



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

Tuesday, November 19, 2019

5:00 PM

City Hall Council Chambers

1500 Warburton Avenue

Santa Clara, CA 95050

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#### **5:00 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.*

**19-1336** [Public Employee Performance Evaluation \(CC\)](#)

[Pursuant to Gov. Code § 54957](#)

[Title: City Manager](#)

**19-1337** [Conference with Labor Negotiators \(CC\)](#)

[Pursuant to Gov. Code § 54957.6](#)

[City representative: Mayor Lisa M. Gillmor](#)

[Unrepresented employee: City Manager Deanna J. Santana](#)

Convene to Closed Session (Council Conference Room)

#### **6:00 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**

#### **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.]*

1.A 19-1046 [Action on Council and Authorities Concurrent Meeting Minutes of October 8, 2019](#)

**Recommendation:** Note and file the Council and Authorities Concurrent Meeting Minutes of October 8, 2019.

1.B 19-1190 [Action on Bills and Claims Report \(CC, HA\) for the period October 4th - October 24th](#)

**Recommendation:** Approve the list of Bills and Claims for October 4, 2019 - October 24, 2019.

1.C 19-917 [Action on Monthly Financial Status and Investment Reports for September 2019](#)

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for September 2019 as presented.

1.D 19-1253 [Action on Amendment No. 1 to the Master Product and Services Agreement with Hexagon Safety & Infrastructure](#)

**Recommendation:** Approve and authorize the City Manager to execute Amendment Number 1 to the Master Product and Services Agreement with Hexagon Safety & Infrastructure dated October 12, 2017.

1.E 19-1186 [Action on Resolution Authorizing Application and Acceptance of an Award from the California Parks and Recreation Society Statewide Healthy Play Initiative Grant up to \\$90,000 for Agnew Park Playground Rehabilitation Project and Related Budget Amendment](#)

**Recommendation:** Adopt a Resolution authorizing the City Manager accept a CPRS Statewide Healthy Play Grant award for Agnew Park Playground Rehabilitation Project, and approval of a budget appropriation and authorization for up to \$90,000 in City matching funds, and to execute grant documents, make minor modifications, administer the grant, if funded and approve the related budget amendment for additional appropriation into the Parks & Recreation Capital Fund Agnew Park Playground Rehabilitation Project.

- 1.F 19-897** [Action on Adoption of Ordinance No. 2007 Amending Chapters 2.115 \(“General Characteristics of License or Permit - Suspension Procedure”\), 3.25 \(“Transient Occupancy Tax”\), 3.40 \(“Business Tax”\), 5.05 \(“Solicitors and Peddlers”\), 5.30 \(“Pawnbrokers and Secondhand Dealers”\), 5.35 \(“Taxicabs and Pedicabs\), 5.61 \(“Public Entertainment Generally”\), 5.75 \(“Bingo”\), and 13.10 \(“Sewers”\) of “The Code of the City of Santa Clara, California” to Streamline the Appeal Procedures for City Licenses And Permits](#)

**Recommendation:** Adopt Ordinance No. 2007 Amending Chapters 2.115 (“General Characteristics of License or Permit - Suspension Procedure”), 3.25 (“Transient Occupancy Tax”), 3.40 (“Business Tax”), 5.05 (“Solicitors and Peddlers”), 5.30 (“Pawnbrokers and Secondhand Dealers”), 5.35 (“Taxicabs and Pedicabs), 5.61 (“Public Entertainment Generally”), 5.75 (“Bingo”), and 13.10 (“Sewers”) of “The Code of the City of Santa Clara, California” to Streamline the Appeal Procedures for City Licenses And Permits.

- 1.G 19-060** [Action on Adoption of Ordinance No. 2010 Extending a Temporary Moratorium on Motorized Scooter and Bicycle Share Programs](#)

**Recommendation:** Adopt Ordinance No. 2010 Extending a Temporary Moratorium on Motorized Scooter and Bicycle Share Programs.

**1.H 19-914** [Action on Award of the Contract for the Street Corporation Yard Electric Gate Project](#)

- Recommendation:**
1. Award the Public Works Contract for the Street Corporation Yard Electric Gate Project (CE17-18-17) to the lone responsive and responsible bidder, Arrow Fencing, in the amount of \$189,000 and authorize the City Manager to execute any and all documents associated with, and necessary for, the award, completion, and acceptance of this Project; and
  2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$28,350, for a total not-to-exceed amount of \$217,350.

**1.I 19-1003** [Action on 2019 Q2 Legislative Update](#)

- Recommendation:** Note and file 2019 Q2 Legislative Update.

**1.J 19-1076** [Action on the Clean Fuel Reward Program Governance Agreement by and among Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Los Angeles Department of Water & Power, Sacramento Municipal Utility District and the Other Electric Distribution Utilities Party Hereto](#)

- Recommendation:**
1. Delegate authority to the City Manager or designee to finalize the negotiation of the Clean Fuel Reward Program Governance Agreement by and among Pacific Gas & Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Los Angeles Department of Water & Power, Sacramento Municipal Utility District and the Other Electric Distribution Utilities Party Hereto; and
  2. Authorize the City Manager or designee to sign a Joinder and other CFR program related documents that may be necessary to comply with the mandatory program participation requirements.

**1.K 19-1109** [Action on Amendment No. 2 for the Reimbursement Agreement \(No. HSR 16-86\) with the California High-Speed Rail Authority for the High-Speed Rail Project](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute Amendment No. 2 for the Reimbursement Agreement (No. HSR 16-86), for an amount not-to-exceed \$150,644, with the California High-Speed Rail Authority for the High-Speed Rail Project, extending the Agreement three more years to December 31, 2022;
  2. Authorize the City Manager to make minor, non-substantive modifications to Amendment No. 2, if necessary; and
  3. Authorize the City Manager to approve future amendments to the Agreement (No. HSR 16-86).

**1.L 19-1153** [Authorize the City Manager to Approve the sale of approximately 1,744 square feet of land at the San José-Santa Clara Regional Wastewater Facility Site from the City of San José to the Valley Transportation Authority](#)

- Recommendation:** Staff recommends Council authorize the City Manager to enter into an agreement, in substantially the same form as the attached, with the City of San José and the Santa Clara Valley Transportation Authority (VTA), for the sale of a approximately 1,744 square feet of land at the RWF.

**1.M 19-1348** [Action on Second Amendment to the Exclusive Negotiations Agreement with Republic Metropolitan LLC for the site located at 500 Benton Street \[APN: 230-08-078\]](#)

- Recommendation:** Approve and Authorize the City Manager to Execute the Second Amendment to the Exclusive Negotiations Agreement with Republic Metropolitan LLC incorporating terms as requested by VTA for the site located at 500 Benton Street [APN: 230-08-061].

**1.N 19-1163** [Action on the Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 3505 Kifer Road](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land allowing the installation and maintenance of private improvements within the public right-of-way at 3505 Kifer Road [APN 216-59-001 thru 003, 016 thru 041, and 043, 216-60-001 thru 043, and 045, 216-61-001 thru 048, and 216-62-001 thru 058 (2019-20); SC 19,015];
  2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if necessary; and
  3. Authorize the recordation thereof.

**1.O 19-1164** [Authorization of Application and Receipt of Grant Funds for the SB2 Planning Grants Program Year 1 Issued by the California Department of Housing and Community Development](#)

- Recommendation:** Adopt a resolution authorizing the City Manager or designee to apply for grant funding from the California Department of Housing and Community Development (HCD) to facilitate the update of the Tasman East Specific Plan and authorizing the City Manager or designee to negotiate and execute all documents required to accept the grant funds.

**1.P 19-1119** [Action on a request for a Special Permit to allow for Remembrance Dinner Celebrations at JW House](#)

- Recommendation:** Approve the request of a Special Permit for two years to allow JW House to conduct Remembrance Dinner Celebrations at 3850 Homestead Road (PLN2019-14126), subject to conditions.

**1.Q 19-1263** [Action on a request for a Special Permit to allow a Christmas Tree sales Lot at 3705 El Camino Real](#)

**Recommendation:** Approve the request of a Special Permit to allow Save Mart Companies to conduct a Christmas tree sales lot on November 29, 2019 through December 24, 2019 and November 27, 2020 through December 24, 2020, at 3705 El Camino Real (PLN2019-14168), subject to conditions.

**1.R 19-1274** [Action on a request for a Special Permit to allow for a Christmas Tree Lot at 234 Saratoga Avenue](#)

**Recommendation:** Approve the request of a Special Permit to allow Save Mart Companies to conduct a Christmas tree parking lot on November 21, 2019 through December 24, 2019 and November 20, 2020 through December 24, 2020, located at 234 Saratoga Avenue (File No. PLN2019-14175), subject to conditions.

**1.S 19-1338** [Action on a Resolution Revising the Council and Authorities/Stadium Authority Regular Meetings Dates for the 2020 Calendar Year](#)

**Recommendation:** Adopt a Resolution revising the Council and Authorities/Stadium Authority regular meeting dates for the 2020 calendar year to (1) reflect the cancelation of the January 21, 2020 Council and Authorities regular meeting and to set January 14, 2020 as a Council and Authorities regular meeting and (2) reflect the cancelation of the February 18, 2020 Stadium Authority meeting and to set March 10, 2020 as a Stadium Authority meeting.

**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**

2. 19-1193 [Public Hearing: Action on the Adoption of Phase II of the Fiscal Year 2019/20 Municipal Fee Schedule](#)

**Recommendation:** Alternative 1:  
Adopt a resolution for the “City of Santa Clara 2019/20 Municipal Fee Schedule, Phase II” 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 effective on January 20, 2020.

3. 19-1083 [Consideration of Councilmember O’Neill’s Request Related to the City’s Participation in an “Innovation Zone” with the City of San José for the Stevens Creek Corridor](#)

**Recommendation:** Staff makes no recommendation.

4. 19-1082 [Consideration of a Resolution to Work Collaboratively with the VTA, County of Santa Clara and the Cities of Cupertino and San Jose Regarding a Stevens Creek Boulevard Corridor Study](#)

**Recommendation:** Alternatives 1 and 3:  
1. Adopt a Resolution to Work Collaboratively with the VTA, County of Santa Clara and the Cities of Cupertino and San Jose Regarding a Stevens Creek Boulevard Corridor Study that considers both Complete Streets and High Capacity Transit; and  
3. That the City Manager or designee is authorized to assess resources needed to develop this study and report findings to the City Council.

5. 19-298 [Public Hearing: Action on Resolution Amending Rate Schedules for Electric Service for All Classes of Customers, Effective January 1, 2020 and establishing Rate Schedule PA-E](#)

**Recommendation:** Adopt a Resolution of the City of Santa Clara Amending Rate Schedules for Electric Services for All Classes of Customers effective January 1, 2020, and establishing Rate Schedules PA-E.



6.     **19-014**     [Public Hearing: Adoption of Ordinance No. 2008 adding a new Chapter 15.18 \("International Property Maintenance Code"\) and a new Chapter 15.39 \("Expedited Permitting Process for Electric Vehicle Charging Stations"\), and amending Chapter 15.05 \("Administrative Code"\), Chapter 15.15 \("Building Code"\), Chapter 15.17 \("Residential Code"\), Chapter 15.20 \("Electric Code"\), Chapter 15.30 \("Mechanical Code"\), Chapter 15.35 \("Plumbing Code"\), Chapter 15.36 \("Energy Code"\), Chapter 15.37 \("Historical Building Code"\), Chapter 15.38 \("Green Building Standards Code"\), and Chapter 15.75 \("Existing Building Code"\) of Title 15 \("Buildings and Construction"\) of "The Code of the City of Santa Clara, California" for the adoption of the 2019 California Building Standards Code, as amended herein](#)

**Recommendation:** Adopt Ordinance No. 2008 adding a new Chapter 15.18 ("International Property Maintenance Code") and a new Chapter 15.39 ("Expedited Permitting Process for Electric Vehicle Charging Stations"), and amending Chapter 15.05 ("Administrative Code"), Chapter 15.15 ("Building Code"), Chapter 15.17 ("Residential Code"), Chapter 15.20 ("Electric Code"), Chapter 15.30 ("Mechanical Code"), Chapter 15.35 ("Plumbing Code"), Chapter 15.36 ("Energy Code"), Chapter 15.37 ("Historical Building Code"), Chapter 15.38 ("Green Building Standards Code"), and Chapter 15.75 ("Existing Building Code") of Title 15 ("Buildings and Construction") of "The Code of the City of Santa Clara, California" for the adoption of the 2019 California Building Standards Code.

7.     **19-017**     [Public Hearing: Adoption of Ordinance No. 2009 Amending Chapter 15.60 of the Santa Clara City Code \("Santa Clara Municipal Fire and Environmental Code"\) to Adopt the 2019 California Fire Code, as Amended](#)

**Recommendation:** Adopt Ordinance No. 2009 amending Chapter 15.60 of the Santa Clara City Code ("Santa Clara Municipal Fire and Environmental Code") to adopt the 2019 California Fire Code, as amended.

8.     **19-1007**    [Adopt a Resolution Calling and Giving Notice of a Special Municipal Election to be Held on Tuesday, March 3, 2020, for a Vote on One Ballot Measure that, if passed, Would Amend Sections 600, 700.1 and 700.2 of the Santa Clara City Charter; Requesting the Consolidation of the Special Municipal Election with the Statewide Presidential Primary Election to be Held in Santa Clara County on March 3, 2020; and Directing the City Attorney to Prepare the Impartial Analysis](#)

***Recommendation:*** Adopt a Resolution Calling and Giving Notice of a Special Municipal Election to be held on Tuesday, March 3, 2020, for a vote on one Ballot Measure that, if passed, would amend Sections 600, 700.1 and 700.2 of the Santa Clara City Charter; Requesting the consolidation of the Special Municipal Election with the Statewide Presidential Primary Election to be held in Santa Clara County on March 3, 2020; and directing the City Attorney to prepare the impartial analysis; and authorize the City Manager to take other related actions necessary.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

- 19-1302**    [Follow-up to Question Posed at the October 22, 2019 Special City Council meeting in Regards to Mobile Food Truck Permitting](#)

***Recommendation:*** Note and File.

- 19-1314**    [Update on City Council and Stadium Authority Staff Referrals](#)

- 19-039**    [Tentative Meeting Agenda Calendar \(TMAC\)](#)

**ADJOURNMENT**

The next scheduled meeting is on Tuesday evening, December 3, 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) <<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."