



City of Santa Clara

Meeting Minutes

Special City Council Meeting

11/12/2019

5:00 PM

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

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 (“The Brown Act”) and Section 708 of the Santa Clara City Charter, the Mayor calls for a Special Meeting of the City Council of the City of Santa Clara to commence and convene on November 12, 2019 at 5:00 PM for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

5:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 5:03 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

[19-1333](#)

Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 1

Convene to Closed Session (Council Conference Room)

6:00 PM SPECIAL MEETING

Call to Order

Mayor Gillmor called the meeting to order at 6:02 PM.

Pledge of Allegiance and Statement of Values**Roll Call**

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

Absent: 1 - Councilmember Raj Chahal

A motion was made by Vice Mayor Mahan, seconded by Councilmember Hardy, to excuse Councilmember Chahal.

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

Absent: 1 - Councilmember Chahal

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

2.A [19-1165](#) 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].

A motion was made by Councilmember O'Neill, seconded by Vice Mayor Mahan, to continue Item 2.A to November 19, 2019.

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

Excused: 1 - Councilmember Chahal

SPECIAL ORDER OF BUSINESS

1.A [19-1276](#) Recognition of Parade of Champions Committee

Council recognized the Parade of Champions Committee for their efforts.

Ana Vargas Smith (President) introduced various committee members and volunteers.

Public Speaker(s): Allen Loomis
 Andy Ratermann
 Adam Thompson

1.B [19-1280](#) Presentation on the 2019 USA BMX Summer Nationals

Council recognized local support for bringing the 2019 USA BMX Summer Nationals to the Santa Clara PAL (Police Activities League) BMX Track.

Nick Valencia (BMX Track Director) expressed gratitude for all the local support and efforts with hosting the event.

1.C [19-1287](#) Presentation by Santa Clara Sister Cities Association on Student-Exchange Visit to Izumo, Japan

Margaret Horoszko (Santa Clara Sister Cities Association Board Director) introduced the students to report on their personal experience and shared a video on the Student-Exchange visit to Izumo, Japan.

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the balance of Consent Calendar (except Item 2.C).

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

Excused: 1 - Councilmember Chahal

2.B [19-1298](#) Healthier Kids Foundation FY2019/20 First Quarter Report

Recommendation: Note and file the Healthier Kids Foundation First Quarter Report FY2019/20.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.

- 2.D [19-1009](#) Action to Award Master Agreements to Various Consultants to Provide Plan Check Review and Field Inspection Consulting Services for the Related Santa Clara Project and other City Projects As-Needed

Recommendation: 1. Adopt a Resolution authorizing the City Manager to execute Master Agreements with the 12 consultants listed below to provide plan check review and field inspection services, in support of the Related Santa Clara Development Project for an initial five-year term ending November 30, 2024, for a maximum aggregate compensation not to exceed \$5,000,000 for all 12 Master Agreements.

Consultant Name

- 1) 4Leaf, Inc.
 - 2) APC International, Inc.
 - 3) Bureau Veritas North America
 - 4) CSG Consultants, Inc.
 - 5) David L. Gates & Associates, Inc.
 - 6) Interwest Consulting Group, Inc.
 - 7) Jason Addison Smith Consulting Services, Inc.
 - 8) Metropolitan Planning Group, Inc.
 - 9) NV5, Inc.
 - 10) Shums Coda Associates, Inc.
 - 11) TRB and Associates, Inc.
 - 12) West Coast Code Consultants, Inc.
2. Authorize the City Manager to execute a five-year option to extend the term of the Agreements after the initial term through November 30, 2029.
3. Authorize the City Manager to negotiate and execute separate agreements with the 12 consultants to provide plan check review and field inspection services for other City projects, for an initial five-year term ending November 30, 2024, for a maximum compensation not to exceed \$300,000 per agreement, subject to the annual appropriation of funds.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to: 1. Adopt Resolution No. 19-8776 authorizing the City Manager to execute Master Agreements with the 12 consultants listed below to provide plan check review and field inspection services, in support of the Related Santa Clara Development Project for an initial five-year term ending November 30, 2024, for a maximum aggregate compensation not to exceed \$5,000,000 for all 12 Master Agreements:

Consultant Name:

- 1) 4Leaf, Inc.
- 2) APC International, Inc.
- 3) Bureau Veritas North America
- 4) CSG Consultants, Inc.
- 5) David L. Gates & Associates, Inc.
- 6) Interwest Consulting Group, Inc.
- 7) Jason Addison Smith Consulting Services, Inc.
- 8) Metropolitan Planning Group, Inc.
- 9) NV5, Inc.
- 10) Shums Coda Associates, Inc.
- 11) TRB and Associates, Inc.
- 12) West Coast Code Consultants, Inc.

2. Authorize the City Manager to execute a five-year option to extend the term of the Agreements after the initial term through November 30, 2029; and

3. Authorize the City Manager to negotiate and execute separate agreements with the 12 consultants to provide plan check review and field inspection services for other City projects, for an initial five-year term ending November 30, 2024, for a maximum compensation not to exceed \$300,000 per agreement, subject to the annual appropriation of funds.

- 2.E** [19-1113](#) Action on Priority Project Permit Processing Cost Agreement with Related Santa Clara, Establishment of Eight New Staff Positions, Establishment of a Related Santa Clara Developer Fund, Establishment of Related General Administration and Related Permit Work Projects in the Related Santa Clara Developer Fund, and Approve the Related Budget Amendments

Recommendation:

1. Approve and authorize the City Manager to execute the Priority Project Permit Processing Cost Agreement with Related Santa Clara, LLC;
2. Approve the addition of one Senior Civil Engineer, one Associate Civil Engineer, one Public Works Inspector, one Senior Plans Examiner, one Senior Inspector, one Fire Protection Engineer, and one Deputy Fire Marshal II;
3. Approve the addition of one Deputy City Manager, fully funded by the original Development Agreement approved by the City Council in June 2016;
4. Establish the new Related Santa Clara Developer Fund;
5. Establish the Related General Administration project and the Related Permit Work project in the Related Santa Clara Developer Fund; and
6. Approve the Related Budget Amendments decreasing the General Fund cost in the amount of \$298,584 in FY 2019/20 and the amount of \$316,788 in FY 2020/21 to reflect the shift of costs to the Related Santa Clara Developer Fund; approve the Budget Amendment in the Related Santa Clara Developer Fund in the amount of \$1,522,833 for FY 2019/20 and in the amount of \$2,281,214 for FY 2020/21 to fund eight (seven new) permit staff positions to support the permit review process and one position for general administration for the Related Santa Clara project. (Requires 5 Council Affirmative Votes).

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.

PUBLIC PRESENTATIONS

Danielle Jennings with Platinum Advisors (Consultant for Valley Transportation Authority) invited public feedback at one of the various upcoming community outreach events.

CONSENT ITEMS PULLED FOR DISCUSSION

2.C [19-450](#) Action on the Santa Clara Convention Center 4th Quarter Financial Status Report

Recommendation: Note and file the Santa Clara Convention Center Financial Status Report for the fourth quarter ended June 30, 2019, as submitted by Spectra.

Councilmember Watanabe pulled this item for comments.

City Manager Santana addressed Council comments.

Vice Mayor Mahan stepped off the dais during the vote.

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to note and file the Santa Clara Convention Center Financial Status Report for the fourth quarter ending June 30, 2019, as submitted by Spectra.

Aye: 5 - Councilmember Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, and Mayor Gillmor

Excused: 1 - Councilmember Chahal

Off Dais: 1 - Vice Mayor Mahan

PUBLIC HEARING/GENERAL BUSINESS

3. [19-920](#) Discussion and Direction on the Conversion of the Santa Clara Tourism Improvement District (TID) Established Under the Parking and Business Improvement Area Law of 1989 to a TID Established under the Property and Business Improvement District Law of 1994

- Recommendation:**
1. Alternative 1: Provide direction to proceed with the conversion of the Santa Clara Tourism Improvement District (TID) established under the Parking and Business Improvement Area Law of 1989 to a TID established under the Property and Business Improvement District Law of 1994; and
 2. Alternative 3: Provide direction regarding the District assessment formula.

Assistant to the City Manager Thome presented the staff report and gave a PowerPoint presentation.

Kelly Rankin (Consultant, Civitas Advisors) gave a PowerPoint presentation.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember O'Neill, seconded by Councilmember Hardy, to approve Alternative 1: Provide direction to proceed with the conversion of the Santa Clara Tourism Improvement District (TID) established under the Parking and Business Improvement Area Law of 1989 to a TID established under the Property and Business Improvement District Law of 1994 and hold off on the District assessment formula.

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

Excused: 1 - Councilmember Chahal

4. [19-1257](#) Update on the Formation of the New Destination Marketing Organization (DMO) Entity

Recommendation: Note and file the November 2019 report on the update on the formation of the Santa Clara Destination Marketing Organization.

Assistant to the City Manager Thome presented the staff report and presented a PowerPoint Presentation.

Council comments and questions followed.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to note and file the November 2019 report on the update on the formation of the Santa Clara Destination Marketing Organization and to hear back within 90-days on the recruitment of the Executive Director.

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

Excused: 1 - Councilmember Chahal

5. [19-1318](#) Presentation, Discussion and Direction on the TAP International Financial Audit Titled "Contract Close Out Review: Convention and Visitor's Bureau"

Recommendation: It is recommended that Council receive and file the TAP International Financial Audit Titled "Contract Close Out Review: Convention and Visitor's Bureau" and refer any Council direction to Closed Session under Anticipated Litigation.

Denise Calahan (Principal, Tap International) presented the findings of the Audit.

Public Speaker(s): Nick Kaspar

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve staff recommendation, and take the item to Closed Session and provide the Chamber an opportunity to respond.

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

Excused: 1 - Councilmember Chahal

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Vice Mayor Mahan left the dais during this item (8:37 PM) and did not return.

Councilmember Davis reported on her attendance at the November 7, 2019 Santa Clara County Emergency Operational Area Council meeting.

Councilmember Watanabe reported on her attendance at the CAIR (Council on American-Islamic Relations) 25th Anniversary Gala.

Councilmember O'Neill gave an update on the various community outreach programs the VTA (Valley Transportation Authority) has to offer and reminded everyone about the upcoming schedule changes.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

[19-1047](#) Informational Memo on the Beta Website Launch Update

Recommendation: Note and file the Beta Website Launch Update.

Director of Communication Wright presented the Informational Memo.

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

Aye: 5 - Councilmember Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, and Mayor Gillmor

Excused: 1 - Councilmember Chahal

Absent: 1 - Vice Mayor Mahan

[19-1332](#) Verbal Report on the International Association of Science Parks and Areas of Innovation Conference in France

City Manager Santana presented on conference travel to France and shared a video on the upcoming 2021 IASP (International Association of Science Parks) Annual Conference that will be held at the Santa Clara Convention Center.

City Manager Santana announced Records Appreciation day: the California Senate proclaimed November 12, 2019 as Law Enforcement Records and Support Personnel Day.

[19-1301](#) Update on City Council and Stadium Authority Staff Referrals

[19-1228](#)

Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

The meeting was adjourned at 9:17 PM.

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

Aye: 5 - Councilmember Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, and Mayor Gillmor

Excused: 1 - Councilmember Chahal

Absent: 1 - Vice Mayor Mahan

The next regular scheduled meeting is on Tuesday evening, November 19, 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."