



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, June 9, 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

- 20-618** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Christopher Gaffney, et al. v. City of Santa Clara, United States District Court, Northern District of California Case No. 4:18-cv-06500-JST](#)
- 20-619** [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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

SPECIAL ORDER OF BUSINESS

- 1.A 20-599** [Recognize Assistant Chief of Police Daniel Winter for his Service to the City of Santa Clara](#)

- 1.B 20-527 [Santa Clara County COVID-19 Update provided by Supervisor Susan Ellenberg](#)
- 1.C 20-125 [Verbal Report from City Manager regarding COVID-19 Pandemic \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 1.D 20-166 [Proclamation of June 2020 as Lesbian, Gay, Bisexual, Transgender, and Queer \(LGBTQ\) Pride Month](#)

STUDY SESSION

- 2. 20-174 [Study Session: Review of the Proposed FY 2020/21 & FY 2021/22 Biennial Capital Improvement Program Budget and FY 2020/21 Operating Budget Changes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Review and provide input on the Proposed FY 2020/21 & FY 2021/22 Biennial Capital Improvement Program Budget and FY 2020/21 Operating Budget Changes.

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.]

- 3.A 20-10 [Approve the Council and Authorities Concurrent Meeting Minutes of March 31, 2020 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the Council and Authorities Concurrent Meeting Minutes of March 31, 2020.

- 3.B 20-11 [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Minutes of the Historical and Landmarks Commission Meeting of September 5, 2019.

3.C 20-490 [Action on Bills and Claims Report \(CC, SA, SOSA\) for the period April 10, 2020 - May 7, 2020 \[Council Pillars: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the list of Bills and Claims for April 10, 2020 - May 7, 2020.

3.D 20-579 [Action on an Agreement with the Santa Clara Valley Transportation Authority on Voluntary Freeway Contributions from the Santa Clara Square 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 the Santa Clara Valley Transportation Authority on Voluntary Freeway Contributions from the Santa Clara Square Project; and
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if needed.

3.E 20-1326 [Action on an Agreement with the Santa Clara Valley Transportation Authority for Funding from the 2016 Measure B Bicycle & Pedestrian Education and Encouragement Program \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation:

1. Approve and authorize the City Manager to execute the agreement with the Santa Clara Valley Transportation Authority for funding from the 2016 Measure B Bicycle & Pedestrian Education and Encouragement Program; and
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if needed.

3.F 20-578 [Action on an Agreement with the Santa Clara Valley Transportation Authority on Bus Shelter Revenue Sharing \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute the agreement with the Santa Clara Valley Transportation Authority on Bus Shelter Revenue Sharing;
 2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if needed; and
 3. Approve the related FY 2019/20 budget amendment in the General Fund to recognize the bus shelter revenue and increase the Budget Stabilization Reserve by \$46,840.

3.G 20-501 [Action on the Introduction of an Ordinance Repealing Section 2.105.015 \(“Performance of City Auditor Functions”\), Adding a New Chapter 2.29 \(“Office of the City Auditor”\), and Amending Chapter 2.30 \(“Independent Auditor”\) of the City Code to Change the Title to Independent External Auditor and Create the Independent Office of the City Auditor, and Adopt a Resolution Approving and Adopting a Class Specification for the Position of City Auditor \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- Recommendation:**
1. Approve the Introduction of an Ordinance Repealing Section 2.105.015 (“Performance of City Auditor Functions”) and creating a new Chapter 2.29 (“Office of the City Auditor”) and amending Section 2.30 (“Independent Auditor”) of the Code of the City of Santa Clara;
 2. Approve the creation of the City Auditor class specification; and
 3. Adopt a Resolution to approve the class specification for the position of City Auditor.

3.H 20-362 [Action on a Resolution Ordering the Vacation of Underground Electric Easement at 2861 Scott Boulevard \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

- Recommendation:**
1. Adopt a Resolution Ordering the Vacation of Underground Electric Easement at 2861 Scott Boulevard [APN 224-07-121 (2019-20); SC 19,255]; and
 2. Authorize the recordation of the Resolution.

3.I 20-396 [Action on a Release of Interest in three Agreements and Covenants Running with the Land at 5104 Old Ironsides Drive \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

- Recommendation:**
1. Adopt a Release of Interest in the Agreements recorded on December 29, 1994, as Document Nos. 12762254 and 12762255, and the Amended Agreement recorded on December 28, 2004, as Document No. 18163936, at 5104 Old Ironsides Drive [APN 104-49-030 (2019-20); SC 19,283]; and
 2. Authorize the recordation of the Release of Interest.

3.J 20-460 [Action on the Appropriation of Asset Forfeiture Funds for FY 2020/21 and Related Budget Amendment \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Approve the appropriation of Asset Forfeiture Funds in the amount of \$166,000 pursuant to State and federal Regulations; and
 2. Approve the related FY 2020/21 Budget Amendment in the Expendable Trust Fund to recognize Beginning Fund Balance of \$166,000 from asset forfeiture funds received and transfer the funds to the Police Operating Grant Trust Fund; in the Police Operating Grant Trust Fund, establish a Transfer from the Expendable Trust Fund and establish a Seized Asset Funds appropriation in the amount of \$166,000.

- 3.K 20-483** [Consideration of the City of Santa Clara Electric Department, dba Silicon Valley Power \(SVP\), Wildfire Mitigation Plan Update 2020 \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Note and file Silicon Valley Power's Wildfire Mitigation Plan April 2020.

- 3.L 20-489** [Action on the Santa Clara Convention Center FY 2019/20 3rd Quarter Financial Status Report \[Council Pillars: Promote and Enhance Economic and Housing Development, Enhance Community Engagement and Transparency, and Sustainability\]](#)

Recommendation: Note and file the Santa Clara Convention Center Financial Status Report for the third quarter ended March 31, 2020, as submitted by Spectra.

- 3.M 20-543** [Action on Amendment No. 1 to the Agreement for Services with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan to extend the termination date and increase the total not to exceed amount to \$888,623, subject to the execution of a Reimbursement Agreement with Pearlman Himy I LP.

3.N 20-475 [Action on Funding Agreement with 1220 Santa Clara PropCo, LLC, Relating to City Predesign Engineering Activities for the Memorex Junction 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 1220 Santa Clara PropCo, LLC for \$400,000;
 2. Direct the Finance Department to create a new CIP project number for the Memorex Junction Substation Project;
 3. Approve a FY 2019/20 budget amendment in the Electric Utility Capital Fund to recognize developer contributions and establish a Memorex Junction Substation Project appropriation in the amount of \$400,000; and
 4. Delegate authority to the City Manager, or designee, to make minor modifications, execute subsequent Funding Agreements and amendments with other applicants.

3.O 20-513 [Action on an Agreement for Bacteriological Laboratory Services with AEMTEK, Inc. \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement for Bacteriological Laboratory Services with AEMTEK, Inc. for a five year term starting on July 1, 2020 and ending on June 30, 2025, for an amount not-to-exceed \$162,660;
 2. Authorize the City Manager to execute amendment(s) to the Agreement to make minor adjustments to testing protocols or in the event that testing requirements exceed the forecast, subject to the same Agreement terms and unit pricing, and the appropriation of funds; and
 3. Authorize the City Manager to exercise up to two additional one-year options to extend the agreement, ending on June 30, 2027 if both options are exercised and subject to the appropriation of funds.

3.P 20-595 [Adopt a Resolution of the Council Suspending Enforcement of Specific City Code Requirements Related to Outdoor Dining and Directing the City Manager to Use Her Authority as Director of Emergency Services to Make and Issue Rules and Regulations on Matters Reasonably Related to the Protection of Life and Property as Affected by the Emergency for the Operation of Outdoor Restaurant Dining \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: 1. Adopt the resolution Suspending Enforcement of Specific City Code Requirements Related to Outdoor Dining and directing the City Manager to Use Her authority as Director of Emergency Services to Make and Issue Rules and Regulations on Matters Reasonably Related to the Protection of Life and Property as Affected by the Emergency for the Operation of Outdoor Restaurant Dining.

3.Q 20-542 [Action on an Agreement for Services with Bill Wilson Center for Administration of the City's Emergency Rental Assistance Program and Approval of Related Budget Amendment \[Council Pillar: Promote and Enhance Economic, Housing, and Transportation Development\]](#)

Recommendation: 1. Approve and authorize the City Manager to execute the Agreement for Services with Bill Wilson Center for Administration of the City's Emergency Rental Assistance Program in an amount not to exceed \$1,300,000, subject to appropriation of funds, and all related documents for the provision of administrative services for the Emergency Rental Assistance Program effective June 9, 2020; and
2. Approve the FY 2019/20 Budget Amendment in the City Affordable Housing Fund to establish the Emergency Rental Assistance Program appropriation in the amount of \$1,300,000 and decrease the ending fund balance by \$1,300,000.

- 3.R 20-548** [Action on an Agreement Amendment with ELB US Inc. and Approval of Call No. 20.1 for Enterprise Audio-Visual Professional Services in City Facilities \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Authorize the City Manager to approve a Master Call Agreement Amendment No. 1 to extend the term of the agreement through June 30, 2023 and execute Call No. 20.1 with ELB US Inc. for Enterprise Audio-Visual Professional Services in City Facilities in an amount not-to-exceed \$300,000, subject to budgetary appropriations.

- 3.S 20-382** [Authorization of Application and Receipt of Grant Funds for the Local Early Action Planning \(LEAP\) Grant Program Issued by the California Department of Housing and Community Development \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: Adopt a resolution authorizing the City Manager or designee to apply for grant funding from the California Department of Housing and Community Development (HCD) to facilitate the update the Housing Element of the General Plan and authorizing the City Manager or designee to negotiate and execute all documents required to accept the grant funds.

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

4. 20-77 [Public Hearing: Adoption of a Resolution Overruling Protests and Ordering that the Alternative Method for the Levy of Benefit Assessment be Made Applicable to the Santa Clara Convention Center Maintenance District No. 183 - Santa Clara Convention Center Complex \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Alternative 1:
Adopt a resolution overruling any other protests; and ordering that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Maintenance District No. 183, and approving, confirming and adopting the Director's Report for FY 2020/21.

5. 20-78 [Public Hearing: Adoption of a Resolution Overruling Protests and Ordering that the Alternative Method for the Levy of Benefit Assessment be Made Applicable to the City of Santa Clara Parking Maintenance District No. 122 - Franklin Square \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Alternative 1:
Adopt a Resolution overruling any protests and ordering that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122 and approving, confirming, and adopting the Director's Report for FY 2020/21.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 20-550 [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 20-589 [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, June 23, 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."