



City of Santa Clara

Joint Meeting Agenda

Council and Authorities Concurrent and Stadium Authority Meeting

Tuesday, August 20, 2019

4:30 PM

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

Closed Session - 4:30 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:30 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.

Convene to Closed Session (Council Conference Room)

- 19-926** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Evans, et al., v. City of Santa Clara, Bird Rides, et al., United States District Court, Northern District of California, Case No. 3:19-CV-01207-VC](#)
- 19-927** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Nevarez v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:16-CV-07013-HRL](#)
- 19-928** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Smee v. City of Santa Clara, et al., Santa Clara Superior Court Case No. 116CV294244](#)
- 19-945** [Conference with Legal Counsel-Existing Litigation \(SA\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority \(Demand for Arbitration through JAMS\)](#)

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Confirmation of a Quorum

- 19-538** [Joint Study Session with Planning Commission on the Zoning Code Comprehensive Update: New Districts, Simplified Processes, Single-Family District Standards, and Placemaking](#)

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

SPECIAL ORDER OF BUSINESS

- 1.A 19-908** [Presentation on 2nd Annual Action Children's Business Fair](#)
- 1.B 19-909** [Recognition of FIRST LEGO League Team "Cats Love Mars"](#)

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 19-814** [Action on City Council Special Meeting Minutes of June 18, 2019, and Council and Authorities Concurrent Meeting Minutes of July 9, 2019](#)

Recommendation: Approve the City Council Special Meeting Minutes of June 18, 2019, and the Council and Authorities Concurrent Meeting Minutes of July 9, 2019.

2.B 19-032 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Board of Library Trustees Meeting Minutes - June 3, 2019
Salary Setting Commission Meeting Minutes - May 9, 2019
Salary Setting Commission Meeting Minutes - May 23, 2019
Salary Setting Commission Meeting Minutes - June 5, 2019
Salary Setting Commission Meeting Minutes - June 11, 2019
Salary Setting Commission Meeting Minutes - June 20, 2019
Cultural Commission - June 3, 2019
Parks & Recreation Commission - June 18, 2019
Senior Advisory Commission - June 24, 2019
Planning Commission - June 12, 2019

2.C 19-597 [Action on Bills and Claims Report \(CC, SA, HA\) for the period June 21st - July 25th](#)

Recommendation: Approve the list of Bills and Claims for June 21, 2019 - July 25, 2019.

2.D 19-600 [Action on the Fiscal Operation of the Santa Clara Golf and Tennis Club Report for the 3rd Quarter ended March 31, 2019](#)

Recommendation: Note and file the Status Report for the Fiscal Operation of the Santa Clara Golf and Tennis Club for the third quarter ended March 31, 2019.

2.E 19-224 [Action on an Agreement for Services with EthosEnergy Field Services, LLC for the Mitsubishi Steam Turbine and Generator Major Inspection and Overhaul at the Donald Von Raesfeld Power Plant](#)

Recommendation: Authorize the City Manager to execute an Agreement for Services with EthosEnergy Field Services, LLC for the Mitsubishi Steam Turbine and Generator Major Inspection and Overhaul at the Donald Von Raesfeld Power Plant for a term starting on or about August 21, 2019 and ending on or about June 30, 2021 for a total maximum amount not-to-exceed \$4,538,057.

2.F 19-381 [Action on an Agreement with WRECO for the Great America Parkway and Mission College Boulevard Intersection Improvements and Related Budget Amendment](#)

Recommendation: 1. Approve and authorize the City Manager to execute an Agreement for Design Professional Services with WRECO for Great America Parkway and Mission College Boulevard Intersection Improvements Project in the amount not-to-exceed \$1,028,000;
2. Approve the related budget amendment transferring \$63,688 from Electric Utilities Capital Fund - Distribution Capital Maintenance and Betterments Project to the Street and Highways Capital Fund - Great America Parkway and Mission College Boulevard Intersection Improvements Project; and
3. Authorize the City Manager to make minor modifications to the Agreement, including time extension involving no increase in costs, if necessary.

2.G 19-564 [Action on Amendment No. 1 to the Agreement with Mintier Harnish, LP, for preparation of the Zoning Code Update](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for the Performance of Services with Mintier Harnish, LP, for preparation of the Zoning Code Update with an increase of \$46,930 for a total contract cost not to exceed \$248,250.

2.H 19-750 [Action to Approve New and Modified Class Specifications and to Adopt a Resolution Approving and Adopting Updated Salary Plans for Various Unclassified and Classified Positions.](#)

Recommendation: Approve amendments to the City of Santa Clara Salary Plan effective August 20, 2019 to:

1. Revise the class specifications for Associate Planner, Pump Maintenance Technician, and Assistant to the City Manager;
2. Revise, retitle, and adjust the salary range for Assistant Planner (formerly Assistant Planner I);
3. Delete Assistant Planner II;
4. Create Senior Planner and Principal Engineer/City Surveyor and set compensation for each; and
5. Adopt a Resolution to approve the revised salary plans for various unclassified and classified positions to satisfy the requirements of California Code of Regulations Section 570.5.

2.I 19-894 [Action on Approval of the 2018-2021 Memorandum of Understanding Between the City of Santa Clara and the Public Safety Non-Sworn Employees Association \(Unit 10\), a Resolution to Approve and Adopt the Associated Updated Salary Plan for Classifications represented by the PSNSEA, and authorization for the City Manager to Execute the Necessary Third Party Agreements and Documents to effectuate the Amendment to the Life Insurance Benefit in the Memorandum of Agreement.](#)

Recommendation:

1. Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and Public Safety Non-Sworn Employees Association (Unit 10) with effective dates of December 23, 2018 to December 18, 2021;
2. Adopt a Resolution approving the updated salary plan for all classifications represented by the Public Safety Non-Sworn Employees Association (Unit 10), effective December 23, 2018; and,
3. Authorization for the City Manager to Execute the Necessary Third Party Agreements and Documents to effectuate the Life Insurance Benefit terms in the Memorandum of Agreement.

- 2.J 19-793** [Action on Approval of the 2018-2021 Memorandum of Understanding Between the City of Santa Clara and the International Brotherhood of Electrical Workers Local 1245 \(Unit 3\), and a Resolution to Approve and Adopt the Associated Updated Salary Plan for Classifications represented by IBEW.](#)

Recommendation: 1. Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and International Brotherhood of Electrical Workers Local 1245 (Unit 3) with effective dates of December 23, 2018 to December 18, 2021.
2. Adopt a Resolution approving the updated salary plan for all classifications represented by the International Brotherhood of Electrical Workers Local 1245 (Unit 3), effective December 23, 2018.

- 2.K 19-812** [Informational Report on the Resolution of the Salary Setting Commission Establishing as Unchanged the Salary for the position of Chief of Police and Setting the Benefits Allocated to the Position, for the Period of July 1, 2019 to and Including June 30, 2021](#)

Recommendation: Note and file the Resolution of the Salary Setting Commission establishing the salary and benefits for the position of Chief of Police, for the period of July 1, 2019 to and including June 30, 2021.

- 2.L 19-816** [Informational Report on Resolution of the Salary Setting Commission Setting the Compensation for the position of City Clerk for the Period of July 1, 2019 to and including June 30, 2021](#)

Recommendation: Note and file the Resolution of the Salary Setting Commission setting the compensation for the position of City Clerk, for the period of July 1, 2019 to and including June 30, 2021.

2.M 19-395 [Action on Resolution Approving a Green Stormwater Infrastructure Plan in Accordance with Provision C.3.J of the Municipal Regional Stormwater Permit](#)

Recommendation: Adopt a Resolution Approving a Green Stormwater Infrastructure Plan in accordance with Provision C.3.j of the Municipal Regional Stormwater Permit.

2.N 19-811 [Action on a Resolution Ordering the Vacation of a Public Utility Easement at 3330 Cecil Avenue](#)

Recommendation: 1. Adopt a Resolution Ordering the Vacation of a Public Utility Easement at 3330 Cecil Avenue [APN 303-19-090 (2019-20); SC 19,161]; and
2. Authorize the recordation of the Resolution.

2.O 19-1650 [Action on a Resolution Ordering the Vacation of an Underground Electric Easement and a Water Easement at 2200 Lawson Lane](#)

Recommendation: 1. Adopt a Resolution Ordering the Vacation of an Underground Electric Easement and a Water Easement at 2200 Lawson Lane [APN 224-44-024 (2018-19); SC 19,145]; and
2. Authorize the recordation of the Resolution.

2.P 19-705 [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 575 Benton Street, 500 El Camino Real, 1111 Bellomy Street, 2600 De La Cruz Boulevard, 1950 - 2050 Wyatt Drive, 328 Brokaw Road, Halford Avenue and Burnley Way, Los Padres Boulevard and Royal Drive, 2931 El Camino Real, 3223 Kenneth Street, and south side of Reed Street 200' east of Lafayette Street.

2.Q 19-751 [Agreement for Services with CPMAXIS Inc. to Provide Modeling, Development, Validation and Reporting of PAGES for the Electric Department's Power Trading Resource Management](#)

Recommendation: Authorize the City Manager to execute an Agreement for Services with CPMAXIS, Inc. to provide modeling, development, validation and reporting of PAGES for the Electric Department's Power Trading Division, in an amount not to exceed \$383,400.00 over a three (3) year period.

2.R 19-768 [Action on Mills Act Contract for 610 Monroe Street](#)

Recommendation: Authorize the City Manager to execute a Mills Act contract and adopt the 10-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 610 Monroe Street with applicants Thuy D. Pham and Gregory C. Meyer; PLN2019-13809.

2.S 19-819 [Action on Request for a Mills Act Contract for 1217 Harrison Street](#)

Recommendation: Authorize the City Manager to execute a Mills Act contract and adopt the 10-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 1217 Harrison Street, with property owners Suyog Kotecha and Vartika Jain; PLN2018-13566.

2.T 19-790 [Action on the Office of Traffic Safety Selective Traffic Enforcement Program Grant and Related Budget Amendment](#)

Recommendation: 1. Accept and approve the Office of Traffic Safety Selective Traffic Enforcement Program Grant and \$70,000 Budget Amendment; and
2. Authorize the Chief of Police, City Manager and Finance Director to sign the required grant-related documents.

2.U 19-796 [Action on an Agreement with the County of Santa Clara for the City's Senior Nutrition -Congregate Meals Program and Related Budget Amendment](#)

- Recommendation:**
1. Approve and authorize City Manager to execute a Contract with the County of Santa Clara for the Senior Nutrition - Congregate Meals Program at the Santa Clara Senior Center for an amount not to exceed \$111,221 for FY 2019/20, and make minor modifications to the Agreement as needed.
 2. Approve the related budget amendment decreasing the revenue from the County for \$9,318 and the related appropriations for the same amount in the Senior Nutrition Program.

2.V 19-808 [Action on Amendment No. 1 to the Agreement with George Hills Company, Inc., for Liability Claims Adjusting and Administrative Services](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with George Hills Company, Inc., for Liability Claims Adjusting and Administrative Services to extend the term of the agreement by two years ending August 18, 2021 and increase compensation by \$400,000 for a total maximum not-to-exceed amount of \$1,400,000, subject to the appropriation of funds.
 2. Authorize the Stadium Authority Executive Director to execute Amendment No. 1 to the Agreement with George Hills Company, Inc., for Liability Claims Adjusting and Administrative Services.

2.W 19-822 [Action on Donations Received in Support of the 2019 Arbor Day/Earth Day Celebration](#)

- Recommendation:** Authorize the City Manager to acknowledge and accept the donations received in support of the 2019 Arbor Day/Earth Day Celebration.

- 2.X 19-838** [Action on a Request for a Special Permit to Allow Continued Use of a Temporary Wireless Telecommunications Cellular on Wheels \(COW\) Antenna Located at 200 N. Winchester Boulevard through July 17, 2020 \(File No PLN2019-13934\)](#)

Recommendation: Approve the request for a Special Permit to allow for continued use of a temporary wireless telecommunication cellular on wheels (COW) antenna located at 200 N. Winchester Boulevard from July 17, 2019 through July 17, 2020, File No PLN2019-13939, subject to conditions.

- 2.Y 19-848** [Action on Designating a Voting Delegate for the League of California Cities 2019 Annual Business Meeting](#)

Recommendation: Designate Mayor Lisa M. Gillmor to serve as the voting delegate and Councilmember Debi Davis as the alternate voting delegate to represent the City of Santa Clara at the League of California Cities 2019 Annual Business Meeting.

2.Z 19-861 [Action on the Sanitary Sewer Condition Assessment Repairs Project - Phase 1 \(CE 18-19-08\), Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Award of Contract](#)

- Recommendation:**
1. Adopt a Resolution adopting the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the Sanitary Sewer Condition Assessment Repairs;
 2. Authorize staff to file a Notice of Determination with the County Clerk-Recorder and State Clearinghouse;
 3. Award the Public Works Contract for the Sanitary Sewer Condition Assessment Repairs Project - Phase 1 (CE18-19-08) to the lowest responsive and responsible bidder, Cratus Inc., in the amount of \$ 2,531,230 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
 4. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$379,685, for a total not-to-exceed amount of \$2,910,915.

2.AA 19-862 [Action on Award of Contract for the Sanitary Sewer Condition Assessment Repairs Project - Phase 2 \(CE 18-19-09\)](#)

- Recommendation:**
1. Award the Public Works Contract for the Sanitary Sewer Condition Assessment Repairs Project - Phase 2 (CE18-19-09) to the lowest responsive and responsible bidder, JMB Construction, Inc., in the amount of \$685,590 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 \$102,840, for a total not-to-exceed amount of \$788,430.

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. **19-736** [Action on Amendment No 3. to the Agreement for Professional Services with Perkins + Will for Amendments to the Tasman East Specific Plan](#)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement for Professional Services with Perkins + Will, Inc. to update the Tasman East Specific Plan and prepare an Addendum to the Environmental Impact Report (EIR), increasing the not-to-exceed cost by \$45,500 to a revised total of \$1,186,432.

4. **19-834** [Action on the City's Response to the June 2019 Santa Clara County Civil Grand Jury Report: "Inquiry into Governance of the Valley Transportation Authority"](#)

Recommendation: It is recommended the City Council approve this response and authorize Mayor Gillmor to submit the City's Response to the Civil Grand Jury Report to the Honorable Deborah A. Ryan, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than September 16, 2019.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 19-731** [Monthly Update on City Council and Stadium Authority Staff Referrals](#)
- 19-896** [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, August 27, 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."