



City of Santa Clara

Draft

Meeting Minutes Council and Authorities Concurrent Meeting Special Meeting Minutes Santa Clara Stadium Authority

09/17/2019

4:00 PM

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

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Mayor calls for a Special Meeting of the Governing Board of the Stadium Authority to commence and convene on September 17, 2019, at 4:00 PM for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

4:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor/Chairperson Gillmor called the Closed Session to order at 4:00 PM.

Confirmation of a Quorum

Assistant City Clerk/Secretary Pimentel confirmed a quorum.

Public Comment

None.

19-1061

Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Forty Niners Stadium Management Company LLC, et al. v. Santa Clara Stadium Authority, et al., Santa Clara County Superior Court Case No. 17CV304903

19-1062

Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 6/14/19

19-1063

Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 7/26/19

- [19-1065](#) Conference with Legal Counsel-Anticipated Litigation (SA)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 1
- [19-1066](#) 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
- [19-1064](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov't Code § 54956.9(d)(1)
Forty Niners SC Stadium Company LLC v. City of Santa Clara, Santa
Clara County Superior Court Case No. 18CV326430
- [19-1068](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov't Code § 54956.9(d)(1)
Lo, et al., v. City of Santa Clara, et al., United States District Court,
Northern District of California Case No. 5:18-CV-03153-NC

Convene to Closed Session (Council Conference Room)

**5:15 PM REGULAR COUNCIL AND AUTHORITIES CONCURRENT/SPECIAL STADIUM
AUTHORITY MEETING**

Call to Order

Mayor/Chairperson Gillmor called the meeting to order at 5:27 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 6 - Councilmember/Boardmember Karen Hardy, Councilmember/
Boardmember Teresa O'Neill, Councilmember/Boardmember
Debi Davis, Councilmember/Boardmember Kathy Watanabe,
Councilmember/Boardmember, and Mayor/Chairperson Lisa M.
Gillmor

Absent: 1 - Vice Mayor/Vice Chair Patricia M. Mahan

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney/Stadium Authority Counsel Doyle reported that the
Stadium Authority Board voted 6-0 authorizing the initiation of legal
proceedings to terminate the Stadium Management Agreement of all
non-NFL events only, it will not affect the NFL events at the Stadium.

CONTINUANCES/EXCEPTIONS

Mayor/Chairperson Gillmor requested the Council/Board to move Items 2.A, 2.B, 2.C to be heard immediately after the Consent Calendar.

A motion was made by Councilmember/Boardmember Davis, seconded by Councilmember/Boardmember Watanabe, to move Items 2.A, 2.B and 2.C to be heard immediately after Consent Calendar.

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

Absent: 1 - Vice Mayor/Vice Chair Mahan

CONSENT CALENDAR

A motion was made by Councilmember/Boardmember Davis, seconded by Councilmember/Boardmember Watanabe, to approve the Consent Calendar.

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

Absent: 1 - Vice Mayor/Vice Chair Mahan

1.A [19-752](#) Council and Authorities Concurrent Meeting Minutes of July 16, 2019

Recommendation: Note and file the Council and Authorities Concurrent Meeting Minutes of July 16, 2019.

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

1.B [19-931](#) Action on Stadium Authority Meeting Minutes

Recommendation: Note and file the Stadium Authority Meeting Minutes of April 30, 2019.

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

1.C [19-034](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Charter Review Committee - July 18, 2019
Historical and Landmarks Commission - May 2, 2019
Planning Commission - August 14, 2019
Senior Advisory Commission - July 22, 2019

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

1.D [19-820](#) Action on Bills and Claims Report (CC, SA, SOSA) for the period July 26th - August 22nd

Recommendation: Approve the list of Bills and Claims for July 26, 2019 - August 22, 2019.

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

1.E [19-297](#) Action on the Funding Agreement between Peninsula Clean Energy, San Jose Clean Energy, Silicon Valley Clean Energy, City of Palo Alto Utilities, and the City of Santa Clara dba Silicon Valley Power and the California Energy Commission and Center for Sustainable Energy to Fund the Regional Electric Vehicle Infrastructure Incentive Project Under the California Electric Vehicle Infrastructure Project Program

Recommendation:

1. Authorize the City Manager to finalize negotiations with the California Energy Commission on behalf of the City of Santa Clara and enter into the resulting Funding Agreement between Peninsula Clean Energy, San Jose Clean Energy, Silicon Valley Clean Energy, City of Palo Alto Utilities, and the City of Santa Clara dba Silicon Valley Power and the California Energy Commission and Center for Sustainable Energy to Fund the Regional Electric Vehicle Infrastructure Incentive Project under the California Electric Vehicle Infrastructure Project Program; and
2. Authorize the City Manager to adjust the funding up to \$1.0 million annually as needed to support Electric Vehicle Charging Stations in the City of Santa Clara through the CALeVIP program.

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

- 1.F [19-803](#) Action on a Joint Maintenance Agreement with Peninsula Corridor Joint Powers Board for the Caltrain Electrification Project

Recommendation: Approve and authorize the City Manager to execute the Joint Maintenance Agreement with the Peninsula Corridor Joint Powers Board for the maintenance of Peninsula Corridor Electrification Project (PCEP) Facilities at De La Cruz Boulevard, Scott Boulevard, and the Lafayette Street pedestrian bridge crossing; SC 19,207.

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

- 1.G [19-832](#) Action on a Resolution Ordering the Vacation of the Electric Easements at 190 N. Winchester Boulevard

Recommendation: 1. Adopt a Resolution Ordering the Vacation of the Electric Easements at 190 N. Winchester Boulevard [APN 303-16-073 (2018-19); SC 19,172]; and
2. Authorize the recordation of the Resolution.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 19-8753 ordering the vacation of the Electric Easements at 190 N. Winchester Boulevard.

- 1.H [19-872](#) Action on a Resolution for the Natural Gas Service Agreement Modification and Revised Exhibits with Pacific Gas and Electric Company

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute the Natural Gas Service Agreement Modification and Revised Exhibits which converts the standard PG&E G-EG tariff rate to the terms of the described negotiated rate in a form substantially similar to that in Attachment 2 and Subsequent Natural Gas Service Agreements, Natural Gas Service Agreement Modifications and Revised Exhibits required to support the continued operation of SVP's gas fired generation with Pacific Gas & Electric within approved budgeted amounts.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 19-8754 authorizing the City Manager to negotiate and execute the Natural Gas Service Agreement Modification and Revised Exhibits which converts the standard PG&E G-EG tariff rate to the terms of the described negotiated rate in a form substantially similar to that in Attachment 2 and Subsequent Natural Gas Service Agreements, Natural Gas Service Agreement Modifications and Revised Exhibits required to support the continued operation of SVP's gas fired generation with Pacific Gas & Electric within approved budgeted amounts.

- 1.I [19-876](#) Action to Award Agreement to Ice Rentals, LLC dba Special Ice for Annual Seasonal Ice Rink Installation, Management and Operation Services

Recommendation:

1. Authorize the City Manager to execute an Agreement with Ice Rentals, LLC dba Special Ice to install, operate, and manage a seasonal outdoor ice rink at Santa Clara Central Park for an initial term ending January 31, 2025, for a maximum compensation not to exceed \$545,000 for the initial term, subject to the appropriation of funds;
2. Authorize the City Manager to execute amendments to increase the maximum compensation for the agreement, subject to the appropriation of additional funds; and
3. Authorize the City Manager to execute five one-year options to extend the term of the Agreement after the initial term through January 31, 2030, subject to the appropriation of funds.

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

- 1.J [19-892](#) Report on Actions Taken During City Council Recess from July 17, 2019 to August 20, 2019

Recommendation: Note and file the report on actions taken during Council Recess from July 17, 2019 to August 20, 2019.

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

- 1.K [19-941](#) Action to Approve California Board of State and Community Corrections Funding to Combat Auto Burglaries and Related Budget Amendment

Recommendation: Approve California Board of State and Community Corrections Funding to Combat Auto Burglaries and Related Budget Amendment in the amount of \$750,000.

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

- 1.L [19-957](#) Action on a Resolution Revising the Council and Authorities
Concurrent/Stadium Authority Regular Meetings Dates for the 2019
Calendar Year

Recommendation: Adopt a Resolution revising the Council and Authorities
Concurrent/Stadium Authority regular meeting dates for the 2019 calendar
year to to set November 5, 2019 as a Stadium Authority regular meeting.

**A motion was made by Councilmember Davis, seconded by
Councilmember Watanabe, to adopt Resolution No. 19-8755
revising the Council and Authorities Concurrent/Stadium Authority
regular meeting dates for the 2019 calendar year to to set November
5, 2019 as a Stadium Authority regular meeting.**

- 1.M [19-935](#) Note and File Healthier Kids Foundation 4th Quarter Report FY 2018/19

Recommendation: Note and file the Healthier Kids Foundation FY2018-19 4th Quarter Report.

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

2. Presentation and Action on City Council and Stadium Authority Items:

- A. [19-1043](#) Informational Report on Litigation Matters Between the City/Stadium
Authority and the Forty Niners, and Third-Party Litigation Matters
Arising from the Stadium

Recommendation: Note and file Informational Report on Status of Litigation Matters
Between the City/Stadium Authority and the Forty Niners, and Third-Party
Litigation Matters Arising from the Stadium.

City Attorney/Stadium Authority Counsel Doyle presented the staff report.

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

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

Absent: 1 - Vice Mayor/Vice Chair Mahan

- B. [19-1025](#) Introduction of an Ordinance to Amend Sections 17.30.080, 17.30.090 and 17.30.120 modifying the Stadium Authority Executive Director's Authority to Execute Contracts

Recommendation: Alternative 1:

1. Introduce an Ordinance to Amend Development Code Chapter 17.30 Stadium Authority Procurement Policy to remove the Executive Director's delegated procurement authority.

City Manager/Executive Director Santana presented the staff report.

City Attorney/Stadium Authority Counsel Doyle and **City Manager/Executive Director Santana** addressed **Council/Board** comments and concerns.

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to approve introduction of Ordinance No. 2005, to amend Development Code Chapter 17.30 Stadium Authority Procurement Policy to remove the Executive Director's delegated procurement authority.

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

Absent: 1 - Vice Mayor Mahan

- C. [19-1011](#) Action on the Audited Santa Clara Stadium Authority Fiscal Year 2018/19 Annual Financial Statements

Recommendation: Note and file the Santa Clara Stadium Authority Fiscal Year 2018/19 Annual Financial Statements.

Stadium Authority Treasurer Lee and **Stadium Authority Counsel Doyle** presented the staff report.

Stadium Authority Treasurer Lee, Stadium Authority Counsel Doyle and **Executive Director Santana** addressed **Board** comments and concerns.

Public Speaker(s): Public Speaker (1)

A motion was made by Boardmember Davis, seconded by Boardmember Watanabe, to approve staff recommendation and forward Board comments to KPMG, LLP.

Aye: 6 - Boardmember O'Neill, Boardmember Watanabe, Boardmember Hardy, Boardmember Davis, Boardmember Chahal, and Chairperson Gillmor

Absent: 1 - Vice Chair Mahan

Council took a recess at 7:06 PM.

Council reconvened at 7:15 PM.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS (CITY COUNCIL AND STADIUM AUTHORITY)

3. [19-804](#) Direction to Finalize Terms for a Residential Recycling Agreement with Recology and Exclusive Franchise Agreement for Collection and Transportation of Garbage, Organics and Commercial Recyclables with Mission Trail Waste Systems, and to Enter into Negotiation with GreenWaste Recovery, Inc. for Solid Waste Processing, Transfer, Transport, Recycling, and Disposal Services

Recommendation: Alternatives 1, 3 or 4, and 6:

1. Direct staff to finalize terms with Recology for an agreement for residential recycling services for City Council consideration at a subsequent meeting.
3. Direct staff to finalize terms with Mission Trail Waste Systems for an exclusive franchise agreement for collection and transportation of garbage, organics and commercial recyclables for Council consideration at a subsequent meeting that incorporates Option 1 - expansion of the existing pilot split-cart food scraps recycling program to all single-family and townhouse customers/no change to current yard waste program.
4. Direct staff to finalize terms with Mission Trail Waste Systems for an exclusive franchise agreement for collection and transportation of garbage, organics and commercial recyclables for Council consideration at a subsequent meeting that incorporates Option 2 - provision of organics container to all single-family and townhouse customers to collect yard waste, food scraps and food-soiled paper.
6. Direct staff to enter negotiations with GreenWaste Recovery, Inc. for mixed waste processing, recycling, transfer, and disposal services of garbage, organics, and commercial recyclables. If negotiations are successful, incorporate into the Mission Trail Waste System Agreement for Council consideration at a subsequent meeting, Option 3 (in lieu of Option 1 and 2) - continuation of the same single-compartment garbage and yard waste services (that does not require customers to separate food scraps and food-soiled paper) and have the organic materials removed at a mixed waste processing material recovery facility.

Director of Public Works Mobeck initiated the staff report presentation.

Deputy Director of Public Works Staub and Garth Schultz (Principal, R3 Consulting Group, Inc) were called to speak to give further details of the presentation.

Public Speaker(s): Linda Knepper

Louie Pellegrini
Emily Hanson
Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember Chahal, to approve Alternative 1) Direct staff to finalize terms with Recology for an agreement for residential recycling services for City Council consideration at a subsequent meeting; Alternative 3) Direct staff to finalize terms with Mission Trail Waste Systems for an exclusive franchise agreement for collection and transportation of garbage, organics and commercial recyclables for Council consideration at a subsequent meeting that incorporates Option 1 - expansion of the existing pilot split-cart food scraps recycling program to all single-family and townhouse customers/no change to current yard waste program; and Alternative 6) Direct staff to enter negotiations with GreenWaste Recovery, Inc. for mixed waste processing, recycling, transfer, and disposal services of garbage, organics, and commercial recyclables. If negotiations are successful, incorporate into the Mission Trail Waste System Agreement for Council consideration at a subsequent meeting, Option 3 (in lieu of Option 1 and 2) - continuation of the same single-compartment garbage and yard waste services (that does not require customers to separate food scraps and food-soiled paper) and have the organic materials removed at a mixed waste processing material recovery facility.

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

Absent: 1 - Vice Mayor Mahan

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Davis reported that the Triton Museum of Art is having an Oktoberfest on Saturday, September 21, 2019 at 4:00 PM.

Councilmember Davis shared comments of concern regarding the Art and Wine Festival not having enough mugs and glasses with the dates. **City Manager Santana** stated that she would check into how many were ordered against sales and report back to **Council**.

Councilmember O'Neill reported that she attended her first full meeting as a **Boardmember of the Northwest Public Power Association** in Montana.

Councilmember Hardy reported on her attendance at the recent Bicycle and Pedestrian Advisory Committee meeting.

A motion was made by Councilmember/Boardmember Chahal, seconded by Councilmember/Boardmember O'Neill, to excuse Vice Mayor/Vice Chair Mahan.

Aye: 4 - Councilmember/Boardmember Hardy, Councilmember/Boardmember O'Neill, Councilmember/Boardmember Chahal, and Mayor/Chairperson Gillmor

Nay: 2 - Councilmember/Boardmember Davis, and Councilmember/Boardmember Watanabe

Absent: 1 - Vice Mayor/Vice Chair Mahan

Councilmember Chahal reported on his attendance at the Sikh Art Event at the Triton Museum of Art.

Mayor Gillmor reported the Art and Wine Festival was a success.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana thanked the **Mayor and Council** for supporting the Art and Wine Festival, and proceeded to share a video of the Art and Wine Festival and acknowledged all the efforts of staff and volunteers. She also mentioned to hold the date of September 19-20, 2020 for next year's festival.

City Manager Santana noted and provided an update on the following:

- The City will be posting the Public Records Request log every Friday on the City's website.
- September is National Hunger Action Month and the Santa Clara Library along with the Santa Clara Unified School District and Second Harvest Food Bank will be recognized at the September 24, 2019 County Board of Supervisors meeting.
- The upcoming Parade of Champions scheduled on September 28, 2019.
- She also shared a new business service the City has implemented allowing businesses to instantly file and print their Business License.

4. [19-672](#)

Response to the September 9, 2019 San José Spotlight article, written by Janice Bitters, titled "Santa Clara Bucked City Rules with Singer Public Relations Contracts"

Councilmember Davis requested a letter of explanation from Mercury News about an article written online on September 11, 2019 regarding the Rolling Stones curfew.

City Manager Santana addressed the concerns **Councilmember Davis** expressed.

[19-732](#)

Monthly Update on City Council and Stadium Authority Staff Referrals

[19-929](#)

Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 9:01 PM in **memory of Mr. Philip Tom** (longtime Santa Clara resident), and **James Viso** (former Santa Clara Mayor and Councilmember).

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

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

Excused: 1 - Vice Mayor/Vice Chair Mahan

[19-1093](#)

Adjournment of the September 17, 2019 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, September 24, 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."