

City of Santa Clara

Meeting Agenda

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



Tuesday, April 20, 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.

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 April 20, 2021, at 4:00 pm for a Special Meeting to be held virtually, to consider the following matter(s) and to potentially take action with respect to them.

4:00 PM CLOSED SESSION

Call to Order

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.

- 1.A 21-570** [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](#)
- 1.B 21-571** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(4\) - Initiation of litigation](#)
[Number of potential cases: 1](#)
[Facts and Circumstances: Consideration of recommendations contained in the TAP International Financial Audit Titled "Contract Close Out Review: Convention and Visitor's Bureau"](#)
[\(Continued from April 6, 2021\)](#)
- 1.C 21-572** [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 \(Public Safety Non-Sworn Employees Association\)](#)
[\(Continued from April 6, 2021\)](#)

Convene to Closed Session

6:00 PM COUNCIL REGULAR/SPECIAL STADIUM AUTHORITY MEETING

**Open Session to begin at 6:00 PM or shortly thereafter*

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

2. 21-596 [Action to continue the Adoption of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission - Continued to May 25, 2021](#)

Recommendation: Continue the adoption of Ordinance No. 2030 to reinstate the International Exchange Commission, and amend the powers, functions, and duties of the Cultural Commission to May 25, 2021.

SPECIAL ORDER OF BUSINESS

- 3.A 21-589 [Recognition of the Islamic Month of Ramadan](#)
- 3.B 21-5401 [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.]

- 4.A 21-09 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:

Historical and Landmarks Commission - March 4, 2021
Cultural Commission - March 1, 2021
Youth Commission - March 9, 2021
Governance and Ethics Committee - December 7, 2020
Board of Library Trustees - March 1, 2021
Bicycle and Pedestrian Advisory Committee - January 25, 2021
Task Force on Diversity, Equity, and Inclusion - March 8, 2021

- 4.B 21-564** [Action on Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes of February 9, 2021 and Santa Clara Stadium Authority & Special City Council Meeting of February 16, 2021](#)

Recommendation: Approve the Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes of February 9, 2021 and Santa Clara Stadium Authority & Special City Council Meeting of February 16, 2021.

- 4.C 21-141** [Action on Bills and Claims Report \(CC, HA\) for the period February 20th, 2021 - March 19th, 2021](#)

Recommendation: Approve the list of Bills and Claims for February 20, 2021 - March 19, 2021.

- 4.D 21-484** [Action on Monthly Financial Status and Investment Reports for February 2021 and Approve Related Budget Amendments](#)

Recommendation: Note and file the Monthly Financial Status and Investment Reports for February 2021 as Presented and Approve Related Budget Amendments in various funds requiring five affirmative votes and consistent with **City Charter Section 1305**, *"At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,"* as noted for each individual item in Attachment 3.

- 4.E 21-260** [Action on the Federal and State Income Tax Exempt Reporting for Fiscal Year 2019/2020](#)

Recommendation: Authorize the City Manager, or her designee, to file the 2019 Internal Revenue Service Form 990 (Return of Organization Exempt from Income Tax) and the State of California Form 199 (Exempt Organization Annual Information Return) on behalf of the City of Santa Clara Public Facilities Financing Corporation.

4.F 21-513 [Agreement with CentralSquare Technologies, LLC for Enterprise Asset Management Software and Services](#)

- Recommendation:**
1. Authorize the City Manager to execute a Master Agreement with CentralSquare Technologies, LLC for Enterprise Asset Management Software and Services to provide professional services for software implementation and configuration for an initial five-year term starting on or around May 1, 2021 and ending on or around April 30, 2026, with maximum compensation not to exceed \$250,000, subject to the appropriation of funds;
 2. Authorize the City Manager to execute Purchase Orders with CentralSquare Technologies, LLC for ongoing software support and maintenance services at the rate of \$31,184 in year 1, subject to a maximum rate increase of 5% per year, for an estimated total of \$172,312, assuming 5% increases are exercised each year, subject to the annual appropriation of funds and the terms and conditions of the Master Agreement;
 3. Authorize the City Manager to execute Purchase Orders with CentralSquare Technologies, LLC for the purchase of additional concurrent software licenses as may be required (currently at \$2000 per license), and to adjust the rate for ongoing software support and maintenance services associated with the purchase of additional software licenses (currently at \$400 per license per year), subject to the appropriation of funds and the terms and conditions of the Master Agreement; and
 4. Authorize the City Manager to execute one-year renewals to extend the term of the Master Agreement after the initial five-year term as may be required, subject to the appropriation of funds.

4.G 21-478 [Action on Amendment No. 1 to the Affordable Housing Agreement with LS-Santa Clara, LLC for the Project Located at 1433-1493 El Camino Real](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute Amendment No. 1 to the Affordable Housing Agreement with LS-Santa Clara, LLC, to execute amendments thereto, and to take any other action necessary to implement the requirement for the provision of four (4) Below Market Purchase homes within a 39-unit townhome project at 1433-1493 El Camino Real; and
 2. Authorize the recordation thereof.

4.H 21-489 [Action on Loan Agreement with Allied Housing, Inc. for a Loan of up to \\$4,000,000 to Support the Construction of 80 Affordable Housing Units at 3333-3337 Kifer Road and Approve the Related Budget Amendment](#)

Recommendation: Alternative 1 and 2:

1. Adopt a resolution approving and authorizing the City Manager to negotiate and execute a Loan Agreement with Allied Housing, Inc. for a loan of up to \$4,000,000 to support the construction of 80 affordable housing units located at 3333-3337 Kifer Road; to make modifications to the Loan Agreement and attachments consistent with the Term Sheet and as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow; and
2. Consistent with the City Charter Section 1305 “*At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,*” approve the following FY 2020/21 budget amendments:
 - A. In the City Affordable Housing Fund, appropriate \$4,000,000 to the Kifer Senior Housing Project Loan and reduce the unrestricted ending fund balance by \$4,000,000 (**five affirmative Council votes required for the use of unused balances**).

4.I 21-328 [Action on an Agreement with Mott MacDonald Group, Inc. for Design Professional Services for the Storm Drain Slide Gate Rehabilitation Project and Related Budget Amendment](#)

Recommendation:

1. Approve and authorize the City Manager to execute an agreement with Mott MacDonald Group, Inc. for the Storm Drain Slide Gate Rehabilitation Project in the amount not-to-exceed \$428,817;
2. Authorize the City Manager to make minor modifications to the agreement, if needed; and
3. Approve the following budget amendment in the Storm Drain Capital fund (five affirmative votes required, City Charter section 1305): Decrease the Laurelwood Pump Station Rehabilitation Project by \$50,000 and increase the Storm Drain Slide Gate Rehabilitation Project by \$50,000.

4.J 21-1162 [Adoption of a Resolution of Intention for Parking Maintenance District No. 122 - Franklin Square](#)

Recommendation:

1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122;
2. Set a hearing date of June 8, 2021 to approve the Director's Report FY 2021/22; and
3. Authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

4.K 21-1166 [Adoption of a Resolution of Intention for Santa Clara Convention Center Complex - Maintenance District No. 183](#)

Recommendation:

1. Adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183;
2. Set a hearing date of June 8, 2021 to approve the Director's Report FY 2021/22; and
3. Authorize the publication, mailing, and posting of the Notice of Public Hearing as stated in the Resolution of Intention.

- 4.L 21-161** [Action on a Resolution to Adopt a List of Projects Funded by Senate Bill 1, The Road Repair and Accountability Act, for Fiscal Year 2021-22](#)

Recommendation: 1. Adopt a Resolution to Adopt a List of Projects Funded by Senate Bill 1, The Road Repair and Accountability Act, for Fiscal Year 2021-22.

- 4.M 21-456** [Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for March 8 - April 4, 2021](#)

Recommendation: Note and file the Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for March 8 - April 4, 2021.

4.N 21-388 [Action on 2021 Senior Meal Program and Related Budget Amendment](#)

Recommendation: 1. Consistent with **City Charter Section 1305**, “At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the **affirmative votes of at least five members** so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget,” approve the following FY 2020/21 budget amendments:

- A. In the General Fund, decrease the Land Sale Reserve by \$130,000 and increase the transfer to the Other City Departments Operating Grant Trust Fund by \$130,000 **(five affirmative Council votes required for the use of unused balances)**; and
 - B. In the Other City Departments Operating Grant Trust Fund, recognize the transfer from the General Fund in the amount of \$130,000 and increase the COVID-19 Relief Program appropriation by \$130,000 **(five affirmative Council votes required to appropriate additional revenue)**.
2. Authorize the City Manager to increase a purchase order with Levy Premium Foods by \$130,000 for a total of \$830,000 for the weekend senior meal program in response to COVID-19 pandemic.

4.O Stadium Manager’s Request to Execute Agreements with Bear Electrical Solutions, Inc. and Cupertino Electric, Inc. for Electrical Maintenance and Repair Services

a. 21-404 [Request from the Stadium Manager for Authority to Execute Agreements with Bear Electrical Solutions, Inc. and Cupertino Electric, Inc. for Electrical Maintenance and Repair Services](#)

- b. 21-403 [Report from the Stadium Authority Regarding the Stadium Manager's Request to Execute Agreements with Bear Electrical Solutions, Inc. and Cupertino Electric, Inc. for Electrical Maintenance and Repair Services](#)

Recommendation: Alternatives 1 and 2

1. Approve the Stadium Manager's request for authority to execute an agreement with Bear Electrical Solutions, Inc. in an amount not-to-exceed \$250,000 per contract year (for a total not-to-exceed amount of \$750,000 over the initial three-year term), subject to budget appropriations for every contract year, and authorize the Executive Director to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager; and
2. Approve the Stadium Manager's request for authority to execute an agreement with Cupertino Electric, Inc. in an amount not-to-exceed \$250,000 per contract year (for a total not-to-exceed amount of \$750,000 over the initial three-year term), subject to budget appropriations for every contract year, and authorize the Executive Director to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager.

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

STUDY SESSION

5. 21-1156 [Patrick Henry Drive Specific Plan Study Session](#)

PUBLIC HEARING/GENERAL BUSINESS

6. 21-154 [Public Meeting on the Formation of the Santa Clara Tourism Improvement District and the Levy of Assessments on Affected Lodging Businesses](#)

Recommendation: Open public testimony to allow members of the public to provide comments on the formation of the Santa Clara Tourism Improvement District and the levy of assessments on affected lodging businesses.

7. 21-578 [Consideration of Silicon Valley Power Quarterly Strategic Plan Update \(Continued from April 6, 2021\)](#)

Recommendation: Note and file the Silicon Valley Power Quarterly Strategic Plan Update.

8. 21-579 [Discussion on Consideration of the Sale of the Loyalton Ranch Property \(Continued from April 6, 2021\)](#)

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

9. 21-563 [Action on a Written Petition submitted by Kirk Vartan Requesting Elected City Councilmembers be Required to Turn on Video during Virtual Council Meetings](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 21-551 [Update on City Council and Stadium Authority Staff Referrals](#)

- 21-535 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, May 4, 2021 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."

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.