

City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Call and Notice of Special Meeting

Santa Clara Stadium Authority

Public Facilities Financing Corporation



Tuesday, May 4, 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 and Public Facilities Financing Corporation to commence and convene on May 4, 2021, at 4:00 pm for a Special Meeting to be held virtually via Zoom, 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. **21-505** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Omar Gomez v. City of Santa Clara, et al., United States District](#)
[Court, Northern District of California Case No.](#)
[5:19-cv-05266-LHK](#)

2. **21-655** [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”](#)
[\(Continued from April 20, 2021\)](#)

3. **21-656** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Lawrence E. Stone, Santa Clara County Assessor, Petitioner v.](#)
[Santa Clara County Assessment Appeals Board No. 1,](#)
[Respondent \(Forty Niners SC Stadium Company LLC, Real](#)
[Party in Interest\), Santa Clara County Superior Court No.](#)
[19CV347946](#)

Convene to Closed Session

6:30 PM COUNCIL/SPECIAL STADIUM AUTHORITY & PUBLIC FACILITIES FINANCING CORPORATION MEETING

**Open Session to be heard at 6:30p.m. or shortly thereafter*

Pledge of Allegiance and Statement of Values

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

- 2.A **21-481** [Proclamation of National Public Works Week 2021](#)

- 2.B **21-518** [Recognize Local Students for Community Wellness Initiative](#)
[“Active Circle”](#)

- 2.C 21-587 [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 21-10 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:

Planning Commission - August 26, 2020
Planning Commission - September 23, 2020
Planning Commission - February 24, 2021
Planning Commission - April 14, 2021
Parks & Recreation Commission - March 16, 2021
Senior Advisory Commission - March 22, 2021

- 3.B 21-676 [Action on Council and Authorities Concurrent Meeting Minutes of February 23, 2021](#)

Recommendation: Approve the Council and Authorities Concurrent Meeting Minutes of February 23, 2021.

- 3.C 21-214 [Action on Bills and Claims Report \(CC,HA\) for the period March 20th, 2021 - April 9th, 2021](#)

Recommendation: Approve the list of Bills and Claims for March 20, 2021 - April 9, 2021.

3.D 21-531 [Agreement with the County of Santa Clara for Reimbursement of COVID19 Emergency Meals for the City of Santa Clara Senior Nutrition Program](#)

- Recommendation:**
1. Approve and authorize City Manager to execute the Agreement with the County of Santa Clara for the Senior Nutrition Program to provide emergency meals for an amount not to exceed \$209,280 for FY 2020/21;
 2. 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 related FY 2020/21 budget amendment in the Parks and Recreation Operating Grant Trust Fund to increase the Other Agencies Revenue and the Senior Nutrition Program by \$209,280 (**five affirmative Council votes required to appropriate additional revenue**); and
 3. Authorize the City Manager to negotiate and execute amendments and minor modifications to the Agreement for emergency meals, subject to Council appropriation of funds.

3.E 21-442 [Action on an Agreement for Services with AECOM Technical Services, Inc. for Renewable Energy Microgrid Feasibility Study and Design Services](#)

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with AECOM Technical Services, Inc. for renewable energy microgrid feasibility study and design services, for an initial term starting on or about May 1, 2021 and ending on April 30, 2023 for total maximum amount not-to-exceed \$461,564, subject to the annual appropriation of funds; and
 2. Authorize the City Manager to execute up to two one-year options to extend the term of the Agreement after the initial term, ending April 30, 2025 assuming all options are exercised, subject to the annual appropriation of funds.

3.F 21-628 [Actions to Approve a New Class Specification Titled Assistant Director of Community Development \(Job Code 038\) and Adopt a Resolution Approving and Adopting the Updated Unclassified Salary Plan](#)

- Recommendation:**
1. Approve the creation of the Assistant Director of Community Development (Job Code 038) Class Specification; and
 2. Adopt a Resolution to approve the revised unclassified salary plan to satisfy the requirements of California Code of Regulations Section 570.5.

3.G 21-653 [Continuance on the Federal and State Income Tax Exempt Reporting for Fiscal Year 2019/2020 \(Continued from April 20, 2021\)](#)

- 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.

3.H Parking Maintenance District #122 - Franklin Mall Square Items

a. 21-544 [Informational Report Responding to Council Questions Regarding Parking Maintenance District No. 122 - Franklin Square](#)

b. 21-648 [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 22, 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.

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. 21-495 [Discussion on Consideration of the Sale of the Loyaltan Ranch Property \(Continued from April 20, 2021\)](#)

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

5. 21-597 [Action on a Resolution Authorizing the City Manager to Award and Execute Agreements, Amendments, Purchase Orders, and Change Orders, with Various Vendors as Required to Complete Emergency Repairs, Corrective and Preventative Maintenance at the Gianera Generating Station Increasing Previous Authorization to an Aggregate Amount Not-to-Exceed \\$10,000,000](#)

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate, award and execute agreements, amendments, purchase orders, and change orders with various vendors as required to complete emergency repairs, corrective and preventative maintenance at the Gianera Generating Station increasing previous authorization to an aggregate amount not-to-exceed \$10,000,000 and directing staff to provide Council with a report on contracts awarded and work performed once the repairs have been completed.

6. 21-588 [Discussion and Consideration to Establish a Boards and Commission Eligibility List Policy](#)

Recommendation: Staff makes no recommendation and seeks Council direction.

7. Council Discussion and Direction on: Proposed Charter Amendment to Enact Council District Elections, Court-Ordered Six District Map Ordinance, and 2021 Redistricting Process

- a. 21-671 [Council Discussion and Direction on proposed Charter Amendment to enact Council District elections and direction to return to the Council with an Ordinance to Enact the Court-Ordered Six-District Map](#)

Recommendation: Staff recommends:

1. City Council discuss the key elements of a Charter amendment and provide direction on the language to be included in a ballot measure for final approval at the Council's May 25, 2021 meeting:
 - a. Charter text changes to eliminate at large election of Councilmembers except the Mayor and to establish six single-member districts
 - b. Include 30-day residency requirement (optional)
 - c. Require Independent Redistricting Committee in the Charter (optional); and
2. City Council direct staff to bring back an ordinance to establish the court-ordered six district map for Councilmember elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process.

- b. 21-546 [Council Discussion and Direction on the 2021 Redistricting Process Based Receipt of 2020 Census Data](#)

Recommendation: Staff recommends City Council discuss the key elements of a redistricting process and provide direction to staff on items that will inform an ordinance establishing a public process for redistricting that will be brought back to City Council for consideration at a future meeting.

8. **21-540** [Public Hearing: Final version of the FY21/22 Annual Action Plan for the use of Federal Housing and Urban Development Grant Funds](#)

Recommendation: 1. Approve the FY21/22 Annual Action Plan, and direct staff to incorporate all public comments into the final version to be submitted to HUD on or before May 15, 2021.

9. **Action on Two (2) Written Petitions received regarding Council Policy #47 (Censure and Admonition)**

- a. **21-586** [Action on a Written Petition \(Council Policy 030\) Submitted by Councilmember Hardy Requesting a Discussion on Council Policy 047 \(Admonition and Censure\)](#)

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

- b. **21-630** [Action on a Written Petition \(Council Policy 030\) submitted by Gabriela Gupta Requesting the Censure of Councilmember Watanabe and Admonishment of Mayor Gillmor - Council Policy 047](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 21-639** [Update on City Council and Stadium Authority Staff Referrals](#)
- 21-554** [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, May 25, 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); Bayshore North Project Enhancement Authority (BNPEA); Public Facilities Financing Corporation (PFFC)

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.