



City of Santa Clara

Agenda

Council and Authorities Concurrent Meeting

Call and Notice of Special

Santa Clara Stadium Authority Meeting

Tuesday, November 9, 2021

5:00 PM

Virtual Meeting
5:00 PM Closed Session
6:00 PM Open Session

Pursuant to California Government Code section 54953(e) and City of Santa Clara Resolution 21-9013, the City Council meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara continues to have 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 November 9, 2021, at 5:00 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.

5:00 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 21-1565 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[City of Santa Clara v. Dollinger Lafayette Associates, et al.,](#)
[Santa Clara County Superior Court Case Number 20CV374460](#)
- 1.B 21-1566 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[City of Santa Clara v. WESCO Properties, Inc., et al., Santa](#)
[Clara County Superior Court Case Number 21CV380278](#)

Convene to Closed Session

6:00 PM COUNCIL REGULAR AND SPECIAL STADIUM AUTHORITY MEETING

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

Pledge of Allegiance and Statement of Values

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

SPECIAL ORDER OF BUSINESS

2. 21-1567 [Proclamation of United Against Hate Week 2021](#)

STUDY SESSION

3. 21-1320 [Study Session on the City Activity to Address an Unhoused Population: California Department of Housing and Community Development's \(HCD\) Project HomeKey and Provision of Basic Services for the City's Unhoused](#)

Recommendation: The purpose of this report is to support a Study Session on this topic and to receive input from the City Council on further policy development. Possible next steps for Council consideration are discussed in the report.

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 21-22 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:

Bicycle and Pedestrian Advisory Committee - August 23, 2021
Planning Commission - September 22, 2021
Planning Commission - October 13, 2021
Cultural Commission - October 4, 2021

4.B 21-6847 [Action on Bills and Claims Report \(CC\) for the Period August 28, 2021 - September 24, 2021](#)

Recommendation: Approve the list of Bills and Claims for August 28, 2021 - September 24, 2021.

4.C 21-1173 [Action on Monthly Financial Status and Investment Report for July and August 2021 and Approve Related Budget Amendments](#)

Recommendation: Note and file the Monthly Financial Status and Investment Reports for July 2021 and August 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 5.

4.D 21-1539 [Action on a Budget Amendment for Revisions to the El Camino Real Specific Plan](#)

Recommendation: 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 FY 2021/22 budget amendment in the General Fund to increase the Community Development Department appropriation by \$1,000,000 and decrease the Land Sale Reserve by \$1,000,000 (**five affirmative Council votes required for the use of unused balances**).

4.E 21-1370 [Action on Amendment No. 3 to the Agreement with Mintier Harnish, LP, for Preparation of the Zoning Code Update](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement for the Performance of Services with Mintier Harnish, LP, for preparation of the Zoning Code Update to extend the termination date to December 31, 2022.

4.F 21-1470 [Action on an Agreement Containing Covenants and Restrictions with SANTANA TERRACE SENIORS, LLC for Project Located at 190 N. Winchester Boulevard](#)

Recommendation: 1. Approve and authorize the City Manager to execute the Agreement Containing Covenants and Restrictions with SANTANA TERRACE SENIORS, LLC for the Project located at 190 N. Winchester Boulevard; and
2. Authorize the recordation thereof.

4.G 21-1268 [Action on an Agreement with Maze & Associates Accounting Corporation for Audit of the City's Annual Financial Report](#)

Recommendation: 1. Authorize the City Manager to execute an agreement and engagement letters with Maze & Associates Accounting Corporation to audit the City's Annual Financial Report for five fiscal years, with the initial year ending on June 30, 2022, with maximum compensation not-to-exceed \$703,427 and subject to the appropriation of funds; and
2. Authorize the City Manager to negotiate and execute amendments to the Agreement to provide additional services as required, subject to the appropriation of funds.

4.H 21-1135 [Action on a Memorandum of Understanding Between the City of Santa Clara and the Silicon Valley Central Chamber of Commerce for a Partnership to Support Small Businesses in Santa Clara](#)

Recommendation: Authorize the City Manager to execute a Memorandum of Understanding between the City of Santa Clara and the Silicon Valley Central Chamber of Commerce for a partnership to support small businesses in Santa Clara.

4.I 21-1351 [Action on the Task Force on Diversity, Equity, and Inclusion's Recommended Appointment to Current Member Vacancy](#)

Recommendation: Appoint Gustavo Rangel to the current member vacancy on the Task Force on Diversity, Equity, and Inclusion (Task Force) as recommended by the Task Force.

4.J 21-512 [Action on a Resolution Authorizing the Use of City Electric Forces at Various Locations](#)

Recommendation: Adopt a Resolution authorizing the use of City Electric Forces at 2233 Calle de Mundo, 1550 Space Park Drive, 714 Valley Way, 2375 Pilot Knob, 3234 Martin Avenue, 2870 El Camino Real, 2415 Armstrong Place, 687 Fallon Avenue, 653 Park Court, 2517 Brannan Place, Lawson Lane, 2478 Moraine Drive, 2233 Calle de Mundo, and 2499 Homestead Road.

SANTA CLARA STADIUM AUTHORITY CONSENT CALENDAR

5. Action on Request submitted by the Stadium Manager to Execute Agreements with Hellmuth, Obata & Kassabaum, Inc., HKS Architects, Inc., M. Arthur Gensler Jr. & Associates, Inc., and Populous, Inc. for Architectural and Engineering Professional Services

A. 21-1467 [Request from the Stadium Manager to Execute Agreements with Hellmuth, Obata & Kassabaum, Inc., HKS Architects, Inc., M. Arthur Gensler Jr. & Associates, Inc., and Populous, Inc. for Architectural and Engineering Professional Services](#)

B. 21-1468 [Report from the Stadium Authority Regarding the Stadium Manager's Request to Execute Agreements with Hellmuth, Obata & Kassabaum, Inc., HKS Architects, Inc., M. Arthur Gensler Jr. & Associates, Inc., and Populous, Inc. for Architectural and Engineering Professional Services](#)

Recommendation:

1. Approve the Stadium Manager's request to execute Master Agreements with Task Order Forms with Hellmuth, Obata & Kassabaum, Inc., HKS Architects, Inc., M. Arthur Gensler Jr. & Associates, Inc., and Populous, Inc. with a term ending on November 14, 2026 and for a maximum aggregate amount of \$1M per contract year and maximum aggregate amount of \$5M over the five year term, subject to the appropriation of funds;
2. Authorize the Stadium Manager to execute task orders to the four firms up to a maximum aggregate amount of \$1M per contract year without further Stadium Authority Board action and subject to the appropriation of funds; and
3. Authorize the Executive Director to approve amendments to the maximum aggregate funding amount as needed, subject to the appropriation of funds, without further Stadium Authority Board action.

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

6. Action on Approval of Various Board, Commissions and Committee Governance Items

A. 21-1523 [Information and Update on the Ad Hoc Committee on the Apology Letter Relating to the City's California Voting Rights Act Litigation](#)

- Recommendation:***
1. Review expanded scope and provide direction on staff resources to support the committee; and
 2. Review the provided history and background and provide feedback on what should be posted on the Open City Hall survey as a history.

B. 21-1435 [Introduction of Ordinance to Amend Chapter 2.120, Entitled Boards and Commissions, to Update Boards and Commission Members Qualifications and Create the City's Housing Commission and Establish the Powers, Functions, and Duties of the Commission; Direction About the Formation of a Homelessness Taskforce](#)

- Recommendation:***
1. Direct Staff on the formation of an Ad Hoc Homelessness Taskforce; and
 2. Approve the Introduction of an Ordinance to amend Chapter 2.120, entitled Boards and Commissions, to add the City's Housing Commission and establish the powers, functions, and duties of the commission with the Commission to begin activity after conclusion of the Ad Hoc Homelessness Taskforce.

C. 21-785 [Action on Formalization of the Bicycle and Pedestrian Advisory Committee](#)

Recommendation: Alternatives 1, 3, 5, 7 and 9:

1. Modify BPAC membership eligibility to require that applicants must be at least 18 years of age and live or work in the City;
3. Reduce the number of BPAC members from the current maximum of nine members to seven members and phase in this change so no current member loses their position during the current term;
5. Modify how BPAC members are interviewed and appointed similar to other Boards and Commissions by having Council interview applicants and make selections;
7. Continue to require that a Councilmember chair the BPAC; and
9. Direct staff to bring an ordinance and revised BPAC Policy Guidelines formalizing the BPAC for Council consideration.

D. 21-1563 [Introduction of Ordinance to Amend Chapter 2.120, Entitled Boards and Commissions, to Update Boards and Commission Members Qualifications](#)

Recommendation: Approve the Introduction of an Ordinance to amend Chapter 2.120, entitled Boards and Commissions, to update Boards and Commissions qualifications to be residents of the City instead of qualified electors.

7. **21-1246** [Action on the Adoption and Certification of an Environmental Impact Report; Adoption of a Mitigation Monitoring or Reporting Program; and Architectural Approval of a Data Center project located at 1200-1310 Memorex Drive](#)

Recommendation: Alternatives 1 & 4:

1. Adopt a resolution approving and certifying the Final Environmental Impact Report prepared for the demolition of the existing buildings located at 1200-1310 Memorex Drive and the construction of a new data center project, including CEQA Findings, a statement of overriding considerations, and a Mitigation Monitoring or Reporting Program; and
4. Adopt a resolution to approve the architectural review for the 1200 Memorex Data Center located at 1200-1310 Memorex Drive.

8. **21-1469** [Adopt a Resolution Approving the California Municipal Finance Authority \(CMFA\) Issuance of Tax-Exempt Bonds Relating to the Financing of a 59-Unit Multifamily Rental Housing Project for Low-Income Households to be Located in the City of Santa Clara, California at 3941 Stevens Creek Boulevard](#)

Recommendation: Hold a Tax Equity and Fiscal Responsibility Act public hearing for the issuance of up to \$50,000,000 in tax-exempt private-activity bonds by California Municipal Finance Authority (CMFA) for the benefit of CRP Affordable Housing and Community Development LLC.

9. **21-1564** [Action on a Written Petition \(Council Policy 030\) Submitted by Brian Doyle Requesting to Place an Agenda Item at a Future Council Meeting to Discuss FIFA Negotiations](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, November 16, 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.