



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

03/05/2019

4:00 PM

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

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 4:04 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

[19-268](#)

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)

- [19-269](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(a) - Exposure to litigation
Number of potential cases: 1
(Facts and Circumstances)
City as potential defendant: Letter from Gibson Dunn law firm, representing Related Santa Clara LLC, dated September 24, 2018 regarding Force Majeure under DDA
- [19-270](#) Threat to Public Services or Facilities (CC, SA)
Pursuant to Gov. Code § 54957(a)
Consultation with: City Manager, City of Santa Clara and Chief of Police, Santa Clara Police Department
- [19-274](#) Conference with Real Property Negotiators (CC, SARDA)
Pursuant to Gov. Code § 54956.8
Property: 4701 Great America Parkway/2600 Tasman Drive, APNs 104-42-019, 104-42-014, 104-43-052
City/Authority Negotiator: Deanna J. Santana, City Manager/Executive Director (or designee)
Negotiating Parties: Duffield Milkie, Executive Vice President, Cedar Fair
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

Convene to Closed Session (Council Conference Room)

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

Absent: 1 - Vice Mayor Patricia M. Mahan

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

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

Excused: 1 - Vice Mayor Mahan

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

[19-275](#)

Continuance of Corrective Action to Cure Violation of Section 2.1 of the First Amendment to the Stadium Management Agreement, Stadium Procurement Contracts by Retroactive Approval of an Agreement for NEx Systems for Stadium Floor Improvements and Stadium Manager Disclosure of Contracts Issued Through Delegated Authority from \$100,000 to \$250,000

Recommendation: Continue the Corrective Action to Cure Violation of Section 2.1 of the First Amendment to the Stadium Management Agreement, Stadium Procurement Contracts by Retroactive Approval of an Agreement for NEx Systems for Stadium Floor Improvements and Stadium Manager Disclosure of Contracts Issued Through Delegated Authority from \$100,000 to \$250,000 to March 27, 2019.

A motion was made by Boardmember Davis, seconded by Boardmember Watanabe, to continue this item to the March 27, 2019 meeting.

Aye: 6 - Boardmember O'Neill, Chairperson Gillmor, Boardmember Davis, Boardmember Watanabe, Boardmember Hardy, and Boardmember Chahal

Excused: 1 - Boardmember Mahan

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to approve the balance of the Consent Calendar (Except Item 2.F).

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

Excused: 1 - Councilmember Mahan

2.A [19-069](#) Council and Authorities Concurrent Meeting Minutes

Recommendation: Note and file the Council and Authorities Concurrent Meeting Minutes of February 5, 2019.

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to note and file the minutes.

2.B [19-022](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Cultural Commission Meeting Minutes - December 3, 2018
Cultural Commission Meeting Minutes - January 7, 2019
Parks & Recreation Commission Meeting Minutes - July 17, 2018
Parks & Recreation Commission Meeting Minutes - August 21, 2018
Senior Advisory Commission Meeting Minutes - October 22, 2018
Senior Advisory Commission Meeting Minutes - November 26, 2018
Youth Commission Meeting Minutes - September 11, 2018
Youth Commission Meeting Minutes - October 9, 2018

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to note and file the minutes.

2.C [19-047](#) Action on Bills and Claims Report (CC) for the period February 1st - February 14th

Recommendation: Approve the list of Bills and Claims for February 1, 2019 - February 14, 2019.

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

2.D [19-1658](#) Action on Monthly Financial Status and Investment Reports for December 2018 and Approve the Related Budget Amendments

Recommendation: Note and file the Monthly Financial Status and Investment Reports for December 2018 as presented and Approve the Related Budget Amendments.

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

- 2.E [19-1709](#) Action on Award of Contract for the Bowers Avenue Signal Timing Project and Related Budget Amendment

- Recommendation:**
1. Award the Public Works contract for the Bowers Avenue Signal Timing Project (CE 17-18-13) to the lowest responsive and responsible bidder, St. Francis Electric, LLC, in the amount of \$572,700, and authorize the City Manager to execute all documents associated with and necessary for the award, completion, and acceptance of the Project;
 2. Authorize the City Manager to execute change orders up to 10% of the original contract amount, or \$57,270, for a total not-to-exceed amount of \$629,970; and
 3. Authorize the related budget amendment transferring \$98,000 from Streets and Highway Fund in Central Control Traffic Signal Upgrade Program to the Bowers Avenue Signal Timing Project.

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

- 2.G [19-237](#) Action on the Award of the Public Works Contract for the Parker Interconnection Project and Related Budget Amendment

- Recommendation:**
1. Award the Public Works Contract for the Parker Interconnection Project (Contract No. 2124) to the lowest responsive and responsible bidder, Hot Line Construction, Inc., in the amount of \$943,057.20 and authorize the City Manager to execute any and all documents necessary for the award, completion and acceptance of the Project;
 2. Authorize the City Manager to execute change orders up to 10% of the original contract amount, or \$94,305.72, for a total not-to-exceed amount of \$1,037,362.92 for Contract No. 2124 and make any minor modifications;
 3. Approve the related FY 2018/19 budget amendment recognizing \$2,350,000 in the Developer Contributions revenue category in the Parker Substation project and appropriating \$2,350,000 in the Parker Substation project; and
 4. Amend the FY 2019/20 Adopted CIP Budget and approve the related FY 2019/20 budget amendment to decrease the Parker Substation project and associated Developer Contributions revenues and expenditures by \$1,050,000 due to the acceleration of the project schedule to FY 2018/19.

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

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.F [19-1681](#) Action on Award of Contract for the Safe Routes to School Pedestrian Infrastructure Improvements Project and Related Budget Amendment

Recommendation: 1. Award the Public Works Contract for the SRTS Pedestrian Infrastructure Improvements Project (CE 18-19-05) to the lowest and responsive bidder, J.J.R. Construction, Inc. in the amount of \$345,269 and authorize the City Manager to execute any and all documents associated with and necessary for the award, completion, and acceptance of the Project;
2. Authorize the City Manager to execute change orders up to 10% of the original contract amount, or \$34,527 for a total not-to-exceed amount of \$379,796; and
3. Approve the related budget amendment transferring \$133,022 from City's Neighborhood Traffic Calming Project to the SRTS Pedestrian Infrastructure Improvements Project.

Councilmember Chahal pulled this item for additional information.

Director of Public Works Mobeck addressed Council questions.

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

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

Excused: 1 - Councilmember Mahan

PUBLIC HEARING/GENERAL BUSINESS

3. [19-204](#) Action on a Written Petition submitted by Ken Kim requesting to proclaim a section of El Camino Real as Korea Town

Recommendation: Staff makes no recommendation.

Public Speaker(s): Ken Kim

Staff to return with a report on background history regarding previous request to designate a portion of El Camino Real as Korea Town.

A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to agendize this item for a future meeting.

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

Excused: 1 - Councilmember Mahan

4. [19-1630](#) Action on Purchase Agreement for Real Property with SummerHill Lawrence Station for the Lawrence Expressway Grade Separation Project and Related Budget Amendment

Recommendation: 1. Approve and authorize the City Manager to execute the Purchase Agreement for Real Property with SummerHill Lawrence Station, LLC and all documents necessary to implement the terms of the Agreement and close escrow for the purchase of approximately 0.72 acres at a purchase price of \$4,092,200; and
2. Approve the Related Budget Amendment to transfer existing funds from the Transportation Environmental Mitigation and Regional Traffic Mitigation Fee Deposit Funds to the Streets and Highways Fund for the Lawrence Grade Separation Project.

Director of Public Works Mobeck presented a PowerPoint.

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

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

Excused: 1 - Councilmember Mahan

7. [19-115](#) Action on a Resolution of Intention to Establish Community Facilities District (CFD) 2019-1 (Lawrence Station) to finance certain Public Services

Recommendation: Alternative 1.:
Adopt the Resolution of Intention to Establish the Community Facilities District 2019-1 (Lawrence Station) to finance certain Public Services, and set a public hearing on the matter for April 9, 2019.

Director of Parks and Recreation Teixeira presented a PowerPoint.

A motion was made by Councilmember Davis, seconded by Councilmember Chahal, to adopt Resolution 19-8674 of Intention to Establish the Community Facilities District 2019-1 (Lawrence Station) to finance certain Public Services, and set a public hearing on the matter for April 9, 2019. (Alternative 1)

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

Excused: 1 - Councilmember Mahan

SPECIAL ORDER OF BUSINESS

1. [19-178](#) Presentation by the Historic Preservation Society of Santa Clara and the Old Quad Residents Association Tour Committee on Funds Raised from 2018 Historic Home Tour

Nancy Biagini and **Michael Cole** gave a verbal presentation and presented the proceeds to local community organizations.

PUBLIC PRESENTATIONS

Tom Pyke (District Director for Congressman Ro Khanna) expressed gratitude for City collaboration and announced local town halls.

5. [19-175](#) Direction to Prepare an Amendment to the Zoning Code, SCCC Chapter 18.76 Architectural Review

Recommendation: Alternative 1:
Direct staff to prepare an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee process with an alternate Administrative Level Hearing Process (Development Review Hearing) including identifying the permits or projects subject to the approval of the Administrative Level Hearing Process, Planning Commission, or the City Council; identifying the hearing body that is responsible for the review on appeal based on the types of permit or project; and limiting any planning application to a maximum of one potential appeal.

Director of Community Development Crabtree presented a PowerPoint.

Public Speaker(s): Adam Thompson
Rob Mayer
Mark Kelsey
Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve staff recommendation (Alternative 1).

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

Excused: 1 - Councilmember Mahan

- 6. [19-118](#) Action on Request for City Financial Support for a New Special Event-Parade of Champions

Recommendation: Staff does not have a recommendation. However, if the Council approves the Parade in concept, a 2020 timeframe is more realistic within the context of City staff capacity and already planned events and allows more adequate time for SPOC to raise necessary funds to address the issues mentioned in the report.

Director of Parks and Recreation Teixeira presented a PowerPoint.

Public Speaker(s): Ana Vargas Smith Patti Allmon
 Nancy Biagini Jodi Muirhead
 Andy Ratermann Tino Silva
 Mary Grizzle Charles Frost
 Adam Thompson Rod Dunham
 Gautom Barve

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to conditionally approve the parade subject to non-profit status, cap of \$71,028 to be allocated for City Services and to set a deadline for proof of sponsorship (June 25 to take Council action on appropriation).

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

Excused: 1 - Councilmember Mahan

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Davis announced a Tequila Tasting event at Triton Museum on March 22, 2019.

Councilmember O'Neill reported on her attendance at the Public Power Associations Winter Legislative Rally.

Councilmember Watanabe reported on her attendance at the Caltrain meeting and the Santa Clara Aviation Roundtable Committee meeting.

Councilmember Chahal reported on his attendance at the Regional Economic Reform meeting with **Councilmember O'Neill**.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

[19-266](#)

Verbal Update on the Convention Center Operator Transition

City Manager Santana provided a verbal update on the Convention Center Operator Transition with Spectra.

[19-077](#)

Monthly Update on City Council and Stadium Authority Staff Referrals

City Attorney Doyle reported on the Smoking Ordinance informational to be included with leases a one sheet double-sided.

[19-248](#)

Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 9:11 PM in **memory of Jack Gilbert Stewart** (Former City of Santa Clara Employee and Longtime Resident), **Mary Stella Vera** (Longtime Santa Clara Resident), **Clyde Robert LeBaron** (Santa Clara University Alumnus and soon-to-be Hall of Fame Inductee), and **Doris Driggs** (Longtime Santa Clara Resident).

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

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

Excused: 1 - Councilmember Mahan

[19-254](#)

Adjournment Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, March 19, 2019 (Stadium Authority) 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."