

City of Santa Clara



Joint Virtual Meeting Agenda of the Council and Authorities Concurrent and Santa Clara Stadium Authority

Tuesday, November 16, 2021

4:30 PM

4:30 PM Closed Session

5:30 PM Study Session

6:30 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.

4:30 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 21-1590** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Superior Court Action No 19CV355432 \(filed 9/20/19\), and Forty Niners SC Stadium Company LLC, et al., v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, filed 09/03/2021, consolidated with JAMS No. 110024318](#)

- 1.B 21-1610** [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 \(Public Safety Non-Sworn Employees Association\)](#)

Convene to Closed Session

5:30 PM STUDY SESSION

- 2. 21-1290** [Study Session on a Potential Quiet Zone and Vision Zero Policy](#)

Recommendation: There is no staff recommendation.

6:30 PM JOINT COUNCIL REGULAR/STADIUM AUTHORITY MEETING

**Open Session is to begin at 6:30 PM 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

- 3.A 21-1601** [Verbal Report from City Manager regarding COVID-19 Pandemic](#)
- 3.B 21-1602** [Verbal Report Update from City Manager Regarding the Local Drought Emergency](#)

3.C 21-1619 [Proclaim Native American Heritage Month](#)

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 21-23 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Youth Commission - October 12, 2021

4.B 21-1458 [Action on Bills and Claims Report \(CC, HA, SCSA, SOSA,\) for the period September 25th, 2021 - October 29th, 2021](#)

Recommendation: Approve the list of Bills and Claims for September 25, 2021 - October 29, 2021.

4.C 21-1040 [Action on a Purchase Order with Applied Computer Solutions \(ACS\) for Cisco SmartNet License Renewals](#)

Recommendation:

1. Authorize the City Manager to execute the first option to extend the purchase order with Applied Computer Solutions for Cisco SmartNet License Renewals, ending on November 30, 2022, for a total maximum amount not-to-exceed \$105,000, subject to the annual appropriation of funds;
2. Authorize the City Manager to exercise up to three remaining options to renew the purchase order with Applied Computer Solutions, ending November 30, 2025, assuming all options are exercised, and subject to the annual appropriation of funds; and
3. Add or delete licenses and services consistent with the scope of the agreement and allow future rate adjustments subject to request and justification by Applied Computer Solutions, approval by the City, and the appropriation of funds.

4.D 21-1511 [Action on the Approval of FY 21 Edward Byrne Memorial Justice Assistance Grant Funding and Related Budget Amendment](#)

- Recommendation:**
1. Accept and approve the FY21 Edward Byrne Memorial Justice Assistance Grant funding of \$15,931;
 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 2021/22 budget amendment in the Police Operating Grant Trust Fund to recognize grant revenue in the amount of \$15,931 and establish an Edward Byrne Memorial Justice Assistance Grant Program 2021 appropriation in the amount of \$15,931 (**five affirmative Council votes required to appropriate additional revenue**);
 3. Authorize the City Manager, Finance Director and Management Analyst to sign grant-related documents;
 4. Authorize the Mayor to sign the Certifications and Assurances by the Chief Executive of the Applicant Government form; and,
 5. Authorize the City Manager to execute purchase order(s), subject to the appropriation of funds, to purchase the equipment described above.

4.E 21-1067 [Action on a Resolution Amending Rate Schedules for Electric Service for All Classes of Customers, Effective January 1, 2022](#)

- Recommendation:** Adopt a Resolution amending Rate Schedules for Electric Services for all classes of customers, effective January 1, 2022.

4.F 21-1341 [Action on Agreement with Motorola Solutions to upgrade the Neptune Intelligence Computer Engineering \(NICE\) Local Logging Recorder System Including Three Years of Maintenance and Support](#)

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with Motorola Solutions to upgrade the NICE Local Logging Recorder System, including a maintenance and support contract, for the term starting on or about November 2021 and ending or about November 2024; not to exceed \$115,207; and subject to the appropriation of funds;
 2. Approve a contingency amount of up to \$50,000 to cover any unforeseen circumstances that may arise during the software upgrade, subject to the appropriation of funds; and
 3. Authorize the City Manager to extend software maintenance and support beyond the initial three-year term, for as long as the software is in use and maintenance and support is required by the City, subject to the appropriation of funds.

4.G 21-1446 [Action to Authorize the City Manager to Take All Appropriate Actions Required for Participation in the California Arrearage Payment Program and the California Water and Wastewater Arrearage Payment Program](#)

- Recommendation:** Authorize the City Manager to take all appropriate actions required for participation in the California Arrearage Payment Program and California Water and Wastewater Arrearage Payment Programs, including but not limited to:
1. Execute agreements with the State Community Services and Development Department and the California State Water Resources Control Board on the terms and conditions of receiving program funds; and/or
 2. Attest as to the accuracy of the information.

4.H 21-1487 [Action on a Resolution Establishing Silicon Valley Power \(SVP\) Large Customer Renewable Energy \(LCRE\) Program - A Voluntary Program for Large Customers to Purchase Additional Renewable Energy Above the Amount of Renewable Energy Already Required in SVP's Energy Delivery Portfolio](#)

- Recommendation:**
1. Adopt a Resolution of the City of Santa Clara establishing Silicon Valley Power Large Customer Renewable Energy Program to allow large customers to purchase additional Renewable Energy above the amount of Renewable Energy already required in Silicon Valley Power's Energy Delivery Portfolio to be effective January 1, 2022; and
 2. Delegate authority to the City Manager, or designee, to revise Program procedures as necessary to assure effective Program operation, make adjustments to the Program language on the forms and agreements as needed or as regulatory conditions change, and to execute on behalf of City all Large Customer Renewable Energy Program-related agreements.

4.I 21-1535 [Action on a Resolution Extending AB 361 Implementation to Allow City Legislative Bodies to Hold Public Meetings Solely by Teleconference or Otherwise Electronically During the Governor's Proclaimed COVID State of Emergency](#)

- Recommendation:** Adopt a Resolution finding the continued existence of the need to extend AB 361 implementation to allow the City's legislative bodies to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361.

- 4.J 21-791** [Waive First Reading and take Action on Introduction of an Ordinance to add Chapter 8.26, Entitled Edible Food Recovery, to Implement Edible Food Recovery Programs and Require Certain Businesses to Arrange for the Donation of Edible Food That Would Otherwise Go to Waste](#)

Recommendation: Waive First Reading and Approve the Introduction of an Ordinance to add Chapter 8.26, entitled Edible Food Recovery, to Implement Edible Food Recovery Programs and Require Certain Businesses to Arrange for the Donation of Edible Food That Would Otherwise Go to Waste.

- 4.K 21-1023** [Waive First Reading and Take Action on the Introduction of the Ordinance Amending Chapter 12.35 “Trees and Shrubs” of the Code of the City of Santa Clara to Incorporate New Best Practices and Regulations to Preserve the Urban Forest](#)

Recommendation: Waive First Reading and Approve the introduction of the Ordinance amending Chapter 12.35, entitled “Trees and Shrubs” to incorporate new best practices and regulations to preserve the urban forest.

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

5. Action on All-Electric Reach Code Items

- A. 21-1568 [Public Hearing: Waive Second Reading and take Action on the Adoption of an All-Electric Reach Code Ordinance No. 2034, including Electric Vehicle \(EV\) Charging, that Amends Chapter 15.36 \(Energy Code\) and Chapter 15.38 \(Green Building Code\) of Title 15 \(Buildings and Construction\) of the Santa Clara City Code](#)

Recommendation: 1. Waive Second Reading and Adopt Ordinance No. 2034 to amend Chapter 15.36 (Energy Code) and Chapter 15.38 (Green Building Standards Code) of Title 15 (Buildings and Construction) of "The Code Of The City Of Santa Clara, California" to adopt provisions of the 2019 California Energy Code and the 2019 California Green Building Standards Code with certain exceptions, modifications, and additions to increase building efficiency and increase requirements related to electric vehicle charging stations.

- B. 21-1561 [Resolution Establishing an Effective Date of January 1, 2022, for Ordinance No. 2034 \(All-Electric Building Electrification Reach Codes Including EV Charging\)](#)

Recommendation: Staff recommend that City Council adopt the proposed resolution, as written, of the City of Santa Clara, California establishing a timeline for implementation of an all-electric building electrification reach code ordinance including electric vehicle (EV) charging.

6. 21-13270 [Council Discussion and Potential Action on Levi's Stadium's Condition of Approval P22\(c\) Regarding Nighttime Outdoor Non-NFL Events](#)

Recommendation: Staff recommends that any action taken by the Council should result in the Stadium Manager curing existing legal agreements violations and that the parameters of a Draft Council Policy should address improved compliance, financial performance, improved neighborhood mitigations, and improved coordination with the Stadium Authority.

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

A. 21-1612 [Information and Update on the Ad Hoc Committee on the Apology Letter Relating to the City's California Voting Rights Act Litigation \(Deferred from November 9,2021\)](#)

- 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. 21-1613 [Waive First Reading and take Action on the 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 \(Deferred from November 9, 2021\)](#)

- Recommendation:**
1. Direct Staff on the formation of an Ad Hoc Homelessness Taskforce; and
 2. Waive First Reading and 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. 21-1615 [Action on Formalization of the Bicycle and Pedestrian Advisory Committee \(Deferred from November 9, 2021\)](#)

Recommendation: Alternatives 1, 3, 5, 8 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;
8. Remove the requirement that a Councilmember chair the BPAC and allow the BPAC to select its own chair in July 2025 once all members of the BPAC are comprised of those who were interviewed by Council; and
9. Direct staff to bring an ordinance and revised BPAC Policy Guidelines formalizing the BPAC for Council consideration.

D. 21-1616 [Waive First Reading and take Action on the Introduction of Ordinance to Amend Chapter 2.120, Entitled Boards and Commissions, to Update Boards and Commission Members Qualifications \(Deferred from November 9, 2021\)](#)

Recommendation: Waive First Reading and 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.

8. **WRITTEN PETITION (POLICY 030) SUBMITTED BY THE PUBLIC/COUNCIL**

A. 21-1611 [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 \(Deferred from November 9, 2021\)](#)

Recommendation: Staff makes no recommendation.

- B. 21-1623** [Action on a Council Written Petition \(Council Policy 030\) Submitted by Councilmember Hardy to Place an Item on a Future Council Meeting to Consider a Resolution to Support the Bid to FIFA for the 2026 World Cup and Related Events](#)

Recommendation: Staff makes no recommendation.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

ADJOURNMENT

- 21-1624** [Tentative Meeting Agenda Calendar \(TMAC\)](#)

The next regular scheduled meeting is on Tuesday evening, December 7, 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.

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