

# **City of Santa Clara**

# **Meeting Minutes**

# **Council and Authorities Concurrent Meeting**

03/26/2019 3:30 PM

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

Closed Session - 3:30 PM | Joint Dinner - 5:00 PM | Regular Meeting - 6:00 PM

## 3:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Councilmember Davis called the Closed Session to order at 3:32 PM.

## Confirmation of a Quorum

Deputy City Clerk Dhadli confirmed a quorum.

### **Public Comment**

## None.

<u>19-367</u> 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)

19-370 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

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 5:04 PM.

### Confirmation of a Quorum

19-10725:00 P.M. Informational Joint Dinner Meeting with the Bicycle PedestrianAdvisory Committee

## **6:00 PM COUNCIL REGULAR MEETING**

**Call to Order** 

Mayor Gillmor called the Regular Meeting to order at 6:16 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

1. 19-071 Consideration of Silicon Valley Power Quarterly Strategic Plan Update

**Recommendation:** Note and file the SVP Quarterly Strategic Plan Update.

Interim Chief Electric Utility Officer/Assistant City Manager Pineda presented a PowerPoint.

Public Speaker(s): Public Speaker(1)

A motion was made by Vice Mayor Mahan, seconded by Councilmember Hardy, to note and file the SVP Quarterly Strategic Plan Update.

2. 19-313 Action on Selecting Relay for Life City Team Name for the 2019 American Cancer Society fundraiser

**Recommendation:** There is no staff recommendation.

**Director of Communications Wright** presented a PowerPoint.

There were two rounds of voting.

The First Round, the **Mayor and Councilmembers** each received two votes to cast for their top selections.

The two team names that received the highest number of votes:

Mission City Possible (4)

Mission City Miracles! (6)

For the final round, the **Mayor and Councilmembers** received one vote to cast for their top selection:

Mission City Possible (4)

Mission City Miracles! (3)

Public Speaker(s): Tabitha Kappeler-Hurley

Stacey Souza
Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to select Mission City Possible as the Relay for Life City Team Name for the 2019 American Cancer Society fundraiser.

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

## REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle reported that there are no reportable action.

## **CONTINUANCES/EXCEPTIONS**

None.

### **SPECIAL ORDER OF BUSINESS**

3. <u>19-130</u> Introductory Remarks from Santa Clara County District 4 Supervisor Susan Ellenberg

Santa Clara County District 4 Supervisor Susan Ellenberg gave a verbal report.

### **CONSENT CALENDAR**

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the balance of the Consent Calendar (Except 4.L, 4.E, 4.G, 4.I, 4.J).

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

**4.A** 19-020 Council and Authorities Concurrent Meeting Minutes

**Recommendation:** Note and file the Council and Authorities Concurrent Meeting Minutes of February 19, 2019 and March 5, 2019.

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

**4.B** 19-023 Board, Commissions and Committee Meeting Minutes

Recommendation: Note and file the Minutes of:

- 1. Parks & Recreation Commission Minutes September 18, 2018
- 2. Parks & Recreation Commission Minutes October 16, 2018
- 3. Parks & Recreation Commission Minutes November 20, 2018
- 4. Parks & Recreation Commission Minutes December 18, 2018
- 5. Youth Commission Minutes November 13, 2018
- 6. Youth Commission Minutes December 11, 2018
- 7. Audit Committee Minutes December 3, 2018
- 8. Planning Commission Minutes January 9, 2019
- 9. Planning Commission Minutes February 27, 2019
- 10. Historical and Landmarks Commission Minutes November 1, 2018
- 11. Historical and Landmarks Commission Minutes January 3, 2019

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

**4.C** 19-142 Action on Bills and Claims Report (CC) for the period February 15th - February 28th

**Recommendation:** Approve the list of Bills and Claims for February 15, 2019 - February 28, 2019.

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

**4.D** <u>19-1659</u> Action on the Santa Clara Convention Center 2nd Quarter Financial Status Report

**Recommendation:** Note and file the Santa Clara Convention Center Financial Status Report

for the second quarter ended December 31, 2018, as submitted by the

Santa Clara Chamber of Commerce.

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

**4.F** 19-264 Action to Revise Job Specification for Human Resources Division

Manager

**Recommendation:** Approve the revised job description for Human Resources Division

Manager.

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

**4.H** 19-1410 Action on an Agreement for Services with e-Builder, Inc. for a Capital

Projects Management System and Approve Related Budget Amendment

**Recommendation:** Approve and authorize the City Manager to execute an Agreement for

Services with e-Builder, Inc. for a capital projects management system, in

an amount not-to-exceed \$1,015,490 and approve Related Budget

Amendment.

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

4.K 19-1656 Action on the Single Audit Report for Fiscal Year 2017/18

**Recommendation:** Note and file the City of Santa Clara Single Audit Report for the year ended

June 30, 2018, as recommended by the Council Audit Committee.

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

### 4.M <u>19-0</u>91

Action on Resolutions of the City of Santa Clara Amending Rate Schedules for Electric Service for All Classes of Customers Effective April 1, 2019 and Authorizing the City Manager to Amend City Rate Schedules for the Electric Utility Service for changes of the State Surcharge

- Recommendation: 1. Adopt a Resolution of the City of Santa Clara Amending Rate Schedules for Electric Service for all Classes of Customers Effective April 1, 2019; and
  - 2. Adopt a Resolution of the City of Santa Clara Authorizing City Manager to amend City Rate Schedules for Electric Utility Service for changes of the State Surcharge.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8675 and Resolution No. 19-8676.

### 4.N 19-154

Action on a Resolution for the Use of City Electric Forces at Various Locations

**Recommendation:** Adopt a Resolution approving the use of City Electric Forces for the installation of facilities at 3800 Bassett Street, 737 Matthew Street, Reed Street at Grant Street, west side of Grant Street south of Reed Street, Agate Drive at Calabazas Creek, 3045 Stender Way, and Scott Boulevard at Montgomery Drive.

> A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8677.

### 4.0 19-101

Action on Designating the Assistant City Clerk as the Clerk or Secretary of the Housing Authority, Sports and Open Space Authority, and Public **Financing Facilities Corporation** 

- **Recommendation:** 1. Adopt a Housing Authority Resolution amending Housing Authority Resolution No. 11-3 Designating the Assistant City Clerk as the Clerk of the Housing Authority;
  - 2. Adopt a Sports and Open Space Authority Resolution amending Sports and Open Space Authority Resolution No. 94-1 Designating the Assistant City Clerk as the Ex-Officio Secretary of the Sport and Open Space Authority; and
  - 3. Adopt a Public Facilities Financing Corporation Resolution amending Public Facilities Financing Corporation Resolution No. 97-1 Designating the Assistant City Clerk as Secretary

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt (1) Housing Authority Resolution No. 19-1, (2) Sports and Open Space Authority Resolution No. 19-1, and (3) Public Facilities Financing Corporation Resolution No. 19-1.

Aye: 7 - Vice Chairperson/Vice President Mahan, Commissioner/ Member/Director O'Neill, Chairperson/President Gillmor, Commissioner/Member/Director Davis, Commissioner/Member/ Director Watanabe, Commissioner/Member/Director Hardy, and Commissioner/Member/Director Chahal

### **4.P** 19-227

Action on Amendment No. 3 to the Agreement with EBIX, Inc., BPO Division (EBIX BPO) for Insurance Compliance Tracking Services

- Recommendation: 1. Authorize the City Manager to execute Amendment No. 3 to the Agreement with EBIX, Inc. to extend the term of the agreement by two years ending on March 27, 2021, and increase compensation by \$96,000 for a total maximum amount not-to-exceed \$342,334.
  - 2. Authorize the City Manager to execute amendments not-to-exceed \$10,000 as contingency, in the event actual usage exceeds estimated usage, subject to the appropriation of funds.

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

4.Q 19-272 Action on the Fourth Amendment to the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority Designating Assistant City Clerk as the Secretary of the Stadium Authority

- **Recommendation:** 1. Adopt a Resolution approving the Fourth Amendment to the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority amending Section 3.2 designating the Assistant City Clerk as the Secretary of the Stadium Authority.
  - 2. City Council acting as the governing board of the Successor Agency to the former Redevelopment Agency of the City of Santa Clara adopt a Resolution approving the Fourth Amendment to the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority amending Section 3.2 designating the Assistant City Clerk as the Secretary of the Stadium Authority.
  - 3. The Board of the Bayshore North Project Enhancement Authority adopt a Resolution approving the Fourth Amendment to the Joint Exercise of Powers Agreement for the Santa Clara Stadium Authority amending Section 3.2 designating the Assistant City Clerk as the Secretary of the Stadium Authority.

A motion was made by Councilmember/Authoritymember Davis, seconded by Councilmember/Authoritymember O'Neill, to (1) adopt City Council Resolution No. 19-8683, (2) City Council acting as the governing board of the Successor Agency to the former Redevelopment Agency Resolution No. 19-8678, and (3) **Bayshore North Project Enhancement Authority 19-1.** 

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

4.R 19-292 Action on a Resolution Approving the Salary Setting Commission 2019 Additional Meeting Schedule

**Recommendation:** Adopt a Resolution approving the 2019 Salary Setting Commission additional meeting dates for April and May 2019.

> A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8679.

## **PUBLIC PRESENTATIONS**

Kathleen King from the Healthier Kids Foundation announced Special Events in conjuction with the City of Santa Clara.

**Howard Meyers** presented a PowerPoint regarding the Mariani Project.

19-411 Public Presentations Post Meeting Material

### CONSENT ITEMS PULLED FOR DISCUSSION

4.L 19-018 Action on a Design Professional Services Agreement with W-Trans for the Warburton Avenue - Civic Center Drive Area Parking Analysis and Related **Budget Amendment** 

- **Recommendation:** 1. Award the Design Professional Services Agreement for the Warburton Avenue - Civic Center Drive Area Parking Analysis to Whitlock & Weinberger Transportation, Inc., a California corporation doing business as W-Trans, in the not-to-exceed amount of \$66,156 including additional services up to 10% of the contract amount and up to \$200 reimbursable expenses; and
  - 2. Approve the related budget amendment transferring \$66,156 from the General Fund Contingency Reserves - Budget Stabilization Reserve to the General Fund - Public Works-Traffic Contractual Services for the Warburton Avenue - Civic Center Drive Area Parking Analysis.

This item was pulled by Councilmember Davis.

Councilmember Chahal stepped off the dais to recuse himself due to his property being in close proximity of the agenda item.

**Director of Public Works Mobeck** gave a verbal report.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve staff recommendation.

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

Recused: 1 - Councilmember Chahal

**4.J** 19-1602 Action on the Investment Policy: Annual Statement and Annual Investment Policy Review and Approval

### Recommendation:

- 1. Adopt a resolution to amend Council Policy 017 Investment Policy: Annual Statement; and
- 2. Approve the Investment Policy for the City of Santa Clara, its agencies and corporations.

**Suds Jain** (a member of the public) pulled this item.

A motion was made by Councilmember O'Neill, seconded by Vice Mayor Mahan, to approve staff recommendation and adopt Resolution No. 19-8680, and to direct staff to return with information on any potential oil or carbon companies based on mutual funds.

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

4.E 19-150 Action on Monthly Financial Status and Investment Reports for January 2019

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

Councilmember Chahal pulled this item.

**Director of Finance Kraetsch** addressed Councilmember Chahal's questions.

A motion was made by Councilmember Chahal, seconded by Councilmember Hardy, to approve staff recommendation.

4.G <u>19-12</u>09 Action on Agreements for On-Call Construction Management and Inspection Services for Public Works Projects

- **Recommendation:** 1. Approve and authorize the City Manager to execute agreements for the Performance of Services with Propcon Corp. (\$325,000) and CSG Consultants, Inc. (\$325,000) to perform on-call construction management and inspection services for a combined amount not-to-exceed \$650,000 over the three-year terms of the agreements;
  - 2. Authorize the City Manager to amend agreement not-to-exceed amounts as long as the cumulative total does not exceed \$650,000 subject to annual appropriations; and
  - 3. Authorize the City Manager to exercise up to two one-year extensions for each agreement with no increase in compensation in the event that the work is not completed by the Agreement end dates and make minor modifications to the agreements, if necessary.

Councilmember Chahal pulled this item.

**Director of Public Works Mobeck** addressed Council questions.

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

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

4.1 19-1578 Action on the Award of the Public Works Contract for the Caltrain Pole Replacement Project

- **Recommendation:** 1. Award the Public Works Contract for the Caltrain Pole Replacement Project (Contract No. 2421) to the lowest responsive and responsible bidder, Hot Line Construction, Inc., in the amount of \$1,631,958 and authorize the City Manager to execute any and all documents necessary for the award, completion and acceptance of the Project;
  - 2. Authorize the City Manager to execute change orders up to 10% of the original contract amount, or \$163,196, for a total not-to-exceed amount of \$1,795,154 for Contract No. 2421.

Councilmember Chahal pulled this item.

Assistant City Manager Pineda addressed Council questions.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Mahan, to approve staff recommendation.

### **PUBLIC HEARING/GENERAL BUSINESS**

5. 19-316 Action on Cancellation of the Public Hearing for the Gateway Crossings Project located at 1205 Coleman Avenue and direction to renotice when the project is ready to be heard

**Recommendation:** Cancel the Public Hearing for the Gateway Crossings Project located at 1205 Coleman Avenue and direction to renotice when the project is ready to be heard.

**Director of Community Development Crabtree** gave a verbal report.

A motion was made by Vice Mayor Mahan, seconded by Councilmember Davis, to approve staff recommendation.

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

19-015 6.

Public Hearing: FY 2019/2020 Draft Annual Action Plan for the use of Federal Housing and Urban Development Grant Funds

Recommendation: Approve the FY 2019/2020 Draft Annual Action Plan, and direct staff to incorporate all public comments into the final version, which shall be presented to City Council on May 7, 2019.

Housing Development Officer Calleja presented a PowerPoint.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to close the Public Hearing.

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

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

**7**. <u>19-317</u>

Action on Resolutions Approving a Purchase and Sale Agreement and Other Documents as Necessary Related to the Sale of the Great America Theme Park Parcels located at 1 Great America Parkway [APNs: 104-42-014 and 104-42-019]

## **Recommendation:**

- 1. That the City Council acting as the governing board of the Successor Agency to the Redevelopment Agency of the City of Santa Clara adopt a Resolution approving the Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of Santa Clara and Cedar Fair Southwest, Inc. for the Great America Theme Park Parcels located at 1 Great America Parkway (APNs: 104-42-014 and 104-42-019) at a purchase price of \$150,250,000 and authorizing the City Manager to execute all documents necessary, including minor modifying amendments, to implement the Purchase and Sale Agreement and close escrow.
- 2. That the City Council adopt a Resolution authorizing the City Manager to negotiate and execute a Parking Agreement and Easement for the Main Lot and a Sign Agreement for an electronic sign with Cedar Fair Southwest, Inc.

**Assistant City Manager Shikada** presented a PowerPoint.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to adopt (1) City Council acting as the governing board of the Successor Agency to the Redevelopment Agency Resolution No. 19-8681 and (2) City Council Resolution No. 19-8682.

### REPORTS OF MEMBERS AND SPECIAL COMMITTEES

**Councilmember Davis** reported on her attendance at the Bay Area Water Supply and Conservation Agency (BAWSCA) Meeting, Triton Museum Tequila Tasting fundraiser, and Westgate Church (with Mayor Gillmor). The Triton Museum will be having their Annual Gala on Saturday, May 4, 2019.

**Councilmember O'Neill** reported on her attendance in Washington DC on behalf of Santa Clara Valley Transportation Authority and all of the transportation programs.

**Councilmember Hardy** noted that we will need to plan for both a drought and flood. The BPAC will be referring the Bicycle Master Plan to Council contingent on Measure B funds.

**Vice Mayor Mahan** reported on her attendance at the 10K Heart and Sole Run with Councilmember Chahal as well as the Triton Museum Tequila Tasting fundraiser.

### CITY MANAGER/EXECUTIVE DIRECTOR REPORT

Chief Operating Officer Rossmann noted that City Manager Santana is attending the Mexico vs. Paraguay Soccer game at Levi's Stadium to observe the operations and that there will be a Special Stadium Authority meeting on Wednesday, March 27, 2019.

19-318 Tentative Meeting Agenda Calendar

## **ADJOURNMENT**

The meeting was adjourned at 8:47 PM in **memory** of **Philip James Velasco**, **Jr.**, (Former City of Santa Clara Employee and Longtime Resident).

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

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

<u>19-412</u> Adjournment Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, April 9, 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."