



Draft

City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

09/24/2019

5:30 PM

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

5:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 5:30 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

19-1095

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

Convene to Closed Session (Council Conference Room)

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 6:16 PM.

Pledge of Allegiance and Statement of Values

Roll Call

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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney/Stadium Authority Counsel Doyle reported that the City Council/Stadium Authority Board voted unanimously (with all seven members present) to approve the proposed settlement in the case of *Nevarez v. City of Santa Clara, et al.*, United States District Court, Northern District of California, along with a side agreement with the Forty Niners Stadium Management Company and others. The case is a class action arising from ADA (Americans with Disabilities Act) violations at Levi's Stadium. The settlement agreement and side agreement taken together require that the Forty Niners pay class damages in the amount of \$24 million and take responsibility for compliance with class action noticing and other requirements. The Forty Niners will pay plaintiffs attorney's fees in the amount of approximately \$13.5 million. The Forty Niners will complete and pay for the remediation within the Stadium site and in the main lot. The City and Stadium Authority will complete and pay for remediation to the surrounding public rights of way. Forty Niners reserve their rights with regard to Stadium remediation items, as well as part of the attorney's fees. The Court will have oversight of the settlement during the three year compliance period during which time the remediation work will be completed and approved. Remediation work will be completed in accordance with all applicable laws and the settlement agreements will become public documents after they are signed.

CONTINUANCES/EXCEPTIONS

None.

SPECIAL ORDER OF BUSINESS

1. [19-932](#) Recognition of Outgoing Senior Advisory Commissioner Barbara "Bobbi" Estrada and Board of Library Trustee David Kyo

Mayor Gillmor expressed comments of gratification on behalf of the **Council** towards former **Senior Advisory Commissioner Estrada** and outgoing **Board of Library Trustee Kyo** for their service to the City.

Director of Parks and Recreation Teixeira commented on former **Commissioner Estrada's** service to the community.

City Librarian Keith commented on former **Trustee Kyo's** service to the community.

Public Speaker(s): Jan Hintermeister

CONSENT CALENDAR

Mayor Gillmor pulled Items 2.E and 2.L.

Councilmember Chahal pulled Item 2.J.

Vice Mayor Mahan recused herself from Item 2.G due to her property being within 500-feet of 908 Fremont Street.

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to approve the balance of the Consent Calendar (except Items 2.E, 2.J and 2.L).

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

- 2.A [19-953](#) Action on Council and Authorities Concurrent Meeting Minutes of August 20, 2019, and City Council Special Meeting Minutes of August 26, 2019

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

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

2.B [19-035](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Youth Commission - May 14, 2019
Audit Committee - February 25, 2019
Historical and Landmarks Commission - June 6, 2019
Parks & Recreation Commission - August 20, 2019

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

2.C [19-658](#) Action on a Resolution Ordering the Vacation of the Public Utility and Storm Drain Easement at 3755 Tahoe Way

Recommendation: 1. Adopt a Resolution Ordering the Vacation of Public Utility Easement and Storm Drain Easement at 3755 Tahoe Way [APN 205-38-022 (2019-20); SC 19,149]; and
2. Authorize the recordation of the Resolution.

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to adopt Resolution No. 19-8756 ordering the Vacation of Public Utility Easement and Storm Drain Easement at 3755 Tahoe Way [APN 205-38-022 (2019-20); SC 19,149] and authorize the recordation of the Resolution.

2.D [19-760](#) Action on the Award of Purchase Order to First Alarm Security & Patrol, Inc. dba First Security Services for Security Guard Services at the Santa Clara City Library

Recommendation: 1. Authorize the City Manager to execute a Purchase Order with First Alarm Security & Patrol, Inc., dba First Security Services for an initial term ending on September 30, 2020, for an amount not to exceed \$89,190; and
2. Authorize the City Manager to execute up to nine one-year options to renew the Purchase Order through September 30, 2029 with compensation increases subject to the City Manager's approval.

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

- 2.F [19-891](#) 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 3420 Central Expressway, 3697 Tahoe Way, Serra Substation, 3655 Kifer Road, 2200 Lawson Lane, 1990 El Camino Real, Tasman Drive and Stars & Stripes Drive, 1500 Memorex Drive, 2264 Benton Street, 2139 King Court, and Kifer Road at Cooper Street.

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to adopt Resolution No. 19-8757 approving the use of City Electric Forces for the installation of facilities at 3420 Central Expressway, 3697 Tahoe Way, Serra Substation, 3655 Kifer Road, 2200 Lawson Lane, 1990 El Camino Real, Tasman Drive and Stars & Stripes Drive, 1500 Memorex Drive, 2264 Benton Street, 2139 King Court, and Kifer Road at Cooper Street.

- 2.G [19-900](#) Action on Rezoning from CD - Downtown Commercial to R1-6L Single-Family and Adoption of a Resolution at 908 Fremont Street.

Recommendation: Adopt a Resolution Rezoning the property at 908 Fremont Street from CD - Downtown Commercial to R1-6L Single Family.

Vice Mayor Mahan recused herself from Item 2.G due to her property being within 500-feet of 908 Fremont Street.

A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to adopt Resolution No. 19-8758 rezoning the property at 908 Fremont Street from CD - Downtown Commercial to R1-6L Single Family.

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

Recused: 1 - Vice Mayor Mahan

- 2.H [19-901](#) Action on Bills and Claims Report (CC, SA, HA) for the period August 23rd - September 12th

Recommendation: Approve the list of Bills and Claims for August 23, 2019 - September 12, 2019.

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

- 2.I [19-918](#) Action on the Fiscal Operation of the Santa Clara Golf and Tennis Club Report for the 4th Quarter ended June 30, 2019

Recommendation: Note and file the Status Report for the Fiscal Operation of the Santa Clara Golf and Tennis Club for the fourth quarter ended June 30, 2019.

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

- 2.K [19-948](#) Action on Monthly Financial Status and Investment Reports for June 2019 and July 2019

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

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

- 2.M [19-997](#) Action on Agreements with the County of Santa Clara for Use of the Santa Clara City Libraries as Vote Centers

Recommendation: Approve the Vote Center Facility Use Agreements with the County of Santa Clara for Vote Centers at the Central Park Library, Northside Branch Library and Mission Branch Library.

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

- 2.N [19-1013](#) Action on Council and Authorities Concurrent and Stadium Authority Meetings for 2020

Recommendation: Set the 2020 calendar year Council and Authorities Concurrent and Stadium Authority as reflected on the attached calendar.

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

- 2.O [19-1052](#) Accept the 2019 Assistance to Firefighters Grant in the amount of \$147,764 for Conducting Safety Officer Training for Department Personnel and Approve the Related Budget Amendment

Recommendation: Accept the 2019 Assistance to Firefighters Grant in the amount of \$147,764 for Conducting Safety Officer Training for Department Personnel and Approve the Related Budget Amendment including the required 10% City match.

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

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.J [19-937](#) Action on an Agreement for Services with HouseKeys Inc. for Administration of the City's Affordable Rental Program

Recommendation: 1. Approve and authorize the City Manager to execute the Agreement for Services with HouseKeys Inc for Administration of the City's Affordable Rental Program in an amount not to exceed \$211,000, and all related documents for the provision of administrative services for the Affordable Purchase Program effective September 24, 2019; and
2. Approve and authorize an additional \$61,000 appropriation to cover the one-time onboarding fee, which will be paid from Housing Special Revenue Funds.

Councilmember Chahal pulled this item for further discussion.

Housing & Community Services Division Manager Veach addressed Council questions.

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

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

2.E [19-818](#)

Action on Resolutions Dedicating Portions of City-Owned Land for Use as a Street and Utility Easement and Underground Electric Easement Adjacent to Tasman Drive Next to the Santa Clara Youth Soccer Park and Adjacent to Great America Parkway at the Closed Santa Clara Landfill

- Recommendation:**
1. Adopt a Resolution Dedicating a Portion of City-owned Land located at the Santa Clara Youth Soccer Park adjacent to Tasman Drive for use as a street and utility easement [APN 104-03-056 (2019-20); SC 19,209];
 2. Adopt a Resolution Dedicating a Portion of City-owned Land located at the Northwest Corner of Parcel 4 of the closed Santa Clara landfill adjacent to Great America Parkway for use as an underground electric easement [APN 104-03-036 (2019-20); SC 19,208]; and
 3. Authorize the recordation of the Resolutions.

Mayor Gillmor pulled this item for further discussion.

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

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to: 1) adopt Resolution No. 19-8759 dedicating a portion of City-owned Land located at the Santa Clara Youth Soccer Park adjacent to Tasman Drive for use as a street and utility easement [APN 104-03-056 (2019-20); SC 19,209]; 2) adopt Resolution No. 19-8760 dedicating a portion of City-owned Land located at the Northwest Corner of Parcel 4 of the closed Santa Clara landfill adjacent to Great America Parkway for use as an underground electric easement [APN 104-03-036 (2019-20); SC 19,208]; 3) to authorize the recordation of the Resolutions and direct staff and the Parks and Recreation Commission to provide input for the artwork and have the developer finance the construction and maintenance for the term of the lease.

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

- 2.L [19-956](#) Action on a Resolution Approving an Affordable Housing Agreement with ZAEN Partners, LLC for the Project Located at 2310 Calle Del Mundo

Recommendation: 1. Adopt a Resolution approving and authorizing the City Manager to execute the Affordable Housing Agreement with ZAEN Partners, LLC, and authorizing the City Manager to negotiate, execute, and record any documents necessary to implement the terms of the Affordable Housing Agreement consistent with this Report including amendments to the Affordable Housing Agreement, to implement the terms, covenants, and restrictions associated with the provision of thirty (30) very low-income units at 2310 Calle Del Mundo (APN# 097-05-059); and,
2. Authorize the recordation thereof.

Mayor Gillmor pulled this item to request a continuance for further information.

A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to continue item to a future Council date.

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

PUBLIC HEARING/GENERAL BUSINESS

3. [19-288](#) Public Hearing on Amendments to the City Code Related to Massage Establishments

Recommendation: Alternative 1:
Introduce the Ordinance on proposed Amendments to Chapters 5.40 and the Planning Commission's recommended Amendments to Chapters 18.34, 18.36, 18.42, 18.56, 18.70 and 18.104 of the Santa Clara City Code.

Police Captain Kazem, Planning Manager Brilliot and Assistant City Attorney Abbe presented the staff report and PowerPoint presentation.

Council comments and questions followed.

Police Captain Kazem, Planning Manager Brilliot and Assistant City Attorney Abbe responded to Council comments and questions.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to close the Public Hearing.

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

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to introduce Ordinance No. 2006 on proposed Amendments to Chapters 5.40 and the Planning Commission's recommended Amendments to Chapters 18.34, 18.36, 18.42, 18.56, 18.70 and 18.104 of the Santa Clara City Code and direct staff to check the viability to amend for gym use.

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

4. [19-905](#) Public Hearing: Fiscal Year 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER) for the Use of Federal Housing and Urban Development (HUD) Funds

Recommendation: Alternative 1:

1. Approve the FY 2018-2019 Consolidated Annual Performance and Evaluation Report(CAPER) for the use of HUD Funds (Attachment 1), and authorize the City Manager, or her designee, to execute the documents for submission to the U.S. Department of Housing and Urban Development (HUD) by September 30, 2019 unless otherwise directed by HUD.

Housing & Community Services Division Manager Veach gave a PowerPoint presentation.

Council comments and questions followed.

Housing & Community Services Division Manager Veach responded to Council comments and questions.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to close the Public Hearing.

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

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

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

5. [19-073](#) Consideration of Silicon Valley Power Quarterly Strategic Plan Update

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

Chief Electric Utility Officer Pineda presented the staff report and PowerPoint presentation.

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

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

6. [19-004](#) Action on a Resolution Adopting the Santa Clara Bicycle Plan Update 2018

Recommendation: Alternative 1: Adopt a resolution adopting the Santa Clara Bicycle Plan Update 2018.

Director of Public Works Mobeck presented the staff report and PowerPoint presentation.

Public Speaker(s): Erik Lindslog
John Cordes
Betsy Megas
Chris Howden
Mikael "Mike" Bengtsson
Public Speaker (1)

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

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

A motion was made by Councilmember Hardy, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8761 adopting the Santa Clara Bicycle Plan Update 2018.

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

PUBLIC PRESENTATIONS

Public Speaker(s): Public Speaker expressed comments concerning illegal food vendors outside the Stadium.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Watanabe reported on her attendance at a Santa Clara Valley Water District meeting concerning The Guadalupe River flood protection project.

Councilmember O'Neill reported that it is National Rail Safety Month.

Councilmember Hardy reminded everyone about the Parade of Champions happening Saturday, September 28, 2019.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

In **City Manager Santana's** absence **Assistant City Manager Pineda** noted there was nothing to report out.

[19-996](#)

Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

The meeting was adjourned at 8:58 PM.

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

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

The next regular scheduled meeting is on Tuesday evening, October 8, 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."