



City of Santa Clara

Revised Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, January 28, 2020

3:30 PM

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

Revision - Councilmember Mahan will be attending remotely from the following location:

Kaiser Permanente Hospital
Santa Clara Medical Center
700 Lawrence Expressway
Room 3357
Santa Clara, CA 95051

3:30 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.

20-129 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Bloom Energy Corporation, et al. v. City of Santa Clara, et al.,](#)
[Santa Clara County Superior Court Case No. 19CV348838](#)

- 20-130** [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 \(Public Safety Non-Sworn Employees Association\)](#)
- 20-131** [Conference with Labor Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54957.6](#)
[City representative: Mayor Lisa M. Gillmor](#)
[Unrepresented employee: City Attorney](#)
- 20-154** [Public Employee Performance Evaluation \(CC\)](#)
[Pursuant to Gov. Code § 54957](#)
[Title: City Attorney](#)
- 20-155** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) - Exposure to litigation](#)
[Number of potential cases: 1](#)
[Facts and Circumstances: Letter from All Vision LLC dated January 17, 2020 regarding termination of Agreement and costs incurred](#)

Convene to Closed Session (Council Conference Room)

5:30 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

1. 20-146 [Informational Report on Councilmember Patricia Mahan's resignation from City Council](#)

Recommendation: Note and File the staff report.

2. 20-1376 [Study Session: Census 2020 Update - Communication and Outreach Plan \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Review and provide input on the Census 2020 Update - Communication and Outreach Plan

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

3. 20-150 [Request to Defer: Information on Alternate Leasing Plan for Department Stores at Related Santa Clara Project \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: Note and file the request to defer an Information Report on Alternate Leasing Plan for Department Stores at Related Santa Clara Project.

SPECIAL ORDER OF BUSINESS

4. 20-1352 [Recognition of Holiday Decoration Contest Winners](#)

Recommendation: Recognize the winners of the Cultural Commission's citywide Holiday Decoration Contest.

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.]

5.A 20-74 [Action on Special City Council Meeting Minutes of July 10, 2019, Stadium Authority and Special City Council Meeting Minutes of December 3, 2019, and Special City Council Meeting Minutes of December 9, 2019 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file Special City Council Meeting Minutes of July 10, 2019, Stadium Authority and Special City Council Meeting Minutes of December 3, 2019, and Special City Council Meeting Minutes of December 9, 2019.

5.B 20-02 [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: Note and file the Minutes of:

- Senior Advisory Commission - October 28, 2019
- Cultural Commission - November 4, 2019
- Cultural Commission - December 2, 2019
- Youth Commission - December 10, 2019

5.C 20-1269 [Action on Amendment No. 1 to an Agreement with Waterproofing Associates, Inc. for On-Call Roofing Repair \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 1 with Waterproofing Associates, Inc. for on-call roofing repair and maintenance services for an amount not-to-exceed \$290,000, subject to future budget appropriations;
2. Authorize the City Manager to make minor modifications to Amendment No. 1, if necessary; and
3. Authorize the City Manager to extend the term of the agreement with no increase in compensation in the event that the work is not completed by the agreement end date.

5.D 20-1428 [Action on Power Purchase and Sale Agreements between Silicon Valley Power and West Valley-Mission Community College District and SunPower Corporation, Systems \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Authorize the City Manager to execute a Power Purchase and Sale Agreement with West Valley-Mission Community College District;
 2. Authorize the City Manager to execute a Power Purchase and Sale Agreement with SunPower Corporation, Systems; and
 3. Authorize the City Manager to make any minor modifications and amendments as required for the life of these Power Purchase and Sale Agreements to maintain the balance of benefits to SVP and the other parties.

5.E 20-1467 [Action on the Adoption of a Resolution Accepting the AB1600 Report on Development Impact Fees for Fiscal Year Ended June 30, 2019 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- Recommendation:** Adopt a Resolution accepting the status report on the receipt and use of AB1600 Development Impact Fees during fiscal year ending June 30, 2019.

5.F 20-2456 [Action on Adoption of a Resolution Declaring Weeds a Public Nuisance and Setting February 25, 2020 for Public Hearing \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- Recommendation:**
1. Adopt a Resolution ordering the abatement of nuisance consisting of growing weeds in the City; and
 2. Set February 25, 2020 as the date for the required Public Hearing.

5.G 20-1388 [Approval of the Annual Investment Policy Statement for the City of Santa Clara, its Agencies and Corporations \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- Recommendation:**
- Approve the Investment Policy for the City of Santa Clara, its agencies and corporations.

5.H 20-84 [Supplementary Declaration of Covenants, Conditions and Restrictions \(CC&Rs\) for the Catalina Townhomes \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: Note and file the proposed Supplemental Declaration of Covenants, Conditions and Restrictions For the Catalina Townhomes.

5.I 20-73 [Action on Confirming Strategic Direction for the Civic Center Master Plan from December 17, 2019 Study Session \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Direct the City Manager to proceed with a phased approach for the development of the Civic Center Master Plan with no private commercial or residential development at City Hall or adjacent parkland. The initial phase shall comprise of the Utility Building and associated Civic Center shared amenities.

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

6. 20-148 [Action on Approval of First Amendment to the City Manager Employment Agreement, and a Resolution to Amend the City Manager Employment Agreement and Approve and Adopt the Updated Salary Plan that includes the Classification of City Manager \[Enhance Community Engagement and Transparency\]](#)

Recommendation: Adopt a Resolution approving the First Amendment to the City Manager’s Employment Agreement by and between the City of Santa Clara and Deanna J. Santana to eliminate a provision to pay a housing allowance and adjusting the City Manager’s base salary to \$448,491 effective October 6, 2019; authorizing the Mayor to execute the Amendment; and updating the salary plans for the classification of City Manager.

7. **20-1437** [Public Hearing: Action on Project Approvals for the Proposed 65 Residential Unit Affordable Housing Project at 2330 Monroe Street \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

Recommendation: Alternatives 1, 2, 3, and 4:

1. Adopt a resolution to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Affordable Housing Project at 2330 Monroe Street;
2. Adopt a resolution to approve a General Plan amendment from Right of Way to Medium Density Residential for the property at 2330 Monroe Street;
3. Adopt a resolution to approve a rezoning from Single Family Residential (R1-6L) to Planned Development (PD) to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements; and
4. Adopt a resolution approving and authorizing the City Manager to negotiate and execute a Disposition and Development Agreement with Monroe Street Housing Partners L.P. for the development of 65 units of housing at 2330 Monroe Street and further authorizing the City Manager to execute all other agreements (including a Ground Lease, Loan Agreements, Deeds of Trust, Promissory Notes, and Affordable Housing Agreement) in a form consistent with the DDA and all other documents necessary or convenient to close escrow and implement the purposes and terms of the DDA

8. 20-88 [Public Hearing: Action on Resolution Amending the Municipal Fee Schedule Regarding New and Increased Alarm System and False Alarm Fees; Action on Adoption of Ordinance No. 2012 Amending Chapter 8.40 of the City Code \("False Alarm Regulation"\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: 1. Adopt a Resolution amending the 2019-20 Municipal Fee Schedule to add new regulatory fees and amend existing regulatory fees relating to alarm systems and false alarm responses; and
2. Adopt Ordinance No. 2012 amending Chapter 8.40 of the City Code ("False Alarm Regulation").

9. 20-135 [Action on Introduction of Ordinance No. 2011 Amending Chapter 18.76, \("Architectural Review"\) of Title 18 \("Zoning"\) and Making Other Clarifying Changes \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

Recommendation: Introduce Ordinance No. 2011 Amending Chapter 18.76, ("Architectural Review") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" and Making Other Clarifying Changes.

10. 20-144 [Action on Written Petition received from Santa Clara Valley Transportation Authority \(VTA\) regarding VTA's BART Phase 2 Transit Oriented Communities \(TOCs\) Strategy Study and the Santa Clara Station Area Playbook \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

Recommendation: There is no staff recommendation for this issue.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 20-54 [Update on City Council and Stadium Authority Staff Referrals \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 20-151 [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, February 11, 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."