



# City of Santa Clara

## Revised Meeting Agenda

### Council and Authorities Concurrent Meeting

---

Tuesday, February 23, 2021

4:00 PM

Virtual Meeting

---

**\*\*REVISION:**

**Added Closed Session Item 21-351**

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, 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 CLOSED SESSION**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**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.*

- 21-351** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[City of Santa Clara v. Yumori Kaku, et al., California Sixth District Court of Appeal Case No. H046105](#)

Convene to Closed Session

**5:00 PM COUNCIL REGULAR MEETING**

*\*Regular Meeting to begin at 5:00 PM or shortly thereafter*

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

**SPECIAL ORDER OF BUSINESS**

1. **21-270** [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.]*

- 2.A 21-257** [Action on Council & Authorities Concurrent Meeting Minutes of December 15, 2020, Special Council & Authorities Concurrent Meeting Minutes of December 16, 2020, and Special City Council Meeting Minutes of December 18, 2020 & January 11, 2021](#)

**Recommendation:** Approve the Council & Authorities Concurrent Meeting Minutes of December 15, 2020, Special Council & Authorities Concurrent Meeting Minutes of December 16, 2020, and Special City Council Meeting Minutes of December 18, 2020 & January 11, 2021.

**2.B 21-05** [Board, Commissions and Committee Minutes](#)

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

- Santa Clara Tourism Improvement District Advisory Board - January 9, 2020
- Santa Clara Tourism Improvement District Advisory Board - February 14, 2020
- Cultural Commission - January 4, 2021
- Downtown Community Task Force - November 19, 2020
- Downtown Community Task Force - December 17, 2020
- Youth Commission - January 12, 2021
- Bicycle and Pedestrian Advisory Committee - December 10, 2020
- Historical and Landmarks Commission - January 7, 2021
- Parks & Recreation Commission - January 19, 2021

**2.C 21-137** [Action on Monthly Financial Status and Investment Reports for December 2020 and Approve Related Budget Amendments](#)

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for December 2020 as Presented and Approve Related Budget Amendments.

**2.D 21-273** [Action on Appointments to City Committees and Area Wide/Outside Agency Committees for the 2021 Calendar Year](#)

**Recommendation:** Approve the appointments to the City and Area Wide/Outside Agency Committees.

**2.E 21-57** [Action on Amendment No. 2 to the Agreements with West Coast Arborists, Inc. and Bay Area Tree Specialists to Perform Citywide Tree Trimming, Planting, Removal, and Emergency Services and Associated Budget Amendment](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute Amendment No. 2 to the agreement with Bay Area Tree Specialists to increase the spending authority by \$435,000 for an amount not-to-exceed \$940,000 over the three-year term of the agreement;
  2. Approve and authorize the City Manager to execute Amendment No. 2 to the agreement with West Coast Arborists, Inc. to increase the spending authority by \$50,000 for an amount not-to-exceed \$1,108,000 over the three-year term of the agreement; and
  3. Approve the related FY 2020/21 budget amendment in the General Fund to recognize a transfer from the Electric Utility Fund in the amount of \$53,200 and a transfer from the Public Buildings Capital Fund in the amount of \$146,800 and to increase the Public Works Department appropriation by \$200,000; in the Electric Utility Fund, establish a transfer to the General Fund and reduce the Unrestricted Ending Fund Balance in the amount of \$53,200; in the Public Buildings Capital Fund, increase the transfer to the General Fund and reduce the Civic Center Campus Renovation (Multi-Department) by \$146,800.

**2.F 21-159** [Action on Amendment No. 2 to the Agreement with Black & Veatch Management Consulting, LLC for the Annual Water, Sewer, & Recycled Water Rate Studies](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 2 to the Agreement with Black & Veatch Management Consulting, LLC for the creation of an Annual Water, Sewer, & Recycled Water Rate Study to increase compensation by \$20,000 for a total maximum not-to-exceed amount of \$164,000; and
  2. Authorize the City Manager to execute amendments over the term of the contract not-to-exceed \$10,000 as contingency for additional services related to the rate study, subject to the appropriation of funds.

**2.G 21-267** [Action to Amend the following Consultant Agreements for Plan Check Review and Field Inspection Services for City Projects:](#)

- [1\) TRB+Associates](#)
- [2\) West Coast Code Consultants \(WC3\)](#)
- [3\) Shums Coda Associates](#)
- [4\) Jason Addison Smith Consulting Services, Inc. \(JAS Pacific\)](#)
- [5\) Plan Review Consultants, Inc. \(PRC, Inc.\)](#)
- [6\) Synergetic Consulting](#)

**Recommendation:** Approve and authorize the City Manager to execute the following six Amendments to extend the termination dates to November 30, 2024, for a maximum aggregate compensation not to exceed amount of \$2.4 million across all six agreements:

Amendment No. 1 to the Agreement for Professional Services with Jason Addison Smith Consulting Services, Inc. (JAS Pacific);

Amendment No. 3 to the Agreement for Professional Services with Plan Review Consultants, Inc. (PRC, Inc.);

Amendment No. 4 to the Agreement for Professional Services with Shums Coda Associates;

Amendment No. 1 to the Agreement for Professional Services with Synergetic Consulting;

Amendment No. 4 to the Agreement for Professional Services with TRB + Associates, Inc.; and

Amendment No. 2 to the Agreement for Professional Services with West Coast Code Consultants, Inc. (WC3)

**2.H 21-1069** [Action on an Agreement with KONE, Inc. for Citywide Elevator Maintenance and Repair Services](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with KONE, Inc. for citywide elevator maintenance and repair services, for a total amount not-to-exceed \$413,161, subject to the appropriation of funds;
  2. Authorize the City Manager to issue change orders and amendments not-to-exceed \$82,000 for minor changes to the scope of services or to cover unanticipated repair services, price adjustments, and potentially adding additional elevator locations, subject to the appropriation of funds; and
  3. Authorize the City Manager to execute one-year options to extend the term of the agreement, not to exceed five years, at the City’s sole discretion, after the initial term and subject to the appropriation of funds.

**2.I 21-1242** [Approval to Execute an Agreement with Precor Commercial Fitness, LLC for the Purchase and Installation of Fitness Equipment for the Senior Center](#)

- Recommendation:** Authorize the City Manager to execute an agreement with Precor Commercial Fitness, LLC for the purchase and installation of fitness equipment for the Santa Clara Senior Center, beginning on or about February 24, 2021 and ending February 23, 2022 for a total maximum amount not-to-exceed \$119,910.09.

**2.J 21-321** [Adoption of Ordinance No. 2029 Repealing Section 8.35.130 \(“Possession of Tobacco by Persons Under 21 Years of Age”\)](#)

- Recommendation:** Adopt Ordinance No. 2029 Repealing Section 8.35.130 (“Possession of Tobacco by Persons Under 21 Years of Age”).

**2.K 21-303** [Accept the 2020 Assistance to Firefighters Grant Program COVID-19 Supplemental Award Round 2 in the amount of \\$5,709 and Approve the Related Budget Amendment Including the Required 10% Matching Funds.](#)

- Recommendation:**
1. Accept the 2020 Assistance to Firefighters Grant COVID-19 Supplemental Round 2 Award in the amount of \$5,709 for the Purchase of COVID-19 PPE for Department Personnel;
  2. Approve the related FY 2020/21 Budget Amendment in the Fire Operating Grant Trust fund to recognize FEMA Assistance to Firefighters Grant Program revenue in the amount of \$5,709;
  3. Approve the Related Budget Amendment transferring \$508 from the Fire Department's General Fund Materials, Services & Supplies Operating Budget to the Fire Operating Grant Trust Fund for the 10% city match; and
  4. Approve increase of the Assistance to Firefighters COVID-19 Grant FY 20/21 appropriation by \$6,280 (five affirmative Council votes required for revenue actions only).

**2.L 21-1294** [Action on Award of Contract for the Laurelwood Pump Station Rehabilitation Project \(CE 17-18-18\) to Anderson Pacific Engineering Construction, Inc.](#)

- Recommendation:**
1. Award the Public Works Contract for the Laurelwood Pump Station Rehabilitation Project (CE 17-18-18) to the lowest responsive and responsible bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$4,961,100 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and
  2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$744,165, for a total not to exceed amount of \$5,705,265.



**2.M**    **21-1412**    [Action on Resolution Approving the Use of City Forces for Water Service Connection Installation at 2200 Monroe Street](#)

**Recommendation:** Adopt a Resolution approving the use of City forces for installation of water service connections at 2200 Monroe Street.

**2.N**    **21-143**    [Action on a Report on the Noise Monitoring Equipment at Levi's Stadium](#)

**Recommendation:** Note and file the Report on the Noise Monitoring Equipment at Levi's Stadium.

- 2.0 21-145** Action on Various Agreements for Silicon Valley Power (SVP), authorize the City Manager to:
1. Execute a Purchase Order with E&M Electric and Machine, Inc. (E&M) for Wonderware Supervisory Control and Data Acquisition (SCADA) integration software license fees and ongoing maintenance and support services for SVP Generation facilities, with options to renew the purchase order for up to four years, subject to budget appropriations;
  2. Execute Amendment No. 1 to the Agreement for the Performance of Services with Hart High-Voltage Apparatus Repair and Testing Co., Inc. (Hart) for maintenance, test, repair and calibration of relays, circuit breakers, transformers and other high, medium, and low voltage equipment at the City's Electric facilities; and
  3. 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 a Purchase Order with E&M Electric and Machine for Wonderware SCADA system licenses and support and maintenance services, for a period of twelve months, for a not-to-exceed amount of \$95,776.70, and with options to renew the purchase order for up to four years, subject to budget appropriations;
  2. Authorize the City Manager to execute Amendment No. 1 to the Agreement for the Performance of Services with Hart High-Voltage Apparatus Repair and Testing Co., Inc. to extend the term to February 12, 2023, and increase maximum compensation by \$297,491.50 to \$800,000; and
  3. 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.

**2.P 21-230** [Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for January 15 - February 7, 2021](#)

**Recommendation:** Note and file this Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for January 15 - February 7, 2021.

**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. 21-43** [FY 2020/21 Budget Rebalancing Actions to Address COVID-19 Pandemic Impacts](#)

**Recommendation:**

1. Approve the FY 2020/21 budget amendments detailed in Attachment 1 for all Departments and Offices, except the Mayor and Council and the City Auditor’s Office and City Attorney’s Office appointees, as recommended by the City Manager (five affirmative Council votes required for revenue actions only); and
2. Consider and approve the FY 2020/21 budget amendments detailed in Attachment 2 for the Mayor and Council, the City Auditor’s Office, and City Attorney’s Office appointees.

**4. 21-806** [Review of Sanitary Sewer Services in the City and Discussion of Private Sewer Lateral Responsibilities](#)

**Recommendation:** Alternatives 1 & 2:

1. Make no change to City code or sewer services provided by the City at this time; and
2. Direct staff to research options to assist homeowners with their sewer laterals and the cost and funding source for the options without the City taking ownership of laterals.

5. 21-974 [Actions for Target Setting and Priority Strategies for Climate Action Plan \(CAP\) Update](#)

**Recommendation:** The goal of the study session is to get Council's confirmation on the recommended GHG target for the CAP update. The staff also seek the Council's input on strategies and the initial action list to indicate their top priority actions and to indicate if there are actions that should not be included in the CAP Update.

6. 21-295 [Action on a Written Petition submitted by Aryeh Korthamar Requesting a Discussion and Consideration of Encroachment of APN 290-35-048](#)

**Recommendation:** Staff makes no recommendation.

7. 21-262 [Action on a Written Petition Submitted by Councilmember Becker Requesting a Discussion on Amending of Section 18.102.010 \("Commercial Marijuana Activity Prohibited"\) of Chapter 18.102 \("Regulation of Marijuana"\) of Title 18 \("Zoning"\) of "The Code of the City of Santa Clara, California" on removing the ban on all Commercial Cannabis Activity](#)

**Recommendation:** Staff has no recommendation and is seeking Council direction.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

21-294 [Update on City Council and Stadium Authority Staff Referrals](#)

21-339 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

**ADJOURNMENT**

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