



# City of Santa Clara

## Meeting Agenda

### Council and Authorities Concurrent Meeting

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Tuesday, January 14, 2020

3:00 PM

City Hall Council Chambers

1500 Warburton Avenue

Santa Clara, CA 95050

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\*Updates: Item 20-1456 - Update to Recommendation and additional attachment included  
Item 20-51 - Agenda Report contents updated

Closed Session - 3:00 PM | Joint Dinner - 5:00 PM | Regular Meeting - 6:00 PM

#### **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.*

**20-71**     [Public Employee Performance Evaluation \(CC\)](#)  
[Pursuant to Gov. Code § 54957](#)  
[Title: City Attorney](#)

**20-70**     [Conference with Labor Negotiators \(CC\)](#)  
[Pursuant to Gov. Code § 54957.6](#)  
[City representative: Mayor Lisa M. Gillmor](#)  
[Unrepresented employee: City Manager](#)

Convene to Closed Session (Council Conference Room)

#### **5:00 PM JOINT DINNER**

Call to Order in the Council Chambers

Confirmation of a Quorum

**20-1196**   [Joint Dinner Meeting with Senior Advisory Commission](#)

#### **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.     **20-1466**   [Recognition of Santa Clara students for their participation in Santa Clara Valley Science and Engineering Fair Association's Synopsis Championship Science Fair \(SCVSEFA Fair\)](#)

**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    **20-1452**   [Joint Council and Authorities Concurrent/Stadium Authority/Bayshore North Project Enhancement Authority/Successor Agency to the City of Santa Clara Redevelopment Agency Meeting Minutes of November 5, 2019, Special City Council Meeting Minutes of November 12, 2019 and Council and Authorities Concurrent Meeting Minutes of November 19, 2019 \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Note and file the Joint Council and Authorities Concurrent/Stadium Authority/Bayshore North Project Enhancement Authority/Successor Agency to the City of Santa Clara Redevelopment Agency Meeting Minutes of November 5, 2019, Special City Council Meeting Minutes of November 12, 2019 and Council and Authorities Concurrent Meeting Minutes of November 19, 2019.

- 2.B    **20-01**     [Board, Commissions and Committee Minutes \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

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

Youth Commission - November 12, 2019

**2.C 20-1469** [Action on Bills and Claims Report \(CC, SA\) for the period November 22nd - December 19th \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Approve the list of Bills and Claims for November 22, 2019 - December 19, 2019.

**2.D 20-1471** [Action on Approving the Cultural Commission 2020 Schedule of Regular Meetings \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Approve the Cultural Commission 2020 Schedule of Regular Meetings.

**2.E 20-1470** [Action on Approving the Senior Advisory Commission 2020 Schedule of Regular Meetings \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** Approve the 2020 Senior Advisory Commission Schedule of Regular Meetings.

**2.F 20-647** [Action on the Award of the Public Works Contract for the Serra Substation Construction Project \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

**Recommendation:**

1. Award the Public Works Contract for the Serra Substation Construction Project (Contract No. 2104A) to the lowest responsive and responsible bidder, Newtron, LLC, in the amount of \$4,987,510 and authorize the City Manager to execute any and all documents necessary for the award, completion and acceptance of the Project; and
2. Authorize the City Manager to execute change orders up to 10% of the original contract amount, or \$498,751, for a total not-to-exceed amount of \$5,486,261 for Contract No. 2104A.

**2.G 20-1125** [Action on Adopting a Resolution Authorizing the City Manager, or Designee, to Execute all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

***Recommendation:*** Adopt a Resolution authorizing the City Manager, or designee, to execute all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements.

**2.H 20-1429** [Action on Amendment No. 1 to an Agreement for Services with Hulberg and Associates, Inc. dba Valbridge Property Advisors for Easement and Parcel Assessment Services \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

***Recommendation:*** Authorize the City Manager to execute Amendment No. 1 to an Agreement for Services with Hulberg and Associates, Inc. dba Valbridge Property Advisors to increase the not-to-exceed compensation by \$200,000 to \$300,000 for easement and parcel assessment services.

**2.I 20-1450** [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.

**2.J 20-1239** [Action on the Santa Clara Convention Center FY 2019/20 1st Quarter Financial Status Report \[Council Pillars: Promote and Enhance Economic and Housing Development, Enhance Community Engagement and Transparency, and Sustainability\]](#)

***Recommendation:*** Note and file the Santa Clara Convention Center Financial Status Report for the first quarter ended September 30, 2019, as submitted by Spectra.

**2.K 20-1279** [Action on the City of Santa Clara Audited Comprehensive Annual Financial Report \(CAFR\), Audited Silicon Valley Power \(SVP\) Financial Statements, and Audited Transportation Development Act \(TDA\) Financial Statements for Fiscal Year Ended June 30, 2019, as Recommended by the City Council Audit Committee \[Council Pillars: Enhance Community Engagement and Transparency and Sustainability\]](#)

***Recommendation:*** Note and file, as recommended by the City Council Audit Committee:

1. The audited City of Santa Clara Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2019;
2. The audited City of Santa Clara Electric Utility Enterprise Fund (Silicon Valley Power) Financial Statements for fiscal year ended June 30, 2019; and
3. The audited Transportation Development Act (TDA) Financial Statements for fiscal year ended June 30, 2019.

**2.L 20-1300** [Action to Authorize the City Manager to Execute an Agreement with Cascadia Consulting Group, Inc. for Climate Action Plan Update Services \[Council Pillar: Sustainability\]](#)

- Recommendation:**
1. Authorize the City Manager to execute an agreement with Cascadia Consulting Group, Inc. to provide Climate Action Plan Update Services for an initial two-year term ending December 31, 2021, for a maximum compensation not to exceed \$211,684, subject to the annual appropriation of funds; and
  2. Authorize the City Manager to execute two one-year options to extend the term of the Agreement after the initial term through December 31, 2023, subject to the annual appropriation of funds.

**2.M 20-1392** [Action on Annual Appointment of Vice Mayor and Chaplain \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- Recommendation:** Appoint Karen Hardy as Vice Mayor and appoint Patricia M. Mahan as Chaplain for approximately one year until the appointment of a successor Vice Mayor and successor Chaplain in January 2021.

**2.N 20-1456** [Action on Agreements with 3fold Communications LLC; Circlepoint, and Singer Associates Inc. for Communications Consulting Services \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**Recommendation:** 1. Adopt a Resolution authorizing the City Manager:

- a. To execute agreements with Circlepoint and 3fold Communications, LLC to provide communications and marketing services for an initial three-year term plus two one-year option terms ending on or about January 14, 2025, provided that both one-year option terms are exercisable at the sole discretion of the City.
- b. To negotiate and execute an agreement with Singer Associates, Inc. to provide communications and marketing services for an initial 30-month term plus two one-year option terms ending on or about January 14, 2025, provided that both one-year option terms are exercisable at the sole discretion of the City.
- c. To execute amendments to each the agreements approved in this resolution to extend services and add funds as required during the initial term of the agreements and to exercise the two one-year options, subject to the appropriation of funds.

**2.O 20-1465** [Action on Amendment No. 3 to the Agreement with Jones Lang LaSalle Americas, Inc. for Consulting Services Related to Santa Clara Convention Center and Destination Marketing Organization and Related Budget Amendment \[Council Pillars: Promote and Enhance Economic and Housing Development and Sustainability\]](#)

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 3 with Jones Lang LaSalle America's Inc. to expand the scope of services, increase compensation by \$194,500 for a revised not-to-exceed contract amount of \$549,000, extend the term of the agreement to December 31, 2020, and approve the related budget amendment.

**2.P 20-26** [Action on: \(1\) Agreement with Superior, LLC for Residential and Business Alarm Management Software and \(2\) Introduction of an Ordinance Amending Chapter 8.40 of the City Code \("False Alarm Regulation"\) \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:**
1. Approve a three-year Agreement with Superior LLC, for Residential and Business Alarm Management Software and authorize the City Manager to automatically renew the agreement for additional one-year periods, with a maximum of two additional one-year periods, as necessary, without further Council action; and
  2. Approve Introduction of an Ordinance Amending Chapter 8.40 of the City Code ("False Alarm Regulation").

**2.Q 20-36** [Budget Action to implement the terms of the settlement of the various Sandau v. City of Santa Clara, et al., Matters \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

- Recommendation:**
1. Approve payment from the Special Liability Insurance Fund in the amount of \$416,062.70 to Mr. Sandau and his counsel in accordance with the terms of the settlement agreement; and
  2. Approve a Budget Amendment transferring funds from the Electric Utility Fund to the Special Liability Insurance Fund in the amount of \$416,063.

**2.R 20-40** [Action on Amendment No. 1 to the Agreement for Performance of Services with Davey Tree Surgery Company \[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure\]](#)

- Recommendation:** Authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with Davey Tree Surgery Company.

**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.     **20-51**     [Study Session on the City's Community Room Rental Fee Structure and Use Policies \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

***Recommendation:*** Review and provide input on the City's Community Room Rental Use Policies and Fee Structure.

4.     **20-1260**   [Public Hearing: Action on Amendment No. 1 to Development Agreement with Innovation Commons Owner LLC \(Previously Yahoo!\) \[Council Pillars: Promote and Enhance Economic and Housing Development and Sustainability\]](#)

***Recommendation:*** Alternative 1: Introduce an Ordinance to approve the First Amendment to Development Agreement between the City of Santa Clara and Innovation Commons Owner LLC for a three-year extension and adding a requirement for a 25% overall vehicle trip reduction through Transportation Demand Measures.

5.     **20-33**     [Update on the Proposal by the City of San Jose to Modify the North San Jose Area Development Policy \[Council Pillars: Deliver and Enhance High Quality Efficient Services and Infrastructure and Promote and Enhance Economic and Housing Development\]](#)

***Recommendation:*** Note and file this report regarding the proposal from San Jose to Modify the North San Jose Area Development Policy.

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

- 20-72**     [Informational Report on Corrections to Santa Clara Weekly's Articles regarding City Management Compensation](#)

- 20-42**     [Update on City Council and Stadium Authority Staff Referrals Council Pillar: Enhance Community Engagement and Transparency](#)

**20-52** [Tentative Meeting Agenda Calendar \(TMAC\) \[Council Pillar: Enhance Community Engagement and Transparency\]](#)

**ADJOURNMENT**

The next regular scheduled meeting is on Tuesday evening, January 28, 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."