



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, October 27, 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.

3:30 PM COUNCIL MEETING

Call to Order in the Council Chambers

Roll Call

CLOSED SESSION

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.

20-1059 [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: Please see below listing for APNs and addresses](#)
[City/Authority Negotiator: Deanna J. Santana, City](#)
[Manager/Executive Director \(or designee\)](#)
[Negotiating Parties: Please see below listing for names for](#)
[negotiating party\(ies\)](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real](#)
[Property \(provisions, price and terms of payment\)](#)

	APN	Property Address	Property Owner (Name)
1	224-04-062	2755 LAFAYETTE STREET, SANTA CLARA	WITKIN PROPERTIES LP
2	224-04-057	890 WALSH AVENUE, SANTA CLARA	L.A.W. LLC
3	224-04-088	2555 LAFAYETTE STREET, SANTA CLARA	GAHRAHMAT FAMILY LP 1
4	230-03-090	525 MATHEW STREET, SANTA CLARA	NEWARK GROUP INDUSTRIES INC
5	224-35-014	630 MARTIN AVENUE, SANTA CLARA	D & R MILLER PROPS LLC
6	224-08-109	2908 LAFAYETTE STREET, SANTA CLARA	DOLLINGER LAFAYETTE ASSOCIATES
7	224-36-001	840 COMSTOCK STREET, SANTA CLARA	LAPTALO JAKOV, TRUSTEE
8	224-04-090	851 MARTIN AVENUE, SANTA CLARA	GAHRAHMAT FAMILY LP II
9	224-04-071	651 MARTIN AVENUE, SANTA CLARA	GAHRAHMAT FAM LP II LP
10	224-61-002	1401 MARTIN AVENUE, SANTA CLARA	ALMAN DIANA J TRUSTEE & ET AL
11	224-60-014	1261 MARTIN AVENUE, SANTA CLARA	MARTIN INVESTMENT PROPERTIES LLC
12	224-60-012	1199 MARTIN AVENUE, SANTA CLARA	1065 MARTIN AVE LLC
13	224-60-013	1061 MARTIN AVENUE, SANTA CLARA	1065 MARTIN AVE LLC
14	224-60-011	1055 MARTIN AVENUE, SANTA CLARA	YOUNG SANG A AND ANNE C TRUSTEE
15	224-60-010	1015 MARTIN AVENUE, SANTA CLARA	1015 Martin Ave LLC
16	224-60-006	1051 MARTIN AVENUE, SANTA CLARA	BAY AREA CELLULAR TELEPHONE CO
17	224-60-005	999 MARTIN AVENUE, SANTA CLARA	POLLACK ENTERPRISES INC
18	224-60-004	953 MARTIN AVENUE, SANTA CLARA	ROBINSON OIL CORPORATION
19	224-35-019	2495 LAFAYETTE STREET, SANTA CLARA	WONG KING WAN TRUSTEE & ET AL
20	224-35-020	2435 LAFAYETTE STREET, SANTA CLARA	WESCO PROPERTIES INC
21	224-40-010	2365 LAFAYETTE STREET, SANTA CLARA	BOWLES, ECKSTROM & ASSOCIATES LLC
22	224-40-009	2325 LAFAYETTE STREET, SANTA CLARA	RICHARD & DOROTHY LONG REVOCABLE
23	224-40-008	2311 LAFAYETTE STREET, SANTA CLARA	WHITNEY BRUCE S AND JUDITH R TRUSTEE
24	224-40-007	2301 LAFAYETTE STREET, SANTA CLARA	MEUSER WILLIAM E AND ANN E TRUSTEE
25	224-03-080	2265 LAFAYETTE STREET, SANTA CLARA	SEW LLC
26	224-03-081	800 MATHEW STREET, SANTA CLARA	PATEL JITENDRA G AND SHASHI J TRUSTEE
27	230-03-106	2500 DE LA CRUZ BLVD, SANTA CLARA	EMF LLC
28	224-07-099	960 CENTRAL EXPRESSWAY, SANTA CLARA	OWENS CORNING INSULATING
29	224-56-001	925 WALSH AVENUE, SANTA CLARA	PSB NORTHERN CA INDUSTL PORTFOLIO LLC
30	224-57-015	925 WALSH AVENUE, SANTA CLARA	PSB NORTHERN CA INDUSTL PORTFOLIO LLC
31	224-57-014	1451 Walsh Ave. Santa Clara	UNITED STATES POSTAL SERVICE
32	224-57-003	1515 Walsh Avenue, Santa Clara	The Malisic Survivor's Trust, Malisic Residual Trust
33	224-58-003	1150 Walsh Avenue, Santa Clara	Ragingwire Data Centers, Inc. A Nevada Corp.
34	224-04-093	2845 LAFAYETTE STREET, SANTA CLARA CA	Digital Lafayette, LLC
35	224-04-094	2805 LAFAYETTE STREET, SANTA CLARA	DIGITAL BH 800 LLC
36	224-61-004	1501 MARTIN AVENUE, SANTA CLARA	INTEL CORPORATION
37	230-03-105	2600 DE LA CRUZ BLVD, SANTA CLARA	C-1 Santa Clara, LLC

20-1080 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Omar Gomez v. City of Santa Clara, et al., United States District](#)
[Court, Northern District of California Case No.](#)
[5:19-cv-05266-LHK](#)

20-1065 [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Maranon v. Santa Clara Stadium Authority, et al., United States](#)
[District Court, Northern District of California Case No.](#)
[5:15-cv-04709-BLF](#)

Convene to Closed Session (Council Conference Room)

5:30 PM REGULAR MEETING

Regular Meeting to Reconvene at 5:30 PM or shortly thereafter

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 1.A 20-1041** [Recognize River of Life Foundation for Outstanding Service to the Community](#)
- 1.B 20-1035** [Recognition of the 2020 Santa Clara Parade of Champions](#)
- 1.C 20-1066** [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 20-826 [Action on Council and Authorities Concurrent and Special Stadium Authority Meeting Minutes](#)

Recommendation: Approve the meeting minutes of:
Council and Authorities Concurrent Meeting Minutes of August 18, 2020
Special City Council Meeting Minutes of August 24, 2020
Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes of August 25, 2020
Council and Authorities Concurrent Minutes of September 1, 2020
Special City Council Minutes of September 8, 2020

2.B 20-20 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:

Youth Commission - September 8, 2020
Planning Commission - May 27, 2020
Parks & Recreation Commission - September 15, 2020

2.C 20-884 [Action on Bills and Claims Report \(CC, SA\) for the period September 19th, 2020 - October 2nd, 2020](#)

Recommendation: Approve the list of Bills and Claims for September 19, 2020 - October 2, 2020.

2.D 20-436 [Action on Amendment No. 1 to the Agreement for Distributed Control System Upgrade/Replacement Project between Emerson Process Management Power and Water Solutions and City of Santa Clara and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Distributed Control System Upgrade/Replacement Project between City of Santa Clara and Emerson Process Management Power and Water Solutions;
 2. Authorize the City Manager to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor or consultant and approval by the City, subject to the appropriation of funds.; and
 3. Approve the related FY 2020/21 budget amendment in the Electric Utility Capital Fund to increase the Replace Balance of Plant Control System Project by \$1,000,000 and decrease the Unrestricted Ending Fund Balance by \$1,000,000.

2.E 20-849 [Action on a Resolution Approving the 2021 Planning Commission Calendar of Meetings](#)

- Recommendation:** Adopt a Resolution approving the 2021 Planning Commission Calendar of Meetings.

2.F 20-878 [Action on Amendment No. 1 to the Agreement with YEI Engineers, Inc. for Citywide Emergency Generator Replacement - Phase 1 Project](#)

- Recommendation:** Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with YEI Engineers, Inc. for Citywide Emergency Generator Replacement - Phase 1 Project.

2.G 20-891 [Action on an Agreement with Revel Environmental Manufacturing, Inc. for Maintenance, Data Collection and Reporting for Installed Full Trash Capture Devices](#)

Recommendation: 1. Approve and authorize the City Manager to finalize and execute an agreement with Revel Environmental Manufacturing, Inc. to perform maintenance, data collection and reporting for full trash capture devices for an amount not-to-exceed \$596,068 over the five year term of the agreement, subject to the appropriation of funds; and
2. Authorize the City Manager to make minor modifications to the agreement, including time extensions, as necessary.

2.H 20-904 [Action on Amending Council Policy 030 - Adding an Item on the Agenda and Approving Council Item Request Form](#)

Recommendation: Adopt a resolution to repeal Resolution No. 20-8809, amend Council Policy 030 - Adding an Item on the Agenda, and approve the Council Item Request Form.

2.I 20-905 [Action on Amending Council Policy 042 - Reconsideration of Council Action](#)

Recommendation: Adopt a resolution to amend Council Policy 042 - Reconsideration of Council Action.

2.J 20-1003 [Action on Agreement with Silicon Valley/Santa Clara DMO, Inc. for Destination Marketing Services](#)

Recommendation: 1. Approve and authorize the City Manager to execute an agreement with Silicon Valley/Santa Clara DMO, Inc. for destination marketing services;
2. Authorize the City Manager to exercise the option to extend the Agreement for up to two five-year options to renew; and
3. Authorize the City Manager to make minor and administrative modifications to the Agreement if necessary.

2.K 20-1020 [Action on the Help Your Neighbor Program for City Matches and Approve Related Budget Amendments](#)

- Recommendation:**
1. Approve the expansion of the Help Your Neighbor Program to provide City Matches;
 2. Authorize the City Manager to Distribute Funds for the Help Your Neighbor Program; and
 3. Approve the FY 2020/21 Budget Amendments in the Public Donations Fund to recognize transfers of \$25,000 from the Sewer Utility Fund and \$25,000 from the Water Utility Fund and appropriate the \$50,000 to the Help Your Neighbor Program; in the Sewer Utility Fund, transfer \$25,000 to the Public Donations Fund and reduce the Unrestricted Ending Fund Balance by \$25,000; and in the Water Utility Fund, transfer \$25,000 to the Public Donations Fund and reduce the Unrestricted Ending Fund Balance by \$25,000.

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. **20-960** [Action on a Resolution Authorizing the City Manager to Execute an Amended and Restated Affordable Housing Agreement with ZAEN Partners, LLC for construction of 150 affordable housing units located at 2302 Calle Del Mundo and Approving the Related Budget Amendment](#)

Recommendation: Alternative 1 and 2:

1. Adopt a resolution approving and authorizing the City Manager to execute an Amended and Restated Affordable Housing Agreement with ZAEN Partners, LLC for construction of 150 affordable housing units located at 2302 Calle Del Mundo; to make modifications to the Loan Agreement and attachments as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow;
2. Rescind Resolutions 19-8766 & 20-8811; and
3. Approve the related FY 2020/21 Budget Amendment in the Housing Successor Agency Fund to recognize developer contributions in the amount of \$6,000,000 to fund the City's loan amount towards the project and increase the ending fund balance by \$6,000,000.

4. **20-1050** [Action on \(1\) Emergency Ordinance to Add Chapter 9.70 to enact COVID-19 Worker Recall Protections for Building Service, Food Service and Hotel Service Workers; and \(2\) Introduction of an Ordinance to Add Chapter 9.65 to provide Hotel Service Workers Retention Rights](#)

Recommendation: Alternatives 1 and 4:

1. Approve the adoption of the Emergency Ordinance to add Worker Recall Protections; and
4. Approve the proposed Ordinance to add hotel workers as covered employees under the Worker Retention Ordinance and direct staff to complete a community engagement process prior to setting a date for the second reading of the proposed Ordinance.

5. **20-1062** [Presentation of Santa Clara Valley Transportation Authority \(VTA\) Update on the BART Silicon Valley Phase II Extension Project and Consideration of Delegation of Authority to the City Manager to Negotiate and Execute a Master Agreement between the City and VTA](#)

Recommendation: Alternative 1
 Authorize the City Manager to negotiate and execute a Master Agreement with the Santa Clara Valley Transportation Authority Relating to VTA's BART Silicon Valley Phase II Extension Project and make minor changes, including time extensions, as necessary.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

20-1024 [Update on City Council and Stadium Authority Staff Referrals](#)

20-848 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, November 10, 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."