



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, June 22, 2021

4:30 PM

Virtual Meeting

Closed Session 4:30 PM

Open Session 6:00 PM

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.

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 21-833** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 3600 Juliette Lane, APN: 104-39-021](#)
[City/Authority Negotiator: Deanna J. Santana, City](#)
[Manager/Executive Director \(or designee\)](#)
[Negotiating Party: Intel Corporation](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real](#)
[Property \(provisions, price and terms of payment\)](#)

- 1.B 21-862** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 890 Walsh Avenue, APN: 224-04-057](#)
[City/Authority Negotiator: Deanna J. Santana, City](#)
[Manager/Executive Director \(or designee\)](#)
[Negotiating Party: L.A.W. LLC](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real](#)
[Property \(provisions, price and terms of payment\)](#)
- 1.C 21-885** [Conference with Legal Counsel - Existing Litigation \(CC\)](#)
[Discussion pursuant to Government Code § 54956.9\(d\)\(1\)](#)
[Case Name: Voluntary Petitions for Filing of Chapter 11](#)
[Bankruptcy, PG&E Corporation, Debtor, and Pacific Gas and](#)
[Electric Company, Debtor, United States Bankruptcy Court,](#)
[Northern District of California, San Francisco Division, jointly](#)
[administered under No. 19-30088.](#)

Convene to Closed Session

6:00 PM COUNCIL REGULAR MEETING

**Open Session to be heard at 6:00 p.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 21-719** [Recognize Lieutenant Christopher Noble and Lieutenant Gina](#)
[Noble for their Service to the City of Santa Clara](#)
- 2.B 21-172** [Task Force on Diversity, Equity, and Inclusion Update](#)
[\(April-June 2021\)](#)
- 2.C 21-836** [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 21-13 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Economic Development, Communications, and
Marketing Committee - March 3, 2021
Governance and Ethics Committee - March 29, 2021
Task Force on Diversity, Equity, and Inclusion - April
12, 2021
Cultural Commission - May 3, 2021
Task Force on Diversity, Equity, and Inclusion - May
10, 2021

3.B 21-766 [Action on Bills and Claims Report \(CC, SA\) for the period May 8th, 2021 - May 28th, 2021](#)

Recommendation: Approve the list of Bills and Claims for May 8, 2021 -
May 28, 2021.

3.C 21-815 [Action on Monthly Financial Status and Investment Reports for April 2021 and Approve Related Budget Amendments](#)

Recommendation: Note and file the Monthly Financial Status and
Investment Reports for April 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 3.

3.D 21-768 [Action on a Substation Agreement with Oppidan Investment Company for Freedom Circle Junction Substation, Related Budget Amendment, and Addition of Positions](#)

- Recommendation:**
1. Authorize the City Manager to execute the Substation Agreement with Oppidan to allow SVP to design, procure equipment, and construct 60kV facilities to serve Freedom Circle Junction Substation to meet an ultimate capacity of 99 MVA of permanent electric service to 2305 Mission College Boulevard, subject to the appropriation of funds;
 2. Authorize the City Manager to make minor modifications to the Substation Agreement and execute any and all associated documents;
 3. Delegate authority to the City Manager to approve long lead time material procurement agreements and associated purchase orders;
 4. 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 following FY 2021/22 budget amendments:
 - A. In the Electric Utility Capital Fund, recognize developer contributions of \$3,737,962, and increase the Freedom Circle Junction project by \$3,737,962 (**five affirmative Council votes required to appropriate additional revenue**);
 - B. In the Electric Utility Operating Fund, increase the transfer to the General Fund by \$132,000 and the Electric Department budget by \$550,000 and reduce the unrestricted ending fund balance by \$682,000 (**five affirmative Council votes required for the use of unused balances**); and
 - C. In the General Fund, increase the transfer in from the Electric Utility Operating Fund and the

Human Resources Department budget by \$132,000. (**five affirmative Council votes required to appropriate additional revenue**); and

5. Approve the addition of two (2) Electric Utility Electrician Technician positions in the Electric Utility Department and one (1) Human Resources Technician position in the Human Resources Department.

3.E 21-624 [Action on Amendment No. 2 to the Emergency Rental Assistance Program \(ERAP\) Grant Agreement by and between the City of Santa Clara and the Bill Wilson Center](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for Services Between the City of Santa Clara, California and the Bill Wilson Center to administer the Emergency Rental Assistance Program, and all related documents for the provision of administrative services effective July 1, 2021 through June 30, 2022.

3.F 21-705 [Action on Second Amendment to the Loan Agreement with Westwood Ambassador Apartments \(Charities Housing Development Corporation of Santa Clara\) to Extend the Affordable Housing Requirements for 41 Rental Units within the Project Located at 2602 Newhall Street](#)

Recommendation: Approve and authorize the City Manager to negotiate and execute the Second Amendment to the Loan Agreement with Charities Housing Development Corporation of Santa Clara; approve the Affordability Restrictions extending the affordable housing requirements for 41 rental units within the project located at 2602 Newhall Street and to make modifications to the Agreement as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Subordination Agreements, Assignment and Assumption Agreement and Regulatory Agreement) to implement the Agreement.

- 3.G 21-672** [Action on the Termination of an Agreement for Granting a Variance to the Uniform Building Code Requirements for Building Separation for the Properties Located at 2590 and 2630 Walsh Avenue](#)

Recommendation: Adopt a resolution to authorize the City Manager to terminate the Agreement for a Variance to the Uniform Building Code requirements for building separation for the properties located at 2590 and 2630 Walsh Avenue.

- 3.H 21-759** [Action to Delegate Authority to the City Manager to Adopt a Pilot Emergency Load Reduction Program and Negotiate Compensation for Program Participants](#)

Recommendation: Delegate Authority to the City Manager to:

1. Adopt a pilot Emergency Load Reduction Program and negotiate compensation structure; and
2. To distribute the Exceptional Dispatch compensation received from the CAISO among the Santa Clara customers who participated during the heat events of 2020 and can present the proper documentation.

- 3.I 21-771** [Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for May 10 - June 6, 2021](#)

Recommendation: Note and file the Informational Report on COVID-19 Legislative Updates from Townsend Public Affairs for May 10 - June 6, 2021.

- 3.J 21-813** [Informational Report on the Resolutions of the Salary Setting Commission Establishing as Unchanged the Salary for the positions of Mayor and Council, City Clerk, and establishing as unchanged the Salary and Benefits Allocated to the Position of Chief of Police, for the Period of July 1, 2021, up to and including June 30, 2023](#)

Recommendation: Note and file the Resolutions of the Salary Setting Commission establishing the salary for the positions of Mayor and Council and City Clerk and salary and benefits for the position of Chief of Police, for the period of July 1, 2021, up to and including June 30, 2023.

3.K 21-632 [Action on a Resolution Acknowledging Receipt by City Council of a State-Mandated Compliance Report on Required Annual Fire Inspections of Certain Occupancies](#)

Recommendation: Adopt a Resolution acknowledging receipt of a report made by the Fire Chief of the Santa Clara Fire Department regarding the inspection of certain occupancies requiring annual inspections in such occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code.

3.L 21-794 [Action on a Resolution authorizing the City Manager to approve Cannabis Tax Fund Grant Award from the California Highway Patrol and approve the Related Budget Amendment](#)

Recommendation:

1. Approve a Resolution authorizing the City Manager to approve Cannabis Tax Fund Grant Award from the California Highway Patrol in the amount of \$90,000;
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 FY 2021/22 budget amendment in the Police Operating Grant Trust Fund to recognize grant revenue in the amount of \$90,000 and establish a Cannabis Tax Fund Grant Award appropriation in the amount of \$90,000 (**five affirmative Council votes required to appropriate additional revenue**); and
3. Authorize the Chief of Police, City Manager, Finance Director and/or Mayor to complete the Government Agency Taxpayer Identification form and sign all grant-related documents.

3.M 21-829 [Action on a Resolution Considering the Adoption of the City of Santa Clara Electric Department dba Silicon Valley Power Utility Physical Security Plan](#)

- Recommendation:**
1. Adopt a Resolution to adopt the Utility Security Plan for Silicon Valley Power that has been completed consistent with the industry standard set by the California Public Utilities Decision 19-01-018;
 2. Note and file the Department of Homeland Security Protective Security Advisor's Memorandum entitled "Review of SVP Utility Security Plan" that deemed the adequacy of SVP's Utility Security Plan; and
 3. Direct the City Manager to provide the signed Resolution to the California Public Utilities Commission (CPUC) Director of Safety and Enforcement Division and Director of Energy Division pursuant to the CPUC Decision 19-01-018.

3.N 21-848 [Adoption of Ordinance No. 2031 Establishing District Boundaries to conduct By-District Elections in Santa Clara](#)

Recommendation: Adopt Ordinance No. 2031 Establishing District Boundaries to conduct By-District Elections in Santa Clara

3.O 21-779 [Action on a Tentative Parcel Map for 1199 Coleman Avenue, Coleman Highline - Tranche 2](#)

Recommendation: Adopt a resolution to approve the Tentative Parcel Map for 1199 Coleman Avenue, Coleman Highline-Tranche 2.

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. **21-863** [Public Hearing: Action on a Resolution of Necessity to Acquire Certain Real Property Interests on 890 Walsh Avenue, Santa Clara, California, from L.A.W., LLC \(Continued from June 8, 2021\)](#)

Recommendation: Alternative 1: Adopt a Resolution of Necessity to Acquire Certain Real Property Interests on 890 Walsh Avenue, Santa Clara, California, from L.A.W., LLC. **(Five affirmative votes required [California Code of Civil Procedure section 1245.245]).**

5. Fiscal Year 2021/22 and 2022/23 Budget Action Items

A. 21-526 [Public Hearing: Action on the Adoption of the Proposed FY 2021/22 & FY 2022/23 Biennial Operating Budget and FY 2021/22 Capital Improvement Program Changes](#)

Recommendation: Alternatives 1, 2, 3, 4, 5, 6, and 7

1. Approve the Proposed FY 2021/22 and FY 2022/23 Biennial Operating Budget and FY 2021/22 Capital Budget changes, including the recommended revisions detailed in Attachment 2;
2. Approve the Appropriation Schedule for operating funds totaling \$1,061,794,706 in FY 2021/22 and \$1,133,297,591 in FY 2022/23 and the FY 2021/22 Appropriation Schedule for capital funds totaling \$330,708,848 as detailed in Attachment 3
3. Approve the Housing Authority FY 2021/22 expenditure budget of \$363,099 and FY 2022/23 expenditure budget of \$368,411 as presented in the Operating Budget;
4. Approve the Sports and Open Space Authority FY 2021/22 expenditure budget of \$5,420 and FY 2022/23 expenditure budget of \$5,420 as presented in the Operating Budget;
5. Direct staff to bring forward a separate resolution to increase the Transient Occupancy Tax rate by two percentage points effective January 1, 2022;
6. Direct staff to bring forward a Parks and Recreation fee cost recovery policy in FY 2021/22 for Council consideration as part of the comprehensive review of fees; and
7. Direct staff to bring forward potential revenue tax measures for the November 2022 ballot and to return with the appropriate schedule and workplan for successfully placing measures on the ballot, including a Business Tax measure.

B. 21-816 [Action on a Resolution Establishing the Fiscal Year 2021/22 Appropriations Limit](#)

Recommendation: Adopt a Resolution establishing the City's FY 2021/22 appropriations limit of \$546,765,505.

6. 21-577 [Public Hearing: Action on the Adoption of the Fiscal Year 2021/22 Municipal Fee Schedule](#)

Recommendation: Alternative 1:
Adopt a resolution for the “City of Santa Clara 2021/22 Municipal Fee Schedule” which (1) sets new fees, rates and charges (collectively “fees”); (2) amends existing fees; (3) deletes certain fees; and (4) retains unchanged fees for various City departments with an effective date of July 1, 2021 for all fees except parkland in-lieu fees and development-related fees and an effective date of August 23, 2021 for the development-related fees. Parkland in-lieu fees have effective dates as set forth in Resolution 21-8970 adopted on June 10, 2021, specifically June 11, 2021 for Quimby Act fees and August 9, 2021 for Mitigation Fee Act fees.

7. 21-1164 [Public Hearing: Adoption of a Resolution Approving the Levy of Benefit Assessment upon the City of Santa Clara Parking Maintenance District No. 122 - Franklin Square](#)

Recommendation: Alternative 1:
Adopt a Resolution approving the levy of benefit assessment upon the City of Santa Clara Parking Maintenance District No. 122 and approving, confirming, and adopting the Director’s Report for FY 2021/22.

8. 21-146 [Public Hearings: \(1\) Action to Approve 2020 Urban Water Management Plan; \(2\) Action to Approve Water Shortage Contingency Plan](#)

Recommendation: 1. Adopt a Resolution approving the 2020 Urban Water Management Plan; and
2. Adopt a Resolution approving the Water Shortage Contingency Plan

9. 21-150 [Public Hearing: Action on Resolutions Approving Water, Sewer and Recycled Water Rates to be Effective July 1, 2021](#)

Recommendation: Alternative 1: Adopt Resolution Establishing Water Rate Schedule 2021-01

10. Written Petitions Submitted

- A. 21-851 [Action on a Written Petition submitted by Robert Mezzetti, II Requesting to Discuss Amendment No. 3 to the Exclusive Negotiation Agreement by and between the City, VTA and Republic Metropolitan an LLC for the proposed project located at 500 S. Benton Street \(APN 230-08-061 and 230-08-078\)](#)

Recommendation: That Council take no action on the petition and do not place the item on a future agenda.

- B. 21-783 [Action on a Written Petition \(Council Policy 030\) submitted by Gabriela Landaveri Requesting the City of Santa Clara Adopt a "Vision Zero" Policy](#)

Recommendation: Staff makes no recommendation.

- C. 21-872 [Action on a Written Petition Submitted by Councilmember Jain Requesting to Place an Agenda Item at a Future Meeting to have a Policy Discussion on Data Centers](#)

Recommendation: Staff has no recommendation and seeks Council direction.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 21-875 [Update on City Council and Stadium Authority Staff Referrals](#)
- 21-888 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, July 6, 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.