



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, April 7, 2020

2:00 PM

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

- With the heightened “Stay at Home” order by the State and the continued order by the County, the Mayor will be present for the meeting with Councilmembers and department heads participating online. A limited number of staff will also be present. 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 City Cafeteria has been set up to accommodate up to 10 people at a time and public comment will be given from that location.
- However, we encourage residents to stay at home and provide public comment:
 - o Via the City’s eComment section (now available during meeting)
 - o Via email to PublicComment@santaclaraca.gov
- As usual, the public can 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.

2:00 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

- 20-457** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) - Exposure to litigation](#)
[Number of potential cases: 1](#)
[\(Facts and Circumstances\)](#)
[City as potential defendant: \(1\) Letter from Gibson Dunn law firm, representing Related Santa Clara LLC, dated September 24, 2018 regarding Force Majeure under DDA; and, \(2\) Letter from Related Santa Clara LLC, dated March 27, 2020 regarding Force Majeure under DDA](#)

- 20-459** [Conference with Labor Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54957.6](#)
[City representative: Deanna J. Santana, City Manager \(or designee\)](#)
[Employee Organization\(s\):](#)
[Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171](#)
[Unit #2-Santa Clara Police Officer's Association](#)
[Unit #3-IBEW Local 1245 \(International Brotherhood of Electrical Workers\)](#)
[Unit #4-City of Santa Clara Professional Engineers](#)
[Units #5, 7 & 8-City of Santa Clara Employees Association](#)
[Unit #6-AFSCME Local 101 \(American Federation of State, County and Municipal Employees\)](#)
[Unit #9-Miscellaneous Unclassified Management Employees](#)
[Unit #9A-Unclassified Police Management Employees](#)
[Unit #9B-Unclassified Fire Management Employees](#)
[Unit #10-PSNSEA \(Public Safety Non-Sworn Employees Association\)](#)

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)

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

1. **20-437** [Verbal Report from City Manager regarding COVID-19 Pandemic](#)

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 20-06 [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Minutes of:

Youth Commission - February 11, 2020

2.B 20-253 [Action on Bills and Claims Report \(CC, SA\) for the period February 21st, 2020 - March 5th, 2020 \[Council Pillars: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the list of Bills and Claims for February 21, 2020 - March 5, 2020.

2.C 20-269 [Action on Bills and Claims Report \(CC, SO\) for the period March 6th, 2020 - March 19th, 2020 \[Council Pillars: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the list of Bills and Claims for March 6, 2020 - March 19, 2020.

2.D 20-581 [Adopt a Resolution to Modify Certain Parking Regulations on Alfred Street and Jay Street \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

Recommendation: Adopt a resolution to modify certain parking regulations on Alfred Street and Jay Street.

2.E 20-1357 [Action on Substation Service Agreement with MECP1 Santa Clara 1, LLC for San Tomas Junction Substation and Related Budget Amendment \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Authorize the City Manager to execute the Substation Service Agreement with MECP1 Santa Clara 1, LLC to allow SVP to design, procure equipment, and construct 60kV facilities to serve San Tomas Junction Substation to meet an ultimate capacity of 99 MVA of permanent electric service to 2201 Laurelwood Road, subject to the appropriation of funds;
 2. Authorize the City Manager to make minor modifications to the Substation Service Agreement and execute any and all associated documents;
 3. Delegate authority to the City Manager to approve long lead time material procurement agreements and purchase orders;
 4. Direct the Finance Department to create a new Capital Improvement Program (CIP) project number for the San Tomas Junction Substation project; and
 5. Approve a budget amendment in the Electric Utility Capital Fund to recognize developer contributions in the amount of \$1,300,000 and establish a new San Tomas Junction Substation project in the amount of \$1,300,000 as a part of the implementation of this Agreement.

2.F 20-25 [Action on a Resolution to Adopt a List of Projects Funded by Senate Bill 1, The Road Repair and Accountability Act, for Fiscal Year 2020-21 \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:** Adopt a Resolution to Adopt a List of Projects Funded by Senate Bill 1, The Road Repair and Accountability Act, for Fiscal Year 2020-21.

2.G 20-75 [Adoption of a Resolution of Intention for Maintenance District No. 183 - Santa Clara Convention Center Complex \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183;
2. Set a hearing date of June 2, 2020 to approve the Director's Report FY 2020/21; and
3. Authorize the publication, mailing, and posting of the notice of public hearing as stated in the Resolution of Intention.

2.H 20-76 [Adoption of a Resolution of Intention for Parking Maintenance District No. 122 - Franklin Square \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122;
2. Set a hearing date of June 2, 2020 to approve the Director's Report FY 2020/21; and
3. Authorize the publication, mailing, and posting of the notice of public hearing as stated in the Resolution of Intention.

2.I 20-109 [Action on a Design Professional Services Agreement with Alta Planning + Design for the Pruneridge Avenue Complete Streets Plan Project and Related Budget Amendments \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with Alta Planning + Design for the Pruneridge Avenue Complete Streets Plan in the amount not-to-exceed \$398,245;
 2. Approve a budget amendment in the Streets and Highway Fund to establish an appropriation for the new CIP project - Pruneridge Avenue Complete Streets Plan project in the amount of \$398,245, increase the revenue estimate in the amount of \$351,077 to recognize the Caltrans Sustainable Communities Grant, and decrease the Pedestrian and Bicycle Enhancement Facilities Project in the amount of \$47,168; and
 3. Authorize the City Manager to make minor modifications, including time extensions, to the Agreement, if necessary.

2.J 20-121 [Action on 2020 Legislative Advocacy Positions \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- Recommendation:** Adopt the 2020 Legislative Advocacy Positions on Affordable Housing and Homelessness; COVID-19 Legislation; Council Districting, Campaign Reform and Public Records; Energy Legislation Regulation and Issues; Engagement with Federal Aviation Administration Regarding Airplane Noise; Human Resources/Public Sector Employment; Local Authority over Wireless Telecommunications Facilities and Cable Services; Public Safety; Regional and State-wide Water Supply and Conservation; Regional Issues and Collaboration; Regional Transportation Issues; Santa Clara Federal Legislative Priorities; School Mitigation Fees; and Sustainability and Environmental Legislation, Regulations and Issues.

2.K 20-156 [Action on Award of Contract for the 2020 Pavement Preservation Project \(CE 18-19-12\) and Related Budget Amendment \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Award the Public Works Contract for the 2020 Pavement Preservation Project (CE 18-19-12) to the lowest responsive and responsible bidder, G. Bortolotto & Company, Inc., in the amount of \$4,291,087 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
 2. Authorize the City Manager to execute change orders up to approximately 10 percent of the original contract price, or \$429,109, for a total project budget not to exceed amount of \$4,720,196; and
 3. Approve the budget amendment in the Streets and Highways Capital Fund to recognize transfers of \$116,855 from the Water Utility Fund and \$74,725 from the Sewer Utility Fund, reduce the Annual Street Maintenance and Rehabilitation Project by \$572,616 and increase the Santa Clara Various Streets and Roads Preservation project by \$764,196; in the Water Utility Fund, establish a transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$116,855; and in the Sewer Utility Fund, establish a transfer to Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$74,725.

2.L 20-245 [Action on the Agreement with National Car Charging LLC for EV Charging Installations and Approve Related Budget Amendment \[Council Pillars: Deliver and Enhance High Quality Efficient Services and Infrastructure and Sustainability\]](#)

- Recommendation:**
1. Approve the addition of the new Capital Improvement Program (CIP) Project - Electric Vehicle Charging Project - to the FY 2019/20 CIP Budget;
 2. Approve the related budget amendment in the Electric Operating Grant Trust Fund to reduce the Greenhouse Gas Mandated Program Costs by \$250,000, reduce the Low Carbon Fuel Reserve by \$1,250,000 and transfer \$1,500,000 to the Electric Capital Fund; in the Electric Capital Fund, recognize a transfer from the Electric Operating Grant Trust Fund in the amount of \$1,500,000 and establish an Electric Vehicle Charging Project in the amount of \$1,500,000;
 3. Authorize the City Manager, or their designee, to execute the Agreement for Services with National Car Charging LLC for EV Charging Installations for a five-year term in an amount not to exceed \$2,000,000, subject to the appropriation of funds;
 4. Authorize the City Manager or their designee, to execute the ChargePoint Master Services and Subscription Agreement and the ChargePoint Assure Terms and Conditions of Service;
 5. Authorize the City Manager, or their designee, to set retail EV charging rates, approve time extensions and make minor modifications to the agreements, if necessary; and
 6. Authorize the City Manager to execute any and all future associated master service and subscription agreements, and maintenance agreements and amendments for EV charger suppliers.

- 2.M 20-450** [Action on Adoption of Ordinance No. 2013 Amending Chapter 9.30 of the City Code \("Trespassing"\) Related to the Storage and Removal of Personal Property from Public Property \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Adopt Ordinance No. 2013 Amending Chapter 9.30 of the City Code ("Trespassing") Related to the Storage and Removal of Personal Property from Public Property.

- 2.N 20-247** [Action on the Introduction of an Ordinance Adding a New Chapter 10.06 to Title 10 of the City Code \("Vehicles and Traffic"\) Related to Illegal Street Racing and Sideshows \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Approve the Introduction of an Ordinance Amending Chapter 10 of the City Code ("Vehicles and Traffic").

- 2.O 20-248** [Action on the Introduction of an Ordinance Amending Chapters 5.75 \("Bingo"\) and 10.20 \("Funeral Escort Services"\) of "The Code of the City of Santa Clara, California" to Make Correlating Changes to Ensure Consistency with the Recent Revision and Renumbering of Chapter 2.115 \("General Characteristics of License or Permit - Suspension Procedure"\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Introduce an Ordinance amending Chapters 5.75 ("Bingo") and 10.20 ("Funeral Escort Services") of "The Code of the City of Santa Clara, California" to make correlating changes to ensure consistency with the recent revision and renumbering of Chapter 2.115 ("General Characteristics of License or Permit - Suspension Procedure").

- 2.P 20-249** [Action on Amendments to the Promissory Note and Covenants with Riverwood Place Associates, L.P. \(MidPen Housing Corporation\) to Extend the Affordable Housing Requirements for 148 Rental Units within the Project Located at 5090 Lick Mill Boulevard \[Council Pillars: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: Approve the proposed amendments to the Promissory Note and Covenants with Riverwood Place Associates, L.P. (MidPen Housing Corporation) to extend the affordable housing requirements for 148 rental units within the project located at 5090 Lick Mill Boulevard and to make modifications to the Promissory Note and Covenants as reviewed by the City Attorney for form and consistency.

- 2.Q 20-268** [Action on the Fiscal Operation of the Santa Clara Golf and Tennis Club Report for the 2nd Quarter ended December 31, 2019 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Status Report for the Fiscal Operation of the Santa Clara Golf and Tennis Club for the second quarter ended December 31, 2019.

- 2.R 20-270** [Action on Monthly Financial Status and Investment Reports for January 2020 and Approve the Related Budget Amendments \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Monthly Financial Status and Investment Reports for January 2020 as presented and Approve Related Budget Amendments.

- 2.S 20-273** [Action to Approve Various As-Needed Class Specifications for the Student Internship Program and Adopt a Resolution Approving and Adopting Updated Salary Plans for Various As-Needed Positions \[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

Recommendation:

1. Approve modifications to various class specifications and establish salary ranges: Revise and retitle Student Intern I and create the Student Intern II/III class specifications; and
2. Adopt a Resolution approving the revised salary plans for various as-needed positions to satisfy the requirements of California Code of Regulations Section 570.5.

- 2.T 20-299** [Action on Grant from the County of Santa Clara's Healthy Cities Program - Tobacco - Free Communities Fund, and Related Budget Amendment \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Alternatives 1 and 3:

1. Authorize the City Manager to negotiate and execute a grant agreement with the Santa Clara County Public Health Department to reduce youth access and exposure to tobacco products; and
3. Approve the FY 2020/21 budget amendment in the Other City Departments Operating Grant Trust Fund to recognize grant revenue in the amount of \$48,944 and establish funding for the Healthy Cities Program - Tobacco Free Communities in the City Manager's Office to help cover operating expenses for implementing the proposed revised ordinance.

2.U 20-301 [Action on a Purchase Order with Dominguez & Sons Trucking, Inc. for Cleanup Campaign Trucking Services \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Approve a purchase order with Dominguez & Sons Trucking, Inc. not to exceed \$294,975 for the Fiscal Year 2019/2020 CUC;
 2. Approve four, one-year options to renew the purchase order, subject to the aforementioned escalation provisions, and the annual appropriation of funds; and
 3. Authorize the City Manager to make minor modifications to the purchase order, including time extensions, as necessary.

2.V 20-305 [Action on a Resolution for the Use of City Electric Forces at Various Locations and Approve Related Budget Amendments \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Adopt a Resolution approving the use of City Electric Forces for the installation of facilities at Stender Way at Coronado Drive, Lawrence Station - throughout site connecting customer owned lights to SVP circuit, 3615 El Camino Real, 1150 Walsh Avenue, 3215 Stevens Creek Boulevard, 3505 Kifer Road (area bordered by Kifer Road, Lawrence Expressway and Central Expressway), 2055 Lafayette Street, 3655 Tahoe Way, 100 North Winchester Boulevard, and Serra Substation; and
 2. Approve the related budget amendments: in the Electric Utility Fund, reduce the Salaries and Benefits budget by \$1,789,464 and transfer this amount to the Electric Capital Fund; in the Electric Capital Fund, recognize a transfer from the Electric Utility Fund in the amount of \$1,789,464 and increase the New Business Estimate Work project appropriation by the same amount; and in the Street Lighting Capital Fund, reduce the unrestricted ending fund balance by \$27,440 and increase the New Development Street Lighting project appropriation by the same amount.

2.W 20-350 [Action to Adopt a Resolution Authorizing the City to Access State and Federal Summary Criminal History Background Information for New Employees and Volunteers Through the California Department of Justice and Federal Bureau of Investigation \[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

- Recommendation:** Adopt a Resolution Authorizing the City to Access Federal Summary Criminal History Background Information for New Employees and Volunteers Through the California Department of Justice and Federal Bureau of Investigation.

2.X 20-428 [Actions to Approve Various Modified Class Specifications \[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

Recommendation: Approve modifications to various class specifications: Fire Prevention Specialist I, Fire Prevention Specialist II, Office Specialist III, and Senior Inspector.

2.Y 20-239 [Action on an Agreement for Services with Efficiency Services Group, LLC to Provide the Commercial Parking Lot & Exterior Lighting Third Party Energy Efficiency Program \[Council Pillar: Sustainability\]](#)

Recommendation: Authorize the City Manager to execute an Agreement for Services with Efficiency Services Group, LLC to provide the Commercial Parking Lot & Exterior Lighting Third Party Energy Efficiency Program.

2.Z 20-297 [Update on project located at 500 Benton Street with Republic Metropolitan LLC \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: Note and File the Informational Memo on the project located at 500 Benton Street with Republic Metropolitan LLC.

2.AA 20-449 [Informational Report on 2020 Stadium Operation and Maintenance Plan \[Board Pillar: Enhance Compliance with J and Manage Levi's Stadium\]](#)

Recommendation: Note and file the Informational Report on 2020 Stadium Operation and Maintenance Plan.

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. 20-1154 [Public Hearing: Action on Adopting a Resolution Approving the Update to the Sewer System Management Plan \(SSMP\) for the City of Santa Clara \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Adopt the Resolution to Approve the Update to the Sanitary Sewer Management Plan (SSMP).

4. 20-434 [Action on a Resolution Authorizing Documents and Actions Relating to Execution and Delivery of Three \(3\) Loan Agreements with Bank of America, N.A. and the Issuance and Delivery of the City's Subordinated Electric Revenue Refunding Bonds, Series 2020-1, Series 2020-2 and Series 2020-3 \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Adopt the Resolution authorizing and approving the execution and delivery of three Loan Agreements between Bank of America N.A. and the issuance and delivery of the City's Subordinated Electric Revenue Refunding Bonds, Series 2020-1, Series 2020-2 and Series 2020-3 for the refunding of certain outstanding bonds of the City, and authorize the City Manager to execute all necessary documents, in substantially similar form as presented, in connection with the issuance, and authorize certain actions related thereto to complete the transactions.

5. 20-136 [Action on an Ordinance to Establish a Temporary Moratorium on Evictions for the Non-payment of Rent and No-Fault Evictions for Residential Tenants with incomes affected by the novel coronavirus \(COVID-19\)](#)

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 20-256 [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, April 28, 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."