



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, May 21, 2019

3:00 PM

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

Councilmember O'Neill will be attending remotely from the following location:

Best Western Plus Sutter House
1100 H Street – Room #133
Sacramento, CA 95814

3:00 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.

19-671 [Public Employee Performance Evaluation \(CC\)](#)
[Pursuant to Gov. Code § 54957](#)
[Title: City Manager](#)

- 19-616** [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 \(Public Safety Non-Sworn Employees Association\)](#)
- 19-617** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(2\) - Exposure to litigation](#)
[Number of potential cases: 1](#)
- 19-618** [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](#)
- 19-622** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 500 Benton Street, APN 230-08-078](#)
[City/Authority Negotiator: Deanna J. Santana, City Manager \(or designee\)](#)
[Negotiating Parties: Robert Mendelsohn, Republic Metropolitan](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property \(provisions, price and terms of payment\)](#)

- 19-670** [Conference with Legal Counsel-Anticipated Litigation \(SA\)
Pursuant to Gov. Code § 54956.9\(d\)\(4\) - Initiation of litigation
Number of potential cases: 1](#)

Convene to Closed Session (Council Conference Room)

5:00 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

1. **19-104** [Discussion and Review of User Fees for Cost of Services and Workplan to Evaluate User Fees](#)
2. **19-621** [Action on Appointment to fill a partial term on the Planning Commission ending June 30, 2019 and approve the newly appointed commissioner to serve a full term from July 1, 2019 ending June 30, 2023.](#)

Recommendation: Appoint one candidate to the Planning Commission to serve a partial term ending June 30, 2019 and approve for the newly appointed commissioner to serve a full term from July 1, 2019 ending June 30, 2023.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

3. **19-632** [Request from Mayor Gillmor to Continue Item #15 - Action on a Resolution Establishing the Average Per-Acre Land Values and Parkland In Lieu Fee Schedule for New Residential Development FY2019-20](#)
4. **19-662** [Continuance Regarding Economic Development, Communications, and Marketing Committee Meeting Minutes](#)

Recommendation: Defer the Economic Development, Communications, and Marketing Committee minutes to the Committee for clarification.

SPECIAL ORDER OF BUSINESS

**Special Order of Business not to be heard prior to 7:00 PM.*

5. Actions in Support of the Youth Commission

- A. 19-417 [Action on Resolution No. 6047 Relating to the Youth Commission Selection Process and Action on Appointment of Youth Commissioners for the 2019-20 Term](#)

Recommendation: 1. Adopt a resolution amending Resolution No. 6047 to change the Youth Commission selection process; and,
2. Reappoint nine returning Youth Commissioners, appoint six new Commissioners, and appoint two alternates to serve on the 2019-20 City of Santa Clara Youth Commission based on the selection panel's recommendations.

- B. 19-418 [Recognition of Outgoing Youth Commission Members](#)

- C. 19-419 [2019 Youth Commission Community Service Scholarship](#)

- 5.D 19-497 [Proclamation of National Public Works Week](#)

- 5.E 19-523 [Presentation by Girl Scout Troop 61413](#)

- 5.F 19-634 [Proclamation for Lupus Awareness 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.]

- 6.A 19-620 [Action on Council and Authorities Concurrent Meeting Minutes](#)

Recommendation: Approve the Council and Authorities Meeting Minutes of April 23, 2019.

6.B 19-027 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Parks & Recreation Commission - March 19, 2019
Senior Advisory Commission - March 25, 2019
Cultural Commission - April 1, 2019
Civil Service Commission - November 19, 2018
Salary Setting Commission - January 8, 2019
Salary Setting Commission - January 17, 2019
Salary Setting Commission - January 30, 2019
Salary Setting Commission - February 21, 2019
Salary Setting Commission - February 28, 2019
Salary Setting Commission - March 14, 2019
Salary Setting Commission - March 28, 2019
Cultural Commission - April 16, 2018
Cultural Commission - May 9, 2018

6.C 19-358 [Action on Bills and Claims Report \(CC\) for the period April 12th - April 25th](#)

Recommendation: Approve the list of Bills and Claims for April 12, 2019 - April 25, 2019.

6.D 19-003 [Action on a Resolution Authorizing the Filing of an Application for FY 2019/20 Transportation Development Act Funding for the Lafayette/Bassett Bike Lane Project](#)

Recommendation: Adopt a Resolution Authorizing the Filing of an Application with the Metropolitan Transportation Commission for Allocation of Transportation Development Act Article 3, Pedestrian and Bicycle Project Funding for Fiscal Year 2019/20.

6.E 19-311 [Approval of a High Intensity Activated Crosswalk Beacon on Lick Mill Boulevard at East River Parkway and Related Budget Amendment](#)

- Recommendation:**
1. Approve the installation of a High Intensity Activated Crosswalk Beacon (HAWK) on Lick Mill Boulevard at East River Parkway;
 2. Approve the addition of the new CIP Project - High Intensity Activated Crosswalk Beacon on Lick Mill Boulevard at East River Parkway - to the FY 2018/19 CIP Budget; and
 3. Approve the related budget amendment transferring \$750,000 from the General Fund- Capital Projects Reserve to the Streets and Highways Fund for the High Intensity Activated Crosswalk Beacon on Lick Mill Boulevard at East River Parkway (533-New Project).

6.F 19-449 [Action on Agreements for Materials Testing and Special Inspection Services for Public Works Projects](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute an agreement for the Performance of Services with Construction Testing Services, Inc. (\$90,000), Ninyo and Moore Geotechnical and Environmental Sciences Consultants (\$90,000) and Quality Assurance Engineering, Inc. (\$90,000) to perform on-call materials testing and special inspection services for a combined amount not-to-exceed \$270,000 over the three-year terms of the agreements;
 2. Authorize the City Manager to amend agreement not-to-exceed amounts as long as the cumulative total does not exceed \$270,000 subject to annual appropriations; and
 3. Authorize the City Manager to exercise up to two one-year extensions for each agreement with no increase in compensation in the event that the work is not completed by the Agreement end dates and make minor modifications to the agreements, if necessary.

6.G 19-477 [Action to Amend a Special Permit for Community Festivals at 1375 Lafayette Street to Reflect the Correct 2019 Dates](#)

Recommendation: Approve the request to amend the Special Permit to reflect the correct 2019 dates for community festivals at 1375 Lafayette Street (PLN2018-13269), subject to conditions.

6.H 19-606 [Approval of the 2018-2021 Memorandum of Understanding between the City of Santa Clara and the Santa Clara Police Officers Association \(Unit 2\)](#)

Recommendation: 1. Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and Santa Clara Police Officers Association (Unit 2) 2018-2021, with effective dates of December 23, 2018 to December 18, 2021.
2. Adopt a Resolution approving the Salary Schedule for Santa Clara Police Officers Association (Unit 2), effective December 23, 2018.

6.I 19-480 [Action to Approve New Job Specification, and Set Compensation, for Public Works Supervisor](#)

Recommendation: Approve the job specification for Public Works Supervisor and set the salary range at A-38.

6.J 19-602 [Authorize the City Manager to amend and execute the existing Electric Service Agreement with Intel Corporation](#)

Recommendation: Authorize the City Manager to amend and execute the existing Electric Service Agreement with Intel Corporation

6.K 19-500 [Action on a Resolution for the Use of City Water Forces at 815 Comstock Street](#)

Recommendation: Adopt a Resolution approving the use of City Water forces for the service upgrade at 815 Comstock Street.

- 6.L 19-522 [Action on the Appointment of Councilmember Debi Davis to the Bay Area Water Supply and Conservation Agency \(BAWSCA\) and the San Francisco Bay Area Regional Water System Financing Authority \(RFA\)](#)

Recommendation: Appoint Councilmember Debi Davis to serve as representative on the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Bay Area Regional Water System Financing Authority (RFA)

- 6.M 19-569 [Action on a Resolution Authorizing the Display of the Lesbian, Gay, Bisexual, Transgender, and Queer \(LGBTQ\) Pride Flag During the Month of June 2019, and Annually Thereafter in the Month of June](#)

Recommendation: Adopt a resolution authorizing the display of the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Pride flag during the month of June 2019, and annually thereafter in the month of June, unless and until the resolution is rescinded.

- 6.N 19-228 [Action on Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 3511 El Camino Real](#)

Recommendation:

1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land with Lawrence Square Shopping Center, LLC to install and maintain three monitoring wells within the public right-of-way [APN 220-03-010 (2018-19); SC 19,136]; and
2. Authorize the recordation thereof.

- 6.O 19-398** [Action on the Raymond G. Gamma Dog Park Schematic Design Update with Synthetic Turf, and the Larry J. Marsalli Park Site Plan Update to include the Off Leash Dog Areas and Introduction of an Ordinance Approving the Raymond G. Gamma Dog Park Schematic Design Update in Accordance with City Charter Section 714.1](#)

Recommendation: Alternatives 1 and 2:

1. Introduce an ordinance to approve the Raymond G. Gamma Dog Park Schematic Design Update Option B with Synthetic Turf, and
2. Update the Larry J. Marsalli Park Site Plan to include the Off-Leash Dog Areas.

- 6.P 19-594** [Action on Adoption of Ordinance No. 2000 Amendment to Zoning Code Section 18.102.010 - Commercial Marijuana Activity Prohibited](#)

Recommendation: Adopt Ordinance No. 2000 Amendment to Zoning Code Section 18.102.010 - Commercial Marijuana Activity Prohibited.

- 6.Q 19-655** [Action to Authorize the City Manager to Execute Agreement with Management Partners for Executive Performance Evaluation Facilitation](#)

Recommendation: Authorize the City Manager to execute the agreement with Management Partners for facilitation of the City Manager's performance evaluation process.

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

7. 19-440 [Public Hearing: Action on a Resolution to Levy an Annual Assessment for the Santa Clara Tourism Improvement District \(TID\) for Fiscal Year 2019/20](#)

Recommendation: Alternative 1:
Adopt a Resolution to levy an annual assessment for the Santa Clara Tourism Improvement District (TID) for Fiscal Year 2019/20 if there is no legally sufficient protest.

8. 19-547 [Update and Action on the Formation of a New Destination Marketing Organization \(DMO\) entity and Appointment of a Board of Directors](#)

Recommendation: Direct the City Manager to proceed with the formation of the new DMO entity including causing the appointment of the initial Board of Directors as set forth in Table 1.

9. 19-548 [Update on Santa Clara Convention Center Transition Activities and Work Efforts](#)

Recommendation: Note and file the May 2019 Information Report on Santa Clara Convention Center transition activities.

10. 19-1387 [Public Hearing to Approve Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables with 12 Applicants](#)

Recommendation: 1. Adopt a Resolution to Grant Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables; and
3. Approve and authorize the City Manager to execute Non-Exclusive Franchise Agreements for Hauling of Industrial Refuse and Recyclables with 12 applicants.

11. **19-009** [Public Hearing: Adoption of a Resolution Setting Rates for Overall Solid Waste Services, Annual Clean-up Campaign, and Household Hazardous Waste in the Exclusive Franchise Area](#)

Recommendation: Alternative 1:
Adopt a Resolution setting the overall rates to be charged to customers for the collection and disposal of garbage, refuse, Clean Green, recycling, annual Clean-up Campaign, and household hazardous waste in the exclusive franchise area, effective for the utility bills issued for services rendered on and after July 1, 2019.

12. **19-1685** [Public Hearing: Action on Resolutions Approving Water, Sewer and Recycled Water Rates to be Effective July 1, 2019](#)

Recommendation: Alternative 1:
Adopt Resolutions Establishing Water Rate Schedule 2019-01, Recycled Water Rate Schedule 2019-02, and Sewer Rate Schedule S-19.

13. 19-1634 [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, 4, 6, and 7:

1. 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
4. 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 1,600 residential units, 162,000 square foot hotel, 25,000 square feet of supporting retail, park and open space, surface and structured parking facilities, private streets, and site improvements; subject to conditions that include additional pedestrian, decorative paving and landscape enhancements to the 30-foot wide north - south private street on the west side of the public park and Building 2 that connects Brokaw Road to Champions Way;
6. 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

7. Introduce an Ordinance to approve the Development Agreement.

14. 19-590 [Action on Councilmember O'Neill's Request Related to the City's Participation in an "Innovation Zone"](#)

Recommendation: Staff makes no recommendation.

15. 19-517 [Action on a Resolution Establishing the Average Per-Acre Land Values and Parkland In Lieu Fee Schedule for New Residential Development FY2019-20](#)

Recommendation: Alternatives 2 and 4:

2. Adopt a Resolution Establishing the Average Per-Acre Land Values and Parkland In Lieu Fee Schedule for New Residential Development for FY2019-20 In Accordance with Title 17 ("Development") Chapter 35 ("Park and Recreational Land") of the Code of the City of Santa Clara with the exception that the total allowable amount for increases in park improvement values will be phased in over a three year period at 25% per year and the land appraisal will be conducted annually as required per City Code 17.35 and new fees effective July 1 of each year.
4. Conduct a Feasibility of Residential Development Study that will evaluate the effects of total development fee levels on developer's feasibility to provide housing of various types.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

19-255 [Tentative Meeting Agenda Calendar](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, June 4, 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."