



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

04/23/2019

3:45 PM

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

Closed Session - 3:45 PM | Joint Dinner - 5:00 PM | Regular Meeting - 6:00 PM

3:45 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 3:47 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

[19-489](#)

Conference with Legal Counsel-Anticipated Litigation (CC)

Pursuant to Gov. Code § 54956.9(a) - Exposure to litigation

Number of potential cases: 1

(Facts and Circumstances)

City as potential defendant: Letter from Gibson Dunn law firm, representing

Related Santa Clara LLC, dated September 24, 2018 regarding Force

Majeure under DDA

[19-490](#)

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 to order at 5:09 PM.

Confirmation of a Quorum

[19-1345](#)

5:00 P.M. Historical & Landmarks Commission Joint Dinner Meeting

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 6:15 PM.

Pledge of Allegiance and Statement of Values

Roll Call

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

1. [19-267](#) Presentation by the Santa Clara Valley Transportation Authority on the BART Phase II Project and the Transit-Oriented Development Corridor Strategies and Access Planning Study

Ron Golem (VTA Director of Real Estate and Joint Development) and Jill Gibson (VTA BART Phase II Planning and Programming Manager) presented a PowerPoint.

Public Speaker(s): Sudhanshu Jain
Public Speaker (1)

Council requested data on ridership to be brought back as an Informational Report.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Assisant City Attorney Abbe reported that Item 19-489 was not heard and postponed to a future meeting. There was no reportable action on Item 19-490 from Closed Session.

CONTINUANCES/EXCEPTIONS

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to move Item 5 after Item 2.B.

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

SPECIAL ORDER OF BUSINESS

- 2.A [19-271](#) Follow-up Presentation by Santa Clara Relay for Life

Mayor Gillmor noted that Santa Clara Relay for Life representatives were unable to attend the meeting, however she encouraged participation for the Saturday, April 27, 2019 event.
- 2.B [19-445](#) Recognition of Silicon Valley Power's designation as a Reliable Public Power Provider (RP3)® Gold designation

Electric Utilities Chief Operating Officer Kolnowski and Assistant City Manager/Interim Chief Electric Utility Officer Pineda introduced staff and acknowledged the staff's accomplishments.

5. [19-447](#) Action on Friendship City Memorandum of Understanding with Icheon City, Republic of Korea

Recommendation: Alternative 1:

Approve a three-year Friendship City Relationship Memorandum of Understanding (MOU) with Icheon City, Republic of Korea, and authorize the Mayor to sign the MOU on behalf of the City of Santa Clara.

Sang Anh (President of Silicon Valley Korean American Federation) and John Chung (Senior Vice President of Silicon Valley Korean American Federation) expressed gratitude for the Friendship City Relationship on behalf of the Korean Community.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve a three-year Friendship City Relationship Memorandum of Understanding (MOU) with Icheon City, Republic of Korea, and authorize the Mayor to sign the MOU on behalf of the City of Santa Clara (Alternative 1).

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

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the balance of the Consent Calendar (except Item 3.P and Mayor Gillmor abstained from Item 3.N).

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

- 3.A [19-498](#) Council and Authorities Concurrent Meeting Minutes

Recommendation: Note and file the Meeting Minutes of:
City Council Special Meeting - March 20, 2019
Council and Authorities Concurrent - March 26, 2019

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

3.B [19-025](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Board of Library Trustees Meeting Minutes - February 4, 2019

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

3.C [19-232](#) Action on Bills and Claims Report (CC) for the period March 15th - March 28th

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

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

3.D [19-306](#) Action on Monthly Financial Status and Investment Reports for February 2019 and Approve the Related Budget Amendments

Recommendation: Note and file the Monthly Financial Status and Investment Reports for February 2019 as presented and approve the related budget amendments.

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

3.E [19-454](#) Action on a Resolution Revising the Council and Authorities/Stadium Authority Regular Meetings Dates for the 2019 Calendar Year

Recommendation: Adopt a Resolution revising the Council and Authorities/Stadium Authority regular meeting dates for the 2019 calendar year to reflect the cancelation of the July 2, 2019 meeting and to set July 9, 2019 as a Council and Authorities regular meeting.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8695.

- 3.F** [19-1105](#) Action on the Rescission of Council Policies on Amplified Sound Permits, Block Parties, Dance Permits, Parades and Processions, Races/"Fun Runs"/Walks, Sale of City of Santa Clara Flags, Special Outdoor Events on City Property, Feeding Animals in City Parks

Recommendation: Adopt a resolution rescinding Council Policy 001 Amplified Sound Permits, Council Policy 005 Block Parties, Council Policy 011 Dance Permit, Council Policy 019 Parades and Processions, Council Policy 022 Races/"Fun Runs"/Walks, Council Policy 025 Sale of City of Santa Clara Flags, Council Policy 027 Special Outdoor Events on City Property, and Council Policy 044 Feeding Animals in City Parks.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8696.

- 3.G** [19-1642](#) Action on the Federal and State Income Tax Exempt Reporting for Fiscal Year 2017/2018

Recommendation: Authorize the City Manager, or her designee, to file the 2017 Internal Revenue Service Form 990 (Return of Organization Exempt from Income Tax) and the State of California Form 199 (Exempt Organization Annual Information Return) on behalf of the City of Santa Clara Public Facilities Financing Corporation.

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

- 3.H** [19-446](#) Action on Historical and Landmarks Commission Vacancy

Recommendation: 1. Declare a partial term vacancy ending June 30, 2021.
2. Set May 24, 2019 by 5:00 PM as the deadline to submit applications to the City Clerk's Office.

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

- 3.I [19-180](#) Action on a Letter of Agreement 19-SNR-02196 with Western Area Power Administration for Compensation to Silicon Valley Power for the Financial Impact Incurred During the Curtailment Period on July 27, 2018 due to the Carr Fire

Recommendation: Approve and authorize the City Manager to execute a Letter of Agreement 19-SNR-02196 with Western Area Power Administration to compensate SVP for the financial impact incurred by SVP as a result of the curtailment of Base Resource on July 27, 2018.

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

- 3.J [19-194](#) Action on California Library Literacy Services Family Literacy Award and Related Budget Amendment

Recommendation: Accept 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 to appropriate the funds to Adult and Family Literacy accounts for As-Needed Salary, Contractual Services and Operating Supplies. (Requires five affirmative votes by the City Council).

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

- 3.K [19-217](#) Action on an Agreement with the Santa Clara Valley Transportation Authority for Funding from the 2016 Measure B Local Streets and Roads Program and Related Budget Amendment

Recommendation:

1. Approve and authorize the City Manager to execute the agreement with the Santa Clara Valley Transportation Authority for funding from the 2016 Measure B Local Streets and Roads Program;
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if needed; and
3. Approve the related budget amendment to appropriate the one-time advance allocation of tax revenues of \$548,858 into the Annual Street Maintenance and Rehabilitation Program project.

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

- 3.L [19-259](#) 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 3023 Homestead Road, 737 Matthew Street (Parker Substation), 3059 Agate Drive, Homestead Substation, El Camino Real and Harrison Street, Mission Park Market Place Hotel and Retail, and 3655 Kifer Road.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8697.

- 3.M [19-464](#) Action on a Resolution Approving the 2019 Salary Setting Commission additional meetings schedule and rescinding Resolution 19-8679

Recommendation: Adopt a Resolution approving the 2019 Salary Setting Commission additional meeting dates and rescinding Resolution 19-8679.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8698.

- 3.N [19-287](#) Action on Award of Contract for the 2019 Pavement Rehabilitation Project (CE17-18-19) and Related Budget Amendment

- Recommendation:**
1. Adopt the following findings of Council, pursuant to California Public Contract Code section 5103, et seq., and relieve MCK Services, Inc., of its bid for the 2019 Pavement Rehabilitation Project (CE 17-18-19):
 - (a) That MCK made a mistake in its bid for the Project;
 - (b) That Bids on the Project were opened on February 20, 2019, and MCK submitted to City staff sufficient notice of its mistake on February 27, 2019, which was within five (5) working days of February 20, 2019, and MCK's notice specified in detail how the mistake occurred;
 - (c) That MCK's mistake made its bid materially different than MCK intended it to be, by an amount of approximately \$231,331; and
 - (d) That MCK's mistake was made in filling out the bid, specifically by transcribing incorrect unit costs from MCK's internal forms to City's Bid Schedule form that was submitted with the bid, and that MCK's mistake was not due to any error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.
 2. Award the Public Works Contract for the 2019 Pavement Rehabilitation Project (CE 17-18-19) to the lowest responsive and responsible bidder, G. Bortolotto & Co., Inc., in the amount of \$5,510,556 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
 3. Authorize the City Manager to execute change orders up to approximately 10% of the original contract price, or \$551,044, for a total not to exceed amount of \$6,061,600; and
 4. Accept the CalRecycle Grant award of \$274,033 into the Streets & Highways Fund and approve the FY 2018/19 budget amendment to appropriate the funds into the Annual Street Maintenance and Rehabilitation Program (CIP 533-1235).

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

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

Abstained: 1 - Mayor Gillmor

- 3.O [19-293](#) Action on a Resolution Ordering the Vacation of Various Easements at the Lawrence Station Area SummerHill Development at 3505 Kifer Road

Recommendation: 1. Adopt a Resolution Ordering the Vacation of Electric Easements, Wire Clearance Easements, Underground Electric Easements, Overhead Electric Easement, Sidewalk Easement, and Public Utility Easements at Lawrence Station Area SummerHill Development [Vicinity of APN 216-34-005,-036,-041,-045,-046,-047,-051,-066,-069,-070,-072,-073,-074 and -075 (2017-18); SC 19,032]; and
2. Authorize the recordation of the Resolution.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8699.

- 3.Q [19-328](#) Proclamations prepared and issued from January through March 2019

Recommendation: Note and File listing of Proclamations prepared and Proclamation issued to City Employee from January through March 2019.

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

- 3.R [19-467](#) Action on Adoption of Ordinance No. 1999 Levying Special Taxes within the City of Santa Clara Community Facilities District 2019-1 (Lawrence Station)

Recommendation: Adopt Ordinance No. 1999 Levying Special Taxes within the City of Santa Clara Community Facilities District 2019-1 (Lawrence Station).

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Ordinance No. 1999.

- 3.S [19-420](#) Action to Approve the Job Specification for Senior Electrical Estimator

Recommendation: Approve modified job specification for Senior Electrical Estimator.

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

PUBLIC PRESENTATIONS

Howard Myers expressed comments of concern regarding SB50/SB330 and Councilmembers recusing themselves from items near their property.

Public Speaker encouraged attendance at Earth Day at Central Park in Santa Clara.

Public Speaker expressed comments of concern regarding SB50/SB330.

CONSENT ITEMS PULLED FOR DISCUSSION

- 3.P** [19-295](#) Informational Report on adding an alternative analysis for the removal of a travel lane as a part of the El Camino Real Specific Plan process and proceeding with parking removals and addition of a bike lane prior to consideration of the plan

Recommendation: Note and file the Informational Report on the El Camino Real Specific Plan right-of-way Alternative 3A. If Council would like to proceed with analysis of the removal of a travel lane on El Camino Real (Alternative 3A), direction should be provided to staff to return to Council with a formal scope and budget for consideration.

Mayor Gillmor, Councilmember Hardy, and Councilmember Chahal left the dais and recused themselves due to conflict of interest.

Vice Mayor Mahan presided over this item in the meeting.

Director of Community Development Crabtree presented a PowerPoint.

Public Speaker(s): John Cordes
 Gabriela Landaveri
 Nikita Sinha
 Public Speakers (6)

A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to note and file the Informational Report on the El Camino Specific Plan right-of-way Alternative 3A.

Aye: 4 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, and Councilmember Davis

Abstained: 3 - Councilmember Hardy, Councilmember Chahal, and Mayor Gillmor

PUBLIC HEARING/GENERAL BUSINESS

4. [19-016](#) Action on Request for Funding from Healthier Kids Foundation in the total amount of \$210,000 for FY2019/20 to FY2021/22 for Dental, Hearing and Vision screenings and Case Management Services

Recommendation: Staff has no recommendation. If Council selects alternative 2 or 3, authorize the City Manager to negotiate and execute a three-year Agreement(s) for Services subject to budget appropriations.

Public Speaker(s): Kathleen King

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to authorize the City Manager to extend the current contract with Healthier Kids Foundation until the end of the calendar year and to return with further options.

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana provided an update on the status of Senate Bill 50 (SB50). She also noted that Thursday, April 25, 2019 is Bring Your Child to Work Day as well as Arbor Day/Earth Day at Central Park Pavilion.

[19-943](#) Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 9:05 PM in **memory of Linda Colgan (Mother to Senior Advisory Commissioner Judy Hubbard), Rita Marie Teixeira (Mother to Director of Parks & Recreation James Teixeira), Patrick Shiles (Husband to Electric Department Power Contract Specialist Diana Shiles), Marie McCauley (Mother to Senior Advisory Commissioner Grant McCauley, and the Victims of the attacks in Sri Lanka.**

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

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

[19-528](#)

Adjournment of the April 23, 2019 Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, April 30, 2019 (Stadium Authority) 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."