

City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

07/09/2019 6:00 PM

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

Revision: Councilmember Hardy attended remotely from the following location:

5142 South Oxley Mesa, AZ 85212

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 6:03 PM.

Pledge of Allegiance and Statement of Values

Lisa M. Gillmor

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

1. 19-680 Presentation on the Worker Cooperative Business Model

Kirk Vartan (Founder/General Manager, A Slice of New York), Hilary Abell (Co-Founder, Project Equity), Carolyn Berke (Founder, Niles Pie Company), Hilary Abell presented on behalf of Zen Trenholm (Program Manager, Democracy at Work Institute), Sue Lopez (Founding Member/Owner of 9th Ave Arizmendi Bakery), Ricardo Nunez (Director of Economic Democracy, Sustainable Economies Law Center Board President, US Federation of Worker Cooperatives Board Member, California Center for Cooperative Development), Rendell (Ren) Boguiren (Founding Co-op/Owner/Board Secretary/Company Officer, A Slice of New York) presented a PowerPoint.

Public Speaker(s): Public Speakers (2)

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to place the Worker Cooperative Business Model on a future agenda of the Economic Development, Communications, and Marketing Committee.

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

Mayor Gillmor called for a recess at 7:11 PM.

Mayor Gillmor reconvened the meeting at 7:20 PM.

CONTINUANCES/EXCEPTIONS

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to move Item 7: Gateway Crossings Project to be heard after the Consent Calendar.

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

City Manager Santana introduced newly appointed **Fire Chief Ruben Torres**.

SPECIAL ORDER OF BUSINESS

2. 19-575 Recognition of Outgoing Commissioners/Committee Members for the Cultural, Historical and Landmarks, and Parks & Recreation Commissions and Housing Rehabilitation Loan Committee

Mayor Gillmor expressed comments of gratification on behalf of the City Council for their service to the City.

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve the balance of the Consent Calendar (except Item 3.N, Item 3.O, and Item 3.F).

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

3.A 19-530 Council and Authorities Concurrent Meeting Minutes of June 4, 2019

Recommendation: Note and file the Council and Authorities Meeting Minutes of June 4, 2019.

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

3.B 19-766 Governance and Ethics Committee Minutes of April 25, 2019

Recommendation: Approve the Governance and Ethics Committee minutes of April 25, 2019.

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

3.C 19-795 Approval of the Economic Development, Communications, and Marketing Committee Meeting Minutes of March 20, 2019 and June 3, 2019

Recommendation: Approve the Economic Development, Communications, and Marketing Committee Meeting Minutes of March 20, 2019 and June 3, 2019.

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

3.D <u>19-030</u> Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of Parks & Recreation Commission Meeting for May 21, 2019.

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

3.E 19-284 Action on an Amendment No. 1 to an Agreement with Orchard Commercial, Inc. to Assist in Providing Property Management Services for Maintenance District 183

Recommendation: 1. Approve and authorize the City Manager to execute Amendment No. 1 with Orchard Commercial inc. to Assist in Providing Property Management Services for Maintenance District 183 for a two-year

extension in an amount not-to-exceed \$170,518, subject to future budget appropriations; and

2. Authorize the City Manager to make minor modifications to Amendment No. 1, if necessary.

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

3.G Action on a Resolution for the Use of City Electric Forces at Various Locations

Recommendation:

Adopt a Resolution approving the use of City Electric Forces for the installation of facilities at 3505 Kifer Road, 967 Warburton Avenue, 1950 El Camino Real, 90 Kiely Boulevard, 526 Laurelwood Road and 3185 Molinaro Street, 501 Reed Street, and Mission College Boulevard and Wyatt Drive.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 19-8728 approving the use of City Electric Forces for the installation of facilities at 3505 Kifer Road, 967 Warburton Avenue, 1950 El Camino Real, 90 Kiely Boulevard, 526 Laurelwood Road and 3185 Molinaro Street, 501 Reed Street, and Mission College Boulevard and Wyatt Drive.

3.H 19-472 Action on the 2019 Annual Report Related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System

Recommendation: Note and File the 2019 Annual Report for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System.

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

3.1 19-553 Action on a Resolution Authorizing an Application for the County of Santa Clara Historic Grant Program for the City-owned Harris-Lass Historic Preserve at 1889 Market Street

- Recommendation: 1. Adopt a Resolution Authorizing an Application for the County of Santa Clara Historic Grant Program for the City-owned Harris-Lass Historic Preserve at 1889 Market Street: and
 - 2. Authorize the City Manager to negotiate, execute, amend, or terminate any resulting Grant Funding Agreement.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to (1) Adopt Resolution No. 19-8729 authorizing an application for the County of Santa Clara Historic Grant Program for the City-owned Harris-Lass Historic Preserve at 1889 Market Street; and (2) Authorize the City Manager to negotiate, execute, amend, or terminate any resulting Grant **Funding Agreement.**

19-554 3.J

Action on Award of Contract for the Westside Retention Basin Pump Replacement Project

- **Recommendation:** 1. Award the Public Works Contract for the Westside Retention Basin Pump Replacement Project (CE17-18-16) to the lowest responsive and responsible bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$798,000 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and
 - 2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$119,700, for a total not to exceed amount of \$917,700.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve staff recommendation. 3.K 19-562 Action on a Resolution adopting an Internal Audit Charter for the City

Auditor's Office

Recommendation: Adopt a Resolution approving the Internal Audit Charter.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 19-8730

approving the Internal Audit Charter.

3.L 19-576 Action on a Resolution Ordering the Vacation of an Underground Electric

Easement at 3075 Olcott Street

Recommendation: 1. Adopt a Resolution Ordering the Vacation of the Underground Electric

Easement at 3075 Olcott Street [APN 224-46-006 (2018-19); SC 19,168];

and

2. Authorize the recordation of the Resolution.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to (1) Adopt Resolution No. 19-8731 ordering the vacation of the Underground Electric Easement at 3075 Olcott Street [APN 224-46-006 (2018-19); SC 19,168]; and (2) Authorize

the recordation of the Resolution.

3.M <u>19-630</u> Informational Report on Smoking Ordinance - Training, Policy and

Enforcement of Section 8.35.130 "Possession of Tobacco by Persons

Under 21 Years of Age"

Recommendation: Note and file the Informational Report regarding the Smoking Ordinance.

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

recommendation.

3.P 19-615 Action on an Agreement with CSG Consultants, Inc. for Engineering Design Services for Pavement Maintenance and Rehabilitation Projects

- **Recommendation:** 1. Approve and authorize the City Manager to execute an agreement with CSG Consultants, Inc. for Engineering Design Services for Pavement Maintenance and Rehabilitation Projects for an initial two-year term ending March 31, 2021 in the amount not-to-exceed \$694,290 for services required for pavement maintenance and rehabilitation contracts to be constructed in 2020;
 - 2. Approve and authorize the City Manager to execute two additional contract extension options to extend the term of the agreement to provide services for future 2021 and 2022 pavement maintenance and rehabilitation contracts in the amount of \$643,500 for the first extension option, and \$663,300 for the second extension option, subject to the annual appropriation of funds: and
 - 3. Authorize the City Manager to make minor, non-substantive modifications to the agreement, if needed.

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

3.Q <u>19-657</u> Action on a Resolution Ordering the Vacation of Anchor Easements, Wire Overhang Easement and Public Utility Easement at 3650 Kifer Road

- **Recommendation:** 1. Adopt a Resolution Ordering the Vacation of Anchor Easements, Wire Overhang Easement and Public Utility Easement at 3650 Kifer Road [APN 205-38-015 (2018-19); SC 19,169]; and
 - 2. Authorize the recordation of the Resolution.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to: (1) Adopt Resolution No. 19-8732 ordering the vacation of Anchor Easements, Wire Overhang Easement and Public Utility Easement at 3650 Kifer Road [APN 205-38-015 (2018-19); SC 19,169]; and (2) Authorize the recordation of the Resolution.

7. 19-763 Public Hearing: Actions on Gateway Crossings project located at 1205 Coleman Avenue including General Plan Amendment to Santa Clara Station Very High Density Residential (51-120 du/ac) with a minimum commercial Floor Area Ratio (FAR) of 0.20, revision to the Climate Action Plan to add Transportation Demand Management (TDM) goals for the new land use designation, creation of a new Very High Density Mixed Use Zoning District and Rezoning to that District, Vesting Tentative Subdivision Map, Development Agreement, Environmental Impact Report (EIR), and Mitigation Monitoring and Reporting Program (MMRP)

Recommendation: Alternatives 1, 2, 3, 4 and 5:

- Adopt a resolution to approve and Certify an Environmental Impact Report (EIR) and adopt CEQA Findings and a Statement of Overriding Considerations (SOC) and the Mitigation Monitoring and Reporting Program (MMRP);
- 2. Adopt a resolution to approve the General Plan Amendment #87 from Regional Commercial, High Density Residential and Very High Density Residential to Very High Density Residential with a minimum commercial FAR of 0.2; amendment to the General Plan Land Use Map for the Santa Clara Station Focus Area to reflect the General Plan change; and revision to the Climate Action Plan to add TDM goals for the new land use designation;
- 3. Introduce an ordinance to approve the Rezone from Light Industrial (ML) to Very High Density Mixed Use (VHDMU) to allow phased construction of a mixed use development consisting of 1,565 residential units, 152,000 square foot hotel, 45,000 square feet of supporting retail, park and open space, surface and structured parking facilities, private streets, and site improvements; subject to conditions;
- 4. Adopt a resolution to approve the Vesting Tentative Subdivision Map for the purpose of developing four mixed use parcels, two commercial parcels, two dedicated park parcels and six common lots for site access/circulation and utility corridors to serve the development: and
- 5. Introduce an Ordinance to approve the Development Agreement.

Josh Rupert and Derek K. Hunter Jr. (Applicant - Hunter Storm) presented a PowerPoint.

Public Speaker(s): Ron Golem (VTA)

Tino Silva Ian Champeny Chris Shav Todd Waltz Frank Lemmon Jonathon Evans Patricia Leung Gary Filizetti **Dennis Lantham** Robert Fitch Mike Sheehy Dorothy Rosa Stewart Hill Ray Hashimoto Brian Goldenberg Otto Lee Kristine Beebe Laura Esber

Adam Thompson

Public Speaker(s) continued: Joseph Brewer Emmy Mooreminister

Leopold Vandeneynde Mary Grizzle Nick Kaspar William Jara

Rob Mayer Myron Von Raesfeld Jonathan Fung Public Speakers (10)

Chief Sellers expressed comments on the item.

Derek K. Hunter Jr. (Applicant - Hunter Storm) was called to address Public Comments and Council questions.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, 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 Councilmember Watanabe, to approve:

Alternative (1): Adopt Resolution No. 19-8733 to approve and Certify an Environmental Impact Report (EIR) and adopt CEQA Findings and a Statement of Overriding Considerations (SOC) and the Mitigation Monitoring and Reporting Program (MMRP);

Alternative (2): Adopt Resolution No. 19-8734 to approve the General Plan Amendment #87 from Regional Commercial, High Density Residential and Very High Density Residential to Very High Density Residential with a minimum commercial FAR of 0.2; amendment to the General Plan Land Use Map for the Santa Clara Station Focus Area to reflect the General Plan change; and revision to the Climate Action Plan to add TDM goals for the new land use designation;

Alternative (3): Introduce Ordinance No. 2004 to approve the Rezone from Light Industrial (ML) to Very High Density Mixed Use (VHDMU) to allow phased construction of a mixed use development consisting of 1,565 residential units, 152,000 square foot hotel, 45,000 square feet of supporting retail, park and open space, surface and structured parking facilities, private streets, and site improvements; subject to conditions; Alternative (4): Adopt Resolution No. 19-8735 to approve the Vesting Tentative Subdivision Map for the purpose of developing four mixed use parcels, two commercial parcels, two dedicated park parcels and six common lots for site access/circulation and utility corridors to serve the development; and

Alternative (5): Introduce Ordinance No. 2003 to approve the Development Agreement with the amendment to return Phase 2 of the development to the Architectural Committee for architectural review and approval and subject to the assignment of transferability of the Police Athletics League (PAL) Lease to future owners of the project site.

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

Mayor Gillmor called for a recess at 9:52 PM.

Mayor Gillmor reconvened meeting at 10:05 PM.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to move item #4 before Public Presentation.

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

4. <u>19-781</u> Action on a Written Petition submitted by Jerry R. Patrignani requesting an Update and Potential Action on Lawn Bowl Clubhouse Project

Recommendation: Staff makes no recommendation.

Jerry Patrignani (Santa Clara Lawn Bowl) provided comments on previous options presented for the Lawn Bowl Clubhouse.

Assistant City Manager Pineda presented an overview from the previous December 11, 2018 discussion on the various options that were presented.

Public Speaker(s): Susan Clingingsmith

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to agendize this item to a future date.

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

PUBLIC PRESENTATIONS

John K. Haggerty expressed comments on the wild geese in Central Park.

Betsy Megas expressed comments of concern on the bicycle trail intersection on Monroe and San Tomas and requests Council to prioritize the upcoming bicycle plan.

CONSENT ITEMS PULLED FOR DISCUSSION

3.N 19-675 Action on a Resolution for the Sustainable Communities Grants Restricted Grant Agreement for Fiscal Year 2019/20 with the California Department of Transportation for the Pruneridge Avenue Complete Streets Plan

Recommendation: Adopt a Resolution for the Sustainable Communities Grants Restricted Grant Agreement for Fiscal Year 2019/20 with the California Department of Transportation for the Pruneridge Avenue Complete Streets Plan.

Councilmember Davis pulled this item to provide comments on the grant.

Public Speaker(s): Betsy Megas

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 19-8736 for the **Sustainable Communities Grants Restricted Grant Agreement for** Fiscal Year 2019/20 with the California Department of Transportation for the Pruneridge Avenue Complete Streets Plan.

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

3.0 19-681 Action on the Santa Clara Senior Needs Assessment Final Report

Recommendation: Note and File the City of Santa Clara Senior Needs Assessment Final Report.

> Councilmember Davis pulled this item to request an updated report on the workplan.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to note and file the City of Santa Clara Senior Needs **Assessment Final Report.**

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

3.F 19-291 Action on a Consent to Assignment and Amendment No. 1 to the Agreement for Services with Granicus, LLC to Provide City Website Redesign, Implementation and Support Services

Recommendation: Authorize the City Manager to execute the Consent to Assignment and Amendment No. 1 to the Agreement for Services with Granicus, LLC to Provide City Website Redesign, Implementation and Support Services, for a maximum compensation amount not-to-exceed \$663,115, subject to budget appropriations.

Councilmember Chahal pulled this item for further clarification.

Information Technology Director Garg and Public Information Officer/ **Director of Communications Wright** responded to Council questions.

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

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

PUBLIC HEARING/GENERAL BUSINESS

5. 19-745 Action on Referrals from the June 3, 2019 Economic Development, Communications and Marketing Committee Meeting [EDCM Committee referral 6/3/19 - Items 19-689, 19-691, and 19-715]

Recommendation: Staff makes no recommendation.

Vice Mayor Mahan disclosed a potential conflict and recused herself from the discussion and vote. Vice Mayor Mahan left the dais.

A motion was made Councilmember Davis, seconded by Councilmember O'Neill, to approve the referral items, to look at how other Cities advertise community events on their websites and place on the agenda of a future Economic Development, Communications, and Marketing Committee meeting.

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

Abstained: 1 - Vice Mayor Mahan

6. 19-072 Consideration of Silicon Valley Power Quarterly Strategic Plan Update

Recommendation: Note and file the Silicon Valley Power Quarterly Strategic Plan Update.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to continue this item to a future meeting.

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

8. <u>19-813</u> Charter requirements upon vacancy in the elective office of Chief of Police

Recommendation: Note and file this informational report.

City Clerk Haggag presented a PowerPoint.

City Attorney Doyle addressed Council questions.

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

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

Councilmember O'Neill reported on a San Jose Mercury News article concerning an upcoming transportation study regarding Stevens Creek Boulevard.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana reported on the status of the Council referrals.

19-730 Monthly Update on City Council and Stadium Authority Staff Referrals

<u>19-557</u> Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 11:15 PM in **memory** of **Xavier Souto** (Son of Sociedade do Espirito Santo Hall [SES] President Lina Souto), **Eddie "Poppy" Owen** (Longtime Supporter of Santa Clara Community), and **John G. Figueira Jr**., (Former President of Santa Clara Sister Cities Association).

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adjourn the meeting.

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

19-859 Adjournment of the July 9, 2019 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, July 16, 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."