



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

03/17/2020

3:00 PM

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

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 3:03 PM.

Pledge of Allegiance and Statement of Values

Roll Call

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

CONTINUANCES/EXCEPTIONS

Mayor Gillmor noted that Closed Session will be convened immediately following the regular meeting agenda.

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to continue the balance of the meeting agenda (except Item 1) to March 24, 2020.

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

SPECIAL ORDER OF BUSINESS

1. [20-378](#) Action on a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services

Recommendation: Adopt a Resolution Ratifying the Proclamation of Existence of a Local Emergency by the Director of Emergency Services.

City Manager Santana provided information regarding the resolution to ratify the proclamation as well as actions taken by the City to continue essential services during the Shelter in Place due to the COVID19 Pandemic.

Councilmember Chahal requested staff to return with a Moratorium on Renters Eviction for 30 days.

City Manager Santana noted that staff will return with more information on March 24, 2020 on providing food service to the most vulnerable (children and Seniors) in the City.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to adopt Resolution No. 20-8815 to ratify the Proclamation of Existence of Local Emergency by the Director of Emergency Services for COVID 19 Pandemic.

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

CONSENT CALENDAR

The balance of the agenda was continued to March 24, 2020.

- 2.A [20-222](#) Action on Council and Authorities Concurrent Meeting Minutes of February 11, 2020 and February 25, 2020 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file Council and Authorities Concurrent Meeting Minutes of February 11, 2020 and February 25, 2020.

- 2.B** [20-05](#) Board, Commissions and Committee Minutes [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file the Minutes of:

Cultural Commission - January 6, 2020
Parks & Recreation Commission - January 21, 2020
Senior Advisory Commission - January 27, 2020
Cultural Commission - February 3, 2020
Audit Committee - December 9, 2019
Planning Commission - January 29, 2020
Historical and Landmarks Commission - January 2, 2020

- 2.C** [20-363](#) Authorization to enter into a Memorandum of Understanding for Building Permit Review with the City of San Jose for the Property at located at the southwest corner of Coleman Avenue and Champions Way [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: Alternative: 1.
Authorize the City Manager to enter into a Memorandum of Understanding with San Jose for San Jose to administer Building Permit and related inspection activities for the proposed commercial development at the southwest corner of Coleman Avenue and Champions Way.

- 2.D** [20-1284](#) Action on an Agreement with the Santa Clara Valley Transportation Authority Congestion Management Program Transportation Fund for Clean Air Grants for Fiscal Year 2019/20 and Related Budget Amendments [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Approve and authorize the City Manager to execute the Santa Clara Valley Transportation Authority Congestion Management Program Transportation Fund for Clean Air Agreement FY 2019/20 to receive \$175,500 from the TFCA Program Manager Funds; and
2. Approve budget amendments in the Streets and Highways Fund to recognize grant funding in the amount of \$175,500, establish a new project appropriation for the Scott Boulevard Signal Timing Phase II project in the amount of \$165,500, establish a new project appropriation for the Saratoga Avenue Bicycle Lanes project in the amount of \$71,000, reduce the Traffic Signal Controller Upgrade Project by \$28,500, and reduce the Pedestrian and Bicycle Enhancement Facilities Project by \$32,500.

- 2.E** [20-189](#) Action on Bills and Claims Report (CC, SA) for the period January 31st, 2020 - February 20th, 2020 [Council Pillar: Enhance Community Engagement and Transparency]
- Recommendation:** Approve the list of Bills and Claims for January 31, 2020 - February 20, 2020.
- 2.F** [20-1438](#) Action on Monthly Financial Status and Investment Reports for December 2019 and Approve the Related Budget Amendments [Council Pillar: Enhance Community Engagement and Transparency]
- Recommendation:** Note and file the Monthly Financial Status and Investment Reports for December 2019 as presented and Approve Related Budget Amendments.
- 2.G** [20-90](#) Action on the Santa Clara Convention Center FY 2019/20 2nd Quarter Financial Status Report [Council Pillars: Promote and Enhance Economic and Housing Development, Enhance Community Engagement and Transparency, and Sustainability]
- Recommendation:** Note and file the Santa Clara Convention Center Financial Status Report for the second quarter ended December 31, 2019, as submitted by Spectra.
- 2.H** [20-190](#) Action on the Single Audit Report for Fiscal Year 2018/19 [Council Pillar: Enhance Community Engagement and Transparency]
- Recommendation:** Note and file the City of Santa Clara Single Audit Report for the year ended June 30, 2019, as recommended by the Council Audit Committee.
- 2.I** [20-57](#) Action on a Resolution Ordering the Vacation of a Water Easement at 5405 Stevens Creek Boulevard [Council Pillar: Promote and Enhance Economic and Housing Development]
- Recommendation:** 1. Adopt a Resolution Ordering the Vacation of a Water Easement at 5405 Stevens Creek Boulevard [APN 316-19-031 (2019-20); SC 19,241]; and
2. Authorize the recordation of the Resolution.
- 2.J** [20-123](#) Action on Resolutions Ordering the Vacation of Underground Electric Easements at 3303 Octavius Drive and 3326 Scott Boulevard [Council Pillar: Promote and Enhance Economic and Housing Development]
- Recommendation:** 1. Adopt a Resolution Ordering the Vacation of Underground Electric Easement at 3303 Octavius Drive [APN 216-45-053 (2019-20); SC 19,154];
2. Adopt a Resolution Ordering the Vacation of Underground Electric Easements at 3326 Scott Boulevard [APN 216-29-053 (2019-20); SC19,155]; and
3. Authorize the recordation of the Resolutions.

- 2.K** [20-92](#) Action on a Resolution of Intention to Establish the Santa Clara Tourism Improvement District under the Property and Business Improvement District Law of 1994 [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: Alternative 1: Adopt a Resolution of Intention declaring the City's intent to establish the Santa Clara Tourism Improvement District (SCTID) for 5 years starting July 1, 2020.

- 2.L** [20-120](#) Action on Final Map for Tract 10515 for the Catalina II Residential Development Project located at 1433-1493 El Camino Real [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: 1. Approve Final Map for Tract 10515;
2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation; and,
3. Authorize the recordation of Final Map for Tract 10515, which subdivides the site into nine lots located at 1433-1493 El Camino Real [APN 224-48-004, 005, and 006 (2019-20)].

- 2.M** [20-171](#) Action on a request for a Special Permit to allow a temporary sales trailer at 3305 Kifer Road from April 2020 to April 2021 (File No. PLN2020-14281) (Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure)

Recommendation: Approve the request of a Special Permit to allow a temporary sales trailer at 3305 Kifer Road from April 1, 2020 to April 30, 2021 (PLN2020-14281), subject to conditions.

- 2.N** [20-185](#) Action on a Resolution in Support of Worker Cooperatives [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: Adopt a Resolution in Support of Worker Cooperatives.

- 2.O** [20-205](#) Action to the Introduction of an Ordinance Amending Chapter 9.30 of the City Code ("Trespassing") Related to the Storage and Removal of Personal Property from Public Property [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Approve the Introduction of an Ordinance Amending Chapter 9.30 of the City Code ("Trespassing") Related to the Storage and Removal of Personal Property from Public Property.

- 2.P** [20-224](#) Action on a Resolution Delegating Authority to enter into Confirmation Agreements for Electric Industry Related Commodities [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]
- Recommendation:** Adopt a Resolution authorizing the City Manager, or designee, to execute Confirmation Agreements and all related documents for Electric Industry Related Commodities for up to a 5 year term.
- 2.Q** [20-238](#) Action on the Police Department's Recommendation to Name the Police Building's Temporary Holding Facility as the "Carla Munoz Temporary Holding Facility" [Council Pillar - Deliver and Enhance High Quality Efficient Services and Infrastructure]
- Recommendation:** Approve the naming of the Police Building's Temporary Holding Facility as the "Carla Munoz Temporary Holding Facility".
- 2.R** [20-335](#) Action on a Resolution Revising the Council and Authorities/Stadium Authority Regular Meetings Dates for the 2020 Calendar Year [Council Pillar: Enhance Community Engagement and Transparency]
- Recommendation:** Adopt a Resolution revising the Council and Authorities/Stadium Authority regular meeting dates for the 2020 calendar year to reflect the cancellation of the April 14, 2020 and April 21, 2020 Council and Authorities regular meetings and to set April 7, 2020 and April 28, 2020 as Council and Authorities regular meetings.
- 2.S** [20-337](#) Action on the City Auditor's Office Semi-Annual Status Report as of December 31, 2019 and the Contract Audit of the Public Affairs and Media Relation Services [Council Pillar: Enhance Community Engagement and Transparency and Ensure Compliance with Measure J and Manage Levi's Stadium]
- Recommendation:** Note and file the City Auditor's Office Semi-Annual Status Report as of December 31, 2019 and the Contract Audit of the Public Affairs and Media Relation Services as recommended by the Council Audit Committee.
- 2.T** [20-345](#) Actions to Adopt a Resolution Approving and Adopting Updated Salary Plans for Various Classified and Unclassified Positions, and Approve the Related Budget Amendment [Council Pillar: Enhance Community Engagement and Transparency]
- Recommendation:**
1. Adopt a Resolution to approve the revised salary plans for various classified and unclassified positions to satisfy the requirements of California Code of Regulations Section 570.5; and
 2. Approve the related budget amendment to increase the FY 2019/20 Police Department General Fund budget by \$60,000 and decrease the General Fund Budget Stabilization Reserve by \$60,000.

- 2.U [20-168](#) Action on a Resolution for the Use of City Water Forces at 809 Aldo Avenue [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Adopt a Resolution approving the use of City Water forces for water and fire service upgrades at 809 Aldo Avenue.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS

The meeting agenda was continued to March 24, 2020.

3. [20-117](#) Related Santa Clara Development Area Plan (DAP) 1 located on Vacant Parcels at Tasman Drive and Centennial Boulevard (Council Pillar: Promote and Enhance Economic and Housing Development)
- Recommendation:** Alternatives 1 and 2:
Adopt resolutions for the Related Santa Clara (City Place) Phase I Development Area Plan application located at 5155 Stars and Stripes Drive to:
1. Adopt the EIR Addendum for DAP 1 for the Related Santa Clara project; and
 2. Approve the DAP 1 Application for the Related Santa Clara project, subject to conditions.

4. [20-197](#) Consideration of Silicon Valley Power Quarterly Strategic Plan Update [Deliver and Enhance High Quality Efficient Services and Infrastructure]
- Recommendation:** Note and file the SVP Quarterly Strategic Plan Update.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

The meeting agenda was continued to March 24, 2020.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

The balance of the agenda was continued to March 24, 2020.

[20-255](#) Update on City Council and Stadium Authority Staff Referrals
[Council Pillar: Enhance Community Engagement and Transparency]

[20-390](#) Tentative Meeting Agenda Calendar (TMAC) [Council Pillar: Enhance
Community Engagement and Transparency]

3:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Confirmation of Quorum

Public Comment

None.

[20-383](#) Conference with Legal Counsel-Existing Litigation (SOSA)
Pursuant to Gov. Code § 54956.9(d)(1)
D.E. Restaurants, Inc. v. The Sports and Open Space Authority of the City
of Santa Clara, et al., Santa Clara Superior Court Case No. 17cv311968

[20-384](#) Conference with Legal Counsel-Existing Litigation (CC, SOSA, SARDA)
Pursuant to Gov. Code § 54956.9(d)(1)
D.E. Restaurants, Inc. v. The City of Santa Clara, The Redevelopment
Agency of the City of Santa Clara, The Sports and Open Space Authority of
the City of Santa Clara, et al., Santa Clara Superior Court Case No.
115cv275606

[20-386](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 2

- [20-385](#) 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)
- [20-387](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: APN 104-03-040 (Tasman Parking Garage)
City/Authority Negotiator: Deanna J. Santana, City Manager/Executive Director (or designee)
Negotiating Parties: Stephen Eimer, Executive Vice President, Related Companies
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)
- [20-391](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: APNs 015-32-042 and 015-32-043
City Negotiator: Deanna J. Santana, City Manager (or designee)
Negotiating Parties: Nanci Klein, City of San Jose; Rechelle Blank, Santa Clara Valley Water District
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)
- [20-394](#) Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: Please see below listing for APNs and addresses
City Negotiator: Deanna J. Santana, City Manager (or designee)
Negotiating Parties: Please see below listing for names for negotiating party(ies)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

	APN	Property Address	Property Owner (Name)
1	224-04-062	2755 LAFAYETTE STREET, SANTA CLARA	WITKIN PROPERTIES LP
2	224-04-057	890 WALSH AVENUE, SANTA CLARA	L.A.W. LLC
3	224-04-088	2555 LAFAYETTE STREET, SANTA CLARA	GAHRAHMAT FAMILY LP 1
4	230-03-090	525 MATHEW STREET, SANTA CLARA	NEWARK GROUP INDUSTRIES INC
5	224-35-014	630 MARTIN AVENUE, SANTA CLARA	D & R MILLER PROPS LLC
6	224-08-109	2908 LAFAYETTE STREET, SANTA CLARA	DOLLINGER LAFAYETTE ASSOCIATES
7	224-36-001	840 COMSTOCK STREET, SANTA CLARA	LAPTALO JAKOV, TRUSTEE
8	224-04-090	851 MARTIN AVENUE, SANTA CLARA	GAHRAHMAT FAMILY LP II
9	224-04-071	651 MARTIN AVENUE, SANTA CLARA	GAHRAHMAT FAM LP II LP
10	224-61-002	1401 MARTIN AVENUE, SANTA CLARA	ALMAN DIANA J TRUSTEE & ET AL
11	224-60-014	1261 MARTIN AVENUE, SANTA CLARA	MARTIN INVESTMENT PROPERTIES LLC
12	224-60-012	1199 MARTIN AVENUE, SANTA CLARA	1065 MARTIN AVE LLC
13	224-60-013	1061 MARTIN AVENUE, SANTA CLARA	1065 MARTIN AVE LLC
14	224-60-011	1055 MARTIN AVENUE, SANTA CLARA	YOUNG SANG A AND ANNE C TRUSTEE
15	224-60-010	1015 MARTIN AVENUE, SANTA CLARA	1015 Martin Ave LLC
16	224-60-006	1051 MARTIN AVENUE, SANTA CLARA	BAY AREA CELLULAR TELEPHONE CO
17	224-60-005	999 MARTIN AVENUE, SANTA CLARA	POLLACK ENTERPRISES INC
18	224-60-004	953 MARTIN AVENUE, SANTA CLARA	ROBINSON OIL CORPORATION
19	224-35-019	2495 LAFAYETTE STREET, SANTA CLARA	WONG KING WAN TRUSTEE & ET AL
20	224-35-020	2435 LAFAYETTE STREET, SANTA CLARA	WESCO PROPERTIES INC
21	224-40-010	2365 LAFAYETTE STREET, SANTA CLARA	BOWLES, ECKSTROM & ASSOCIATES LLC
22	224-40-009	2325 LAFAYETTE STREET, SANTA CLARA	RICHARD & DOROTHY LONG REVOCABLE
23	224-40-008	2311 LAFAYETTE STREET, SANTA CLARA	WHITNEY BRUCE S AND JUDITH R TRUSTEE
24	224-40-007	2301 LAFAYETTE STREET, SANTA CLARA	MEUSER WILLIAM E AND ANN E TRUSTEE
25	224-03-080	2265 LAFAYETTE STREET, SANTA CLARA	SEW LLC
26	224-03-081	800 MATHEW STREET, SANTA CLARA	PATEL JITENDRA G AND SHASHI J TRUSTEE
27	230-03-106	2500 DE LA CRUZ BLVD, SANTA CLARA	EMF LLC
28	224-07-099	960 CENTRAL EXPRESSWAY, SANTA CLARA	OWENS CORNING INSULATING
29	224-56-001	925 WALSH AVENUE, SANTA CLARA	PSB NORTHERN CA INDUSTL PORTFOLIO LLC
30	224-57-015	925 WALSH AVENUE, SANTA CLARA	PSB NORTHERN CA INDUSTL PORTFOLIO LLC
31	224-57-014	1451 Walsh Ave. Santa Clara	UNITED STATES POSTAL SERVICE
32	224-57-003	1515 Walsh Avenue, Santa Clara	The Malisic Survivor's Trust, Malisic Residual Trust
33	224-58-003	1150 Walsh Avenue, Santa Clara	Ragingwire Data Centers, Inc. A Nevada Corp.
34	224-04-093	2845 LAFAYETTE STREET, SANTA CLARA CA	Digital Lafayette, LLC
35	224-04-094	2805 LAFAYETTE STREET, SANTA CLARA	DIGITAL BH 800 LLC
36	224-61-004	1501 MARTIN AVENUE, SANTA CLARA	INTEL CORPORATION
37	230-03-105	2600 DE LA CRUZ BLVD, SANTA CLARA	C-1 Santa Clara, LLC

Convene to Closed Session (Council Chambers)

Mayor Gillmor convened to Closed Session at 4:00 PM.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Council reconvened at Council Chambers.

City Attorney Doyle reported that there was no reportable action taken during Closed Session.

ADJOURNMENT

The meeting was adjourned at 6:15 PM in memory of **Commodore Krishan Kumar Garg** (Indian Navy - Father of Director of Information Technology Gaurav Garg), **Eileen Mary Crane** (Long-Time Resident of Santa Clara), **Clare Callejon** (Long-Time Santa Clara Resident).

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

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

20-427 Adjournment of the March 17, 2020 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, March 31, 2020 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."