



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, August 27, 2019

3:30 PM

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

3:30 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)

- 19-972** [Conference with Legal Counsel-Existing Litigation \(SOSA\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[The Sports and Open Space Authority of the City of Santa Clara v. D.E. Restaurants, Inc., Santa Clara County Superior Court Case No. 17CV311968 and Santa Clara County Superior Court Appellate Department Case No. 18AP002411](#)
- 19-973** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 2525 Tasman Drive \(Tasman Garage\), APN 104-03-040](#)
[City Negotiator: Deanna J. Santana, City Manager \(or designee\)](#)
[Negotiating Parties: Stephen Eimer, Related Companies](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property \(provisions, price and terms of payment\)](#)

- 19-976** [Conference with Real Property Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54956.8](#)
[Property: 5001 Great America Parkway, APNs 104-55-016 and 104-55-017](#)
[City Negotiator: Deanna J. Santana, City Manager \(or designee\)](#)
[Negotiating Parties: Stephen Eimer, Related Companies](#)
[Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property \(provisions, price and terms of payment\)](#)
- 19-977** [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](#)
- 19-978** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Gaffney, et al. v. City of Santa Clara, United States District Court, Northern District of California Case No. 5:18-cv-6500-NC](#)
- 19-980** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[D.E. Restaurants, Inc. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 115CV275606](#)

6:00 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 19-824** [Recognition of Police Reserve Dan Magnane](#)

- 1.B 19-910 [Proclamation of Muslim Appreciation and Awareness Month](#)
- 1.C 19-866 [Recognition of Better Together Leadership Program](#)
- 1.D 19-960 [Recognition of Michael "Mike" J. Sellers, Chief of Police](#)

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 19-033 [Board, Commissions and Committee Minutes](#)
Recommendation: Note and file the Minutes of:
Cultural Commission - July 1, 2019
Parks & Recreation Commission - July 16, 2019
- 2.B 19-1299 [Action on Monthly Financial Status and Investment Reports for May 2019](#)
Recommendation: Note and file the Monthly Financial Status and Investment Reports for May 2019 as presented.
- 2.C 19-665 [Action to Approve Amendments to the Hourly Rate for the As-Needed Classifications of Per Diem Dispatcher and Traffic Control Officer, and to Adopt a Resolution Approving and Adopting an Updated As-Needed Salary Plan Reflecting the Amended Hourly Rates](#)
Recommendation: 1. Approve amendments to the Hourly Rate for the As-Needed Classifications of Per Diem Dispatcher and Traffic Control Officer; and
2. Adopt a Resolution approving and adopting the updated As-Needed salary plan reflecting the amended hourly rates.
- 2.D 19-792 [Action on a Vesting Tentative Parcel Map for Three Commercial Condominium Units Located at 651, 725 and 825 Mathew Street](#)
Recommendation: Adopt Resolution to Approve the Vesting Tentative Parcel Map to allow for three Commercial Condominium Units on an existing single lot located at 651, 725 and 825 Mathew Street

2.E 19-902 [Action on a request for a Special Permit to allow seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 20, 2019 through December 24, 2019. \(File No PLN2019-14006\)](#)

Recommendation: Approve the request of a Special Permit to allow for a seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 20, 2019 through December 24, 2019, File No PLN2019-14006, subject to conditions.

2.F 19-904 [Action on a request for a Special Permit to allow seasonal Pumpkin Patch and Christmas Tree sales events at 2610 El Camino Real from September 20, 2019 through December 24, 2019. \(File No PLN2019-14007\)](#)

Recommendation: Approve the request of a Special Permit to allow for a seasonal Pumpkin Patch and Christmas Tree sales events at 2610 El Camino Real from September 20, 2019 through December 24, 2019, File No PLN2019-14007, subject to conditions.

2.G 19-906 [Action on the Recommendation to Pre-Qualify Vendors and Award Purchase Orders on an As-Required Basis for Sanitary Sewer Cleaning and Closed-Circuit Television Inspection Services](#)

Recommendation: Approve the pre-qualified vendor list and authorize the City Manager to execute purchase orders for sanitary sewer cleaning and inspection services with National Plant Services, Inc. (Hayward, CA), AIMS Companies (San Leandro, CA), and Pipe and Plant Solutions Inc. (Oakland, CA) for a maximum aggregate amount not-to-exceed \$5,000,000 through June 30, 2024. Final purchase orders will be awarded to the low bidder for each project, and subject to the appropriation of funds.

2.H 19-916 [Action on Adoption of Ordinance No. 2003 Approving a Development Agreement between the City of Santa Clara and TOD Brokaw, LLC for the Property Located at 1205 Coleman Avenue and Ordinance No. 2004 Amending Chapter 18.22, "Regulations for Various Mixed Use Combining Zoning Districts" of Title 18, "Zoning" of "The Code of the City of Santa Clara, California" to add a New Article III, "Regulations for VHDMU - Very High Density Mixed Use Zoning Districts" and Approving a Rezoning of the 21.4 Acre Project Site Located at 1205 Coleman Avenue, Santa Clara, to the New VHDMU Zoning District](#)

Recommendation: 1. Adopt Ordinance No. 2003 approving a Development Agreement between the City of Santa Clara and TOD Brokaw, LLC for the Property Located at 1205 Coleman Avenue; and
2. Adopt Ordinance No. 2004 amending Chapter 18.22, "Regulations for Various Mixed Use Combining Zoning Districts" of Title 18, "Zoning" of "The Code of the City of Santa Clara, California" to add a New Article III, "Regulations for VHDMU - Very High Density Mixed Use Zoning Districts" and approving a rezoning of the 21.4 acre project site located at 1205 Coleman Avenue, Santa Clara, to the new VHDMU zoning district.

2.I 19-955 [Action on Declaring a Vacancy on the Board of Library Trustees to Fill a Partial Term Ending June 30, 2021](#)

Recommendation: 1. Accept resignation and declare a vacancy on the Board of Library Trustees;
2. Set September 20, 2019 as the application deadline; and
3. Set the Interviews for a future Council meeting, to fill the partial term ending June 30, 2021.

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. **19-713** [Public Hearing: City North Framework](#)
Recommendation: Alternative 1:
Accept the report on the City North Framework as presented by staff.
4. **19-712** [Discussion and Direction on the Freedom Circle Specific Plan and General Plan Amendment for the Greystar Development Application](#)
Recommendation: Alternative 2:
Direct City Manager to evaluate the potential designation of the Freedom Circle area as a Phase III Future Focus Area in the General Plan with incorporated review of the Greystar General Plan Amendment.
5. **19-153** [Action on Petition Requesting an Item Be Added to a Future Council Agenda to Proclaim Section of El Camino as Korea Town](#)
Recommendation: Staff has no recommendation.
6. **19-817** [Action on a Bicycle and Pedestrian Advisory Committee Recommendation regarding Council Drafting a Letter for the Preservation of the Freedom Bridge](#)
Recommendation: 1. Staff makes no recommendation regarding City Council drafting a letter or not to the Santa Clara Valley Water District; and
2. Note and file the Minutes of the Bicycle and Pedestrian Advisory Committee.

7. 19-800 [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 developers’ ability to provide housing of various types.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

19-971 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, September 17, 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."