



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

Tuesday, August 28, 2018

5:00 PM

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

Closed Session - 5:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

#### 5:00 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.*

- 18-1183** [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 \(Public Safety Non-Sworn Employees Association\)](#)

- 18-1187** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[In re Ronald Billingsley, Workers' Compensation Appeals Board](#)  
[Case Nos. ADJ10828894, ADJ325132](#)
- 18-1189** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[In re Daniel Cortazzo, Workers' Compensation Appeals Board](#)  
[Case Nos. ADJ11026457, ADJ10879991, ADJ10722930](#)
- 18-1190** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[In re Kevin Estes, Workers' Compensation Appeals Board Case](#)  
[No. ADJ10536540](#)
- 18-1191** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[In re Nicole Young, Workers' Compensation Appeal Board Case](#)  
[Nos. ADJ10397222, ADJ10397206 and ADJ10412284](#)
- 18-1192** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)  
[Northern California Power Agency, City of Redding, City of](#)  
[Roseville, and City of Santa Clara v. The United States, U.S.](#)  
[Court of Federal Claims No. 14-817C](#)
- 18-1193** [Conference with Legal Counsel-Anticipated Litigation \(CC,](#)  
[SOSA\)](#)  
[Pursuant to Gov. Code § 54956.9\(d\)\(4\) - Initiation of litigation](#)  
[Number of potential cases: 1](#)

**Convene to Closed Session (Council Conference Room)**

**6:00 PM STUDY SESSION**

**Call to Order in the Council Chambers**

**Confirmation of a Quorum**

- 18-033** [Review of Central Park Master Plan Guiding Principles](#)

**7:00 PM COUNCIL REGULAR MEETING**

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

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

**CONTINUANCES/EXCEPTIONS**

**18-1176** [Public Hearing: Action on Early Consideration of a General Plan Amendment \(GPA\) from Medium Density Residential to High Density Residential for the 12.43 Acre Property Located at 3131 Homestead Road \(Laguna Clara Apartments\)](#)

**Recommendation:** Continue Public Hearing: Action on Early Consideration of a General Plan Amendment (GPA) from Medium Density Residential to High Density Residential for the 12.43 Acre Property Located at 3131 Homestead Road to the November 13, 2018 City Council hearing [PLN2018-13286].

**SPECIAL ORDER OF BUSINESS**

**1.A 18-1112** [Recognition of Chief Master Sergeant Ronald S. Blancas](#)

**1.B 18-1097** [Proclamation of National Payroll Week](#)

**1.C 18-1148** [Proclamation of September 2018 as Community Preparedness Month](#)

**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.]*

**2.A 18-359** [Action on the Council and Authorities Concurrent and Stadium Authority Meeting Minutes](#)

**Recommendation:** Note and file the Minutes of:  
Joint Meeting - April 24, 2018  
Joint Meeting - May 8, 2018

**2.B 18-659** [Action on Bills and Claims Report \(CC\) for the period July 27th - August 2nd](#)

**Recommendation:** Approve the list of Bills and Claims for July 27, 2018 - August 2, 2018.

**2.C 18-644** [Action on Bills and Claims for the months of June and July 2018 \(Stadium Authority\)](#)

**Recommendation:** Approve the list of Bills and Claims for June and July 2018.

**2.D 18-920** [Action on the Display of Flags Council Policy](#)

**Recommendation:** Adopt a resolution approving the Display of Flags Council Policy.

**2.E 18-817** [Action on Donation for the Purchase, Installation, and Maintenance of a Tree at Mission City Memorial Park, and Related Budget Amendment](#)

**Recommendation:** Accept a donation of \$1,635 for the purchase, supplies, and installation of a tree and related budget amendment and authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager.

**2.F 18-916** [Action on City's Response to the 2017-2018 Santa Clara County Civil Grand Jury Report: "Affordable Housing Crisis: Density is Our Destiny"](#)

**Recommendation:** Authorize Mayor Gillmor to submit the City's response to the Civil Grand Jury Report to the Honorable Patricia Lucas, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than Thursday, September 20, 2018.

**2.G 18-940** [Informational Report on Flood Insurance Coverage Assessment](#)

**Recommendation:** Note and file the Report on Flood Insurance Coverage Assessment.

**2.H 18-1006** [Action on a Donation from the Santa Clara City Library Foundation and Friends and Related Budget Amendment](#)

**Recommendation:** Accept a Santa Clara City Library Foundation and Friends donation in the amount of \$50,000 and approve a related Budget Amendment to appropriate the funds for future Library-related expenditures, and authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager.

**2.I 18-661** [Action on an Agreement with Rentokil North America, Inc. DBA Western Exterminator Company for Pest Control Services at Various City Facilities.](#)

**Recommendation:**

1. Approve and authorize the City Manager to execute an Agreement for the Performance of Services with Rentokil North America, Inc. DBA Western Exterminator Company to provide pest control services at various City buildings for an amount not-to-exceed \$190,406 over a 3 year term; and
2. Authorize the City Manager to make minor modifications to the Agreement, if necessary.

**2.J 18-1016** [Action on the Approval of the 2017 Power Source Disclosure Report](#)

**Recommendation:** Adopt a Resolution approving the attestation of the veracity of the 2017 Power Source Disclosure Report and the submission of the Report to the California Energy Commission.

**2.K 18-1041** [Action on a Special Permit request for a seasonal Pumpkin Patch and Christmas Tree sales event at 2610 El Camino Real, PLN2018-13341](#)

**Recommendation:** Approve the request of a Special Permit to allow a seasonal Pumpkin Patch and Christmas Tree sales event at 2610 El Camino Real (PLN2018-13341), subject to conditions.

- 2.L 18-1042 [Action on a Special Permit request for a seasonal Pumpkin Patch and Christmas Tree sales event at 3590 Benton Street, PLN2018-13416](#)

**Recommendation:** Approve the request of a Special Permit to allow a seasonal Pumpkin Patch and Christmas Tree sales event at 3590 Benton Street (PLN2018-13416), subject to conditions.

- 2.M 18-1043 [Action on a request of a Special Permit to allow Kaiser Permanente to conduct an Employee and Family Wellness Event on September 9, 2018 in the Kaiser Permanente Parking Lots \(A, B, C\) located at 710 Lawrence Expressway.](#)

**Recommendation:** Approve the request of a Special Permit to allow Kaiser Permanente to conduct an Employee and Family Wellness Event on September 9, 2018 in the Kaiser Permanente Parking Lots (A, B, C) located at 710 Lawrence Expressway (PLN2018-13388), subject to conditions

- 2.N 18-1184 [Action on Central Park Master Plan Guiding Principles](#)

**Recommendation:** Approve Central Park Master Plan Guiding Principles.

- 2.O 18-1078 [Action on an Enterprise Program Agreement and Corporate Family Software License and Services Agreement with OSIsoft, LLC](#)

**Recommendation:** Approve and authorize the City Manager to execute an Enterprise Program Agreement and Corporate Family Software License and Services Agreement with OSIsoft, LLC retroactive to April 24, 2017 for installation, configuration, modifications and maintenance to OSIsoft, PI historian software and related systems, in an amount not-to-exceed \$488,070 over a five (5) year term.

- 2.P 18-1079 [Action on an Agreement for the Performance of Services with Nalco Company, LLC to Provide Water Treatment Services at the Donald Von Raesfeld \(DVR\) Power Plant](#)

**Recommendation:** Approve an Agreement for the Performance of Services with Nalco Company, LLC to provide water treatment services in an amount not-to-exceed \$429,785 over a three (3) year period.

**2.Q 18-1080** [Action on an Agreement for the Performance of Services with Nalco Company, LLC to Provide Water Treatment Services at the Cogeneration Facility \(CoGen\)](#)

**Recommendation:** Approve an Agreement for the Performance of Services with Nalco Company, LLC to provide water treatment services in an amount not-to-exceed \$163,933 over a three (3) year term.

**2.R 18-1099** [Informational Report on the Metropolitan Transportation Commission Campaign for Transformative Projects and Stevens Creek/West San Carlos Corridor Study](#)

**Recommendation:** Note and file the Informational Report on the Metropolitan Transportation Commission Campaign for Transformative Projects and Stevens Creek/West San Carlos Corridor Study.

**2.S 18-1102** [Action Related to the City's Variable Rate Demand Electric Revenue Bonds, Series 2008 B](#)

**Recommendation:** Adopt a Resolution Authorizing the Execution of a Second Amendment to Reimbursement Agreement and Second Amended and Restated Fee Letter Relating to the City's Variable Rate Demand Electric Revenue Bonds, Series 2008 B; and Authorizing Certain Other Actions Relating Thereto

**2.T 18-1147** [Approve City Position on Proposed League of California Cities' 2018 Annual Conference Resolutions](#)

**Recommendation:** Approve support positions for the proposed Resolution #1, Respond to the Increasing Vulnerabilities to Local Municipal Authority, Control and Revenue and Explore the Preparation of a Ballot Measure and/or Constitutional Amendment that would further Strengthen Local Democracy and Authority, and Resolution #2, Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides, and authorize the City's voting delegate/alternate to cast votes consistent with the City Council's adopted positions.

**2.U 18-1093** [Action on Amendment No. 2 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium](#)

**Recommendation:** Authorize the City Manager to execute Amendment No. 2 to the Agreement with Wilson, Ihrig & Associates subject to annual appropriations to continue conducting noise monitoring of Levi's Stadium and the 49ers practice facility for an additional cost of \$150,000 to be funded over a two-year term, resulting in a revised total cost not to exceed \$249,840 over the life of the agreement.

**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**

**3. Actions Related to Santa Clara Tourism Improvement District**

**A. 18-929** [Public Hearing: Action on the Santa Clara Tourism Improvement District \(TID\)](#)

**Recommendation:**

1. Approve the Tourism Improvement District Fiscal Year 2018/19 Amended Budget
2. Adopt a Resolution to levy an annual assessment for the Santa Clara Tourism Improvement District (TID) for Fiscal Year 2018/19.



B. 18-1167 [Action on Amended and Restated Agreement with TAP International for Audit Services for the Santa Clara Convention Center & Tourism Improvement District](#)

**Recommendation:**

1. Approve and authorize the City Manager to execute Amended and Restated Agreement for Services with TAP International for a performance and financial audit related to the Convention Center, Convention-Visitors Bureau and Tourism Improvement District for a total amount not to exceed \$155,020.
2. Authorize the City Manager to make minor, non-substantive modifications if needed.

4. 18-756 [Action on the Renewable Power Purchase Agreement with Viento Loco Wind, LLC](#)

**Recommendation:**

1. Delegation of authority to the City Manager to execute a Renewable Power Purchase and Sales Agreement with Viento Loco Wind, LLC, in substantially similar terms as presented, and subject to final review and approval by the City Attorney
2. Authorize the City Manager to execute all necessary documents, subject to final review and approval by the City Attorney, to effectuate the purchases of power from Viento Loco Wind, LLC.

5. 18-523 [Public Hearing: Action on Appeal of Planning Commission Action for the Property Located at 1593 Lexington Street](#)

**Recommendation:**

Sustain the appeal, overrule the Planning Commission's action, and approve the basement conversion and a new accessory dwelling unit for the property at 1593 Lexington Street, subject to conditions of approval.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

18-1055 [Tentative Meeting Agenda Calendar](#)

## **ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, September 11, 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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.