



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, May 26, 2020

2:00 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.

2:00 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

CLOSED SESSION

- 20-584** [Conference with Legal Counsel-Anticipated Litigation \(SA\)](#)
[Pursuant to Gov. Code § 54956.9\(4\)\(d\) - Initiation of Litigation](#)
[Number of potential cases: 1](#)
- 20-585** [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](#)

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

SPECIAL ORDER OF BUSINESS

1. **20-546** [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 20-276** [Action on Council and Authorities Concurrent and Special City](#)
[Council Meeting Minutes \[Council Pillar: Enhance Community](#)
[Engagement and Transparency\]](#)

Recommendation: Note and file the:
Special City Council Meeting Minutes on March 9,
2020
Council and Authorities Concurrent Meeting Minutes
of March 17, 2020
Special Council and Authorities Concurrent Meeting
Minutes March 24, 2020

2.B 20-08 [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Minutes of:
Civil Service Commission - February 10, 2020
Civil Service Commission - March 12, 2020

2.C 20-102 [Action on a Contract Amendment and Direction to Proceed with Issuance of a Notice of Preparation for the Freedom Circle Focus Area \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: Alternative 1:
Approve the contract amendment and reimbursement agreement for the revised scope of services with MIG, Inc. and accept the report on the Freedom Circle / Greystar General Plan Amendment Notice of Preparation as presented by staff.

2.D 20-537 [Adoption of Ordinance No. 2019 Amending the Compensation for the City Clerk As Set by the Salary Setting Commission \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Adopt Ordinance No. 2019 amending Section 2.20.015 (Compensation), of Chapter 2.20 ("City Clerk") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" which will amend the compensation for the City Clerk.

2.E 20-342 [Action on Award of Contract for the 2020 Annual Street Maintenance and Rehabilitation Project \(CE 19-20-01\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Award the Public Works Contract for the 2020 Annual Street Maintenance and Rehabilitation Project (CE 19-20-01), including the Base Bid, Add Alternate A, and Add Alternate B, to the lowest responsive and responsible bidder, DeSilva Gates Construction LP, in the amount of \$6,332,671 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 \$633,267, for a total project budget not to exceed amount of \$6,965,938; and
 3. Approve the budget amendment in the Streets and Highways Capital Fund to recognize transfers of \$149,000 from the Water Utility Fund and \$93,887 from the Sewer Utility Fund, and increase the Annual Street Maintenance and Rehabilitation Program project by \$242,887; in the Water Utility Fund, increase the transfer to the Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$149,000; and in the Sewer Utility Fund, increase the transfer to Streets and Highways Capital Fund and reduce the unrestricted ending fund balance by \$93,887.

2.F 20-347 [Action on Consent to Assignment and Assumption of Reimbursement Agreement for the Patrick Henry Specific Plan Project \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

- Recommendation:**
1. Authorize the City Manager to issue consent to the Assignment and Assumption of Reimbursement Agreement between the Sobrato Organization, LLC and 4590 Patrick Henry LLC; and
 2. Authorize the City Manager to execute all future consent to assignment agreements for approved reimbursement agreements.

2.G 20-368 [Action on a Resolution Authorizing the Filing of an Application for FY 2020/21 Transportation Development Act Funding \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

Recommendation: Adopt a Resolution Authorizing the Filing of an Application with the Metropolitan Transportation Commission for Allocation of Transportation Development Act Article 3, Pedestrian and Bicycle Project Funding for Fiscal Year 2020/21.

2.H 20-443 [Action on Agreements for Land Surveying Services for Public Works Projects \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation:

1. Approve and authorize the City Manager to execute an agreement for the Performance of Services with BKF Engineers (\$150,000), R.E.Y. Engineers, Inc. (\$150,000) and Sandis (\$150,000) to perform on-call land surveying services for a combined amount not-to-exceed \$450,000 over the three-year terms of the agreements; subject to the appropriation of funds;
2. Authorize the City Manager to amend agreements not-to-exceed amounts as long as the cumulative total does not exceed \$450,000; and
3. Authorize the City Manager to exercise up to two one-year extensions for each agreement with no increase in compensation in the event that the work is not completed by the Agreement end dates and make minor modifications to the agreements, if necessary, subject to the appropriation of funds.

2.I 20-445 [Action on the Approval of State Homeland Security Grant Funding and Related Budget Amendment \[Council Pillar - Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Accept and approve the State Homeland Security Grant funding of \$159,290 for purchase of related Fire Department equipment;
 2. Accept and approve the State Homeland Security Grant funding of \$154,000 for the purchase of a Regional Asset and training and exercise equipment;
 3. Approve the related budget amendment in the Fire Operating Grant Trust Fund to recognize grant revenue in the amount of \$159,290 and establish a State Homeland Security Grant Program 2019 appropriation in the amount of \$159,290;
 4. Approve the related budget amendment in the Police Operating Grant Trust Fund to recognize grant revenue in the amount of \$154,000 and establish a State Homeland Security Grant Program 2019 appropriation in the amount of \$154,000;
 5. Authorize the Chief of Police, City Manager and Finance Director to sign grant-related documents, if any, including but not limited to a Memorandum of Understanding with CalOES;
 6. Authorize the City Manager to execute a purchase order(s) for the purchase of eight (8) mobile crash barriers and five (5) portable bollards for a term starting on or about May 19, 2020 and ending on or about May 31, 2021 for a total amount not-to-exceed \$465,225; and
 7. Authorize the City Manager to execute additional purchase orders for future purchases of mobile crash barriers and portable bollards, subject to the appropriation of funds.

- 2.J 20-469 [Action on Monthly Financial Status and Investment Reports for March 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 March 2020 as presented and Approve Related Budget Amendments.

- 2.K 20-496 [Action on a Funding Agreement with CoreSite Real Estate SV9, L.P., Relating to City Predesign Engineering Activities for the Stender Way Substation Project and Related Budget Amendment \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

Recommendation:

1. Authorize the City Manager to execute the Funding Agreement with CoreSite Real Estate SV9, L.P. for \$700,000;
2. Direct Finance Department to create a new CIP project number for the Stender Way Junction Substation project;
3. Approve a budget amendment in the Electric Utility Capital Fund to recognize developer contributions and establish an appropriation in the amount of \$700,000 for the new Stender Way Junction Substation project as a part of the implementation of this Agreement to accumulate the Developer Contributions and resulting charges; and
4. Delegate authority to the City Manager, or designee, to make minor modifications to the Agreement, and execute subsequent Funding Agreements and amendments with other applicants.

- 2.L 20-511 [Action on Healthier Kids Foundation FY2019/20 Third Quarter \(FINAL\) Report \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Healthier Kids Foundation FY 2019/20 Third Quarter (Final) report.

- 2.M 20-526** [Action to Authorize the City Manager to Execute Amendment No. 6 With LPA, Inc. in the Amount of \\$50,000 for Construction Support Services, Delegation of Authority for Record Drawing Documentation in the Amount of \\$45,000, and Related Budget Amendment in the total amount of \\$95,000 for the Reed & Grant Streets Sports Park \[Council Pillar: Enhance Community Sports, Recreation, and Arts Assets\]](#)

Recommendation:

1. Approve the budget amendment in the Parks and Recreation Capital Fund to increase the Youth Soccer Fields & Athletic Facilities - Reed & Grant Street project by \$95,000, funded by a reduction to the Ending Fund Balance - Unallocated Mitigation Fee Act (MFA) Fees;
2. Authorize the City Manager to execute Amendment No. 6 with LPA, Inc. in the amount of \$50,000 for additional construction support services related to the Reed & Grant Street Sports Park Project; and
3. Delegate Authority to the City Manager to negotiate and execute an agreement in an amount not to exceed \$45,000 for record drawing documentation for the Reed & Grant Street Sports Park Project.

- 2.N 20-536** [Adoption of a New Resolution of Intention With a Revised Public Hearing Date of June 9, 2020 for Parking Maintenance District No. 122 - Franklin Square \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

Recommendation: Adopt a New Resolution of Intention With a Revised Public Hearing Date of June 9, 2020 for Parking Maintenance District No. 122 - Franklin Square.

- 2.O 20-539** [Adoption of a New Resolution of Intention With a Revised Public Hearing Date of June 9, 2020 for Maintenance District No. 183 - Santa Clara Convention Center Complex \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Adopt a New Resolution of Intention With a Revised Public Hearing Date of June 9, 2020 for Maintenance District No. 183 - Santa Clara Convention Center Complex.

2.P 20-571 [Action on Landfill Post-Closure Operation and Management Agreement for Related Santa Clara project \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: Approve and authorize the City Manager to execute the Landfill Post-Closure Operations and Management Agreement with Related Santa Clara, LLC for the Related Santa Clara development project and authorize the City Manager to obtain additional insurance programs to bolster the limits of liability available to City under the Project insurance programs.

2.Q 20-572 [Adoption of a Resolution extending the Moratorium on Evictions for the Non-payment of Rent and No-Fault Evictions for Tenants with Incomes Affected by the Novel Coronavirus \(COVID-19\) to June 30, 2020 \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: Adopt a resolution extending the ordinance on the moratorium on residential evictions for the nonpayment of rent, as set forth in Chapter 8.65 of Title 8 of the Code of the City of Santa Clara, which shall hereby be in effect from June 1, 2020 to June 30, 2020.

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. 20-169 [Action on the Annual Report and Resolution of Intention for Levy of Annual Assessment for the Santa Clara Tourism Improvement District \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation:

1. Approve the Annual Report for the Santa Clara Tourism Improvement District;
2. Adopt a Resolution of Intention to levy and collect assessments with the Santa Clara Tourism Improvement District area for Fiscal Year 2020/21 from hotel guests at the rate of \$1.00 per occupied hotel/motel room night; and
3. Set the date for the Public Hearing for June 23, 2020.

4. 20-472 [Adoption of Resolutions Approving Financing for the City of Santa Clara's \(the "City"\) portion of Capital Costs at the Regional Wastewater Facility \(RWF\) in an Amount Not-to-Exceed \\$50,000,000 \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: That the Council:

1. Adopt the Resolution authorizing the Installment Sale Financing in an amount not to exceed \$50,000,000 to provide interim financing for capital costs of the Regional Wastewater Facility, approving the final form and execution of financing documents and authorizing certain other related actions consistent with the financing; and
2. Authorize the City Manager, Director of Finance, City Attorney, and Assistant City Clerk to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution and to make any minor non-substantive or routine changes to complete the financing transaction.

That the Financing Corporation:

1. Adopt the Resolution authorizing the Installment Sale Financing in an amount not to exceed \$50,000,000 to provide interim financing for capital costs of the Regional Wastewater Facility, approving the final form and execution of financing documents and authorizing certain other related actions consistent with the financing; and
2. Authorize the Executive Director, Director of Finance and other officers to execute all required agreements necessary to consummate any of the transactions contemplated by the agreements and documents approved under the Resolution and to make any minor non-substantive or routine changes to complete the financing transaction.

5. **20-566** [Update on Small Business Assistance Grant Program and Approval of Related Budget Amendment \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: 1. Note and file the Update on Small Business Assistance Grant Program.
2. Approve the related FY 2019/20 Budget Amendments, decreasing the Food Distribution Program by \$300,000 in the Other City Departments Operating Grant Trust Fund and augmenting the City Manager's Office operating budget by \$300,000 for a total Small Business Assistance Grant Program cost of \$1,100,000 in the General Fund.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 20-528** [Update on City Council and Stadium Authority Staff Referrals \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 20-212** [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, June 9, 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."