

# City of Santa Clara

## Meeting Agenda

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



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Tuesday, February 9, 2021

4:00 PM

Virtual Meeting

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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](mailto:PublicComment@santaclaraca.gov)**

As always, the public may view the meetings on [SantaClaraCA.gov](http://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.

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 February 9, 2021, at 4:00 PM for a Special Meeting held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

#### **4:00 PM COUNCIL REGULAR/SPECIAL STADIUM AUTHORITY MEETING**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

**STUDY SESSION**

1. 21-47 [Presentation and Discussion on City Retirement Costs by Bartel & Associates LLC](#)

**SPECIAL ORDER OF BUSINESS**

- 2.A 21-93 [Proclaim February 2021 as Black History Month](#)
- 2.B 21-175 [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 21-04 [Board, Commissions and Committee Minutes](#)

**Recommendation:** Note and file the Minutes of:

Santa Clara Tourism Improvement District Advisory Board - October 10, 2019  
Santa Clara Tourism Improvement District Advisory Board - October 18, 2019  
Santa Clara Tourism Improvement District Advisory Board - November 18, 2019  
Santa Clara Tourism Improvement District Advisory Board - December 10, 2019  
Parks & Recreation Commission - November 17, 2020  
Senior Advisory Commission - November 23, 2020  
Planning Commission - October 14, 2020  
Planning Commission - December 9, 2020

- 3.B 21-1200 [Action on the Adoption of a Resolution Accepting the AB1600 Report on Development Impact Fees for Fiscal Year Ended June 30, 2020](#)

**Recommendation:** Adopt a Resolution accepting the status report on the receipt and use of AB1600 Development Impact Fees during fiscal year ending June 30, 2020.

**3.C 21-1055** [Action on a Resolution Ordering the Vacation of the Sanitary Sewer Easement, Underground Electric Easements, General Purpose Easement, Emergency Access Easement, Ingress Egress and Public Utility Easement at 2880 Northwestern Parkway](#)

- Recommendation:**
1. Adopt a Resolution Ordering the Vacation of the Sanitary Sewer Easement, Underground Electric Easements, General Purpose Easement, Emergency Access Easement, Ingress Egress and Public Utility Easement at 2880 Northwestern Parkway [APN 216-28-132 and 216-28-133 (2020-21); SC 18,955]; and
  2. Authorize the recordation of the Resolution.

**3.D 21-1182** [Action on a Resolution Ordering the Vacation of an Underground Electric Easement at 2950-2970 Lakeside Drive](#)

- Recommendation:**
1. Adopt a Resolution Ordering the Vacation of an Underground Electric Easement at 2950-2970 Lakeside Drive [APN 216-30-047 (2020-21); SC 19,353]; and
  2. Authorize the recordation of the Resolution.

**3.E 21-1183** [Action on an Agreement with Lee + Ro, Inc. for Design Professional Services for the Citywide Emergency Generator Replacement - Phase 2 Project \(CE 20-21-10\) and Related Budget Amendment](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute an Agreement with Lee + Ro, Inc. for the Citywide Emergency Generator Replacement - Phase 2 Project (CE 20-21-10) in the amount not-to-exceed \$294,000;
  2. Authorize the City Manager make minor, non-substantive modifications, including time extensions, to the Agreement, if needed; and
  3. Approve the related FY 2020/21 Budget Amendment in the Water Utility Capital Fund to reduce the Unrestricted Ending Fund Balance and establish a Transfer to the Public Buildings Capital Fund in the amount of \$231,050; in the Public Buildings Capital Fund, establish a Transfer from the Water Utility Capital Fund and increase the Standby Stationary Generators project in the amount of \$231,050.

**3.F 21-1286** [Adopt a Resolution Authorizing the City Manager to Execute the United States Department of Energy Western Area Power Administration Sierra Nevada Region Contract for Electric Service Base Resource Contract 20-SNR-02364 for Calendar Years 2025 through 2054](#)

- Recommendation:** Adopt a Resolution authorizing the City Manager to execute the United States Department of Energy Western Area Power Administration Sierra Nevada Region Contract for Electric Service Base Resource Contract 20-SNR-02364 for Calendar Years 2025 through 2054.

**3.G 21-1409** [Action on a Resolution Approving Purchase and Sale Agreements for Electric Utility Easements on the South Loop Reconfigure Project; 2755 Lafayette Street and 630 Martin Avenue](#)

- Recommendation:***
1. Adopt the Resolution approving the purchases of overhead electric easements at 2755 Lafayette Street [224-04-062], and 630 Martin Avenue [224-35-014]; and
  2. Authorize the recordation thereof.

**3.H 21-95** [Action on Removal of Trustee Joshua Briefman from the Board of Library Trustees and Declaring a Vacancy](#)

- Recommendation:*** Remove Trustee Joshua Briefman from Board of Library Trustees and declare a vacancy on the Board.

**3.I 21-99** [Action on the Introduction of an Ordinance Repealing Section 8.35.130 \("Possession of Tobacco by Persons Under 21 Years of Age"\)](#)

- Recommendation:*** Approve the Introduction of an Ordinance Repealing Section 8.35.130 ("Possession of Tobacco by Persons Under 21 Years of Age").

**3.J 21-204** [Action on a Resolution Approving the 2021 Salary Setting Commission Calendar of Meetings, and Setting the Number and Start Time of Regular Meetings of the Salary Setting Commission](#)

- Recommendation:*** Adopt a Resolution approving the 2021 Salary Setting Commission Calendar of Meetings, and setting the number and start time of regular Salary Setting Commission meetings.

**3.K 21-218** [Adopt the following City of Santa Clara and related agencies' Resolutions Amending the Conflict of Interest Codes for Designated Positions as Required by the Political Reform Act and Regulations of the Fair Political Practices Commission:](#)

- [1. City of Santa Clara](#)
- [2. Bayshore North Project Enhancement](#)
- [3. Public Facilities Financing Corporation](#)
- [4. Sports and Open Space Authority](#)
- [5. Housing Authority](#)

**Recommendation:** Adopt the Resolutions amending the Conflict of Interest Code required by the Political Reform Act and Regulations of the Fair Political Practices Commission:

1. City of Santa Clara
2. Bayshore North Project Enhancement
3. Public Facilities Financing Corporation
4. Sports and Open Space Authority
5. Housing Authority

**3.L 21-250** [Action on Request to Set March 9, 2021 for a Public Hearing to Consider the Appeal Submitted by Santa Clara Citizens for Sensible Industry c/o Legal Counsel for 1111 Comstock Street \(PLN2019-13941; CEQ2020-01079\)](#)

**Recommendation:** Set March 9, 2021 for a Public Hearing to consider the Appeal submitted by Santa Clara Citizens for Sensible Industry c/o Legal Counsel of the Development Review Officer's November 4, 2020 adoption of the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program and approval of the Architectural Review and Minor Modifications to increase the building height to 87 feet and reduce parking space requirements for the Comstock Data Center Project at 1111 Comstock Street.

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**STADIUM AUTHORITY CONSENT CALENDAR ITEM**

**3.M 21-169** [Action on Agreement with Contractor Compliance and Monitoring, Inc. for Labor Compliance Consulting Services](#)

- Recommendation:**
1. Authorize the Executive Director to execute an agreement with Contractor Compliance and Monitoring, Inc. in an amount not-to-exceed \$20,000 for labor compliance consulting services; and
  2. Authorize the Executive Director to amend the agreement to increase maximum compensation by up to \$20,000 in the event additional services are required, not to exceed \$40,000 during the one-year term of the agreement, subject to the appropriation of 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. 21-1304** [Public Hearing: Action on the Comprehensive Sign Program for Parcels 4 and 5 for the Related Santa Clara Project](#)

**Recommendation:** Alternative 1: Adopt a resolution approving the Comprehensive Signage Program for Parcels 4 & 5.

**5. 21-110** [Public Hearing: Adoption of a Resolution Ordering the Abatement of a Nuisance Consisting of Growing Weeds in Association with the County Weed Abatement Program for 2020-2021](#)

**Recommendation:** Adopt a Resolution ordering the abatement of a nuisance consisting of growing weeds in the City.

6. 21-1315 [Action on 2021 Legislative Advocacy Positions](#)

**Recommendation:** Alternative 1: Adopt the 2021 Legislative Advocacy Positions on COVID-19 Legislation; Energy Legislation, Regulations and Issues; Engagement with the Federal Aviation Administration Regarding Airplane Noise; Housing; Human Resources and 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; School Mitigation Fees; and Sustainability and Environmental Legislation, Regulations and Issues.

7. 21-152 [Action on an Agreement with Jones Lang LaSalle Americas, Inc. \(JLL\) for Consulting Services for the Development, Implementation and Operation of Comprehensive Tourism Strategy and Response to Council Questions](#)

**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; and
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.



**STADIUM AUTHORITY GENERAL BUSINESS ITEM**

8.     **21-219**    [Adopt the Stadium Authority's Resolution Amending the Conflict of Interest Codes for Designated Positions as Required by the Political Reform Act and Regulations of the Fair Political Practices Commission](#)

***Recommendation:*** Adopt the Resolution amending the Stadium Authority Conflict of Interest Code required by the Political Reform Act and Regulations of the Fair Political Practices Commission.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

- 21-170    [Update on City Council and Stadium Authority Staff Referrals](#)
- 21-255    [Tentative Meeting Agenda Calendar \(TMAC\)](#)

**ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, February 23, 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) <<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.