



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, January 12, 2021

4:00 PM

Virtual Meeting

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.

4:00 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

1. 21-39 [CLOSED SESSION ITEM](#)
[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-LHK](#)
[\(Continued from December 16, 2020\)](#)

Recommendation: Continue the Closed Session Item *Nevarez v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:16-CV-07013-LHK to January 19, 2021.

SPECIAL ORDER OF BUSINESS

- 2.A 21-42 [Introduction of the New Chief Executive Officer of Silicon](#)
[Valley/Santa Clara DMO, Inc. \(Deferred from December 16,](#)
[2020\)](#)
- 2.B 21-1309 [Recognize Resident Evelyn Buffo on her 100th Birthday](#)
- 2.C 21-1257 [Recognition of Santa Clara students for their participation in](#)
[Santa Clara Valley Science and Engineering Fair Association's](#)
[Synopsys Science and Technology Championship](#)
- 2.D 21-41 [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.]

- 3.A 21-88 [Action on Council and Authorities Concurrent and Joint Council](#)
[and Authorities Concurrent/Stadium Authority Meeting Minutes](#)

Recommendation: Approve the November 10, 2020 Council and Authorities Concurrent and November 17, 2020 Joint Council and Authorities Concurrent/Stadium Authority Meeting Minutes.

3.B 21-02 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:

- Santa Clara Tourism Improvement District Advisory Board - May 5, 2019
- Santa Clara Tourism Improvement District Advisory Board - June 10, 2019
- Santa Clara Tourism Improvement District Advisory Board - June 17, 2019

3.C 21-1281 [Action on Bills and Claims Report \(CC, SA,\) for the period November 14th, 2020 - December 18th, 2020](#)

Recommendation: Approve the list of Bills and Claims for November 14, 2020 - December 18, 2020.

3.D 21-1176 [Action on Monthly Financial Status and Investment Reports for October 2020 and Related Budget Amendments](#)

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

3.E 21-1404 [Action on a Resolution Authorizing the City Manager to Procure, Negotiate and Execute Amendments, Change Orders, and New Agreements with Various Vendors as Required to Complete Emergency Repairs and Maintenance at the Gianera Generating Station, in an Aggregate Amount Not-to-Exceed \\$2,567,736](#)

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute amendments, change orders, and new agreements with various vendors as required to complete all repairs and maintenance at the Gianera Generating Station, in an aggregate amount not-to-exceed \$2,567,736 and directing staff to provide Council with a report on contracts awarded and work performed once the repairs have been completed.

3.F 21-897 [Action on Appointment of Members to the Bicycle and Pedestrian Advisory Committee](#)

Recommendation: Appoint Lloyd Cha and Atisha Varshney to serve three-year terms on the Bicycle and Pedestrian Advisory Committee, expiring on December 31, 2023.

3.G 21-503 [Action on Change Order No. 4 for the Serra Substation Rebuild Project Contract No. 2104 with the Newtron Group and Related Additional Authorization](#)

Recommendation:

1. Authorize the City Manager to execute Change Order No. 4 for the Serra Substation Construction Project (Contract No. 2104A) with the Newtron Group in an amount up to \$715,512.; and
2. Authorize the City Manager to execute additional change orders for a total contingency authorization of up to \$873,751 and a total not-to-exceed amount of \$6,576,773 for Contract No. 2104A.

- 3.H 21-730** Action on Various Agreements for Silicon Valley Power (SVP), authorize the City Manager to:
1. Execute Amendment No. 2 to the Agreement with Flynn Resource Consultants for Transmission Analysis Support;
 2. Execute Amendment No. 1 to the Agreement with Milton Security Group, Inc. for Information Technology Support Services;
 3. Execute Amendment No. 1 to the Master Construction Agreement with Hot Line Construction, Inc. for Electric Utility Overhead Services;
 4. Execute an Agreement with Daniel L. Sun Inc. DBA Sun-Net Consulting for Implementation and Support of Transmission Outage Application Software; and
 5. 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.

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 2 to the Agreement with Flynn Resource Consultants, Inc. to extend the term of the Agreement to April 30, 2021, and increase maximum compensation by \$500,000 to a new not-to-exceed amount of \$3,170,000;
 2. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with Milton Security Group, Inc. to extend the term of the Agreement to April 30, 2021 and increase maximum compensation by \$240,000 to a new not-to-exceed amount \$640,000;
 3. Authorize the City Manager to execute Amendment No. 1 to the Master Construction Agreement with Hot Line Construction, Inc. to extend the term of the Agreement to July 31, 2022 with no change to maximum compensation;
 4. Authorize the City Manager to execute an Agreement for the Performance of Services with Daniel L. Sun Inc. DBA Sun-Net Consulting in an amount not to exceed \$478,174 and a term of six years; and
 5. 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, approval by the City, and the appropriation of funds.

3.I 21-1073 [Action on the Parks & Recreation Commission Recommendation that the Council approve the Magical Bridge All-Inclusive Playground in Central Park Schematic Design Scopes A, B, C and D and Introduction of an Ordinance Approving the Central Park All-Inclusive Playground Schematic Design in Accordance with City Charter Section 714.1](#)

- Recommendation:**
1. Approve the Magical Bridge All-Inclusive Playground in Central Park Schematic Design Scopes A, B, C and D; and
 2. Introduce an ordinance approving the All-Inclusive Playground Schematic Design in accordance with City Charter Section 714.1

3.J 21-1155 [Action on Amendment No. 1 to the Management Agreement between Lifetime Tennis, Inc. and the City of Santa Clara to address COVID-19 Impacts to Programs & Revenue](#)

- Recommendation:** Authorize the City Manager to Execute an Amendment No. 1 to the Management Agreement between LifeTime Tennis, Inc. dba LifeTime Activities and the City of Santa Clara and delegate authority to make any needed modifications to the Agreement through December 31, 2021.

- 3.K 21-1307** [Action on Various Agreements for Silicon Valley Power \(SVP\), authorize the City Manager to:](#)
- [1. Execute Amendment No. 1 to an Agreement for the Performance of Services with GE Grid Solutions, LLC for JMux Professional Support Services for network communication and control system;](#)
 - [2. Execute Amendment No. 1 to an Agreement for the Performance of Services with Reliability Optimization, Inc. for predictive maintenance services for SVP Generation Assets;](#)
 - [3. Execute Amendment No. 1 to an Agreement for the Performance of Services with Koffler Electrical Mechanical Apparatus Repair, Inc. \(Koffler\) for maintenance and repair of electrical equipment such as pumps, fans, and motors; and](#)
 - [4. 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.](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to an Agreement for the Performance of Services with GE Grid Solutions, LLC. to extend the term of the Agreement to December 31, 2023, and increase maximum compensation by \$145,528 to a new not-to-exceed amount of \$241,278;
 2. Authorize the City Manager to execute Amendment No. 1 to an Agreement for the Performance of Services with Reliability Optimization, Inc. to extend the term of the Agreement to January 24, 2023, and increase maximum compensation by \$387,958 from \$350,154 to a new not-to-exceed amount of \$810,686;
 3. Authorize the City Manager to execute Amendment No. 1 to an Agreement for the Performance of Services with Koffler Electrical Mechanical Apparatus Repair, Inc. (Koffler) for maintenance and repair of electrical equipment such as pumps, fans, and motors to extend the term from three years to five years and increase maximum compensation from by \$205,591.91 from \$144,408.09 to a new not-to-exceed amount of \$350,000; and

4. 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, approval by the City, and the appropriation of funds.

3.L 21-1194 [Action on Amendment No. 1 to the Management Agreement between City of Santa Clara and The Santa Clara Swim Club, Inc. for Mary Gomez Pool to address COVID-19 Impacts to Programs & Revenue](#)

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Management Agreement between the City of Santa Clara and Santa Clara Swim Club for the operation of Mary Gomez Pool and delegate authority to make minor modifications to the Agreement as needed.

3.M 21-1306 [Action on Amendment No. 1 to the Grant Agreement with Bay Area Air Quality Management District Grant No. 2018.245](#)

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Grant Agreement with Bay Area Air Quality Management District (BAAQMD) Grant No. 2018.245 to extend the term of the grant to demonstrate the feasibility of battery energy storage systems for back-up power at data centers.

3.N 21-1203 [Action on Adoption of a Resolution Declaring Weeds a Public Nuisance and Setting February 9, 2021 for Public Hearing](#)

Recommendation:

1. Adopt a Resolution ordering the abatement of nuisance consisting of growing weeds in the City; and
2. Set February 9, 2021 as the date for the required Public Hearing.

3.O 21-1221 [Action on the Award of Purchase Orders to Waterworks Industries, Inc. for Fountain Maintenance and Repair Services through June 30, 2025](#)

Recommendation: Authorize the City Manager to approve purchase orders with Waterworks Industries, Inc. for fountain maintenance and repair services through June 30, 2025, subject to the annual appropriation of funds.

3.P 21-1084 [Action on an Agreement with Jones Lang LaSalle Americas, Inc. \(JLL\) for Consulting Services for the Development, Implementation and Operation of Comprehensive Tourism Strategy](#)

Recommendation:

1. Approve and authorize the City Manager to execute an agreement with Jones Lang LaSalle Americas, Inc. to provide consulting services for the development, implementation and operation of a comprehensive tourism strategy retroactive to January 1, 2021 and ending on or about December 31, 2023 for a total maximum amount not-to-exceed \$300,000 subject to the appropriation of funds;
2. Authorize the City Manager to execute any minor or administrative amendments to the Agreement which do not increase the compensation for the Agreement.
3. Authorize the City Manager to execute up to three one-year options to extend the term of the agreement after the initial term through December 31, 2026 for ongoing consulting services, subject to the appropriation of funds.

3.Q 21-1224 [Action on a Professional Services Agreement Between Northern California Power Agency and the Cities of Palo Alto and Santa Clara for Consulting Services Related to Electric Transmission, Power Generation, Regulatory and Electric Market Design](#)

Recommendation: Authorize the City Manager to execute the Professional Services Agreement between Northern California Power Agency and the Cities of Palo Alto and Santa Clara (the “Bay Area Municipal Transmission Services Agreement” or “BAMx Agreement”) in an amount not to exceed \$493,125 annually for a total not to exceed amount of \$2,465,625 over the five year term of the agreement.

3.R 21-1245 [Action on the Schematic Design of the New Public Neighborhood Park Located at 1205 Coleman Avenue \(Gateway Crossings\)](#)

Recommendation: Approve the Schematic Design for the New Public Neighborhood Park located at 1205 Coleman Avenue.

3.S 21-1227 [Action on the Award of Purchase Orders to Universal Site Services, Inc. for Sweeping Services through June 30, 2025](#)

Recommendation: Authorize the City Manager to execute up to four one-year options to renew the purchase order with Universal Site Services, Inc. through June 30, 2025, subject to the annual appropriation of funds.

3.T 21-1252 [Action on Amendments to Four Professional Service Agreements for the Related Santa Clara Development Project Extending the Terms with Milstone Geotechnical Consulting Services, Environmental Risk Services, Valbridge Property Advisors and Robert E. Van Heuit](#)

Recommendation: Approve and authorize the City Manager to execute:

1. Amendment No. 3 with Barry Milstone DBA Milstone Geotechnical Consulting Services for the Related Santa Clara Development Project to extend the term through December 31, 2021;
2. Amendment No. 4 to the Amended and Restated Agreement with Environmental Risk Services for Consulting Services for the Related Santa Clara Development Project to extend the term through December 31, 2021;
3. Amendment No. 3 with Hulberg and Associates, Inc., DBA Valbridge Property Advisors for Consulting Services for the Related Santa Clara Development Project to extend the term through July 31, 2021; and
4. Amendment No. 2 to Amended and Restated Agreement with Robert E. Van Heuit for Consulting Services for the Related Santa Clara Development Project to extend the term through December 31, 2021.

3.U 21-1264 [Action on the appointment of Qian Huang to the Planning Commission to serve a partial term ending June 30, 2021](#)

- Recommendation:**
1. Declare two partial term vacancies: one term ending on June 30, 2021 and the second term ending June 30, 2023; and
 2. Appoint Qian Huang to fill one partial term ending June 30, 2021, and staff will return at a future meeting date to consider options on filling the second vacancy from the eligibility list put in place by former council action or open a recruitment to the public to fill the position.

3.V 21-1403 [Action on the Task Force on Diversity, Equity, and Inclusion's Recommended Appointments to the Task Force Vacancies](#)

- Recommendation:**
1. Appoint Joyce Davis, Mark Gilley, and Dorothy Ma to the three (3) vacancies on the Task Force on Diversity, Equity, and Inclusion (Task Force) as recommended by the inaugural Task Force members; and
 2. Approve establishment of an eligibility list with Innae Park, Kevin Landis, and Gustavo Rangel that will be active for one (1) year and used in the event a Task Force vacancy occurs.

3.W 21-1405 [Action on Adoption of an Ordinance No. 2023 adding Chapter 9.65 to the City Code to provide Hotel Service Workers Retention Rights \(Deferred from December 16, 2020\)](#)

- Recommendation:** Adopt Ordinance No. 2023 adding Chapter 9.65 to the City Code to provide Hotel Service Workers Retention Rights.

- 3.X 21-1406** [Action on Adoption of Ordinance No. 2025 amending the Transit Neighborhood Zoning District, the Zoning District applicable to the Tasman East Specific Plan area boundaries, to allow certain non-residential uses within the first three floors of mixed-use buildings and to correct an error regarding permissible density ranges \(Deferred from December 16, 2020\)](#)

Recommendation: Adopt Ordinance No. 2025 amending the Transit Neighborhood Zoning District to allow certain non-residential uses within the first three floors of a mixed-use building and to correct an error regarding permissible density ranges.

- 3.Y 21-1407** [Action on the Adoption of Ordinance No. 2026 Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code Regarding the Tasman East Specific Plan Infrastructure Fee \(Deferred from December 16, 2020\)](#)

Recommendation: Adopt Ordinance No. 2026 Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code Regarding the Tasman East Specific Plan Infrastructure Fee.

- 3.Z 21-1389** [Action on a First Amendment to the Disposition and Development Agreement with Core Winchester LLC for the development of up to 361 multi-family residential units and 1.5 acres of open space at 1834 Worthington Circle/90 North Winchester \(Aqrihood Project on the former BAREC site\)](#)

Recommendation: Adopt a Resolution approving and authorizing the City Manager to execute the First Amendment to Disposition and Development Agreement with Core Affordable Housing for the development of up to 361 multi-family residential units and 1.5 acres of open space at 1834 Worthington Circle/90 North Winchester and further authorizing the City Manager to execute all other agreements (including a Ground Lease, Loan Agreements, Deeds of Trust, Promissory Notes, and Affordable Housing Agreement) in a form consistent with the First Amendment to Disposition and Development Agreement and all other documents necessary or convenient to close escrow and implement the purposes and terms of the Disposition and Development Agreement, as amended.

3.AA 21-1237 [Action on the Fairway Glen Park Restroom Project Schematic Design Option 1 and Introduction of an Ordinance Approving the Update of the Fairway Glen Park Master Plan to include a Restroom in Accordance with City Charter Section 714.1](#)

Recommendation: Approval of the Fairway Glen Park Restroom Project Schematic Design Option 1 and introduction of an ordinance approving the update of the Fairway Glen Park Master Plan to include a Restroom Building in accordance with City Charter Section 714.1.

3.BB 21-1256 [Action on an Agreement with Long's Custom Discing, Inc. for Annual Swale Mowing Services](#)

Recommendation:

1. Approve and authorize the City Manager to execute an agreement with Long's Custom Discing, Inc. to perform annual mowing of the City's Eastside Retention Basin Drainage Swale for an amount not-to-exceed \$296,208.61 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.

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. 21-1247 [Action on FY 2019/20 Budget Year-End Report and Approve the Related Budget Amendments](#)

- Recommendation:**
1. Note and file the FY 2019/20 Budget Year-End Report;
 2. Approve the FY 2019/20 Budget Amendments to address necessary budget ratifications as set forth in Attachment 1 of the Budget Year-End Report (five affirmative Council votes required for revenue actions only); and
 3. Approve the FY 2020/21 Budget Amendments as set forth in Attachment 2 of this report (five affirmative Council votes required for revenue actions only).

5. 21-1034 [Action on the Consideration of the Nomination of the Pomeroy Green Townhouses at the Northeast Corner of Pomeroy Avenue and Benton Street to the National Register of Historic Places](#)

Recommendation: No staff recommendation

6. 21-1411 [Action on Resolution Amending Rate Schedules for Electric Service for All Classes of Customers, Effective February 1, 2021 \(Deferred from December 16, 2020\)](#)

Recommendation: Adopt a Resolution amending Rate Schedules for Electric Services for all classes of customers effective February 1, 2021 and amending Time of Use rate under CB-6 and CB-7 Rate Schedule.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

21-40 [Update on City Council and Stadium Authority Staff Referrals](#)

21-91 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, January 26, 2021.

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."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.