



City of Santa Clara

Joint Meeting Agenda

Council and Authorities Concurrent

Stadium Authority

Tuesday, October 29, 2019

4:30 PM

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

Vice Mayor/Vice Chair Mahan will be attending remotely from the following location:

13845 Pine Street
Bigfork, MT 59911

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.

- 19-1249** [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 \(Public Safety Non-Sworn Employees Association\)](#)

19-1250 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[City of Santa Clara v. Yumori Kaku, et al., California Sixth District Court of Appeal Case No. H046105](#)

19-1251 [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(1\)](#)
[Freedom from Religion Foundation et al. v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 16-CV-2072 HRL](#)

Convene to Closed Session (Council Conference Room)

6:00 PM REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

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.]

1.A 19-1256 [Council and Authorities Concurrent/Special Stadium Authority Meeting Minutes of September 17, 2019](#)

Recommendation: Note and file the Council and Authorities Concurrent/Special Stadium Authority Meeting Minutes of September 17, 2019.

1.B **19-037** [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Board of Library Trustees Meeting Minutes - August 5, 2019
Board of Library Trustees Meeting Minutes - September 6, 2019
Charter Review Committee Meeting Minutes - August 15, 2019
Cultural Commission - August 12, 2019
Youth Commission - September 10, 2019
Parks & Recreation Commission - September 17, 2019

1.C **19-1077** [Action on Bills and Claims Report \(CC, SA, HA\) for the period September 13th - October 3rd](#)

Recommendation: Approve the list of Bills and Claims for September 13, 2019 - October 3, 2019.

1.D **19-829** [Action on Bills and Claims for the months of May through August 2019](#)

Recommendation: Approve the list of Bills and Claims for May through August 2019.

1.E **19-702** [Action on Monthly Financial Status and Investment Reports for August 2019](#)

Recommendation: Note and file the Monthly Financial Status and Investment Reports for August 2019 as presented.

1.F 19-762 [Action on an Agreement with Arini Geographics, LLC to provide Enterprise GIS Consulting Services](#)

Recommendation: 1. Approve and authorize the City Manager to execute an Agreement for Enterprise GIS Consulting Services with Arini Geographics, LLC for an amount not-to-exceed \$3,500,000 over a three-year term ending October 31, 2022, subject to additional budget appropriations by the City Council; and
2. Authorize the City Manager to execute a two-year option to extend the term of the Agreement after the three-year term through October 31, 2024 with compensation increases subject to the City Manager's approval and budget appropriations.

1.G 19-839 [Action on the Agreement and Covenant Running with the Land Deferring Public Improvements at 2041 Mission College Boulevard and 1900-2000 Wyatt Drive](#)

Recommendation: 1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land deferring the construction of public improvements along the Montague Expressway frontages of the properties [APN 104-38-005 and 006 (2018-19); SC 19,159]; and
2. Authorize the recordation thereof.

- 1.H 19-890** [Action on the Introduction of an Ordinance Amending Chapters 2.115 \(“General Characteristics of License or Permit - Suspension Procedure”\), 3.25 \(“Transient Occupancy Tax”\), 3.40 \(“Business Tax”\), 5.05 \(“Solicitors and Peddlers”\), 5.30 \(“Pawnbrokers and Secondhand Dealers”\), 5.35 \(“Taxicabs and Pedicabs”\), 5.61 \(“Public Entertainment Generally”\), 5.75 \(“Bingo”\), and 13.10 \(“Sewers”\) of “The Code of the City of Santa Clara, California” to Streamline the Appeal Procedures for City Licenses And Permits](#)

Recommendation: Alternative 1: Introduce an Ordinance Amending Chapters 2.115 (“General Characteristics of License or Permit - Suspension Procedure”), 3.25 (“Transient Occupancy Tax”), 3.40 (“Business Tax”), 5.05 (“Solicitors and Peddlers”), 5.30 (“Pawnbrokers and Secondhand Dealers”), 5.35 (“Taxicabs and Pedicabs”), 5.61 (“Public Entertainment Generally”), 5.75 (“Bingo”), and 13.10 (“Sewers”) of “The Code of the City of Santa Clara, California.”

- 1.I 19-946** [Action on Amendment No. 1 to the Agreement with Gallagher Benefit Services, Inc. to Facilitate Administration of the HealthInvest Health Reimbursement Arrangement in Support of the City's Voluntary Employee Beneficiary Association](#)

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Agreement with Gallagher Benefit Services, Inc. to extend the term of the agreement through June 30, 2023 and increase the total not-to-exceed amount to \$135,000.

- 1.J 19-1044** [Action on California Library Literacy Services Grant Awards and Related Budget Amendment](#)

Recommendation: Accept the California Library Literacy Services grant award of \$18,000 and the California Library Literacy Services - Family Literacy grant award of \$25,000 into the Library Adult and Family Literacy Grant Fund, and approve the related budget amendment. (Requires five affirmative votes by the City Council).

1.K 19-1049 [Action on Community Grant Request from the Santa Clara Women's League for Use of City Facilities in 2020](#)

Recommendation: Approve a community grant for the Santa Clara Women's League in the not-to-exceed amount of \$14,549 and authorize the City Manager to adjust the final grant amount, subject to the approval of User Fees for Cost of Services - Phase II of the Municipal Fee Schedule.

1.L 19-365 [Action on a Resolution Amending In Part Resolution No. 19-8657, Setting the Number of Regular Meetings of the Board of Library Trustees, and Approving the 2020 Board of Library Trustees Calendar of Meetings](#)

Recommendation: Adopt a Resolution amending in part Resolution No. 19-8657, setting the number of regular Board of Library Trustees meetings, and approving the 2020 Board of Library Trustees Calendar of Meetings.

1.M 19-1108 [Action on Approval of Four Separate Side Letter Agreements Between the City of Santa Clara and the Santa Clara Police Officers' Association, International Brotherhood of Electrical Workers Local 1245, American Federation of State, County and Municipal Employees Local 101, and International Association of Fire Fighters Local 1171, and Authorization for the City Manager to Execute the Necessary Third-Party Agreement and Documents to Provide Psychologist or Psychiatrist Benefit Services for Stress Counseling, for Members of IAFF Local 1171.](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute the Side Letter between the City of Santa Clara and the Santa Clara Police Officers Association (Unit 2) on amendments to the Crime Scene Investigator premium pay effective June 2, 2019, and reinstate the Narcotics Task Force premium pay effective May 21, 2019;
 2. Approve and authorize the City Manager to execute the Side Letter between the City of Santa Clara and American Federation of State, County and Municipal Employees Local 101 (Unit 6) to provide a Crane Certification premium pay for employees in the classification of Equipment Operator in the Water and Sewer Department who attain and maintain the State required National Commission for the Certification of Crane Operators certification for operating cranes effective May 19, 2019;
 3. Approve and authorize the City Manager to execute the Side Letter between the City of Santa Clara and International Brotherhood of Electrical Workers Local 1245 (Unit 3) on amendments to the asbestos-containing certification premium pay effective January 1, 2018;
 4. Approve and authorize the City Manager to execute the Side Letter between the City of Santa Clara and International Association of Fire Fighters Local 1171 (Unit 1) to provide a psychologist or psychiatrist services for stress counseling services; and
 5. Authorize the City Manager to Execute the

Necessary Third-Party Agreement and Documents to effectuate the psychologist or psychiatrist services for stress counseling benefit terms in the Side Letter with IAFF Local 1171.

1.N 19-1138 [Action on the Settlement in the Case of Lo v. City of Santa Clara, et al. and Approval of the Related Budget Amendment](#)

Recommendation: 1. Approve payment from the Special Liability Insurance Fund in the amount of \$3,500,000 to plaintiffs and their counsel in the case of *Lo v. City of Santa Clara, et al.*, in accordance with the terms of the settlement agreement; and
2. Approve a Budget Amendment recognizing insurance refund revenue and appropriating funds from the Reserve for Future Claims in the Special Liability Insurance Fund in the amount of \$3,500,000.

1.O 19-1177 [Action on Economic Development, Communications, and Marketing Committee Minutes of September 18, 2019](#)

Recommendation: Note and File the Economic Development, Communications, and Marketing Committee Minutes of September 18, 2019.

1.P 19-1208 [Action on Referrals from the September 18, 2019 Economic Development, Communications and Marketing Committee Meeting](#)
[\[EDCM Committee referral 9/18/19: Items 19-990 -Termination of Billboard Agreement and 19-988 - Next Steps for Worker Cooperatives\]](#)

Recommendation: Staff makes no recommendation.

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

2. 19-1027 [Public Hearing: Action to Accept the 2019 Report on the City's Drinking Water Quality Program Relative to Public Health Goals](#)

Recommendation: Accept the 2019 Report on the City's Drinking Water Quality Program Relative to Public Health Goals.

3. 19-1846 [Public Hearing: Action on Appeal of Architectural Committee Approval for the Property at 2892 Sycamore Way](#)

Recommendation: Alternative 1:
Adopt a Resolution to sustain the appeal and modify the decision of the Architectural Committee of June 19, 2019 to allow five bedrooms and four and half bathrooms with an exterior access for Bedroom #1, subject to the condition of an inspection two years after building permit final.

4. 19-1123 [Action on an Agreement for Design Professional Services with SmithGroup for Consulting Services Associated with the City of Santa Clara Civic Center Concept Plan and Utility Building Project](#)

Recommendation: Authorize the City Manager to execute an Agreement for Design Professional Services with SmithGroup to provide Civic Center Concept Plan and Utility Building Project Consultant Services for a maximum compensation not to exceed \$1,975,709.

5. 19-1022 [Public Hearing: Action on a Resolution to Amend Resolution No. 19-8749 to establish the Park In Lieu Fee Schedule for New Residential Development and to determine the Park Improvement Cost to be used in Fee Calculations](#)

Recommendation: Alternatives A and C:

A. Adopt a Resolution Amending Resolution No. 19-8749 to establish the 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 including the "phase in" of the per capita park improvement cost increase over a four-year period at 25% (\$666) per year and adjust land valuation (increase/decrease) based on the annual appraisal at 100% cost recovery; and

C. Revisit the annual Construction Cost Index (increases/decreases) in two years, and consider application of a construction cost escalation factor to the per capita park construction/improvement cost basis of \$3,471 for use in the annual fee calculation.

6. 19-614 [Action on the Resolution Approving the Award of Agreement to Levy Premium Foodservice Limited Partnership for Food and Beverage Operations at the Santa Clara Convention Center and Authorizing the City Manager to Negotiate and Execute Agreement, to Take Ministerial Actions to Implement the Terms of the Agreement, and to Execute Two Five-Year Options to Potentially Extend the Term of the Agreement Through June 30, 2035.](#)

Recommendation:

Adopt a Resolution:

1. Authorizing the City Manager to negotiate and execute an agreement with Levy Premium Foodservice Limited Partnership for Food and Beverage Operations at the Santa Clara Convention Center consistent with the terms and form of agreement in the staff report for an initial term starting on November 1, 2019 and ending on June 30, 2025; and
2. Authorizing the City Manager to take ministerial actions consistent with the terms of the agreement; and
3. Authorizing the City Manager to execute two five-year options to extend the term of the Agreement through June 30, 2035.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- 19-416 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, November 5, 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."