-19 Pandemic \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

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.]

2.A 20-696 [Action on Council and Authorities Concurrent Meeting Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the Council and Authorities Concurrent Meeting Minutes of June 23, 2020, July 7, 2020, and July 13, 2020 Special Meeting.

2.B 20-18 [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Minutes of:

City-School Liaison Committee - August 19, 2020
Historical and Landmarks Commission - June 4, 2020
Youth Commission - March 10, 2020
Parks & Recreation Commission - February 18, 2020
Economic Development, Communications, and
Marketing Committee Minutes - August 19, 2020
Governance and Ethics Committee Meeting Minutes -
February 10, 2020
Board of Library Trustees - March 2, 2020
Board of Library Trustees - March 9, 2020

2.C 20-754 [Action on Bills and Claims Report \(CC, SA\) for the period August 8th, 2020 - September 4th, 2020 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the list of Bills and Claims for August 8, 2020 - September 4, 2020.

2.D 20-939 [Authorize the City Manager to Negotiate and Execute An Agreement with the Salvation Army Silicon Valley for the Distribution of Food Boxes through the End of Calendar Year 2020 \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: It is recommended that the City Council authorize the City Manager, and/or her designee, to negotiate and execute an agreement with the Salvation Army Silicon Valley for the distribution of food through December 31, 2020.

2.E 20-283 [Action on an Agreement with CSG Consultants, Inc. for Design Professional Services for the Santa Clara School Access Improvements Project \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Approve and authorize the City Manager to execute an agreement with CSG Consultants, Inc., for the Santa Clara School Access Improvements Project in the amount not-to-exceed \$195,712; and
2. Authorize the City Manager to make minor, non-substantive modifications, including time extensions, to the agreement, if needed.

2.F 20-771 [Approve City Position on Proposed League of California Cities' 2020 Annual Conference Resolution \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve an "Oppose" position for the proposed League Annual Conference Resolution of the General Assembly of the League of California Cities calling for an amendment of Section 230 of the Communications Decency Act of 1996 to require social media companies to remove materials which promote criminal activities, and authorize the City's voting delegate/alternate to cast a vote consistent with the City Council's adopted position.

2.G 20-318 [Action on Designating a Voting Delegate and Alternate for the 2020 League of California Cities Annual Business Meeting \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Designate Mayor Lisa M. Gillmor to serve as the voting delegate and Councilmember Kathy Watanabe as the alternate voting delegate to represent the City of Santa Clara at the 2020 League of California Cities Annual Business Meeting.

2.H 20-722 [Action on Appointment of Youth Commissioners for the FY2020/21 Term \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: It is recommended that the City Council take the following actions related to the FY2020/21 Youth Commission: a) reappoint Aarva Gupta, Ahmad Ismail, Jasmine Kelly-Tanti, Adrienne Krivokapic-Zhuo, Colin Lim, Kayla Phan, Kavya Sriram, Smrithi Suresh, Natasha Yen, Amy Zuo as Commission members; b) appoint Khadeejah Khan, Rajvi Khanjan Shroff, Riya Mehta, Palak Parikh, Sarah Zuo as Commission members and c) appoint Kaitlyn Butcher and Mitali Gaidhani as conditional alternates.

2.I 20-723 [Action on an Agreement with Bellecci & Associates, Inc. for Design Professional Services for the Public Right-of-Way ADA Improvements Project \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation:

1. Approve and authorize the City Manager to execute an agreement with Bellecci & Associates, Inc., for the Public Right-of-Way ADA Improvements (Settlement Agreement) Project in the amount not-to-exceed \$917,534; and
2. Authorize the City Manager to make minor, non-substantive modifications, including time extensions, to the agreement, if needed.

2.J 20-903 [Action on an Agreement for Services with Energy Project Solutions, LLC to Provide In-Line Inspection Services for Gas Pipeline Located in City of Santa Clara \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Authorize the City Manager to execute an Agreement for Services with Energy Project Solutions, LLC for In-Line Inspection of SVP's twelve-inch gas pipeline, for a term starting on or about October 1, 2020 and ending on June 30, 2021 for a total maximum amount not-to-exceed \$525,000, subject to the annual appropriation of funds; and
 2. Authorize the City Manager to execute amendments to add or delete services consistent with the scope of the agreement subject to request and justification by contractor or consultant and approval by the City, subject to the appropriation of funds.

2.K 20-607 [Action on an Amended and Restated Agreement with ECS Imaging, Inc. for the Purchase, Implementation and Support of the Laserfiche Enterprise Document Management System \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Authorize the City Manager to negotiate and execute the Amended and Restated Agreement with ECS Imaging, Inc. for the Laserfiche Enterprise Document Management System for a term retroactive to May 1, 2020 and ending on April 30, 2023 with a not-to-exceed maximum compensation of \$400,000 for professional services, and execute up to seven (7) additional one-year options to extend the term through April 30, 2030, subject to the appropriation of funds.
 2. Authorize the City Manager to execute purchase orders and/or required order documents with ECS Imaging, Inc. for the purchase of up to 300 additional software licenses and annual software support and maintenance services through April 30, 2030, subject to the appropriation of funds and the terms and conditions of the Restated Agreement with ECS Imaging, Inc.
 3. Authorize the City Manager to negotiate and execute amendments to cover any unanticipated system and/or service requirements as required by the City, subject to the appropriation of funds.

2.L 20-772 [Action on Amendment No. 1 to the Professional Services Agreement Between Northern California Power Agency and the Cities of Palo Alto and Santa Clara \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:** Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement Between Northern California Power Agency and the Cities of Palo Alto and Santa Clara to extend the existing agreement through December 31, 2020.

2.M 20-774 [Action on a Proposed Electric Bicycle Rebate Pilot Program \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure and Sustainability\]](#)

Recommendation: Authorize the City Manager to launch and make changes to the proposed Electric Bicycle Rebate Pilot Program as necessary, including adjusting rebate amounts, within the overall designated funding amount of \$15,000.

2.N 20-781 [Action on a Resolution Considering the Information in the Final Environmental Impact Statement Prepared by the Federal Energy Regulatory Commission and Adopting and Certifying the CEQA Supplement Prepared for the Bucks Creek Hydroelectric License \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation:

1. Adopt a Resolution considering the information in the Final Environmental Impact Statement prepared by the Federal Energy Regulatory Commission and certifying and adopting the CEQA Supplement for the Bucks Creek Hydroelectric Project (SCH No. 2019069104) with the "FERC Staff Alternative With Mandatory Conditions" Selected as the Project;
2. Note and file the Notice of Determination for the Bucks Creek CEQA Supplement; and
3. Direct staff to proceed with the relicensing process for the Bucks Creek Hydroelectric Project by forwarding the CEQA supplement to the State Regional Water Quality Control Board for their use in the Clean Water certification process.

2.O 20-802 [Action on Amendment No. 2 to the Agreement with Raimi & Associates, Inc., for preparation of the El Camino Real Specific Plan \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for the Performance of Services with Raimi & Associates, Inc., for preparation of the El Camino Real Specific Plan to extend the term of the Agreement.

2.P 20-834 [Action on Council and Authorities Concurrent and Stadium Authority Meetings for 2021 \[Council Pillar: Ensure Community Engagement and Transparency\]](#)

Recommendation: Set the 2021 calendar year Council and Authorities Concurrent and Stadium Authority as reflected on the attached calendar.

2.Q 20-847 [Report on Actions Taken During City Council Recess from July 15, 2020 to August 14, 2020 \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Note and file the Report on Actions Taken During City Council Recess from July 15, 2020 to August 14, 2020.

2.R 20-890 [Action on Referrals from the September 14, 2020 Governance and Ethics Committee Meeting as follows:](#)

[a\) Discussion and Possible Action on a Joint Meeting with West Valley-Mission Community College District Board of Trustees;](#)
[b\) City's Early Consideration Policy for General Plan Amendment Applications; and](#)
[c\) Review of Newly Added Planning Commission Policies and Procedures, and Direction Regarding Management of Agenda-Related Requests from Boards and Commissions](#)
[\[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

Recommendation: Approve the Governance and Ethics Committee's referrals:
a) The scheduling of a joint meeting with the West Valley-Mission Community College District Board of Trustees;
b) The elimination the City's Early Consideration of General Plan Amendments Policy and developing a new policy focused on community outreach and community benefits via the process outlined in this report; and
c) The approval of an annual review process for Board and Commission workplans that allows City Council to review the proposed workplans at their Priority Setting Session on an annual basis as outlined in this report.

2.S 20-307 [Action on a Resolution Ordering the Vacation of the General Purpose Easement at 3215 Victor Street \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Adopt a Resolution Ordering the Vacation of General Purpose Easement at 3215 Victor Street [APN 101-16-002 (2019-20); SC 19,247]; and
2. Authorize the recordation of the Resolution.

2.T 20-669 [Action on Award of Contract for the Lick Mill-East River Parkway Crosswalk Improvement Project \(CE 19-20-02\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Award the Public Works Contract for the Lick Mill-East River Parkway Crosswalk Improvement Project (CE 19-20-02) to the lowest responsive and responsible bidder, Golden Bay Construction, Inc. in the amount of \$515,961 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 10 percent of the original contract price, or \$51,600, for a total not to exceed amount of \$567,561.

2.U 20-923 [Informational Report Regarding City's Eviction Moratorium and AB 3088 - COVID-19 Tenant Relief Act of 2020 \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: Note and file the Informational Report regarding the City's Eviction Moratorium Ordinance No. 2015 and AB 3088.

2.V 20-793 [Informational Report to Council on the Status and Schedule of the El Camino Real Specific Plan \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: Note and file the report on the status of the El Camino Real Specific Plan.

2.W 20-922 [Information on Alternate Leasing Plan for Department Stores at Related Santa Clara Project \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

- Recommendation:**
1. Provide feedback, if any, on the August 14, 2020 Related Santa Clara letter to be relieved of best effort obligations related to department stores; and
 2. Receive and note and file the letter and the Report to Council.

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

3. 20-959 1. [Continuance of the hearings for proposed Amendments to the Tasman East Specific Plan \(TESP\) to modify the TESP land use plan and transportation policies; Amendments to the Transit Neighborhood zoning district; and for the adoption of a Specific Plan Infrastructure Impact Fee, including approval of a Nexus Study, setting rates for the Fee, introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to November 17, 2020 City Council meeting; \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)
2. Direction to staff regarding an override of an ALUC determination of inconsistency

Recommendation: Alternatives 1 and 2:

1. Direct staff to prepare a resolution to override the ALUC determination of inconsistency and continue consideration of the proposed amendment to the Tasman East Specific Plan and amendments to the Transit Neighborhood Zoning District to the November 17, 2020 City Council hearing; and
2. Continue consideration of a Resolution Approving the Findings from the Tasman East Specific Plan Infrastructure Impact Fee Nexus Study and Setting the Rates for the Infrastructure Impact Fee, Action on the Introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to the November 17, 2020 City Council hearing.

4. Actions on FY 2019/20 Year End Report and FY 2020/2021 Budget Balancing Impacts

- A. 20-674 [Action on FY 2019/20 Budget Year-End Report, Approve the Related Budget Amendments, and Approve a Position Reallocation in the City Attorney's Office \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation:

1. Note and file the FY 2019/20 Budget Year-End Report;
2. Approve the FY 2019/20 Budget Amendments to address necessary budget ratifications as set forth in Attachment 1 of the Budget Year-End Report (five affirmative Council votes required for revenue actions only);
3. Approve the FY 2020/21 Budget Amendments as set forth in Attachment 2 of this report (five affirmative Council votes required for revenue actions only); and
4. Approve the deletion of 1.0 Executive Assistant and addition of 1.0 Legal Executive Assistant in the City Attorney's Office.

- B. 20-704 [FY 2020/21 Budget Rebalancing Actions to Address COVID-19 Pandemic Impacts \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation:

1. Approve the FY 2020/21 budget amendments detailed in Attachment 1 for all Departments and Offices, except the Mayor and Council and the City Auditor's Office and City Attorney's Office appointees, as recommended by the City Manager;
2. Consider and approve the FY 2020/21 budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor's Office, and City Attorney's Office appointees; and
3. Approve an exception to the Budget and Fiscal Policies and allow the Budget Stabilization Reserve to drop below 25% of the Operating Budget expenditures to 15%, or \$42,895,231, for consideration of future use of the Budget Stabilization Reserve for budget balancing purposes.

STADIUM AUTHORITY GENERAL BUSINESS ITEM

5. **20-869** [Informational Report on Stadium Authority Litigation \[Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium\]](#)

Recommendation: Note and File Informational report on Stadium Authority Litigation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 20-836** [Update on City Council and Stadium Authority Staff Referrals \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, October 13, 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>> 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."