



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

05/07/2019

3:30 PM

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

3:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 3:30 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

Convene to Closed Session (Council Conference Room)

- [19-491](#) Conference with Legal Counsel-Existing Litigation (CC, SOSA)
Pursuant to Gov't Code § 54956.9(d)(1)
Sports and Open Space Authority v. D.E. Restaurants, Santa Clara County
Superior Court Appellate Department Case No. 18AP002411
- [19-573](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 1
- [19-572](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov't Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC v. City of Santa Clara, Santa
Clara County Superior Court Case No. 18CV326430
- [19-574](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(2) - Exposure to litigation
Number of potential cases: 1
- [19-577](#) Conference with Legal Counsel-Anticipated Litigation (SA)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases:1

5:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 5:10 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 7 - Vice Mayor Patricia M. Mahan, Councilmember Teresa O'Neill, Councilmember Kathy Watanabe, Councilmember Karen Hardy, Councilmember Debi Davis, Councilmember Raj Chahal, and Mayor Lisa M. Gillmor

1. [19-1608](#) Joint Study Session to Review Proposed FY 2019/20 and FY 2020/21 Biennial Operating Budget and Capital Improvement Program Budget Adjustments

Recommendation: Review and provide input on the Proposed FY 2019/20 and FY 2020/21 Biennial Operating Budget and Capital Improvement Program Budget Adjustments.

Finance Director Kraetsch, Assistant Finance Director Lee, Principal Finance Analyst Barna, and City Manager Santana presented a PowerPoint.

Public Speaker(s): Suds Jain

2. [19-552](#) Review and Potential Council Action on the Santa Clara City Council Priority Matrix

Recommendation: Review and provide input on the City Council Policy Priorities.

City Manager Santana presented a PowerPoint.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle reported that the **Council** voted unanimously to authorize the initiation of litigation on Item 19-573.

CONTINUANCES/EXCEPTIONS

Assistant City Clerk Pimentel noted the following:

Item 4.B - Deferring the minutes of the Economic Development, Communications, and Marketing Committee to the May 21, 2019 Council Meeting.

Item 4.E - Proposing to conduct the Planning Commission Interviews on May 21, 2019 instead of the May 14, 2019 (as listed in the staff report).

Item 4.K - The City Clerk's Office received a resignation for the Housing Rehabilitation Loan Committee. Therefore, there are now two seats to fill versus one (as listed in the staff report).

SPECIAL ORDER OF BUSINESS

- 3.B** [19-393](#) Presentation by Santa Clara Sister Cities Association on Exchange Visit to Limerick, Ireland
- A verbal presentation was made by **Tedra Nikoli** (President, Santa Clara Sister Cities Association) and **Kalvinder Grewal** (Vice President, Limerick).
- 3.A** [19-304](#) Youth Ambassadors presented a PowerPoint on their visit to Limerick, Ireland.
- Presentation by the Santa Clara City Library Foundation and Friends on Fiscal Year 2018/19 Accomplishments
- City Librarian Keith** introduced the Santa Clara Library Foundation and Friends **Executive Director Tracy Wingrove** who presented a PowerPoint.
- 3.C** [19-527](#) Proclamation of Affordable Housing Week
- Kelly Snider, Founding Director** of SV@Home gave a verbal report.

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve the balance of Consent Calendar except Items 4.D 4.G, 4.L and 4.M) and the following amendments: (1) defer the Economic Development, Communications, and Marketing Committee Meeting minutes to May 21, 2019 (Item 4.B), (2) Set May 21, 2019 as the Planning Commission Vacancy Interview date (Item 4.E), and (3) add additional (1) vacancy for a total of (2) vacancies for the Housing Rehabilitation Loan Committee (Item 4.K).

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

4.A [19-273](#) Council and Authorities Concurrent Meeting Minutes

Recommendation: Note and file the meeting minutes of:
City Council Special Meeting - April 1, 2019
Council and Authorities Concurrent Meeting - April 9, 2019

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

4.B [19-026](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Cultural Commission - March 4, 2019
Youth Commission - March 12, 2019
Economic Development, Communications and Marketing Committee - March 20, 2019
Planning Commission - April 10, 2019

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve staff recommendation. (Economic Development, Communications, and Marketing Committee minutes continued to May 21, 2019)

4.C [19-357](#)

Action on Bills and Claims Report (CC, SA) for the period March 29th - April 11th

Recommendation: Approve the list of Bills and Claims for March 29, 2019 - April 11, 2019.

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

4.E [19-305](#) Action on Declaring a Vacancy on the Planning Commission due to Resignation from Commissioner Shawn Williams

Recommendation: 1. Accept resignation, Declare a Vacancy on the Planning Commission; and
2. Set May 14, 2019 for Interviews to fill the partial term ending June 30, 2019 and a full term ending June 30, 2023.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve staff recommendation and set May 21, 2019 as the interview date.

- 4.F [19-307](#) Action on Parks & Recreation Commission Recommendation to Name the Public Parks in the Santa Clara Square Project: "Meadow Park," "Creekside Park," and "Redwood Trail"

Recommendation: Refer the Park & Recreation Commission recommendation to name the Santa Clara Square Project's neighborhood park "Meadow Park", the mini park "Creekside Park", and the public trail easement "Redwood Trail" to the next scheduled Governance Committee meeting for consideration.

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

- 4.H [19-336](#) Action on Amendments to Various Professional Service Agreements for Building Permit Plan Review and Inspection Professional Services

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement for Professional Services with TRB + Associates, Inc., which will increase the amount by \$350,000 for a new total contract not-to-exceed amount of \$1,850,000 and extend the term to October 31, 2021;
2. Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement for Professional Services with Shums Coda Associates, Inc., which will increase the amount by \$350,000 for a new total contract not-to-exceed amount of \$1,250,000 and extend the term to December 31, 2021;
3. Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for Professional Services with Plan Review Consultants, Inc., which will increase the amount by \$544,600 for a new total contract not-to-exceed amount of \$1,144,600 and extend the term to October 31, 2021; and
4. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for Professional Services with West Coast Code Consultants, Inc. (WC3) in the amount \$225,000 for a new total not-to-exceed amount of \$274,000 and extend the term to November 1, 2021.

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

- 4.I [19-390](#) Action to Revise Job Specifications for Fire Chief and Street Superintendent

Recommendation: Approve the revised job description for Fire Chief and the revised job description and job title for Street Superintendent.

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

- 4.J [19-400](#) Action on the Award of Purchase Order to Bayscape Landscape Management for Landscaping Services and Related Budget Amendment

Recommendation: 1. Authorize the City Manager to execute a Purchase Order with Bayscape Landscape Management for an initial term starting on or about May 8, 2019 and ending on June 30, 2020 with a maximum compensation not to exceed \$83,558,
2. Authorize the City Manager to exercise up to four one-year options to renew the Purchase Order through June 30, 2024 with compensation increases subject to the City Manager's approval, and
3. Approve the appropriation in the amount of \$83,558.

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

- 4.K [19-409](#) Action on Reappointment of Commissioners and Declaring Commissioner Vacancies, Setting of a Date for an Application Deadline, and Scheduling of Interviews

Recommendation: 1. Reappoint the eight (8) eligible commissioners for the term ending June 30, 2023;
2. Declare vacancies for full-term appointments to the following: 1) Cultural Commission; 2) Parks and Recreation Commission; 3) Housing Rehabilitation Loan Committee; 4) Historical and Landmarks Commission; and 5) Senior Advisory Commission, with an application deadline of May 31, 2019; and
3. Direct staff to schedule interviews for a future Council meeting.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve staff recommendation and add an additional vacancy to the Housing Rehabilitation Loan Committee.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

- 4.D** [19-252](#) Approval of Budget Amendment for the Lafayette/Bassett Bike Lane Project funded by Fiscal Year 2018/19 Transportation Development Act Funds

Recommendation: Recognize the Transportation Development Act grant fund of \$600,000 into the Streets and Highways Fund as revenue and approve the FY 2018/19 budget amendment to appropriate the funds into the new Capital Improvement Program Project - Lafayette/Bassett Bike Lane Project in the Streets and Highways Fund (requires five council votes).

Councilmember Davis pulled this item for further clarification.

Director of Public Works Mobeck addressed Council's questions.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve staff recommendation.

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

- 4.G** [19-315](#) Action on Amendment No. 2 to the Agreement with Mark Thomas and Company, Inc. for the Saratoga Creek Trail (Homeridge Park to Central Park) Project

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement with Mark Thomas and Company, Inc. for the Saratoga Creek Trail (Homeridge Park to Central Park) Project.

This item was pulled by a member of the Public.

Public Speaker(s): Clysta Seney

Director of Public Works Mobeck addressed Council's questions.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve staff recommendation.

Aye: 5 - Vice Mayor Mahan, Councilmember Watanabe, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

Nay: 2 - Councilmember O'Neill, and Councilmember Hardy

- 4.L [19-433](#) Action on a Resolution for an Affordable Housing Agreement with St. Anton Tasman East, LP for 2233 Calle del Mundo (APN# 097-05-059)

Recommendation: 1. Adopt a Resolution approving and authorizing the City Manager to execute the Affordable Housing Agreement with St. Anton Tasman East, LP, and authorizing the City Manager to negotiate and execute any documents necessary including a Completion Guaranty and amendments to the Affordable Housing Agreement, to implement the terms, covenants, and restrictions associated with the provision of thirty-eight (38) very low-income units, one hundred fifty-seven (157) low income units, and one manager's unit (1) at 2233 Calle del Mundo (APN# 097-05-059).
2. Authorize the recordation thereof.

Mayor Gillmor pulled this item to express her gratitude for continued support for Affordable Housing.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to (1) adopt Resolution No. 19-8700 and (2) authorize the recordation thereof..

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

- 4.M [19-474](#) Action on an Amendment to Zoning Code Section 18.102.010 - Commercial Marijuana Activity Prohibited

Recommendation: Alternative 1:
Introduce the Ordinance amending Section 18.102.010 ("Commercial Marijuana Activity Prohibited") of Chapter 18.102 ("Regulation of Marijuana") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" to temporarily prohibit all commercial cannabis activity until June 30, 2020.

Public Speaker(s): Rob Jerdonek
Susan Tsolinas
Sean Kali-Rai (Registered Lobbyist)
Public Speaker (1)

A motion was made by Vice Mayor Mahan, seconded by Councilmember Davis, to approve the Introduction of Ordinance No. 2000.

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

PUBLIC HEARING/GENERAL BUSINESS

5. [19-085](#) Public Hearing: FY 2019/2020 Final Annual Action Plan for the use of Federal Housing and Urban Development Grant Funds

Recommendation: Alternative 1:
1. Approve the FY 2019/2020 Annual Action Plan, and direct staff to incorporate all public comments into the final version for submission to the U.S. Department of Housing and Urban Development.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to close the Public Hearing.

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

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve Alternative #1.

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

6. [19-329](#) Action on the Adoption of a Resolution Amending Silicon Valley Power's Rules and Regulations to Require New or Modified Self-Generation Facilities to Utilize Renewable Generation and Fuel Sources

Recommendation: Alternatives 1 and 3: Adopt a Resolution amending Silicon Valley Power's Rules and Regulations to require that new or modified customer-owned self-generation units utilize only CEC approved renewable generation and fuel sources, providing definition of renewable electric generation facility, and requiring customers to provide proof of eligible certification through the California Energy Commission's certification process for self-generation other than solar photovoltaic and Authorize the City Manager to modify the term of the contract and/or usage requirements for the existing Electric Service Agreement with Intel Corporation.

Interim Chief Electric Utility Officer Pineda presented the staff report.

Public Speaker(s): Suthitham Kusolasak	Claire Wang
Shabir Chowdhry	Perry Scheetz
Bruce Kennedy	Rich Langley
Le Hui	Suresh Pichai
Federico Dorado	Erin Grizard
Elizabeth Anderson	Josh Richman
Christy Lewis	Suds Jain
Ashleigh Anderson	Rocky Fernandez
Bruce Karney	Bruce Naegel

A motion was made by Vice Mayor Mahan, and seconded by Councilmember Davis, to adopt Resolution No. 19-8701 amending Silicon Valley Power's Rules and Regulations to require that new or modified customer-owned self generation units utilize only CEC approved renewable generation and fuel sources, providing definition of renewable electric generation facility, and requiring customers to provide proof of eligible certification through the California Energy Commission's certification process for self-generation other than solar photovoltaic, and return on May 21, 2019 to authorize the City Manager to modify the term of the contract and/or usage requirements for existing Electric Service Agreement with Intel Corporation.

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

7. [19-483](#) Action on Voter approved Measure N Work Plan and Charter Review Committee Appointment Process relating to District Elections for the November 2022 Election Cycle

Recommendation: The City Clerk recommends the November 2020 election for placement of a Charter Amendment related to electing councilmembers by district, as the elections official to ensure greater participation and more time for robust community input.

City Clerk Haggag presented a PowerPoint.

A motion was made by Vice Mayor Mahan, seconded by Councilmember Hardy, to (1) direct staff to begin recruitment of a Charter Review Committee with the same eligibility requirements as a Board/Commission applicant; (2) appoint seven members, six members from the currently set districts, and one at-large member; if a district does not receive any applicants, then the appointment for that seat opens to at-large (3) Council will interview all applicants in each particular district and appoint one member per district and appoint one at-large member from the un-selected applicants, and (4) approve Alternative 2: Adopt the general election work plan to have proposed Charter Amendment language on the November 3, 2020 general election ballot.

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Vice Mayor Mahan left the dais at 11:18 PM.

Mayor Gillmor reported on City of Santa Clara Arbor Day celebration and recognition the City has received.

Councilmember Davis reported on her attendance at the Elks Scholarship Award night and the Girls Fire Camp at a Santa Clara Fire Station with **Mayor Gillmor**.

Councilmember O'Neill reported on her attendance in Washington D.C. for Legislative/Regulatory Visits for Silicon Valley Power.

Councilmember Watanabe reported on her participation in the "Every 15 Minutes" program (simulation Driving under the Influence) held at Wilcox High School.

City Clerk Haggag noted that May 6, 2019 was the first day of Ramadan and encouraged attendance at the Muslim Community Association event on Saturday, May 11, 2019.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

None.

[19-282](#) Monthly Update on City Council and Stadium Authority Staff Referrals

[19-571](#) Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 11:31 PM in **memory** of **Lorna Christine Mondora Panelli** (Wife of Justice Edward A. Panelli) and **Dr. JoAnn Vasquez** (Former Dean, Santa Clara University School of Education and Counseling Psychology).

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

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

Absent: 1 - Vice Mayor Mahan

[19-612](#) Adjournment of the May 7, 2019 Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, May 21, 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."