



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

07/16/2019

3:30 PM

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

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

3:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 3:30 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

[19-863](#)

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 CEREMONY

Call to Order in the Council Chambers

On behalf of the City Council, **Mayor Gillmor** welcomed those in attendance for the Friendship Memorandum of Understanding (MOU) Signing Ceremony with Icheon, Republic of Korea at 5:06 PM.

Mayor Gillmor announced that on April 24, 2019 the City signed a three year MOU for a Friendship Exchange with Icheon, Republic of Korea.

Mayor Gillmor introduced **Mayor Eom Tai-Joon** from Icheon, Republic of Korea.

Mayor Eom expressed his gratitude on behalf of Icheon's citizens and shared facts and data about Icheon.

Council took a recess at 5:50 PM.

Friendship City MOU Signing Ceremony with Icheon, Republic of Korea

Mayor Gillmor and **Mayor Eom** performed the ceremonial MOU signing in Council Chambers.

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 6:00 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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

1. [19-797](#) Defer the Public Hearing: Action on Amendments to the City Code Related to Massage Establishments

Mayor Gillmor noted this item to be heard after 7:00 PM.

SPECIAL ORDER OF BUSINESS

2. [19-835](#) Friendship City Presentation by Mayor Eom Tai-Joon, Icheon, Republic of Korea

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.Q, Item 3.H, Item 3.R).

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

- 3.A [19-427](#) Council and Authorities Concurrent Meeting Minutes of June 25, 2019

Recommendation: Note and file the Council and Authorities Meeting Minutes of June 25, 2019.

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

- 3.B [19-031](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Planning Commission - April 24, 2019
Senior Advisory Commission - May 20, 2019

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

- 3.C [19-596](#) Action on Bills and Claims Report (CC, SCSA, HA) for the period May 31st - June 20th

Recommendation: Approve the list of Bills and Claims for May 31, 2019 - June 20, 2019.

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

- 3.D [19-385](#) Action on Award of Grazing Lease Agreement at the Loyaltan Ranch Property with Darwin Ceresola

Recommendation: 1. Authorize the City Manager to execute a Grazing Lease Agreement with Darwin Ceresola for an initial five-year term ending July 31, 2024; and
2. Authorize the City Manager to execute an option to extend the Grazing Lease Agreement for an additional five-year term, ending July 31, 2029.

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

- 3.E [19-478](#) Action on Amendment No. 3 to an Agreement with Peninsula Corridor Joint Powers Board for the Santa Clara Train Station Parking Lot

Recommendation: Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement with Peninsula Corridor Joint Powers Board to amend the rent schedule and extend the term of the lease to June 30, 2022.

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

- 3.F [19-521](#) Action on Amendment No. 1 to Electric Service and Substation Construction Agreement with Vantage Data Centers, LLC for Parker Substation

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to Electric Service and Substation Construction Agreement with Vantage Data Centers, LLC for Parker Substation.

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

- 3.G [19-592](#) Action on How to Present the City Council in City Facilities and on Documents

Recommendation: Adopt the Governance and Ethics Committee's recommendations.

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

- 3.I [19-668](#) Urgency Declaration and Action to Approve Expenditures and Ratify an Agreement with Preston Pipelines, Inc. Related to the Lafayette Street Emergency Sanitary Sewer Pipeline Project

Recommendation: Approve the Lafayette Street Emergency Sanitary Sewer Pipeline Project and ratify the agreement in the amount of \$1,452,426.80 with Preston Pipelines Inc., based upon the facts contained in this report.

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

- 3.J [19-677](#) Action on the Award of an Agreement with HydroScience Engineers, Inc. for Hydraulic Model Calibration and Support Services

Recommendation: 1. Authorize the City Manager to execute an agreement with HydroScience Engineers, Inc. for hydraulic model calibration and support services for an initial term starting on or about July 22, 2019 through July 21, 2022, with a maximum compensation not-to-exceed \$405,660 during the initial three-year term; and

2. Authorize the City Manager to execute up to two one-year renewals to the Agreement through July 21, 2024 for ongoing hydraulic model calibration and support services with compensation increases subject to the City Manager's approval and the appropriation of funds.

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

- 3.K [19-740](#) Action on an Affordable Housing Agreement with Toll West Coast, LLC for 2961 Corvin Drive

Recommendation: 1. Approve and authorize the City Manager to execute the Affordable Housing Agreement with Toll West Coast, LLC (Attachment 1), to execute amendments thereto, and to take any other action necessary to implement the requirement for the provision of four (4) Below Market Purchase homes within a 38-unit townhome project at 2961 Corvin Drive.
2. Authorize the recordation thereof.

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

- 3.L [19-743](#) Action on a Power Purchase and Sale Agreement with The Olcese Water District

Recommendation:

1. Authorize the City Manager to execute a renewable Power Purchase and Sales Agreement for a five-year term with an option to extend for an additional five years, in substantially similar form as presented, and subject to final review and approval by the City Attorney;
2. Authorize the City Manager to execute all necessary documents, subject to final review and approval by the City Attorney, to effectuate the purchases of power from The Olcese Water District in accordance with the agreement

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

- 3.M [19-756](#) Proclamations issued to City Employees from April through June 2019

Recommendation: Note and File Proclamations Issued to City Employees from April through June 2019.

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

- 3.N [19-758](#) Action on a Joint Resolution Delegating Authority to the City Manager/Executive Officer for Santa Clara Stadium Authority/Contract Administrator for Sports and Open Space Authority/Executive Director for Housing Authority During the Council Recess from July 17, 2019 to August 20, 2019

Recommendation: That the City Council/Sports and Open Space Authority/Housing Authority/Successor Agency:

Adopt a Joint Resolution delegating authority to the City Manager/Executive Officer for Santa Clara Stadium Authority/Contract Administrator for Sports and Open Space Authority/Executive Director for Housing Authority to approve project related documents during the Council recess from July 17, 2019 to August 20, 2019 and requiring the City Manager/Executive Director/Contract Administrator to submit a report on actions taken during the Council recess at a City Council/Stadium Authority/Sports and Open Space Authority/Housing Authority meeting in September 2019.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Joint Resolution No. 19-8737 delegating authority to the City Manager/Executive Officer for Santa Clara Stadium Authority/Contract Administrator for Sports and Open Space Authority/Executive Director for Housing Authority to approve project related documents during the Council recess from July 17, 2019 to August 20, 2019 and requiring the City Manager/Executive Director/Contract Administrator to submit a report on actions taken during the Council recess at a City Council/Stadium Authority/Sports and Open Space Authority/Housing Authority meeting in September 2019.

- 3.O [19-759](#) Action to Authorize the City Manager to Negotiate and Execute Change Orders for the Raymond G. Gamma Dog Park, Increase Change Order Authority for the Reed & Grant Streets Sports Park Project and Related Budget Amendment

Recommendation: 1. Authorize the City Manager to negotiate and execute change orders up to \$2,230,000 to implement the Council-approved schematic design for the Raymond G. Gamma Dog Park;
2. Increase the City Manager's authority to execute change orders to the Reed Street - Grant Street Sports Park contract with O.C. Jones and Sons, Inc. from \$2,019,500 to \$4,249,500;
3. Approve the budget amendment of \$2,230,000; and
4. Find that the Dog Park service area is the entire Santa Clara community and the construction of the improvements will provide for additional park use to serve the residents of the projects from which funds were collected.

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

- 3.P [19-764](#) Action on the New Job Specifications for Assistant Fire Chief and Senior Management Analyst, and Set Salary Ranges for Each

Recommendation: Approve the new job descriptions for Assistant Fire Chief (with an annual salary range of \$247,356 - \$320,124) and Senior Management Analyst (with an annual salary range of \$118,483 - \$153,344).

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

PUBLIC PRESENTATIONS

Public Speaker made general comments regarding potential coffee meetings with the Mayor.

CONSENT ITEMS PULLED FOR DISCUSSION

- 3.Q [19-825](#) Action on Adoption of Ordinance No. 2002 Approving the Montague Park Schematic Design Update and Playground Schematic Design Option 2 in Accordance with City Charter Section 714.1

Recommendation: Adopt Ordinance No. 2002 Approving the Montague Park Schematic Design Update and Playground Schematic Design Option 2 for the Montague Park Rehabilitation Project.

A motion was made by Councilmember Hardy, seconded by Vice Mayor Mahan, to adopt Ordinance No. 2002 approving the Montague Park Schematic Design Update and Playground Schematic Design Option 2 for the Montague Park Rehabilitation Project.

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

3.H [19-666](#) Action on the Appropriation of Asset Forfeiture Funds for Fiscal Year 2019/20 and Related Budget Amendment

Recommendation: Approve the Appropriation of Asset Forfeiture Funds in the amount of \$157,000 Pursuant to State and Federal Regulations and Related Budget Amendment.

Councilmember Watanabe pulled the item for further questions.

Chief Sellers addressed Council questions.

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

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

3.R [19-842](#) Action on Second Amendment to the Exclusive Negotiations Agreement with Republic Metropolitan LLC for the site located at 500 Benton Street [APN: 230-08-061]

Recommendation: Approve and Authorize the City Manager to Execute the Second Amendment to the Exclusive Negotiations Agreement with Republic Metropolitan LLC for the site located at 500 Benton Street [APN: 230-08-061] after approval by the VTA Board as well.

Councilmember Watanabe pulled this item for further clarification.

Assistant City Manager Shikada addressed the item.

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

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

PUBLIC HEARING/GENERAL BUSINESS

4. [19-735](#) Action on an Agreement with Ovations Food Services dba Spectra Food Services & Hospitality for Interim Food & Beverage Operations at the Santa Clara Convention Center

Recommendation: Alternative 1:

1. Approve and authorize the City Manager to execute an Agreement with Ovations Food Services dba Spectra Food Services & Hospitality for Interim Food & Beverage Operations at the Santa Clara Convention Center.

Assistant City Manager Shikada presented the staff report.

Public Speaker(s): Tawna Vargo

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to approve Alternative 1: Approve and authorize the City Manager to execute an Agreement with Ovations Food Services dba Spectra Food Services & Hospitality for Interim Food & Beverage Operations at the Santa Clara Convention Center.

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

1. [19-797](#) Defer the Public Hearing: Action on Amendments to the City Code Related to Massage Establishments

A motion was made by Vice Mayor Mahan, seconded by Councilmember Davis to defer the Amendments to the City Code Related to Massage Establishments to a future Council date.

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

5. [19-1603](#) Public Hearing: Action on the Adoption of Phase I of the Fiscal Year 2019/20 Municipal Fee Schedule (Not to be Heard prior to 7:00 PM)

Recommendation: Alternative 1:

Adopt a resolution for the "City of Santa Clara 2019/20 Municipal Fee Schedule" which (1) sets new fees, rates and charges (collectively "fees"); (2) amends existing fees; (3) deletes certain fees; and (4) retains unchanged fees for various City departments effective on August 1, 2019.

Municipal Services Division Manager Eglesia gave a PowerPoint presentation.

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, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to approve Alternative 1: Adopt Resolution No. 19-8738 for the "City of Santa Clara 2019/20 Municipal Fee Schedule" which (1) sets new fees, rates and charges (collectively "fees"); (2) amends existing fees; (3) deletes certain fees; and (4) retains unchanged fees for various City departments effective on August 1, 2019.

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

6. [19-626](#) Public Hearing: Action on a Resolution Confirming the 2019 Weed Abatement Program and Assessment (Not to be Heard prior to 7:00 PM)

Recommendation: Adopt a Resolution confirming the 2019 Weed Abatement Program Assessment Report and Assessment.

Fire Marhsal Tomlin presented the staff report.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to close the Public Hearing.

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

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to adopt Resolution No. 19-8739 confirming the 2019 Weed Abatement Program Assessment Report and Assessment.

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

Mayor Gillmor gave a PowerPoint presentation on her trip to Sister City Izumo, Japan from June 5-12, 2019.

Councilmember Chahal also reported on his trip with **Mayor Gillmor** to Sister City Izumo, Japan.

[19-877](#)

Reports of Members and Special Committees POST MEETING MATERIAL

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

[19-697](#)

Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 7:46 PM.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill to adjourn the meeting.

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

The next regular scheduled meeting is on Tuesday evening, August 20, 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."