



City of Santa Clara
Revised Joint Meeting Agenda of the
Council and Authorities Concurrent and
Santa Clara Stadium Authority
Call and Notice of Special Meeting
Planning Commission

Tuesday, January 25, 2022

4:30 PM

Virtual Meeting
4:30 PM Closed Session
6:00 PM Joint Study Session
7:00 PM Open Session

****REVISIONS: Added Closed Session Item RTC 22-143 and Removed Closed Session Item RTC 22-62 Amended Public Hearing/General Business Item #8 (RTC 22-1657) Report and Recommendation**

Pursuant to California Government Code Section 54953(e) and City of Santa Clara Resolution 22-9042, 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 Planning Commission of the City of Santa Clara to commence and convene on January 25, 2022, at 6:00 pm for a Special Meeting held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

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 22-98** [Public Employee Appointment \(Gov. Code §§ 54957, 54954.5, subd. \(e\).\)](#)
[Title: Interim City Attorney](#)
- 1.B 22-143** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Forty Niners SC Stadium Company LLC v. City of Santa Clara](#)
[Santa Clara County Superior Court Case No. 18CV326430](#)
- 1.C 22-107** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) - Exposure to litigation](#)
[Number of potential cases: 1](#)
[Facts and Circumstances: Pursuant to Gov. Code § 54956.9\(e\)\(1\) - Not disclosed on agenda](#)

Convene to Closed Session

6:00 PM JOINT STUDY SESSION - COUNCIL AND PLANNING COMMISSION

Roll Call

- 2. 22-85** [Joint City Council and Planning Commission Study Session on Senate Bill \(SB\) 9](#)

Recommendation: Provide feedback on the following SB 9 Study Session topics:

1. Parking
2. Urban Lot Split Standards
3. Privacy
4. Maximum Unit Size
5. Neighborhood Compatibility
6. Researching Historic Preservation Analysis and Incentives

7:00 PM JOINT COUNCIL AND STADIUM AUTHORITY MEETING

**Open Session is to begin at 7:00 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 22-02 [Proclaim Black History Month](#)
- 3.B 22-47 [Task Force on Diversity, Equity, and Inclusion Update \(October-December 2021\) \(Deferred for December 14, 2021\)](#)
- 3.C 22-48 [Action on Whether to Accept a Formal Recommendation from the Task Force on Diversity, Equity, and Inclusion Regarding the City's Model for Electing its Chief of Police \(Deferred from December 14, 2021\)](#)

Recommendation: Provide direction on whether to accept the formal letter of recommendation from the Task Force on Diversity, Equity, and Inclusion in support of the City's model of electing its Chief of Police and hold harmless on this topic the City Manager from any and all actions that may violate the Political Reform Act or FPPC regulations.

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 22-129 [Action on October 26, 2021 Council & Authorities Concurrent and Special Stadium Authority Meeting, November 9, 2021 Council & Authorities Concurrent and Special Stadium Authority Meeting, and November 16, 2021 Joint Council & Authorities Concurrent and Stadium Authority Meeting Minutes](#)

Recommendation: Approve the Meeting Minutes of:
October 26, 2021 - Council & Authorities Concurrent and Special Stadium Authority Meeting;
November 9, 2021 - Council & Authorities Concurrent and Special Stadium Authority Meeting; and
November 16, 2021 Joint Council & Authorities Concurrent and Stadium Authority Meeting

4.B **22-11** [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Task Force on Diversity, Equity, and Inclusion -
September 13, 2021
Task Force on Diversity, Equity, and Inclusion -
October 18, 2021
Cultural Commission - December 6, 2021
Youth Commission - November 9, 2021
Youth Commission - December 14, 2021
Planning Commission - December 8, 2021

4.C **22-1559** [Action on Approval of the Spending Plan for Supplemental Law Enforcement Services Fund and Related Budget Amendment](#)

Recommendation: 1. Approve the spending plan for funds received from the Citizen's Option for Public Safety Programs Supplemental Law Enforcement Services Fund; and
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 a FY 2021/22 budget amendment in the Police Operating Grant Trust Fund to recognize revenue in the amount of \$130,952 for the COPS 21 grant and \$200,298 for the COPS 22 grant, increase the Citizen's Option for Public Safety FY 2020/21 appropriation in the amount of \$130,952, and establish the Citizen's Option for Public Safety FY 2021/22 appropriation in the amount of \$200,298 (**five affirmative Council votes required to appropriate additional revenue**).

4.D 22-1710 [Action on Addition of Five Electric Program Manager Positions in Silicon Valley Power and Related Budget Amendment](#)

- Recommendation:**
1. Approve the addition of five (5) new Electric Program Manager (Job Code 424) Positions in Silicon Valley Power; and
 2. Approve a FY 2021/22 budget amendment in the Electric Utility Operating Fund to increase the Electric Department Salaries and Benefits appropriation by \$375,000 and reduce the unrestricted ending fund balance by \$375,000 (**five affirmative Council votes required for the use of unused balances.**)

4.E 22-1593 [Action on a Resolution Ordering the Vacation of the Underground Electric Easement, Sidewalk and Utility Easement at 2350-2370 Mission College Boulevard](#)

- Recommendation:**
1. Adopt a Resolution Ordering the Vacation of an Underground Electric Easement, Sidewalk and Utility Easement at 2350-2370 Mission College Boulevard [APN 104-13-097,100 and 101 (2021-22); SC 18,978]; and
 2. Authorize the recordation of the Resolution.

4.F 22-1658 [Action on Award of Purchase Order to Bay City Boiler and Engineering Company, Inc. for Boiler Maintenance and Repair Services Citywide](#)

- Recommendation:**
1. Authorize the City Manager to execute a purchase order with Bay City Boiler and Engineering Company, Inc. for boiler maintenance and repair services citywide for an initial one-year term, with a maximum compensation not-to exceed \$50,000;
 2. Authorize the City Manager to execute change orders for a not-to-exceed contingency amount of \$10,000 in the event actual repairs exceeds the aforementioned forecast of \$26,620, subject to the appropriation of funds; and
 3. Authorize the City Manager to execute up to four one-year options to extend the purchase order after the initial term, subject to the appropriation of funds.

4.G 22-1215 [Action on an Agreement with New Image Landscape Company for Landscape Maintenance Services](#)

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with New Image Landscape Company for landscape maintenance services for an initial one-year term starting February 1, 2022 and ending on January 31, 2023, with maximum compensation not-to-exceed \$286,310.20 for the initial twelve-month period, subject to the appropriation of funds;
 2. Authorize the City Manager to execute amendments as required to add or delete sites, or modify service levels due to changing needs or budget constraints, subject to the appropriation of funds; and
 3. Authorize the City Manager to execute up to four one-year options to extend the Agreement through January 31, 2027, subject to the appropriation of funds.

4.H 22-1693 [Action on the Award of Agreement to MIG, INC for Consultant Services to Update the City's Adopted Housing Element and Related Budget Amendment](#)

- Recommendation:**
1. Accept and approve the \$499,150 in grant funding from the State of California Department of Housing and Community Development;
 2. Authorize the City Manager to execute an agreement with MIG, INC to provide Housing Element update Consultant Services for a term ending on December 31, 2023, for a maximum compensation not to exceed \$199,968; and
 3. 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 Engineering Operating Grant Trust Fund to recognize grant revenue in the amount of \$499,150 and establish an appropriation in the amount of \$499,150 for preparation of the City's Housing Element Update (**five affirmative Council votes required to appropriate additional revenue**).

4.I 22-126 [Action on Agreement with GVP Ventures, Inc. dba Bob Murray & Associates for Executive Recruiting Services for City Attorney Vacancy](#)

Recommendation: 1. Authorize the City Attorney's Office and Mayor to negotiate and execute an agreement with GVP Ventures, Inc. dba Bob Murray & Associates for executive recruiting services for the City Attorney vacancy for a six-month term starting January 26, 2022 and ending on July 26, 2022, with an option to extend for up to an additional six (6) months with no increase in rates, with maximum compensation not-to-exceed \$30,000 for services and \$10,000 for costs and fees, subject to appropriation of funds, in a substantially similar form as that attached hereto; and
2. Authorize the Mayor and City Attorney's Office to negotiate and execute amendments to the Agreement for additional related services that may be required, subject to the appropriation of funds.

4.J 22-1598 [Action on a Resolution Approving Purchase and Sale Agreement for an Electric Utility Easement for the San Tomas Junction Substation Project](#)

Recommendation: 1. Adopt the Resolution approving the Purchase and Sale Agreement for an overhead electric easement at 3600 Juliette Lane [104-39-021 & 104-39-018] for the San Tomas Junction Substation Project; and
2. Authorize the recordation thereof.

4.K 22-1310 [Action on Confirmation No. 0236 Under the NCPA Support Service Program Agreement \(Confirmation\) to Authorize CLEAResult Consulting, Inc. to Provide Home Electrification Assessments and Electric Vehicle \(EV\) Charging Infrastructure Technical Assistance Services for Silicon Valley Power Through Northern California Power Agency's \(NCPA\) Multi-Task Consulting Services Agreement](#)

- Recommendation:**
1. Authorize the City Manager to execute Confirmation No. 0236 Under the NCPA Support Service Program Agreement (Confirmation) to authorize CLEAResult Consulting, Inc. to provide home electrification assessments and electric vehicle (EV) charging infrastructure technical assistance services for Silicon Valley Power through Northern California Power Agency's (NCPA) Multi-Task Consulting Services Agreement;
 2. Authorize the City Manager to increase maximum compensation during the term of the Multi-Task Consulting Services Agreement if the demand for services exceeds the maximum compensation, subject to the appropriation of funds; and
 3. Authorize the City Manager to extend the term of the Confirmation subject to the extension of the underlying agreement with NCPA.

4.L 22-1754 [Action on the Approval of an Agreement for Services with Homebase and Establishment of the Homelessness Taskforce](#)

- Recommendation:** Approve the Agreement for Services with Homebase in an amount not to exceed \$75,000 and Establish the Homelessness Taskforce to support the preparation of the City Plan to End Homelessness.

4.M 21-1768 [Action on Award of Agreement with WeHOPE for Mobile Hygiene Services](#)

- Recommendation:**
1. Authorize the City Manager to execute an Agreement with WeHOPE to provide mobile hygiene services for an initial one-year term with maximum compensation not-to-exceed \$50,178;
 2. Authorize the City Manager to execute amendments to the Agreement, not-to exceed \$5,018, for contingencies in the event there are unanticipated changes during the initial term of the Agreement, and
 3. Authorize the City Manager to execute up to four one-year options to extend the term of the Agreement after the initial term for mobile hygiene services, subject to the appropriation of funds.

4.N 22-1474 [Action on Amendment No. 1 to the Agreement for Services with E Source Companies, LLC, to Extend the Term, Expand the Scope, and Increase Maximum Compensation](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with E Source Companies, LLC for a total cost not to exceed \$183,061;
 2. Authorize the City Manager to make minor changes to the attached Amendment subject to approval by the City Attorney as to form;
 3. Authorize the City Manager to execute amendments to add additional subscription services subject to the appropriation of funds; and
 4. Authorize the City Manager to execute up to nine (9) one-year options to extend this agreement including addition of additional subscription services subject to the appropriation of funds.

4.O 22-1667 [Action to Amend and Include Approved Consultant Agreements for Plan Review and Inspection Services for City Projects](#)

Recommendation:

1. Approve and authorize the City Manager to execute Agreements or Amendments with the following firms for plan review and inspection services beginning on January 26, 2022 and ending on November 24, 2024:
 1. 4Leaf, Inc. Amendment No. 1
 2. Bureau Veritas North America, Inc. Agreement
 3. CSG Consultants, Inc. Amendment No. 1
 4. Interwest Consulting Group, Inc. Agreement
 5. Jason Addison Smith Consulting Services, Inc. (JAS Pacific) Amendment No. 2
 6. Plan Review Consultants, Inc. Amendment No. 4
 7. Shums Coda Associates Inc. Amendment No. 5
 8. Synergetic Consulting Amendment No. 2
 9. TRB + Associates, Inc. Amendment No. 5
 10. West Coast Code Consultants, Inc. Amendment No. 3; and
2. Authorize the City Manager to increase the maximum aggregate compensation by \$500,000 for a new revised amount of \$2,949,000 across all ten firms listed below:
 1. 4Leaf, Inc. Amendment No. 1
 2. Bureau Veritas North America, Inc. Agreement
 3. CSG Consultants, Inc. Amendment No. 1
 4. Interwest Consulting Group, Inc. Agreement
 5. Jason Addison Smith Consulting Services, Inc. (JAS Pacific) Amendment No. 2
 6. Plan Review Consultants, Inc. Amendment No. 4
 7. Shums Coda Associates, Inc. Amendment No. 5
 8. Synergetic Consulting Amendment No. 2
 9. TRB + Associates, Inc. Amendment No. 5
 10. West Coast Code Consultants, Inc. Amendment No. 3

- 4.P 22-1743** [Action on a Resolution Delegating Authority to the City Manager or Designee to Award and Administer the Public Works Construction Contracts for the Public Right-of-Way ADA Improvements - Package 1 Project \(CE 20-21-09 \(P1\)\) and the Public Right-of-Way ADA Improvements - Package 2 Project \(CE 20-21-09 \(P2\)\) in an Aggregate Amount Not-to-Exceed \\$8,000,000.](#)

Recommendation: Adopt a Resolution Delegating Authority to the City Manager or Designee to Award and Administer the Public Works Construction Contracts for the Public Right-of-Way ADA Improvements - Package 1 Project (CE 20-21-09 (P1)) and the Public Right-of-Way ADA Improvements - Package 2 Project (CE 20-21-09 (P2)) in an Aggregate Amount Not-to-Exceed \$8,000,000.

- 4.Q 22-89** [Action on Appointments to City Committees and Area Wide/Outside Agency Committees for the 2022 Calendar Year](#)

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

- 4.R 22-1700** [Action on a Resolution to Modify Parking Regulations on El Camino Real](#)

Recommendation: Adopt a resolution to modify certain parking regulations on El Camino Real.

- 4.S 22-1753** [Action to Approve a Housing Division Write-Off Policy and Reconcile the City's Neighborhood Conservation & Improvement Program \(NCIP\) Loan Portfolio](#)

Recommendation: Approve the Housing Division Write-Off Policy and the reconciliation of the City's Neighborhood Conservation & Improvement Program (NCIP) Loan Portfolio with a recommended write-off in the amount of \$115,884.79.

4.T 22-06 [Action on Approval of a Two-Year Subscription Agreement with Thomson Reuters for Westlaw Online Legal Research Services, and Authorization to Execute Future Subscription Agreements Subject to the Appropriation of Funds](#)

Recommendation: Authorize the City Manager to:

1. Execute the required paperwork for a two-year subscription for Westlaw on-line legal research and associated services with maximum compensation not to exceed \$46,519.44 for the two-year term;
2. Authorize the City Manager to renew or enter into new subscription agreements for Westlaw on-line legal research services after the initial two-year term, as determined necessary by the City Attorney and subject to the appropriation of funds; and
3. Authorize the City Manager to purchase optional Westlaw add-on services, on an as-required basis and subject to the appropriation of funds.

Santa Clara Stadium Authority Consent Calendar

5.A 22-1721 [Action on Stadium Authority Bills and Claims for the Month of October 2021](#)

Recommendation: Approve the list of Stadium Authority Bills and Claims for October 2021.

5.B 22-09 [Action to Amend Agreement with Contractor Compliance and Monitoring, Inc. for Labor Compliance Services, Approve Purchase of Dispatch Monitors CapEx Project, and Award a Purchase Order to Interior Motions for One Office Chair](#)

- Recommendation:**
1. Authorize the Executive Director to execute Amendment No. 1 to the existing agreement with Contractor Compliance and Monitoring Inc. for labor compliance consulting services to extend the term by three years ending on March 31, 2025, and add an additional \$20,000 for a total not to exceed amount of \$40,000, subject to future budget appropriations;
 2. Approve a budget amendment for the Dispatch Monitors CapEx Project that updates the project scope to reflect four curved 40" monitors as requested by the Police Department;
 3. Authorize the Executive Director to purchase four curved 40" monitors for Levi's Stadium Command Post workstations from Dell (Dispatch Monitors CapEx Project), in the amount of \$7,582 plus shipping; and
 4. Authorize the Executive Director to award a purchase order to Interior Motions for one office chair in the amount of \$819 plus shipping.

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. 22-50 [Action on Resolution for an Exception to the 180 Day Waiting Period To Appoint Retired Annuitants To Serve as Temporary Extra Help \(Government Code Sections 7522.56 and 21224\)](#)

Recommendation: Alternative 1: Adopt the attached Resolutions for an Exception to the 180 Day Waiting Period To Appoint Two Retired Annuitants To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).

7. 22-1730 [Consider the Senior Advisory Commission's Transportation Interest Letter and Request for Referral of the topic to the Council Priority Setting Session](#)

Recommendation: Review the Senior Advisory Commission Transportation Interest Letter and refer the issue of a transportation needs analysis to the Council Priority Setting Session.

8. 22-1657 [Action on Sustainable Communities Project Exemption and Architectural Approval for a 59-Unit Affordable Mixed-Use Project Located at 3941 Stevens Creek Boulevard](#)

Recommendation:

1. Adopt a resolution approving the Sustainable Communities Project Exemption to exempt the project from CEQA review, in accordance with PRC Section 21155.1; and
2. Approve the architectural review of the 59-unit 100% affordable mixed-use project at 3941 Stevens Creek Boulevard.
3. Authorize the City Manager to negotiate and execute the Density Bonus Housing Agreement in accordance with Santa Clara City Code Section 18.78.060.

9. 22-1672 [Update on Discussions with Parking Maintenance District No. 122 - Franklin Square \(PMD 122\) Property Owners Regarding Council's Request to Explore Increased Contributions for Operations and Maintenance Costs](#)

Recommendation: Note and file this informational report.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

22-87 [Update on City Council and Stadium Authority Staff Referrals](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday, February 8, 2022.

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.