



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

01/14/2020

3:00 PM

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

Closed Session - 3:00 PM | Joint Dinner - 5:00 PM | Regular Meeting - 6:00 PM

3:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Councilmember Davis called the Closed Session to order at 3:03 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

[20-71](#)

Public Employee Performance Evaluation (CC)
Pursuant to Gov. Code § 54957
Title: City Attorney

[20-70](#)

Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: Mayor Lisa M. Gillmor
Unrepresented employee: City Manager

Convene to Closed Session (Council Conference Room)

5:00 PM JOINT DINNER

Call to Order in the Council Chambers

Mayor Gillmor called the Joint Dinner Meeting with the **Senior Adviosry Commission** to order at 5:11 PM.

Confirmation of a Quorum

[20-1196](#)

Joint Dinner Meeting with Senior Advisory Commission

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 6:17 PM.

Pledge of Allegiance and Statement of Values

Roll Call

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

Absent: 1 - Vice Mayor Patricia M. Mahan

A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to excuse Vice Mayor Mahan from the meeting.

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

Absent: 1 - Vice Mayor Mahan

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

None.

SPECIAL ORDER OF BUSINESS

City Manager Santana gave a PowerPoint presentation on the City of Santa Clara's feature in the Business View magazine.

City Clerk Haggag reported on the City of Santa Clara's Dark Money Ordinance and encouraged the public to report Election related activities.

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the balance of the Consent Calendar (except Items 2.I, 2.N, 2.O, and 2.P).

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

Excused: 1 - Vice Mayor Mahan

2.A [20-1452](#) Joint Council and Authorities Concurrent/Stadium Authority/Bayshore North Project Enhancement Authority/Successor Agency to the City of Santa Clara Redevelopment Agency Meeting Minutes of November 5, 2019, Special City Council Meeting Minutes of November 12, 2019 and Council and Authorities Concurrent Meeting Minutes of November 19, 2019 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file the Joint Council and Authorities Concurrent/Stadium Authority/Bayshore North Project Enhancement Authority/Successor Agency to the City of Santa Clara Redevelopment Agency Meeting Minutes of November 5, 2019, Special City Council Meeting Minutes of November 12, 2019 and Council and Authorities Concurrent Meeting Minutes of November 19, 2019.

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

2.B [20-01](#) Board, Commissions and Committee Minutes [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file the Minutes of:

Youth Commission - November 12, 2019

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

2.C [20-1469](#) Action on Bills and Claims Report (CC, SA) for the period November 22nd - December 19th [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Approve the list of Bills and Claims for November 22, 2019 - December 19, 2019.

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

- 2.D [20-1471](#) Action on Approving the Cultural Commission 2020 Schedule of Regular Meetings [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Approve the Cultural Commission 2020 Schedule of Regular Meetings.

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

- 2.E [20-1470](#) Action on Approving the Senior Advisory Commission 2020 Schedule of Regular Meetings [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Approve the 2020 Senior Advisory Commission Schedule of Regular Meetings.

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

- 2.F [20-647](#) Action on the Award of the Public Works Contract for the Serra Substation Construction Project [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Award the Public Works Contract for the Serra Substation Construction Project (Contract No. 2104A) to the lowest responsive and responsible bidder, Newtron, LLC, in the amount of \$4,987,510 and authorize the City Manager to execute any and all documents necessary for the award, completion and acceptance of the Project; and
2. Authorize the City Manager to execute change orders up to 10% of the original contract amount, or \$498,751, for a total not-to-exceed amount of \$5,486,261 for Contract No. 2104A.

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

- 2.G [20-1125](#) Action on Adopting a Resolution Authorizing the City Manager, or Designee, to Execute all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Adopt a Resolution authorizing the City Manager, or designee, to execute all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8799 authorizing the City Manager, or designee, to execute all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements.

- 2.H [20-1429](#) Action on Amendment No. 1 to an Agreement for Services with Hulberg and Associates, Inc. dba Valbridge Property Advisors for Easement and Parcel Assessment Services
[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Authorize the City Manager to execute Amendment No. 1 to an Agreement for Services with Hulberg and Associates, Inc. dba Valbridge Property Advisors to increase the not-to-exceed compensation by \$200,000 to \$300,000 for easement and parcel assessment services.

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

- 2.J [20-1239](#) Action on the Santa Clara Convention Center FY 2019/20 1st Quarter Financial Status Report [Council Pillars: Promote and Enhance Economic and Housing Development, Enhance Community Engagement and Transparency, and Sustainability]

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

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

- 2.K [20-1279](#) Action on the City of Santa Clara Audited Comprehensive Annual Financial Report (CAFR), Audited Silicon Valley Power (SVP) Financial Statements, and Audited Transportation Development Act (TDA) Financial Statements for Fiscal Year Ended June 30, 2019, as Recommended by the City Council Audit Committee [Council Pillars: Enhance Community Engagement and Transparency and Sustainability]

Recommendation: Note and file, as recommended by the City Council Audit Committee:

1. The audited City of Santa Clara Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2019;
2. The audited City of Santa Clara Electric Utility Enterprise Fund (Silicon Valley Power) Financial Statements for fiscal year ended June 30, 2019; and
3. The audited Transportation Development Act (TDA) Financial Statements for fiscal year ended June 30, 2019.

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

- 2.L [20-1300](#) Action to Authorize the City Manager to Execute an Agreement with Cascadia Consulting Group, Inc. for Climate Action Plan Update Services [Council Pillar: Sustainability]

Recommendation: 1. Authorize the City Manager to execute an agreement with Cascadia Consulting Group, Inc. to provide Climate Action Plan Update Services for an initial two-year term ending December 31, 2021, for a maximum compensation not to exceed \$211,684, subject to the annual appropriation of funds; and
2. Authorize the City Manager to execute two one-year options to extend the term of the Agreement after the initial term through December 31, 2023, subject to the annual appropriation of funds.

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

- 2.M [20-1392](#) Action on Annual Appointment of Vice Mayor and Chaplain [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Appoint Karen Hardy as Vice Mayor and appoint Patricia M. Mahan as Chaplain for approximately one year until the appointment of a successor Vice Mayor and successor Chaplain in January 2021.

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

- 2.Q [20-36](#) Budget Action to implement the terms of the settlement of the various Sandau v. City of Santa Clara, et al., Matters [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: 1. Approve payment from the Special Liability Insurance Fund in the amount of \$416,062.70 to Mr. Sandau and his counsel in accordance with the terms of the settlement agreement; and
2. Approve a Budget Amendment transferring funds from the Electric Utility Fund to the Special Liability Insurance Fund in the amount of \$416,063.

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

- 2.R [20-40](#) Action on Amendment No. 1 to the Agreement for Performance of Services with Davey Tree Surgery Company [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with Davey Tree Surgery Company.

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

PUBLIC PRESENTATIONS

Public Speaker(s): Michael Fisher
Mary O. Grizzle
Public Speaker (1)

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.I [20-1450](#) Action on Adoption of 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 [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Adopt 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.

Councilmember Hardy pulled this item to express comments of concern.

Public Speaker(s): Bob O’Keefe
Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember O’Neill, to continue this item to the January 28, 2020 Council meeting to modify the ordinance to require a public hearing to construct a second story addition to an existing single family residence, or to demolish an existing single family residence.

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

Excused: 1 - Vice Mayor Mahan

- 2.N [20-1456](#) Action on Agreements with 3fold Communications LLC; Circlepoint, and Singer Associates Inc. for Communications Consulting Services [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: 1. Adopt a Resolution authorizing the City Manager:

- a. To execute agreements with Circlepoint and 3fold Communications, LLC to provide communications and marketing services for an initial three-year term plus two one-year option terms ending on or about January 14, 2025, provided that both one-year option terms are exercisable at the sole discretion of the City.
- b. To negotiate and execute an agreement with Singer Associates, Inc. to provide communications and marketing services for an initial 30-month term plus two one-year option terms ending on or about January 14, 2025, provided that both one-year option terms are exercisable at the sole discretion of the City.
- c. To execute amendments to each the agreements approved in this resolution to extend services and add funds as required during the initial term of the agreements and to exercise the two one-year options, subject to the appropriation of funds.

Mayor Gillmor pulled this item to amend staff recommendation.

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to (1) adopt Resolution No. 20-8800 authorizing the City Manager: a.) to execute agreements with Circlepoint and 3fold Communications, LLC to provide communications and marketing services for initial three-year term plus two one-year option terms ending on or about January 14, 2025, provided that both one-year option terms are exercisable at the sole discretion of the City; b.) to negotiate and execute an agreement with Singer Associates, Inc. to provide communications and marketing services for an initial 30-month term plus two one-year option terms ending on or about January 14, 2025, provided that both one-year options terms are exercisable at the sole discretion of the City; c.) to execute amendments to each the agreements approved in this resolution to extend services and add funds as required during the initial term of the agreements and to exercise the two one-year options, subject to the appropriation of funds; and (2) add language to the agreements to have the agreements reviewed annually.

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

Excused: 1 - Vice Mayor Mahan

1. [20-1466](#) Recognition of Santa Clara students for their participation in Santa Clara Valley Science and Engineering Fair Association's Synopsis Championship Science Fair (SCVSEFA Fair)

Council recognized the students for their participation in the Santa Clara Valley Science and Engineering Fair Association's Synopsis Championship Science Fair (SCVSEFA Fair).

Dr. Katey Korsmeyer, Veena Jain and Forrest Williams were called to speak, and introduced and invited the students to come up to be recognized.

- 2.O [20-1465](#) Action on Amendment No. 3 to the Agreement with Jones Lang LaSalle Americas, Inc. for Consulting Services Related to Santa Clara Convention Center and Destination Marketing Organization and Related Budget Amendment [Council Pillars: Promote and Enhance Economic and Housing Development and Sustainability]

Recommendation: Approve and authorize the City Manager to execute Amendment No. 3 with Jones Lang LaSalle America's Inc. to expand the scope of services, increase compensation by \$194,500 for a revised not-to-exceed contract amount of \$549,000, extend the term of the agreement to December 31, 2020, and approve the related budget amendment.

Councilmember Chahal pulled this item for further clarification.

Assistant City Manager Shikada addressed Council questions.

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

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

Nay: 1 - Councilmember Chahal

Excused: 1 - Vice Mayor Mahan

- 2.P** [20-26](#) Action on: (1) Agreement with Superior, LLC for Residential and Business Alarm Management Software and (2) Introduction of an Ordinance Amending Chapter 8.40 of the City Code ("False Alarm Regulation") [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Approve a three-year Agreement with Superior LLC, for Residential and Business Alarm Management Software and authorize the City Manager to automatically renew the agreement for additional one-year periods, with a maximum of two additional one-year periods, as necessary, without further Council action; and
 2. Approve Introduction of an Ordinance Amending Chapter 8.40 of the City Code ("False Alarm Regulation").

Councilmember Chahal pulled this item for further clarification.

Police Captain Kazem and Assistant City Attorney Reuter addressed Council questions.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to: (1) approve a three-year agreement with Superior LLC, for Residential and Business Alarm Management Software and authorize the City Manager to automatically renew the agreement for additional one-year periods, with a maximum of two additional one-year periods, as necessary, without further Council action; and (2) approve the introduction of Ordinance No. 2012 amending Chapter 8.40 of the City Code ("False Alarm Regulation").

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

Absent: 1 - Vice Mayor Mahan

PUBLIC HEARING/GENERAL BUSINESS

At this point in the meeting and thereafter, Councilmember Hardy is Vice Mayor Hardy and Vice Mayor Mahan is Councilmember Mahan.

3. [20-51](#) Study Session on the City's Community Room Rental Fee Structure and Use Policies [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Review and provide input on the City's Community Room Rental Use Policies and Fee Structure.

Assistant City Manager Bojorquez presented a PowerPoint Presentation on the staff report.

Public Speaker(s): Jan Hintermeister
Public Speaker (1)

Council expressed comments and provided input to staff (no motion taken).

Mayor Gillmor called for a recess at 8:40 PM and reconvened the meeting at 8:46 PM.

4. [20-1260](#) Public Hearing: Action on Amendment No. 1 to Development Agreement with Innovation Commons Owner LLC (Previously Yahoo!) [Council Pillars: Promote and Enhance Economic and Housing Development and Sustainability]

Recommendation: Alternative 1: Introduce an Ordinance to approve the First Amendment to Development Agreement between the City of Santa Clara and Innovation Commons Owner LLC for a three-year extension and adding a requirement for a 25% overall vehicle trip reduction through Transportation Demand Measures.

Director of Community Development Crabtree presented a PowerPoint presentation on the staff report.

Public Speaker(s): Applicant	Marc Goldberg
Mary O. Grizzle	Paul McNamara
Robert Fitch	Kristine Beebe
John Elwood	Cheryl Walsh
Randy Robinson	Suds Jain
Dan Meyberg	Brian Goldenberg

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

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

Excused: 1 - Councilmember Mahan

A motion was made by Vice Mayor Hardy, seconded by Councilmember Chahal, to continue the item to a future Council meeting adding a renegotiation of fees.

No vote was taken as Vice Mayor Hardy withdrew the motion.

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to deny the staff recommendation and approve alternative 3: Do not introduce an Ordinance to approve the First Amendment to Development Agreement between the City of Santa Clara and Innovation Commons Owner LLC for a three-year extension.

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

Nay: 1 - Vice Mayor Hardy

Excused: 1 - Councilmember Mahan

Mayor Gillmor called for a recess at 10:39 PM and reconvened the meeting at 10:43 PM.

5. [20-33](#) Update on the Proposal by the City of San Jose to Modify the North San Jose Area Development Policy [Council Pillars: Deliver and Enhance High Quality Efficient Services and Infrastructure and Promote and Enhance Economic and Housing Development]

Recommendation: Note and file this report regarding the proposal from San Jose to Modify the North San Jose Area Development Policy.

Assistant City Manager Pineda presented the PowerPoint Presentation on the staff report.

Public Speaker(s): Sanjeev Acharya

A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to note and file the report regarding the proposal from San Jose to modify the North San Jose Area Development Policy.

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

Excused: 1 - Councilmember Mahan

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Davis reported on her attendance at the Santa Clara Police Department Open House and expressed comments of concern regarding a recent news article.

Councilmember Watanabe also reported on her attendance on the well-attended Santa Clara Police Department Open House.

Councilmember Chahal reported on his attendance at the Santa Clara Police Department Open House.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

[20-72](#)

Informational Report on Corrections to Santa Clara Weekly's Articles regarding City Management Compensation

City Manager Santana presented a PowerPoint Presentation on clarifications to Santa Clara Weekly's articles regarding city management compensation.

City Manager Santana reported on the following:

- The annual calendars are out and being distributed.
- The Council Priority Setting Session is listed on the annual calendar.
- KGO/ABC will be doing a feature on the City's various library services.
- Acknowledged that Magical Bridge Input Meeting will be held on January 18th from 2:00 PM - 4:00 PM at the Community Recreation Center.

[20-42](#)

Update on City Council and Stadium Authority Staff Referrals Council Pillar: Enhance Community Engagement and Transparency

[20-52](#)

Tentative Meeting Agenda Calendar (TMAC) [Council Pillar: Enhance Community Engagement and Transparency]

ADJOURNMENT

The meeting was adjourned at 11:52 PM in **memory** of **Charles "Chuck" Seymour** (retired Santa Clara Police Department Lieutenant) and **E. Jackson Going, Jr.** (longtime Santa Clara resident and founding member of the Santa Clara University Board of Fellows).

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

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

Excused: 1 - Councilmember Mahan

[20-108](#)

Adjournment of the January 14, 2020 City Council Meeting Post Meeting
Material

The next regular scheduled meeting is on Tuesday evening, January 28, 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."