



City of Santa Clara

Meeting Minutes

City Council Special Meeting

09/04/2019

4:30 PM

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

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 Mayor calls for a Special Meeting of the City Council of the City of Santa Clara to commence and convene on September 4, 2019, at 4:30 PM for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

Closed Session - 4:30 PM | Study Session - 5:00 PM | Special Meeting - 6:00 PM

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 4:32 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

[19-1026](#)

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 (Council Conference Room)**5:00 PM STUDY SESSION****Call to Order in the Council Chambers**

Mayor Gillmor called the Joint Study Session with the Planning Commission to order at 5:04 PM.

Confirmation of a Quorum[19-540](#)

Joint Study Session with Planning Commission on the Zoning Code Comprehensive Update: Safe Parking, Assisted Living, and Continuation of August 20 Study Session Topics

Director of Community Development Crabtree presented a PowerPoint on the Zoning Code Comprehensive Update: Safe Parking, Assisted Living, and Continuation of August 20 Study Session Topics.

Public Speaker(s): Public Speakers (2)

Council took a recess at 5:57 PM.

6:00 PM SPECIAL MEETING

Call to Order

Mayor Gillmor called the Special Meeting to order at 6:09 PM.

Pledge of Allegiance and Statement of Values**Roll Call**

Present: 6 - Vice Mayor Patricia M. Mahan, Councilmember Teresa O'Neill, Councilmember Kathy Watanabe, Councilmember Debi Davis, Councilmember Raj Chahal, and Mayor Lisa M. Gillmor

Absent: 1 - Councilmember Karen Hardy

19-1048

Moment of Silence - September 4, 2019 Council Meeting Post Meeting Material

Mayor Gillmor on behalf of Council called for a moment of silence to and offered heartfelt condolences to the families and friends of the individuals who tragically lost their lives from the mass shooting event on August 31, 2019 in Odessa, Texas.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle reported there was no reportable action from Closed Session.

CONTINUANCES/EXCEPTIONS

None.

SPECIAL ORDER OF BUSINESS

1. **19-843** Proclamation of September 2019 as Community Preparedness Month

Mayor Gillmor and Council presented a Proclamation to **Emergency Services Coordinator Schoental** and the Office of Emergency Services Staff.

CONSENT CALENDAR

A motion was made by Councilmember O'Neill, seconded by Vice Mayor Mahan, to approve the Consent Calendar.

Aye: 6 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

Absent: 1 - Councilmember Hardy

- 2.A** [19-887](#) Action on Amended Council Policy 043 Entitled "Official Travel by Elected Officials"

Recommendation: Adopt a Resolution repealing Resolution No. 17-8432 and adopting the amended Council Policy on Official Travel by Elected Officials.

A motion was made by Councilmember O'Neill, seconded by Vice Mayor Mahan, to adopt Resolution No. 19-8751 repealing Resolution No. 17-8432 and adopting the amended Council Policy on Official Travel by Elected Officials.

- 2.B** [19-888](#) Action on Amended Council Policy 035 Entitled "Naming of Facilities"

Recommendation: Adopt a Resolution amending Council Policy 043 on Naming of Facilities.

A motion was made by Councilmember O'Neill, seconded by Vice Mayor Mahan, to adopt Resolution No. 19-8752 amending Council Policy 043 on Naming of Facilities.

- 2.C** [19-921](#) Action on Amendment No. 3 to the Agreement with Hulberg and Associates, Inc., DBA Valbridge Property Advisors for consulting services associated with the Related Santa Clara (CityPlace) Development Project

Recommendation: Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement with Hulberg and Associates, Inc., DBA Valbridge Property Advisors to increase compensation by \$70,000 for a revised not to exceed compensation amount of \$169,000 for consulting services related to the CityPlace Santa Clara Development Project.

A motion was made by Councilmember O'Neill, seconded by Vice Mayor Mahan, to approve the staff recommendation.

PUBLIC PRESENTATIONS

Public Speaker(s): Jerry Patrignani

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

3. [19-981](#) Action on the City's Response to the 2018-2019 Santa Clara County Civil Grand Jury Report: "City of Santa Clara Public Records Access: The Paper Chase"

Recommendation: It is recommended the City Council approve this response and authorize Mayor Gillmor to submit the City's Response to the Civil Grand Jury Report to the Honorable Deborah A. Ryan, Presiding Judge, Superior Court of California, County of Santa Clara, 191 North First Street, San José, California 95113, no later than **Monday, September 16, 2019**.

City Manager Santana and City Attorney Doyle presented the staff report and PowerPoint presentation.

Public Speaker(s): Public Speakers (3)

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve this response and authorize Mayor Gillmor to submit the City's response to the Civil Grand Jury Report to the Honorable Deborah A. Ryan, Presiding Judge, Superior Court of California, County of Santa Clara, 191 North First Street, San José, California 95113, no later than Monday, September 16, 2019.

Aye: 6 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

Absent: 1 - Councilmember Hardy

4. [19-1016](#) Charter Review Committee Update

City Clerk Haggag gave a verbal report and addressed Council questions and comments.

Public Speaker(s): Public Speakers (2)

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to note and file the Charter Review Committee update.

Aye: 6 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

Absent: 1 - Councilmember Hardy

5. [19-975](#) Declaring the Vacancy for the Position of Elected Chief of Police and discussion on process for filling the vacancy by appointment or special election in March 2020

Recommendation: Staff makes no recommendation.

City Clerk Haggag presented the staff report.

Public Speaker(s): Public Speakers (3)

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to declare the vacancy for the position of elected Chief of Police.

Aye: 6 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

Absent: 1 - Councilmember Hardy

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve to conduct an election on March 3, 2020 to fill the elected Chief of Police vacancy.

Aye: 6 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

Absent: 1 - Councilmember Hardy

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana noted the following:

- Special Meeting - City Council Session on Governance at the Central Park Library on September 5, 2019;
- due to noticing requirements, the Park Fees amendment language item will be on the October 8, 2019 agenda; and that
- on September 17, 2019 the Beta website will be presented to **Council**.

6. [19-959](#) Informational Report on the State of California's Preferred Alternative for the California High-Speed Rail Project

Recommendation: Note and file the Informational Report on the State of California's Preferred Alternative for the California High-Speed Rail Project and have the City Manager submit a Letter to the California High-Speed Rail Authority in support of the Preferred Alternative.

Assistant Director of Public Works Liw presented the staff report.

California High Speed Rail representative Dave Shpak was called to speak.

Councilmember Hardy joined the meeting at 8:40 PM.

A motion was made by Vice Mayor Mahan, seconded by Councilmember Davis, to approve the staff recommendation.

Aye: 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

ADJOURNMENT

The meeting was adjourned at 8:44 PM.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adjourn the meeting.

Aye: 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

The next regular scheduled meeting is on Tuesday evening, September 17, 2019 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)

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."