

City of Santa Clara

Meeting Agenda

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



Tuesday, October 13, 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 Governing Board of the Stadium Authority to commence and convene on October 13, 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 REGULAR/STADIUM AUTHORITY SPECIAL MEETING

Call to Order in the Council Chambers

Roll Call

Pledge of Allegiance and Statement of Values

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 1.A 20-894 [Recognition of Outgoing Commissioners on the Civil Service Commission, Parks & Recreation Commission, and Planning Commission](#)
- 1.B 20-913 [Proclaim October 2020 as Breast Cancer Awareness Month](#)
- 1.C 20-914 [Proclaim October 2020 as Domestic Violence Awareness Month](#)
- 1.D 20-962 [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 20-870 [Action on Council and Authorities Concurrent and Special Stadium Authority Meeting Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the meeting minutes of:
Special Stadium Authority Minutes of March 5, 2020
Council and Authorities Concurrent Minutes of July 14, 2020
Special City Council Minutes of August 17, 2020

2.B 20-19 [Board, Commissions and Committee Minutes \[Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Minutes of:
Planning Commission - April 22, 2020
Audit Committee - March 4, 2020
Senior Advisory Commission - February 24, 2020
Historical and Landmarks Commission -
September 3, 2020
Cultural Commission - March 2, 2020

2.C 20-831 [Action on Bills and Claims Report \(CC, SA, HA\) for the period September 5th, 2020 - September 18th, 2020 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the list of Bills and Claims for September 5, 2020 - September 18, 2020.

2.D 20-681 [Action on Early Consideration of a General Plan Amendment from Low Intensity Office to High Intensity Office for the 10.14-acre site located at 2901 Tasman Drive and General Plan Text Amendment to add a policy to allow a Floor Area Ratio up to 2.5 for High Intensity Office sites within half a mile of a light rail station \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: City Council direct staff to continue processing the subject General Plan Amendment from Low Intensity Office to High Intensity Office for the 10.14-acre site located at 2901 Tasman Drive and General Plan Text Amendment to add a policy to allow a Floor Area Ratio up to 2.5 for High Intensity Office sites within half a mile of a light rail station.

2.E 20-708 [Action on Resolution for an Exception to the 180 Day Waiting Period To Appoint A Retired Annuitant To Serve as Temporary Extra Help \(Government Code Sections 7522.56 and 21224\) \[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

Recommendation: Alternative 1: Adopt the attached Resolution for an Exception to the 180 Day Waiting Period To Appoint A Retired Annuitant To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).

2.F 20-737 [Action on a Resolution of the City Council of the City of Santa Clara Regarding Unclaimed Special Assessment District Funds and Related Budget Amendment \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Adopt a resolution regarding unclaimed special assessment district funds as detailed in Exhibit A to the resolution and approve the transfer of these funds to the General Fund for unrestricted use; and
2. Approve the FY 2020/21 budget amendments in the General Fund to recognize Other Revenue of \$149,696, to increase the Budget Stabilization Reserve by \$141,196, and to increase the Finance Department appropriation by \$8,500.

2.G 20-755 [Action on Stadium Authority Bills and Claims for the Months of May through August 2020 \[Board Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for May 2020 through August 2020.

2.H 20-762 [Action on an Agreement for Services with Aspen Environmental Group to Provide As-needed Electric Rate and Fee Analysis Consultant Services \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Authorize the City Manager to execute an Agreement for Services with Aspen Environmental Group for as-needed electric rate and fee analysis consultant services, for a term starting on or about November 1, 2020 and ending on or about October 31, 2025 for a total maximum amount not-to-exceed of \$450,000, subject to the annual appropriation of funds; and
2. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreement after the initial term, ending October 31, 2030, assuming all options are exercised, and subject to the annual appropriation of funds.

- 2.I 20-832 [Action on Monthly Financial Status and Investment Reports for July 2020 and August 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 July 2020 and August 2020 as presented and Approve Related Budget Amendments.

- 2.J 20-844 [Action on Amendment No. 1 to the Agreement with Mott MacDonald Group, Inc. for Annual Sanitary Sewer Condition Assessment Repair Projects \(Year 2021/2022 Projects\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with Mott MacDonald Group, Inc. for Annual Sanitary Sewer Condition Assessment Repair Projects.

2.K 20-854 [Action on Master Agreements for Silicon Valley Power on System Capacity Expansion Planning including Delegation of Authority for Capital Project Implementation and General Engineering Support \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Authorize the City Manager to execute the System Expansion Plan Agreement with Electrical Consultants, Inc. in an amount not to exceed \$850,000;
 2. Delegate Authority to the City Manager to negotiate and execute Master Service Agreements with Advisian Worley Group, TRC Solutions, Inc., Leidos Engineering, LLC, Flynn Resource Consultants, Inc. and EN Engineering LLC for General Consulting Services in an amount not to exceed \$2,000,000 per agreement over the five year terms of the agreements, subject to the appropriations of funds;
 3. Delegate Authority to the City Manager to negotiate and execute Master Service Agreements with 1898 & Co., TRC Solutions, Inc., Electrical Consultants, Inc., AECOM Technical Services, Inc., and Stantec Consulting Services Inc. for Plan Implementation Services in an amount not to exceed \$3,000,000 per agreement over the five-year terms of the agreements, subject to the appropriation of funds; and
 4. Authorize the City Manager or their designee, to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds.

2.L 20-873 [Action on Amendment No. 3 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium \[Council Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium\]](#)

Recommendation: Authorize the City Manager to execute Amendment No. 3 to the Agreement with Wilson, Ihrig & Associates to reflect a revised termination date of September 30, 2021, subject to annual appropriations, to continue conducting noise monitoring of Levi's Stadium and the 49ers practice facility for total cost not to exceed \$249,840 over the life of the agreement.

2.M 20-920 [Accept the 2019 Assistance to Firefighters Grant in the amount of \\$40,168 to provide the California State Fire Marshal Fire Control 4 Course to Department Personnel and Approve the Related Budget Amendment \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation:

1. Accept the 2019 Assistance to Firefighters Grant in the amount of \$40,168 for Conducting Fire Control 4 Training for Department Personnel; and
2. Approve the Related FY 2020/21 Budget Amendment in the Fire Operating Grant Trust Fund to recognize the AFG grant revenue and establish the Assistance to Firefighters Grant FY 2019/20 in the amount \$40,168, and recognize a transfer from the General Fund and establish an Assistance to Firefighters Grant FY 2019/20 - City Match in the amount of \$4,017; in the General Fund, establish a transfer to the Fire Operating Grant Trust Fund to provide the 10% city match and reduce the Budget Stabilization Reserve by \$4,017.

2.N 20-940 [Action on Amendment to the Software Maintenance Agreement with ABB Enterprise Software Inc. \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Authorize the City Manager to execute an Amendment to the Software Maintenance Agreement with ABB Enterprise Software Inc. for maintenance of the SCADA System and to execute future amendments or agreements, as needed associated with the change in ownership of ABB's Power Grids Business; and
 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.

2.O 20-883 [Action on Resolution Approving the Purchase and Sale Agreements for Electric Utility Easements on the South Loop Reconfigure Project \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Adopt the Resolution approving the purchases of overhead electric easements at 2325 Lafayette Street [APN 224-40-009], 1015 Martin Avenue [APN 224-60-006], and 2301 Lafayette Street [APN 224-40-007]; and
 2. Authorize the recordation thereof.

2.P 20-887 [Approval to Negotiate Expansion of Recycled Water and Potable Reuse through a Proposed Purified Water Project at the Regional Wastewater Facility \(RWF\) \[Council Pillar: Promote Sustainability and Environmental Protection\]](#)

- Recommendation:** Authorize the City Manager, or her designee, to negotiate with the City of San José and Valley Water regarding expansion of recycled water and potable reuse through a proposed Purified Water Project at the RWF.

- 2.Q 20-693** [Public Hearing: Consideration of a Proposed Resolution Amending the Rates for Attachments to City Owned Utility Poles by Third Party Communications Providers \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Consider the proposed Resolution amending the rates for attachments to City owned utility poles by third party communications providers and set November 17, 2020 for the adoption of the Resolution.

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. 20-984** [Council Input on Enhanced Community Outreach and Community Benefits Policy and Action to Rescind the City's Early Consideration Policy for General Plan Amendment Applications \[Council Pillar: Promote Economic, Housing and Transportation Development\]](#)

Recommendation: Alternatives 1 and 2:

1. Provide Input on an Enhanced Community Outreach and Community Benefits Policy; and
2. Adopt a Resolution to Repeal Resolution No. 17-8435 and Rescind the Early Consideration Policy for General Plan Amendment Applications, effective January 1, 2021.

- 4. 20-927** [Discussion and Direction on Mayor Gillmor's Request Regarding Worker Retention and Recall Protections During COVID-19 Pandemic \[Council Pillar: Promote and Enhance Economic, Housing and Transportation Development\]](#)

Recommendation: Staff has no recommendation and is seeking Council direction and feedback on possible amendments to the Worker Retention Ordinance.

STADIUM AUTHORITY GENERAL BUSINESS ITEMS

5. **20-724** [Report on the Audited Santa Clara Stadium Authority Fiscal Year 2019/20 Annual Financial Statements \[Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium\]](#)

Recommendation: Note and file the Santa Clara Stadium Authority Fiscal Year 2019/20 Annual Financial Statements.

6. **20-725** [Action on the Stadium Authority Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2020 \[Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium\]](#)

Recommendation: Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2020.

7. 20-466 [Action on Agreements to Implement a Financial Management System for the Stadium Authority \[Council Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium\]](#)

- Recommendation:**
1. Authorize the Executive Director to negotiate and execute an agreement with Armanino, LLP to provide professional services for the implementation of a financial management system for an initial three-year term with maximum compensation amount not-to-exceed \$198,460, and execute up to two one-year options to extend the term of the agreement for ongoing support and related professional services, subject to annual appropriation of funds;
 2. Authorize the Executive Director to execute Purchase Orders with Armanino Solutions, LLC for software subscription services for an initial twelve-month period with maximum compensation amount not-to-exceed \$5,000, and execute one-year renewals as required, subject to annual appropriation of funds;
 3. Authorize the Executive Director to negotiate and execute an agreement with SaaSplaza, Inc. for Microsoft Dynamics Great Plains software subscription and web hosting services for an initial twelve-month period with maximum compensation amount not-to-exceed \$43,090, and execute one-year renewals as required, subject to annual appropriation of funds;
 4. Authorize the Executive Director to execute Purchase Orders with Concur Technologies, Inc. for SAP Concur software subscription services for an initial twelve-month period with maximum compensation amount not-to-exceed \$15,514, and execute one-year renewals as required, subject to annual appropriation of funds; and
 5. Negotiate and execute amendments and/or change orders to the above referenced agreements/Purchase Orders related to system implementation and requirements including additional software licenses and transaction fees, subject to the annual appropriation of funds.

8. **Review and Possible Action on Request from the Stadium Manager for Authority to Execute Agreement with LCPtracker, Inc. for Compliance Software for Certified Payroll Reporting and Stadium Authority’s Concerns with Stadium Manager’s Request**

A. **20-966** [Request from the Stadium Manager for Authority to Execute Agreement with LCPtracker, Inc. for Compliance Software for Certified Payroll Reporting for Prevailing Wage \[Board Pillar: Ensure Compliance with Measure J and Manage Levi’s Stadium\]](#)

B. **20-1001** [Report from the Stadium Authority on Its Concerns Regarding the Stadium Manager’s Request to Execute an Agreement with LCPtracker, Inc. \[Board Pillar: Ensure Compliance with Measure J and Manage Levi’s Stadium\]](#)

- Recommendation:**
1. Accept the Stadium Authority’s report on its concerns regarding the Stadium Manager’s request to execute an Agreement with LCPtracker; and
 3. Deny Stadium Manager’s request to execute the LCPtracker agreement because of its failure to correct the following errors:
 - (a) Request for \$25,000 contract for services priced at \$13,180 (authorization for expenditure of 90% above contract value);
 - (b) Mathematical/typographical errors in the agenda report or agreement;
 - (c) Undocumented scope of work;
 - (d) Undefined extension of agreement;
 - (e) Inappropriate removal of provisions requiring compliance with Brown Act, Public Records Act, and other applicable federal or state laws;
 - (f) Undocumented source of funding/failure to request budget from Board; and
 - (g) Misunderstanding of public sector “piggybacking” procurement practice.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 20-926** [Update on City Council and Stadium Authority Staff Referrals \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 20-925** [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, October 27, 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."