



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

Tuesday, February 11, 2020

4:00 PM

City Hall Council Chambers

1500 Warburton Avenue

Santa Clara, CA 95050

**\*Updates:** Item 20-41 - Agenda Report contents updated

#### **4:00 PM CLOSED SESSION**

Call to Order in the Council Chambers

Confirmation of 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.*

**20-213** [Conference with Legal Counsel-Existing Litigation \(SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners Stadium Management Company LLC, et al. v.](#)  
[Santa Clara Stadium Authority, et al., Santa Clara County](#)  
[Superior Court Case No. 17CV304903](#)

**20-214** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)  
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)  
[Forty Niners Stadium Management Company LLC, et al. v. City](#)  
[of Santa Clara and Santa Clara Stadium Authority, et al., Santa](#)  
[Clara County Superior Court Case No. 19CV355432](#)

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. **20-1275** [Discussion and Council Direction on Assigned Responsibilities](#)  
[of City Council Appointed City Auditor \[Council Pillar:](#)  
[Enhance Community Engagement and Transparency\]](#)  
**Recommendation:** Staff makes no recommendation.

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

### **CONTINUANCES/EXCEPTIONS**

### **SPECIAL ORDER OF BUSINESS**

2.     **20-34**     [Presentation by Santa Clara Relay for Life](#)
3.     **20-107**   [Recognition of Recipients of the Grants from Proceeds of the 2019 Santa Clara Art & Wine Festival](#)  
  
          **Recommendation:** Recognize the recipients of the 2019 Art & Wine Festival grants.
4.     **20-217**   [Proclaim February 2020 as Black History 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.]*

- 5.A    **20-124**   [Action on Council and Authorities Concurrent Meeting Minutes of December 10, 2019 and December 17, 2019 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Note and file Council and Authorities Concurrent Meeting Minutes of December 10, 2019 and December 17, 2019.

- 5.B    **20-03**    [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Note and file the Minutes of:

Charter Review Committee - October 17, 2019  
Parks & Recreation Commission - November 19, 2019  
Planning Commission - December 11, 2019  
Bicycle & Pedestrian Advisory Committee - September 5, 2019  
Bicycle & Pedestrian Advisory Committee - October 28, 2019

- 5.C 20-191 [Economic Development, Communications, and Marketing Committee Minutes of December 2, 2019 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Approve the Economic Development, Communications, and Marketing Committee minutes of December 2, 2019.

- 5.D 20-31 [Action on Bills and Claims Report \(CC, SA, SOSA\) for the period December 20th, 2019 - January 16th, 2020 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Approve the list of Bills and Claims for December 20, 2019 - January 16, 2020.

- 5.E 20-1468 [Action on Monthly Financial Status and Investment Reports for November 2019 and Approve the Related Budget Amendments \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for November 2019 as presented and Approve Related Budget Amendments.

- 5.F 20-1413 [Approve the 2020 Agreement with the County of Santa Clara to accept County funding for the purchase of Emergency Medical Services equipment and Related Budget Amendment \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:**

1. Approve the 2020 Agreement with the County of Santa Clara to accept County funding for the purchase of Emergency Medical Services equipment and related budget amendment;
2. Authorize the City Manager to execute the Agreement and any subsequent amendments on behalf of the City; and
3. Approve related budget amendment.

**5.G 20-198** [Action on Amendments to Appointments to City Committees and Area Wide/Outside Agency Committees for the 2020 Calendar Year \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Approve the amendments to appointments to City Committees and Area Wide/Outside Agency Committees for the 2020 Calendar Year.

**5.H 20-69** [Action on Disbursement of Proceeds from the 2019 Santa Clara Art & Wine Festival and Related Budget Amendment \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:**

1. Approve the related budget amendment in the Public Donation Fund to recognize revenue from the Santa Clara Art & Wine Festival in the amount of \$149,440 and increase the Art, and Wine Festival appropriation by \$92,584 and establish a Transfer to the General Fund in the amount of \$56,856; in the General Fund, establish a transfer from the Public Donation Fund in the amount of \$56,856 and increase the Budget Stabilization Reserve by \$56,856; and
2. Authorize City Manager to disburse grants in the amount of \$56,000 to local programs and services as recommended by the Parks & Recreation Commission.

**5.I 20-1478** [Action on Award of Contract for the Homeridge Park Playground Rehabilitation Project \(CE 17-18-20\) and Related Budget Amendment \[Council Pillar: Enhance Community Sports and Recreational Assets\]](#)

- Recommendation:**
1. Approve the establishment of a new Capital Improvement Program Project within the Parks and Recreation Capital Fund for the Homeridge Park Playground Rehabilitation Project and approve the related budget amendment in the Parks and Recreation Capital Fund to use \$1,069,600 from the Unallocated Quimby Act Fees Fund Balance and a donation of \$41,490 from GameTime to establish the Project budget in the amount of \$1,111,090;
  2. Award the Public Works Contract for the Homeridge Park Playground Rehabilitation Project (CE 17-18-20) to the lowest responsive and responsible bidder, Star Construction, Inc., in the amount of \$703,000 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
  3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$105,450, for a total not to exceed amount of \$808,450.

**5.J 20-100** [Action on an Agreement with Tucker Construction, Inc. for Encampment Cleanups and Related Budget Amendment \[Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Approve the Agreement with Tucker Construction, Inc.;
  2. Approve the related budget amendment in the General Fund to increase the Public Works Department's Parkways & Boulevards program by \$110,000 and decrease the Budget Stabilization Reserve by \$110,000; and
  3. Authorize the City Manager to approve time extensions and make minor modifications to the agreement, if necessary.

- 5.K 20-149 [Action on Amended Council Policy 030 Entitled “Adding an Item on the Agenda” \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Adopt a Resolution amending Council Policy 030 Adding an Item on the Agenda.

- 5.L 20-147 [Action on Amendment No. 1 to an Agreement for the Performance of Services with Alternative Office Solutions, Inc. to Provide Design, Installation and Reconfiguration of New and Existing Herman Miller Office Cubicles \[Council Pillar: Manage Strategically Our Workforce Capacity and Resources\]](#)

**Recommendation:** Authorize the City Manager to execute Amendment No. 1 to an Agreement for the Performance of Services with Alternative Office Solutions, Inc. to increase the not-to-exceed compensation amount by \$220,534.47 to \$315,974.26 to provide design, installation and reconfiguration of new and existing Herman Miller office cubicles.

- 5.M 20-128 [Action on Amendment No. 3 to the Amended and Restated Agreement with Environmental Risk Services for Consulting Services for the Related Santa Clara Development Project \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 3 to the Amended and Restated Agreement with Environmental Risk Services for Consulting Services for the Related Santa Clara Development Project to extend the term through December 31, 2020.

- 5.N 20-170 [Action on a Consent to Assignment Agreement with Hagen, Streiff, Newton, & Oshiro Accountants, P.C. and J.S. Held LLC to provide consulting services for the Santa Clara Stadium Authority \[Council Pillar: Ensure Compliance with Measure J and Manage Levi’s Stadium\]](#)

**Recommendation:** Approve and authorize the Executive Director to execute a Consent to Assignment Agreement between the Santa Clara Stadium Authority, HSNO, and J.S. Held LLC to perform the consulting services for the Santa Clara Stadium Authority.

- 5.O     20-204     [Action on Adoption of Ordinance No. 2011 Amending Chapter 18.76 \("Architectural Review"\) of Title 18 \("Zoning"\) of "The Code of the City of Santa Clara, California" and Making Other Clarifying Changes](#)  
[\[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:** Adopt Ordinance No. 2011 Amending Chapter 18.76, ("Architectural Review") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" and Making Other Clarifying Changes.

### **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**

6.       20-98       [Action on Written Petition received from Alan Todd Bevis regarding Calming Traffic and Noise/SideShow Activity Along Briarwood Drive \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Staff makes no recommendation.

7.       20-122       [Update on Chief Executive Officer Search for the New Destination Marketing Organization \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** Note and file report regarding recruitment efforts for a new Chief Executive Officer for the new Destination Marketing Organization.

## 8. Actions on Future Revenue Opportunities/Strategies

- A. 20-41 [Discussion of, and Possible Direction on, Revenue Measures for the November 2020 Ballot \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** Discussion of, and Possible Direction on Revenue Measures for the November 2020 Ballot.

- B. 20-1394 [Discussion and Direction on the Santa Clara Tourism Improvement District \(TID\) Assessment Formula and Transient Occupancy Tax \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** Alternatives 3 and 4

3. Direct staff to proceed with changing the TID assessment from \$1.00 per occupied room night to 2% of gross revenue of short-term room rentals for future Council consideration; and
4. Direct staff to commence preparatory work and return to Council to add a November 2020 ballot question which would increase the City's base transient occupancy tax by 2% for a new base rate of 11.5%.

- C. 20-451 [Update and Direction on Commercial Cannabis-Related Items \[Council Pillar: Promote and Enhance Economic and Housing Development\]](#)

**Recommendation:** Alternative 1: Direct staff to prepare an ordinance for Council consideration that will impose a permanent ban on all commercial cannabis activity.



9.      20-192      [Declaration of a Vacancy for Council District 5 and Options to fill the Vacancy \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** 1. Declare District 5 Council seat vacant; and  
2. Staff makes no recommendation as to whether Council should pursue the appointment process or choose to keep the seat vacant until the November 2020 election.

10.     20-145     [Verbal Report from City Clerk regarding March 2020 Election \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

11.     20-206     [City Councilmembers' Town Hall Meetings with the Community \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** The City Clerk recommends that Council approve the proposed/recommended Town Hall model, or any other model the Council feels appropriate, including authorization of the necessary budget to proceed.

## **REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

### **CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

- 20-95      [Update on City Council and Stadium Authority Staff Referrals \[Council Pillar: Enhance Community Engagement and Transparency\]](#)
- 20-210    [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

## **ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, February 25, 2020 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.

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."