



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

09/18/2018

4:45 PM

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

Closed Session - 4:45 PM | Study Session - 5:15 PM | Special Meeting 6:30 PM | Regular Meeting - 7:00 PM

4:45 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 4:47 PM.

Confirmation of a Quorum

Assistant City Clerk confirmed a quorum.

Public Comment

None.

[18-1293](#)

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)

[18-1294](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Charles v. City of Santa Clara, et al., Santa Clara County Superior Court
Case No. 16CV295293

Convene to Closed Session (Council Conference Room)

5:15 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Study Session to order at 5:21 PM.

Confirmation of a Quorum

Assistant City Clerk confirmed a quorum.

[18-1022](#)

Study Session: Tasman East Specific Plan

Public Speaker(s): Mitchell Mankin

6:30 PM SPECIAL MEETING

Call to Order

Mayor Gillmor called the Special Meeting to order at 6:30 PM.

Roll Call

Present: 5 - Council Member Patricia M. Mahan, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

Excused: 1 - Council Member Debi Davis

A motion was made by Council Member Kolstad, seconded by Council Member Watanabe, to excuse Council Member Davis from the Special Meeting.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

A. [18-650](#) Action on a Multimodal Improvement Plan for the City Place Project

Recommendation: Alternatives 1 and 2:

1. Adopt the MIP as provided by the California Congestion Management Program statute (California Government Code Section 65089.4) to address the deficiencies at the seven intersections identified in the City Place EIR; and
2. Authorize the City Manager to make minor modifications to the MIP as a result of any VTA comments.

Public Speaker(s): Public Speaker (1)

A motion was made by Council Member Watanabe, seconded by Council Member O'Neill, to approve Alternative #1 and #2.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 7:02 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 5 - Council Member Patricia M. Mahan, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

Excused: 1 - Council Member Debi Davis

A motion was made by Council Member Kolstad, seconded by Council Member Watanabe, to excuse Council Member Davis from the Regular meeting.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney reported there was no reportable action.

CONTINUANCES/EXCEPTIONS

None.

SPECIAL ORDER OF BUSINESS

1.A [18-346](#) Recognition of Outgoing Commissioner: Former Board of Library Trustees Member Ashish Mangla

1.B [18-837](#) Informational Report on Alert and Warning Systems in the City of Santa Clara

Recommendation: Note and File Informational Report on Alert and Warning Systems in the City of Santa Clara.

there was a public speaker, accidentally hit the next sob

1.C [18-1248](#) Recognition of Non-Profit Community Partners and City Departments Providing Emergency Services to Residents due to the Winchester Boulevard Apartment Fire

CONSENT CALENDAR

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve the balance of the consent calendar (except Items 2.F and 2.M).

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

2.A [18-360](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Board of Library Trustees - July 2, 2018
Cultural Commission - June 4, 2018
Cultural Commission - July 2, 2018

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.B [18-664](#) Action on Bills and Claims Report (CC) for the period August 3rd - August 30th

Recommendation: Approve the list of Bills and Claims for August 3, 2018 - August 30, 2018.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.C [18-846](#) Action on Amended and Restated Agreement with Robert E. Van Heuit for Environmental Consulting Services on the CityPlace Santa Clara Project

Recommendation: Approve the Amended and Restated Agreement with Robert E. Van Heuit for Environmental Review Services Related to the CityPlace Santa Clara project in an amount not to exceed \$170,000.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.D [18-1154](#) Action on Revised Job Description for Executive Assistant

Recommendation: Approve the revised job description for Executive Assistant.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.E [18-1037](#) Action on an Amendment No. 2 to Agreement with Avasant, LLC for Management Consulting for IT Services to extend the term of the agreement by 12 months and increase maximum compensation by \$99,940 for a revised total maximum compensation amount not to exceed \$499,510.

Recommendation: Approve Amendment #2 to the Agreement with Avasant, LLC for Outsourcing Advisory Services, in the amount of \$99,940, for a total not to exceed amount of \$499,510, and extending the term to June 30, 2019 for outsourcing advisory services.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.G [18-1139](#) Action on Supporting the Regional Housing Needs Allocation Sub-Region Formation

Recommendation: Adopt a resolution of intent to support the formation of a housing sub-region of Santa Clara County local and county governments to facilitate and implement countywide housing production consistent with the Regional Housing Needs Allocation (RHNA).

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to adopt Resolution No. 18-8602.

- 2.H [18-1015](#) Report on Actions Taken During City Council Recess from July 20, 2018 to August 20, 2018

Recommendation: Note and file the report on actions taken during Council Recess from July 20, 2018 to August 20, 2018.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.I [18-1069](#) Action on a Strategic Partnership Agreement with Battelle Memorial Institute, Pacific Northwest Division, to Study the Effectiveness of Heat Pumps in Existing Homes

Recommendation: Approval of a Strategic Partnership Projects Agreement No. 72173 with Battelle Memorial Institute, Pacific Northwest Division in an amount not to exceed \$174,284 to provide a study on maximizing the energy efficiency from ductless mini-splits heat pumps in existing homes.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.J [18-1044](#) Action on a Resolution Authorizing the Bay Area Water Supply and Conservation Agency to Negotiate on the City's Behalf with the City and County of San Francisco Regarding Amendments to the 2009 Water Supply Agreement

Recommendation: Approve Resolution authorizing the Bay Area Water Supply and Conservation Agency (BAWSCA) to Negotiate on the City's Behalf with the City and County of San Francisco Regarding Amendments to the 2009 Water Supply Agreement.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to adopt Resolution No. 18-8603.

- 2.K [18-1109](#) Action on a Services Agreement with CLEAResult Consulting, Inc. to Provide a Comprehensive Commercial Energy Efficient HVAC Program

Recommendation: Approve the Services Agreement with CLEAResult Consulting, Inc. to provide a Comprehensive Commercial Energy Efficient HVAC Program in an amount not to exceed \$344,934.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.L [18-1113](#) Action on a Services Agreement with ICF Resources, LLC to Provide an Energy Efficiency Program for Office Buildings Operated by Property Management Firms

Recommendation: Approve a Services Agreement with ICF Resources, LLC to provide a Targeted Energy Segment Solution (TESS) Program for office buildings operated by property management firms in an amount not-to-exceed \$422,499 over a two (2) year term subject to annual appropriation of funds.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation.

PUBLIC PRESENTATIONS

Stephen Hazel expressed general comments of concern.

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.F [18-989](#) Action to approve an agreement with Nationwide Retirement Solutions, Inc. as the City's Deferred Compensation Plan administration services provider

Recommendation: Adopt a Resolution approving the new Deferred Compensation Plan Provider and authorize the City Manager to execute contracts, agreements and replacement Plan documents to terminate Massachusetts Mutual Life Insurance Company as the City's Deferred Compensation Plan administration services provider and approve Nationwide Retirement Solutions, Inc. to provide such services to the Plan.

A motion was made by Council Member Watanabe, seconded by Council Member Mahan, to approve staff recommendation and adopt Resolution No. 18-8604.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

2.M [18-1173](#) Action on an Ordinance Including Elected Chief of Police in Salary Setting Commission's Regular Review of Elected Officials' Compensation

Recommendation: Approve the introduction of an Ordinance adding a new Section 2.80.015 ("Chief of Police - Compensation"), of Chapter 2.80 ("Police Department") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" which will include the Elected Chief of Police as part of the Salary Setting Commission's regular review and setting of City elected officials' compensation beginning in 2019.

Public Speaker(s): Mario Bouza
Public Speaker (1)

Approve staff recommendation as amended. city council shall take all necessary action to implement

A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, to approve the introduction of Ordinance No. 1988, with the amendment to add language to the Ordinance: The City Council shall take all necessary legislative action to implement the salary by the Salary Setting Commission.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

PUBLIC HEARING/GENERAL BUSINESS

3. [18-1186](#) Action on the Community Grant Policy and Amendment of the FY 2018/19 Municipal Fee Schedule to Add a No-fee Parade Permit for Santa Clara Non-Profit Organizations

Recommendation: Alternatives 1. and 2.:

1. Adopt a resolution to approve the Community Grant Policy and rescind P&P 014 Funding Requests - Championship Teams/Individuals; and
2. Adopt a resolution to amend the 2018-19 Municipal Fee Schedule to add a No-Fee Parade Permit for Santa Clara Non-Profit Organizations for up to five parades annually with a maximum estimated attendance of 1,000 people per parade.

Public Speaker(s): Public Speaker (1)

A motion was made by Council Member Watanabe, seconded by Council Member Mahan, to adopt Resolution No. 18-8605 and 18-8606.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

4. Action on Convention Center Items:

[18-1331](#) Item 4 Various Actions regarding the Convention Center

- A. [18-1297](#) Presentation by TAP International of the Performance titled "Santa Clara Convention Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue"

Public Speaker(s): Public Speakers (2)
Ravinder Lal

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to note and file the presentation.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

- B. [18-995](#) Action on the Santa Clara Convention Center and Convention-Visitors Bureau 4th Quarter and Fiscal Year Ended June 30, 2018 Financial Status Report

Recommendation: Note and file the Santa Clara Convention Center and Convention-Visitors Bureau Financial Status Report for the 4th quarter and fiscal year ended June 30, 2018, as submitted by the Santa Clara Chamber of Commerce & Convention-Visitors Bureau.

Public Speaker(s): Public Speakers (2)

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, note and file the report.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

- C. [18-1273](#) Direction on Management Agreement with Santa Clara Chamber of Commerce & Convention-Visitors Bureau for Santa Clara Convention Center

Recommendation: Alternative 1:
Direct the City Manager to issue a 180-day notice to terminate the Convention Center Management Agreement, while simultaneously engaging in a competitive bid process for the management and operation of the Santa Clara Convention Center and take necessary actions to stabilize Convention Center operations and to minimize further impact to public resources and assets.

A motion was made by Council Member Kolstad, seconded by Council Member O'Neill, to approve staff recommendation with the admendment to authorize the City Manager to extend the Convention Center contract if necessary.

Aye: 4 - Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Nay: 1 - Council Member Mahan

Excused: 1 - Council Member Davis

- D. [18-1267](#) Action to Add Two Positions and Funding to Manage and Support the Implementation of the Audit Recommendations as Described in “Santa Clara Convention Center and Convention Visitors’ Bureau (CVB): Restructuring Operations Can Strengthen Accountability, Performance, and Revenue” and Stadium Authority Increased Workload and Approve Related Budget Amendment

Recommendation: Alternative 1 and 3:
Add 1.0 Assistant to the City Manager and 1.0 Office Specialist III positions in the City Manager’s Office for Contract Management and Oversight of the Santa Clara Convention Center and Tourism Improvement District and Stadium Authority Activities and Approve Related Budget Amendment; and authorize the City Manager to amend existing contracts, as needed, above the City Manager’s contract approval authority in support of Convention and Visitors’ Bureau close-out and other contract management activities not to exceed \$100,000 in total additional funding.

A motion was made by Council Member Kolstad, seconded by Council Member O’Neill, to approve staff recommendation with the admendment to authorize the City Manager to extend the Convention Center contract if necessary.

Aye: 4 - Council Member O’Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Nay: 1 - Council Member Mahan

Excused: 1 - Council Member Davis

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager reported that the City received the rent turant payment of \$3.34 Million Dollars from the 49ers on September 17, 2018, which part of it was the scheduled payment and turant payment.

City Manager announced the following:

- Grand Re-Opening of Mission Branch Library on September 22, 2018 from 10:00 to 1:00 PM;
- Hold December 6, 2018 for newly Elected Officials Orientation;
- On December 13, 2018 from 8:00 - 4:00 PM, a panel presentation will be given on transitioning from City-Wide Elections to District Elections and how it affects governance; and
- New York Univeristy Tisch Center of Global Sports selected the City of Santa Clara for a free study and consulting on two areas on managing two areas related to the stadium: Community Engagement and Financial Analysis of large events at Levis Stadium.

[18-490](#)

Tentative Meeting Agenda Calendar

ADJOURNMENT

A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, to adjourn the meeting.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

[18-1405](#)

Adjournment Post Meeting Material

The meeting was adjourned at 10:34 PM in **memory** of **Warren Johnson** (Longtime Santa Clara High School Physical Education Teacher and Coach).

The next scheduled meeting is on Tuesday evening, October 2, 2018 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."