



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

Tuesday, May 7, 2019

3:30 PM

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

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#### **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.*

**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

Pledge of Allegiance and Statement of Values

Roll Call

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.

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.

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**CONTINUANCES/EXCEPTIONS**

**SPECIAL ORDER OF BUSINESS**

*\*Special Order of Business will not be heard prior to 7:00 PM.*

- 3.A    **19-304**   [Presentation by the Santa Clara City Library Foundation and Friends on Fiscal Year 2018/19 Accomplishments](#)

- 3.B    **19-393**   [Presentation by Santa Clara Sister Cities Association on Exchange Visit to Limerick, Ireland](#)

- 3.C    **19-527**   [Proclamation of Affordable Housing Week](#)

**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.]*

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

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

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.

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).

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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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 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**

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.

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.

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.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

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

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

**ADJOURNMENT**

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) <<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."