



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

02/05/2019

4:00 PM

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

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 4:02 PM.

Confirmation of a Quorum

Deputy City Clerk Dhadli confirmed a quorum.

Public Comment

City Attorney Doyle announced the following Closed Session Items are continued to a future meeting:

19-164 Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Maranon v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:15-CV-04709 BLF

19-165 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

[19-164](#) Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Maranon v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:15-CV-04709 BLF

[19-165](#) 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

[19-166](#)

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)

Convene to Closed Session (Council Conference Room)

5:00 PM JOINT DINNER

Call to Order in the Council Chambers

Mayor Gillmor called the Joint Dinner Meeting to order at 5:12 PM.

[19-1344](#)

5:00 P.M. Board of Library Trustees Joint Dinner Meeting

6:00 PM COUNCIL REGULAR MEETING

Call to Order in the Council Chambers

Mayor Gillmor called the Regular Meeting to order at 6:02 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 7 - Vice Mayor Patricia M. Mahan, Councilmember Teresa O'Neill, Mayor Lisa M. Gillmor, Councilmember Debi Davis, Councilmember Kathy Watanabe, Councilmember Karen Hardy, and Councilmember Raj Chahal

STUDY SESSION

[19-155](#)

Study Session: El Camino Real Specific Plan (Councilmembers Davis, O'Neill, Watanabe and Mahan are eligible to participate; not eligible are Councilmembers Chahal, Hardy and Mayor Gillmor)

Mayor Gillmor, Councilmember Hardy, and Councilmember Chahal recused themselves from the Study Session and left the dais due to residence or properties within 500 ft of the El Camino Real.

Vice Mayor Mahan presided over the meeting.

Community Development Director Crabtree presented a PowerPoint.

Public Speakers: Gabriela Landaveri	Diane Harrison
Richard Bonito	Ken Kratz
Martin Bell	Cheryl Walsh
John Cordes	Tony Yob
Alejandro Marti	John Forward
Mathew Reed	Darren De La Cruz
Bruce Fukuju	Shanti Dickson
Sandra Chow	Beatriz Baker
Kiyomi Honda Yamamoto	Betsy Megas
Nikita Sinha	Nick Kaspar
Pilar Furlong	Mary Grizzle
Tino Silva	Suds Jain
John Elwood	Nancy Biagini
Kathleen Wortham	Vivian Shults
Howard Myers	Public Speaker (4)

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle noted that there was no reportable action from Closed Session.

CONTINUANCES/EXCEPTIONS

[19-100](#)

Continuance Regarding Public Hearing to March 26, 2019: Action on Continuing the Public Hearing for the Gateway Crossings Project located at 1205 Coleman Avenue including General Plan Amendment to Santa Clara Station Very High Density Residential (51-120 du/ac) with a minimum commercial FAR of 0.20, Creation of a new Very High Density Mixed-Use Zoning District and Rezoning to that District, Vesting Tentative Subdivision Map, Development Agreement, Environmental Impact Report, and Mitigation Monitoring and Reporting Program

Recommendation: Continue the Public Hearing for the Gateway Crossings Project located at 1205 Coleman Avenue including General Plan Amendment to Santa Clara Station Very High Density Residential (51-120 du/ac) with a minimum commercial FAR of 0.20, Creation of a new Very High Density Mixed-Use Zoning District and Rezoning to that District, Vesting Tentative Subdivision Map, Development Agreement, Environmental Impact Report, and Mitigation Monitoring and Reporting Program

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to defer this Item to March 26, 2019.

Aye: 7 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

SPECIAL ORDER OF BUSINESS

- 1.A [19-051](#) Presentation of Cultural Commission Work Plan Updates and Upcoming Events in February 2019

Cultural Commission Chair Debra Von Huene and Vice Chair Louis Samara presented a PowerPoint.

- 1.B [19-1539](#) Recognition of Santa Clara students for their participation in Santa Clara Valley Science and Engineering Fair Association's (SCVSEFA) Synopsis Championship

Dr. Katy Korsmeyer (SCVSEFA) presented certificates to the students.

- 1.C [19-1655](#) Recognition of the City's Computer Aided Dispatch (CAD) Implementation Team

Police Chief Sellers gave a verbal presentation on the the CAD Implementation Team.

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the balance of the consent calendar (except Items 2.J, 2.D, 2.E).

Aye: 7 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

2.A [19-1417](#) Action on Agreement for On-Call Carpet and Flooring repair with Linoleum Sales Co., Inc. DBA Anderson Commercial Flooring

- Recommendation:**
1. Approve and authorize the City Manager to execute a three-year agreement that may not exceed \$300,000, which amount shall be subject to future budget appropriations, for the Performance of Services with Linoleum Sales Co., Inc. DBA Anderson Commercial Flooring for on-call flooring repair and installation services;
 2. Authorize the City Manager to make minor modifications to the agreement, if necessary; and
 3. Authorize the City Manager to extend the term of the agreement with no increase in compensation in the event that the work is not completed by the Agreement end date.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.

2.B [19-1418](#) Action on Agreement for On-Call Architectural Services with Huboi Architectural Services

- Recommendation:**
1. Approve and authorize the City Manager to execute an agreement for the Performance of Services with Huboi Architectural Services (\$300,000) to perform on-call Architectural services;
 2. Authorize the City Manager to make minor modifications to the agreement, if necessary; and
 3. Authorize the City Manager to extend the term of the agreement with no increase in compensation in the event that the work is not completed by the Agreement end date.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.

- 2.C** [19-1496](#) Action on an Agreement with the Santa Clara Valley Transportation Authority Congestion Management Program Transportation Fund for Clean Air Grants for Fiscal Year 2018/19 and Related Budget Amendments

Recommendation:

1. Approve and authorize the City Manager to execute the Santa Clara Valley Transportation Authority Congestion Management Program Transportation Fund for Clean Air Agreement FY2018/19 to receive \$277,000 from the TFCA Program Manager Funds;
2. Approve appropriations in the new CIP Project - Scott Boulevard Signal Timing Project and estimated revenue in the amount of \$200,000 from TFCA Program Manager Funds; the transfer for the required local match from Traffic Signal Controller Upgrade Project to the Scott Boulevard Signal Timing Project in the amount of \$310,000; appropriations in the new CIP project - Benton Street Bicycle Lanes Project and estimated revenue in the amount of \$77,000 from TFCA Program Manager Funds; and the transfer for the required local match from the Pedestrian and Bicycle Enhancement Facilities Project to the Benton Street Bicycle Lanes Project in the amount of \$73,000.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.

- 2.F** [19-1633](#) Action on Final Map for Tract 10474 at 1375, 1385, and 1399 El Camino Real

Recommendation:

1. Approve Final Map for Tract 10474;
2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation; and
3. Authorize the recordation of Final Map for Tract 10474, which subdivides the site into 10 lots located at 1375, 1385, and 1399 El Camino Real [APN 224-48-002, 012, and 013 (2018-19)].

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.

- 2.G** [19-1654](#) Action on Bills and Claims Report (CC, SA, SOSA) for the period January 11th - January 17th

Recommendation: Approve the list of Bills and Claims for January 11, 2019 - January 17, 2019.

A motion was made by Council/Boardmember Davis, seconded by Council/Boardmember O'Neill, to approve staff recommendation.

Aye: 7 - Council/Boardmember Mahan, Council/Boardmember O'Neill, Mayor/Chairperson Gillmor, Council/Boardmember Davis, Council/Boardmember Watanabe, Council/Boardmember Hardy, and Council/Boardmember Chahal

- 2.H [19-1662](#) Action on a Resolution Ordering the Vacation of a Public Utility Easement at 500 El Camino Real

Recommendation: 1) Adopt a Resolution ordering the vacation of the Public Utility Easement at 500 El Camino Real [APN 230-11-040 (2018-19); SC 19,107]; and
2) Authorize the recordation thereof.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8663 and authorize the recordation thereof.

- 2.I [19-114](#) Action on a Resolution Amending in Part Resolution 5195, Approving the 2019 Parks & Recreation Commission Calendar of Meetings, and Setting the Number and Start Time of the Regular Meetings of the Parks & Recreation Commission

Recommendation: Adopt a Resolution amending in part Resolution 5195, approving the 2019 Parks & Recreation Commission Calendar of Meetings, and setting the number and start time of regular Parks & Recreation Commission meetings.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8664.

- 2.K [19-145](#) Action to Adjust Compensation Ranges for Human Resources Management Positions

Recommendation: Approve the revised Unclassified/Appointed/Elected Monthly Salary Schedule Resolution which incorporates salary range increases to the classifications of Assistant Director of Human Resources and Human Resources Division Manager, effective with the beginning of the first full pay period following approval of the new salary schedule.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8665.

- 2.L [19-147](#) Action on Amendment No. 1 to the Amended and Restated Agreement with Environmental Risk Services for Consulting Services Related to the CityPlace Santa Clara Development Project

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Amended and Restated Agreement with Environmental Risk Services to expand the scope of services and increase compensation by \$260,000 for a revised not to exceed compensation amount of \$350,000 and extend the term of the agreement to January 31, 2020.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.

4. [19-079](#) Consideration of Authorization for City Manager to Negotiate and Execute an Agreement with Rotary Foundation to Support the Silicon Valley Barbeque Championships Event

Recommendation: Staff does not make a recommendation; however, if the Council approves the Rotary Foundation's request, staff recommends that the City Manager be authorized to negotiate and execute an agreement with the Rotary Foundation for a five year agreement to provide financial support, ranging from \$180,000 to \$200,000, for the Silicon Valley Barbeque Championship event, per terms outlined in this report.

Parks & Recreation Director Teixeira presented a PowerPoint.

Public Speaker(s): Nick Streit (Santa Clara Rotary Foundation Boardmember)

A motion was made by Councilmember Davis, seconded by Councilmember Mahan, to approve the Rotary Foundation's request, authorize the City Manager to negotiate and execute an agreement with the Rotary Foundation for a five year agreement to provide financial support, ranging from \$180,000 to \$200,000, for the Silicon Valley Barbeque Championship event, per terms outlined in this report.

Aye: 7 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.D** [19-146](#) Action on Amendment No. 2 to the Agreement with Jones Lang LaSalle Americas, Inc, for Consulting Services Related to Santa Clara Convention Center and Convention and Visitor Services and Related Budget Amendment

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the agreement with Jones Lang LaSalle America's Inc. to expand the scope of services, increase compensation by \$175,000, for a revised not-to-exceed compensation amount of \$354,500, and extend the term of the agreement to January 31, 2020 and approve the Related Budget Amendment.

Councilmember Chahal pulled this item for further clarification.

City Manager Santana addressed Council questions.

A motion was made by Councilmember Chahal, seconded by Councilmember O'Neill, to approve staff recommendation.

Aye: 7 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

- 2.E** [19-1585](#) Action on Amendment No. 2 to the Agreement for Services between the City of Santa Clara and California Sports Center for gymnastics instruction

Recommendation: Authorize the City Manager to execute Amendment No. 2 to the Agreement for Services between the City of Santa Clara and California Sports Center in the not to exceed amount of \$600,000 for gymnastics instruction and services.

Councilmember Chahal pulled this item for further clarification.

A motion was made by Councilmember Chahal, seconded by Councilmember O'Neill, to approve staff recommendation.

Aye: 7 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

- 2.J [19-123](#) Action on Adoption of an Ordinance Amending Chapter 8.35 ("Smoking and Tobacco Regulations") of Title 8 ("Health and Safety") of "The Code of the City of Santa Clara, California" to Modify Smoking and Tobacco Regulations

Recommendation: Adopt Ordinance No. 1996 Amending Chapter 8.35 ("Smoking and Tobacco Regulations") of Title 8 ("Health and Safety") of "The Code of the City of Santa Clara, California" to Modify Smoking and Tobacco Regulations.

Councilmember O'Neill pulled this item for further clarification.

City Attorney Doyle, Assistant City Attorney Reuter, City Manager Santana, and Police Chief Sellers addressed Council questions.

Public Speaker(s): Carol Baker
Nicole Cox
Anil Babbar
Rev. Jethroe Moore II

A motion was made by Councilmember Davis, seconded by Councilmember Mahan, to (1) adopt Ordinance No. 1996, (2) direct staff to return with an informational report regarding the development of a Police Department Administrative Policy for enforcement and (3) direct staff to produce a condensed version of the Ordinance to provide to the Apartment Association/public.

Aye: 7 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING/GENERAL BUSINESS

3. [19-1430](#) Action on Introduction of an Ordinance to add section 12.25.230 ("Pavement Preservation") to Chapter 12.25 ("Excavation and Use of City Rights-of-Way") of Title 12 ("Streets, Sidewalks, and Public Places") of "The Code of the City of Santa Clara, California"

Recommendation: Alternative 1:
Introduce an Ordinance which adds section 12.25.230 ("Pavement Preservation") to Chapter 12.25 ("Excavation and Use of City Rights-of-Way") of Title 12 ("Streets, Sidewalks, and Public Places") of "The Code of the City of Santa Clara, California".

Public Works Director Mobeck made a verbal presentation.

Councilmember Mahan left the meeting at 10:00 PM.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve Alternative 1: Introduce an Ordinance which adds section 12.25.230 ("Pavement Preservation") to Chapter 12.25 ("Excavation and Use of City Rights-of-Way") of Title 12 ("Streets, Sidewalks, and Public Places") of "The Code of the City of Santa Clara, California".

Aye: 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

Absent: 1 - Councilmember Mahan

5. Action on Council Committees

- [19-129](#) a. Council Action on Council Committee Restructuring and Mayor's Council Committee Appointments

Recommendation: a. Action on the Mayor's Council Committee Restructuring Proposal, including

- (1) Quarterly Meetings
- (2) Meetings held during business hours only
- (3) No written reports
- (4) Council approved workplans to manage scope and workload, with amendments to workplans requiring Council approval.

b. Action on the Mayor's Council Committee Appointments

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve staff recommendation.

Aye: 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

Absent: 1 - Councilmember Mahan

[19-148](#)

b. City Manager Report Regarding the Mayor's Council Committee Restructuring Proposal

Recommendation: Support the Mayor's Council Committee Restructuring Proposal as recommended by the Mayor as follows:

- (1) Quarterly Meetings
- (2) Meetings held during business hours only
- (3) No written reports
- (4) Council approved workplans to manage scope and workload

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to Note and File the report.

Aye: 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

Absent: 1 - Councilmember Mahan

6. [19-159](#) Action on Approval of Award of Agreement for the Management and Operation of the Santa Clara Convention Center

Recommendation: Alternatives 1 and 2:

1. Adopt a Resolution authorizing the City Manager to negotiate an agreement with Global Spectrum L.P. dba Spectra Venue Management, including any options to extend the agreement, with an initial five year term ending on or about March 20, 2024 and a maximum annual compensation amount not to exceed \$400,000, and subject to the annual appropriation of funds; and
2. Adopt a Resolution authorizing the City Manager to negotiate and execute an Interim Management Agreement with Global Spectrum L.P. dba Spectra Venue Management, SMG, or Santa Clara Chamber of Commerce for a limited term management of the Santa Clara Convention Center to allow for the of a long term Management Agreement.

City Manager Santana made a verbal introduction.

Purchasing Manager Giovannetti, Assistant City Manager Shikada, and **City Auditor Lam** presented a PowerPoint.

Todd Glickman, Executive Vice President of Spectra; **Dave Anderson, Sr.**, Senior Vice President of Spectra; and **Tom McDonnell**, Vice President, Spectra presented a PowerPoint.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8666 authorizing the City Manager to negotiate and execute a Management Agreement, including 5-year options to extend agreement, with Global Spectrum L.P. dba Spectra Venue Management (Spectra) for the management and operation of the Santa Clara Convention Center consistent with the proposal submitted, including the Best and Final Offer, and Report to Council as well as an Interim Management Agreement, if necessary, to allow for transition of management and operation of the Santa Clara Convention Center by March 18, 2019. (Alternative 1 from Supplemental Report)

Aye: 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

Absent: 1 - Councilmember Mahan

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor reported on her attendance at the Silicon Valley Power Conference and heard updates on PG&E Bankruptcy and issues around Power.

Councilmember O'Neill also reported on her attendance at the Silicon Valley Power Conference and acknowledge vast knowledge of City staff.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana reported on the following:

- Stadium Authority Budget sessions to be scheduled and
- An informational memo was distributed regarding the appeal of County Assessor's Office decision of the 49ers Property Tax Appeal. **City Attorney Doyle** reported on his interactions with the County Assessor's Office.

[19-205](#) City Manager/ Executive Director Report POST MEETING MATERIAL

[19-1677](#) Tentative Meeting Agenda Calendar

[19-076](#) Monthly Update on City Council and Stadium Authority Staff Referrals

ADJOURNMENT

The meeting was adjourned at 12:05 AM on February 6, 2019.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adjourn the meeting.

Aye: 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

Absent: 1 - Councilmember Mahan

The next regular scheduled meeting is on Tuesday evening, February 19, 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."