



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, January 15, 2019

4:30 PM

City Hall Council Chambers

1500 Warburton Avenue

Santa Clara, CA 95050

Closed Session - 4:30 PM | Joint Dinner - 5:00 PM | Regular Meeting - 7:00 PM

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Confirmation of a Quorum

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.

- 19-064** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(a\) - Initiation of litigation](#)
[Number of potential cases: 1](#)

- 19-066** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Smee v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 116CV294244](#)

- 19-067** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Maranon v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:15-CV-04709](#)
[BLF](#)

- 19-068** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Nevarez v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:16-CV-07013](#)
[HRL](#)

- 19-080** [Conference with Legal Counsel-Anticipated Litigation \(CC, SA\)](#)
[Pursuant to Gov. Code § 54956.9\(a\) - Initiation of litigation](#)
[Number of potential cases: 1](#)
[Facts and Circumstances](#)
[City/Stadium Authority as potential Plaintiff: Letter from Santa Clara Stadium Authority dated November 7, 2018, regarding Forty Niners Stadium, LLC \(StadCo\) Use of the Stadium Main Lot](#)
- 19-065** [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 JOINT DINNER

Call to Order in the Council Chambers

Confirmation of a Quorum

19-1306 [5:00 P.M. Parks & Recreation Commission Joint Dinner Meeting](#)

6:00 PM CLOSED SESSION

Reconvene to Closed Session (Continued from 4:30 PM)

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

SPECIAL ORDER OF BUSINESS

1.A 19-1556 [Action on Disbursement of Net Proceeds from the 2018 Santa Clara Art & Wine Festival and Related Budget Amendments](#)

- Recommendation:**
1. Approve appropriations of \$151,233 in the Recreation Program Operations Fund (041) funded by the \$150,656 revenue from the 2018 Santa Clara Art & Wine Festival and \$577 from the program fund balance;
 2. Approve appropriation of \$16,000 in the Community Activities Fund (084) for Senior Center Health & Wellness Program; and
 3. Authorize disbursement in the amount of \$70,874 to local programs and services.

1.B 19-1664 [Presentation on the Intel Corp. \(Santa Clara III\) Superfund Site](#)

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.]

2.A 19-042 [Action on the Council and Authorities Concurrent Meeting Minutes](#)

Recommendation: Note and file the Minutes of:
Council and Authorities Concurrent Meeting - November 13, 2018
City Council Special Meeting - November 15, 2018
Council and Authorities Concurrent Meeting - November 27, 2018
Council and Authorities Concurrent Meeting - December 4, 2018
Council and Authorities Concurrent Meeting - December 11, 2018
City Council Special Meeting - December 13, 2018
Council and Authorities Concurrent Meeting - December 18, 2018
City Council Special Meeting - December 20, 2018

2.B 19-001 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Board of Library Trustees - November 5, 2018
Cultural Commission - October 1, 2018
Ad-Hoc Facilities Naming and Honorary Recognition Committee - October 11, 2018
Cultural Commission - November 5, 2018
Planning Commission - November 28, 2018
City-School Liaison Committee - March 8, 2018
City-School Liaison Committee - April 4, 2018
City-School Liaison Committee - June 13, 2018
City-School Liaison Committee - September 5, 2018
City-School Liaison Committee - October 3, 2018

2.C 19-1643 [Action on Bills and Claims for the month of November 2018 \(Stadium Authority\)](#)

Recommendation: Approve the list of Bills and Claims for November 2018.

2.D 19-1451 [Action on Monthly Financial Status and Investment Reports for October 2018](#)

Recommendation: Approve the Monthly Financial Status and Investment Reports for October 2018 as presented.

2.E 19-1128 [Action on the Bay Area Quality Management District Grant Agreement for Lithium-Ion Battery Energy Storage System Demonstration Project and Related Budget Amendment](#)

Recommendation: 1. Approve the Bay Area Air Quality Management District 2018 Grant Agreement No. 2018.245, accepting the grant award of \$300,000; and
2. Approve the Related Budget Amendment (Five Affirmative Council Votes Required for Available Revenue Not Included in the Budget).

2.F 19-1129 [Action on an Agreement for Services with SEL Engineering Services, Inc. \(SEL ES\) for Phase Shifting Transformer \(PST\) Controller Upgrades and Finalization](#)

Recommendation: Approve and authorize the City Manager to execute the Agreement for Services with SEL Engineering Services, Inc., in an amount not-to-exceed \$315,000, for the Phase Shifting Transformer Controller Upgrades and Finalization.

2.G 19-1461 [Action on Final Map for Tract No. 10402 at 3305 Kifer Road](#)

Recommendation: 1. Approve the Final Map for Tract No. 10402;
2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation; and
3. Authorize the recordation of the Final Map for Tract No. 10402, which divides three parcels into thirteen lots located at 3305 Kifer Road [APNs: 216-33-001 and 216-33-030] (2018-19)].

2.H 19-1512 [Action on a resolution amend the FY 2018/19 Adopted Municipal Fee Schedule by Adding a Tasman East Specific Plan Fee](#)

Recommendation: Adopt a resolution amending the FY 2018/19 Adopted Municipal Fee Schedule by adding the Tasman East Specific Plan fee

2.I 19-1515 [Action on Amendment No 2. to the Agreement for Professional Services with Perkins + Will for preparation of the Tasman East Specific Plan and Related Budget Amendment](#)

Recommendation: 1. Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for Professional Services with Perkins + Will, Inc. to complete the Tasman East Specific Plan and Environmental Impact Report (EIR), increasing the not-to-exceed cost by \$186,587 to a revised total of \$1,140,882; and
2. Approve appropriations of an additional \$186,587 in contractual services for the Tasman East Specific Plan funded by a transfer from the Building Inspection Reserves account.

2.J 19-1584 [Action on Professional Services Agreement between Linnea Sheehy and the City of Santa Clara for Recreation Class Instruction and Related Programs](#)

Recommendation: Authorize the City Manager to execute a Professional Services Agreement with Linnea Sheehy in the amount of \$160,174 for recreation class instruction and related services.

2.K 19-1589 [Action on Agreement between North American Youth Activities, LLC and the City of Santa Clara for Recreation Class Instruction and Related Services](#)

Recommendation: Approve and authorize the City Manager to execute an Agreement with North American Youth Activities, LLC in the amount of \$176,183 for recreation class instruction and related services.

2.L 19-1590 [Action on Agreement between Kimberly Davey and the City of Santa Clara for Recreation Class Instruction and Related Programs](#)

Recommendation: Approve and authorize the City Manager to execute an Agreement with Kimberly Davey in the amount of \$174,975 for recreation class instruction and related services.

2.M 19-1598 [Action on Agreement with AN Imports of Stevens Creek, Inc., to Install a HAWK Beacon at the Intersection of Kiely Blvd. and Malabar Ave. and Related Budget Amendment](#)

Recommendation: Approve and authorize the City Manager to enter into an agreement with AN Imports of Stevens Creek, Inc., in a form substantially similar to the attached agreement, to install a HAWK Beacon at the intersection of Kiely Blvd. and Malabar Avenue and Approve the Funding of Permit Fees in the amount of \$27,600 through the General Fund Budget Stabilization Reserve

2.N 19-1635 [Action on a Resolution Approving the 2019 Planning Commission Calendar of Meetings and Delegating to the Planning Commission the Authority to Adopt Future Annual Meeting Calendars](#)

Recommendation: Adopt a Resolution approving the 2019 Planning Commission Calendar of Meetings, setting the number and start time of regular Planning Commission meetings to at least once a month starting at 6 p.m., and delegating to the Planning Commission the authority to adopt future annual meeting calendars

2.O 19-1640 [Action on Planning Commission Vacancy](#)

Recommendation:

1. Declare a partial term vacancy ending June 30, 2022.
2. Set February 22, 2019 at 5:00 P.M. as the deadline to receive applications in the City Clerk's Office.
3. Set March 5, 2019 at 6:00 P.M. for the Planning Commission Vacancy Interviews.

2.P 19-1497 [Appointment of Members to the Bicycle and Pedestrian Advisory Committee](#)

Recommendation: Appoint Thomas Granvold, Bruce Donaghue, and Don Sterk to serve three-year terms on the Bicycle and Pedestrian Advisory Committee expiring on December 31, 2021.

2.Q 19-1645 [Action on Adoption of Ordinance No. 1993 Amending Chapters 18.14, 18.16, 18.18, and 18.30 of Title 18 of "The Code of the City of Santa Clara, California" Related to Accessory Dwelling Units](#)

Recommendation: Adopt Ordinance No. 1993 Amending Chapters 18.14, 18.16, 18.18, and 18.30 of Title 18 of "The Code of the City of Santa Clara, California" Related to Accessory Dwelling Units.

2.R 19-007 [Action on a Resolution Amending In Part Resolution 5195, Approving the 2019 Civil Service Commission Calendar of Meetings, and Setting the Number and Start Time of Regular Meetings of the Civil Service Commission](#)

Recommendation: Adopt a Resolution amending in part Resolution 5195, approving the 2019 Civil Service Commission Calendar of Meetings, and setting the number and start time of regular Civil Service Commission meetings.

2.S 19-010 [Action on a Resolution Approving the 2019 Salary Setting Commission Calendar of Meetings, and Setting the Number and Start Time of Regular Meetings of the Salary Setting Commission](#)

Recommendation: Adopt a Resolution approving the 2019 Salary Setting Commission meeting dates and start time of 7:00 p.m.

2.T 19-043 [Action on Adoption of Ordinance No. 1995 Establishing a Temporary Moratorium on Motorized Scooter and Bike Share Programs](#)

Recommendation: Adopt Ordinance No. 1995 Establishing a Temporary Moratorium on Motorized Scooter and Bicycle Share Programs.

2.U 19-048 [Action to Adopt Resolutions Agreeing to Confidentiality Requirements and Delegating Authority to City Manager/Executive Director and City Attorney/Stadium Authority Counsel to Sign New Mandatory Mediation Disclosure Statement Pursuant to SB 954](#)

Recommendation: Adopt Resolutions agreeing to confidentiality requirements and delegating authority to City Manager/Executive Director and City Attorney/Stadium Authority Counsel, as applicable, to sign new mandatory mediation disclosure statement in a form substantially similar to the attached Mediation Disclosure Notification and Acknowledgement.

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

3. 19-322 [Action on Introduction of an Ordinance Modifying Smoking and Tobacco Regulations, Grant from the County of Santa Clara's Healthy Cities Program - Tobacco-Free Communities Fund, and Related Budget Amendment](#)

Recommendation: Alternatives 1, 3, and 5:

1. Approve the introduction of an Ordinance amending Chapter 8.35 ("Smoking and Tobacco Regulations") of Title 8 ("Health and Safety") of "The Code of the City of Santa Clara, California" to expand smoking restrictions in open air dining areas, public parks, service areas, public places when being used for a public event, multi-unit residences, and 30 feet away from any operable doorway, window opening, and vent into any enclosed area and any unenclosed area in which smoking is prohibited;
3. Authorize the City Manager to negotiate and execute a grant agreement with the Santa Clara County Public Health Department to reduce secondhand smoke exposure in multi-unit residences; and
5. Approve the appropriation of the anticipated grant amount of \$30,751 to the City Manager's Office to help cover operating expenses for implementing the ordinance related to multi-unit residences.

4. 19-056 [Action on Community Grant Request from the Santa Clara Women's League](#)

Recommendation: Staff makes no recommendation.

5. 19-1601 [Action on the City of Santa Clara Audited Comprehensive Annual Financial Report \(CAFR\), Audited Silicon Valley Power \(SVP\) Financial Statements, and Audited Transportation Development Act \(TDA\) Financial Statements for Fiscal Year Ended June 30, 2018, as Recommended by the City Council Audit Committee](#)

Recommendation: Note and file, as recommended by the City Council Audit Committee:

1. The audited City of Santa Clara Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2018;
2. The audited City of Santa Clara Electric Utility Enterprise Fund (Silicon Valley Power) Financial Statements for fiscal year ended June 30, 2018;
3. The audited Transportation Development Act (TDA) Financial Statements for fiscal year ended June 30, 2018.

6. 19-1509 [Update on the Selection of a Developer for the 3575 De La Cruz Boulevard Affordable Housing Development \(Housing Authority\)](#)

Recommendation: Alternatives 1 & 2:

1. Note and File Staff's Recommendation of Habitat for Humanity East Bay / Silicon Valley Development's Proposal for the Development of 3575 De La Cruz Boulevard.
2. Direct Staff to initiate an Exclusive Negotiation Agreement (ENA) with Habitat for Humanity East Bay / Silicon Valley, for future Council consideration.

7. **Action on the Selection of Vice Mayor and Chaplain**

- A. 19-1529 [Action on the Resolution for the Selection of Vice Mayor and Chaplain](#)

Recommendation: Alternative 1:
Approve the resolution repealing and replacing Resolution No. 6442.

- B. 19-055 [Letter from Mayor Lisa M. Gillmor recommending Appointment of Councilmember Patricia M. Mahan as Vice Mayor](#)

Recommendation: Mayor Lisa M. Gillmor recommends Appointment of Councilmember Patricia M. Mahan as Vice Mayor.

- C. 19-058 [Letter from Mayor Lisa M. Gillmor recommending Appointment of Vice Mayor Kathy Watanabe as Chaplain](#)

Recommendation: Mayor Lisa M. Gillmor recommends Appointment of Vice Mayor Kathy Watanabe as Chaplain.

8. 19-005 [Action on Amendment to Architectural Committee Procedures](#)

Recommendation: Adopt a Resolution Amending the Procedures for Architectural Committee Meetings.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 19-002 [Tentative Meeting Agenda Calendar](#)

- 19-053 [Monthly Update on City Council and Stadium Authority Staff Referrals](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, January 29, 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."