



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

---

**Tuesday, October 4, 2022**

**6:00 PM**

**Hybrid Meeting**

**City Hall Council Chambers/Virtual  
1500 Warburton Avenue  
Santa Clara, CA 95050**

---

The City of Santa Clara will be conducting City Council meetings in a hybrid manner (in-person and continues to have methods for the public to participate remotely). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution No. 22-9142, Councilmembers may teleconference from remote locations and the City continues to provide 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](mailto:PublicComment@santaclaraca.gov) (Comments received after 2:00 PM on the day of the meeting will be made part of the public record but will not be read out loud during the meeting). This email address will be disabled after the October 4, 2022 meeting. Comments will continue to be accepted through City's eComment.

As always, the public may view the meetings on [SantaClaraCA.gov](http://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.

**Closed Session - 6:00 PM | Regular Meeting - 7:00 PM**

#### **6:00 PM CLOSED SESSION**

**Call to Order in the Council Chambers**

**Roll Call**

- 1.A 22-1246** [Conference with Real Property Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54956.8](#)  
[Property: 575 Pomeroy Avenue, Santa Clara, CA 95051-6131,](#)  
[APN: 293-09-005](#)  
[City/Authority Negotiator: Rajeev Batra, City Manager \(or](#)  
[designee\)](#)  
[Negotiating Parties: Kilarney Farms Swim Center Inc.](#)  
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real](#)  
[Property \(provisions, price and terms\)](#)
- 1.B 22-1254** [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](#)
- 1.C 22-1260** [Conference with Labor Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54957.6](#)  
[City representative: City Manager's 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 \(Public Safety Non-Sworn Employees](#)  
[Association\)](#)

### 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.*

### Convene to Closed Session (Council Conference Room)

**7:00 PM COUNCIL REGULAR MEETING**

*\*Open Session to begin at 7:00 PM or shortly thereafter*

**Call to Order**

*Call to Order in the Council Chambers (Open to the Public)*

**Pledge of Allegiance and Statement of Values**

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS**

**SPECIAL ORDER OF BUSINESS**

- 2.A    22-831    [Proclaim October 9-15, 2022 as Fire Prevention Week](#)
- 2.B    22-1202    [Proclaim October 2022 as Breast Cancer Awareness Month](#)
- 2.C    22-1241    [Proclaim October 2022 as Domestic Violence Awareness 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.]*

- 3.A    22-28    [Board, Commissions and Committee Minutes](#)  
  
      **Recommendation:** Note and file the Minutes of:  
                                  Planning Commission - August 24, 2022  
                                  Senior Advisory Commission - August 22, 2022  
                                  Board of Library Trustees - August 17, 2022
- 3.B    22-1072    [Action on Bills and Claims Report \(CC, HA\) for the period August 13, 2022 - September 2, 2022](#)  
  
      **Recommendation:** Approve the list of Bills and Claims for August 13, 2022 - September 2, 2022.
- 3.C    22-1105    [Action on Historic Resource Inventory Property Designation and Historical Preservation Agreement \(Mills Act\) for 633 Park Court](#)  
  
      **Recommendation:** 1. Approve the addition of the property located at 633 Park Court to the City's HRI; and  
                                  2. Authorize the City Manager to execute a Mills Act Contract and adopt the 10-Year Restoration and Maintenance Plan associated for the property at 633 Park Court.

**3.D 22-1185** [Action on a Resolution Approving a Purchase and Sale Agreement for an Easement on the Memorex Junction Transmission Line Extension Project](#)

- Recommendation:**
1. Adopt the Resolution approving the purchase of an overhead electric easement at 1040 Di Giulio Avenue [224-05-093] and authorize the City Manager to execute the related Purchase and Sale Agreement and accept associated easement deed; and
  2. Authorize the easement deed to be recorded in the Office of the County Clerk-Recorder of the County of Santa Clara.

**3.E 22-991** [Action on Award of Contract to Ray's Electric, Inc. and Amendment No. 1 to the Agreement with CSG Consultants, Inc. for the Uncontrolled Crosswalks Improvements Project](#)

- Recommendation:**
1. Award the Public Works Contract for the Uncontrolled Crosswalks Improvements project to the lowest responsive and responsible bidder, Ray's Electric, Inc, in the amount of \$1,883,055, and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
  2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$282,460, for a total not to exceed amount of \$2,165,515;
  3. Authorize the City Manager to execute Amendment No. 1 to the Agreement with CSG Consultants, Inc. to extend the term to December 31, 2023 and increase the maximum compensation to \$171,222; and
  4. Authorize the City Manager to make minor modifications to the CSG Consultants, Inc. Agreement if needed and to extend the term.

**3.F 22-166** [Action to Delegate Authority to the City Manager to Negotiate and Execute Amendments to Agreements for Design Professional Services for Silicon Valley Power's System Capacity Expansion Planning Including Plan Implementation and General Consulting Services](#)

- Recommendation:**
1. Authorize the City Manager to negotiate and execute amendments to Agreements for Design Professional Services for Silicon Valley Power's System Capacity Expansion Planning with an additional aggregate maximum compensation of \$17 million, subject to the appropriation of funds for the following:
    - A. For general consulting services with:
      - 1). Advisian Worley Group
      - 2). TRC Solutions, Inc.
      - 3). Leidos Engineering, LLC
      - 4). Flynn Resource Consultants, Inc.
      - 5). EN Engineering LLC
    - B. For plan implementation services with:
      - 1). 1898 & Co.
      - 2). TRC Solutions, Inc.
      - 3). Electrical Consultants, Inc.
      - 4). AECOM Technical Services, Inc.
      - 5). Stantec Consulting Services Inc.; and
  2. Authorize the City Manager to:
    - A. Execute amendments to extend the term of the Agreements if required to complete projects initiated during their term;
    - B. Negotiate and execute amendments to add or delete services consistent with the scope of the agreements and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds; and
    - C. Take such actions as necessary or advisable to implement the agreements as amended.

- 3.G 22-989** [Action to Waive First Reading and Introduce an Ordinance Amending Chapter 12.35 \(“Trees and Shrubs”\) of Title 12 \(“Streets, Sidewalks and Public Places”\) of “The Code of the City of Santa Clara, California” to Modify the Process for Violation Appeals](#)

**Recommendation:** Waive First Reading and Introduce an Ordinance Amending Chapter 12.35 “Trees and Shrubs” of Title 12 “Streets, Sidewalks and Public Places” of “The Code of the City of Santa Clara, California” to Modify the Process for Violation Appeals.

- 3.H 22-1010** [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 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.

- 3.I 22-1108** [Update on a Written Petition to Consider Traffic Calming Measures on Cabrillo Avenue](#)

**Recommendation:** Note and File the Update on a Written Petition to Consider Traffic Calming Measures on Cabrillo Avenue.

### **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.      **22-1258**    [Report on a Written Petition \(Council Policy 030\) Submitted by Councilmember Anthony Becker Regarding Letter Sent by Mayor Gillmor to Governor Newsom Regarding Department of Industrial Relations Investigation on Prevailing Wage Claims on the Related Santa Clara Project](#)

**Recommendation:** There is no staff recommendation.

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

5.      **22-1244**    [Action on a Written Petition \(Council Policy 030\), Submitted by Teresa O'Neill Requesting to Place an Agenda Item on a Future Council Meeting for a Public Review of the Settlement Agreement and Mutual Release dated August 31, 2022 between the City of Santa Clara, the Santa Clara Stadium Authority, and the 49er Football Team Entities](#)

**Recommendation:** Staff makes no recommendation.

6.      **22-1250**    [Action on a Council Written Request \(Council Policy 030\) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Set a Study/Briefing Session for the Public in which the Terms of the Settlement Agreement are Discussed as well as Presentation of Sources of Revenues, to include an explanation of the Waterfall through which Money Flows as well as the Rate at which the various Loans are being Paid Off](#)

**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, October 18, 2022 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); 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) <<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.