



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

10/08/2019

4:30 PM

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

****Revisions:**

- (1) Removed Closed Session - will be heard at a later date.
- (2) The meeting start time is at 4:30 PM.
- (3) Removed Item #8 - 19.1117.

4:30 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Joint Study Session to order at 4:34 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

[19-539](#)

Joint Study Session with Planning Commission on the Zoning Code Comprehensive Update: Uses in Single-Family Districts and Short-Term Rental Regulations

Planning Manager Brilliot gave a PowerPoint presentation.

Planning Manager Brilliot, City Attorney Doyle and Director of Community Development Crabtree addressed Council and Planning Commission questions and concerns.

Public Speaker(s): Joe Garcia Jr.
Shellie Woodworth
Margy Bauman
Public Speakers (6)

Council went into recess at 6:05 PM.

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor/Chair Gillmor called the meeting to order at 6:18 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 6 - Vice Mayor/Vice Chair Patricia M. Mahan, Councilmember/Boardmember Karen Hardy, Councilmember/Boardmember Teresa O'Neill, Councilmember/Boardmember Kathy Watanabe, Councilmember/Boardmember Raj Chahal, and Mayor/Chair Lisa M. Gillmor

Absent: 1 - Councilmember/Boardmember Debi Davis

A motion was made by Councilmember/Boardmember Watanabe, seconded by Councilmember/Boardmember O'Neill, to excuse Councilmember/Boardmember Davis.

Aye: 6 - Vice Mayor/Vice Chair Mahan, Councilmember/Boardmember Hardy, Councilmember/Boardmember O'Neill, Councilmember/Boardmember Watanabe, Councilmember/Boardmember Chahal, and Mayor/Chair Gillmor

Absent: 1 - Councilmember/Boardmember Davis

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

Closed Session items removed from Agenda - No actions to report on.

CONTINUANCES/EXCEPTIONS

None.

City Manager Santana presented a Working Scholars Program video.

Mechanical Maintenance Worker/Working Scholar Ferraris expressed gratitude for the Working Scholars Program.

SPECIAL ORDER OF BUSINESS

- 1.A** [19-836](#) Recognition of Community and Corporate Partners of the Santa Clara City Library Foundation and Friends
- City Librarian Keith** introduced the **Santa Clara City Library Foundation and Friends, President Bhatia.**
- President Bhatia** introduced one of the **Santa Clara City Library Foundation and Friends Founders Nancy Toledo.**
- President Bhatia** recognized and thanked each of the various Community and Corporate partners for their contributions.
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- 1.B** [19-1169](#) Proclamation of Breast Cancer Awareness Month
- Mayor and Council** issued a Proclamation proclaiming the month of October 2019 as Breast Cancer Awareness Month.
- Vice Mayor Mahan** shared her own personal story as a breast cancer survivor.
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- 1.C** [19-1170](#) Proclamation of Domestic Violence Awareness Month
- Mayor and Council** issued a Proclamation proclaiming the month of October 2019 as Domestic Violence Awareness Month to Next Door Solutions to Domestic Violence, which was accepted by **Esther Peralez-Dieckmann** (Executive Director, Next Door Solutions to Domestic Violence).

CONSENT CALENDAR

Councilmember Chahal pulled Item 2.H.

Mayor Gillmor pulled Item 2.L.

A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to approve the balance of the Consent Calendar (except items 2.H and 2.L).

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

Excused: 1 - Councilmember Davis

- 2.A [19-783](#) Council and Authorities Concurrent Meeting Minutes of August 27, 2019 and City Council Special Meeting Minutes of September 4, 2019

Recommendation: Note and file the Council and Authorities Concurrent Meeting Minutes of August 27, 2019 and City Council Special Meeting Minutes of September 4, 2019.

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

- 2.B [19-036](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Historical and Landmarks Commission - May 2, 2019
Planning Commission - August 28, 2019
Senior Advisory Commission - August 26, 2019

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

- 2.C [19-845](#) Action on the Award of a Purchase Order to Charles Electric for Electrical Support Services

Recommendation: 1. Authorize the City Manager to execute a purchase order with Charles Electric for an initial term starting on or about November 1, 2019 and ending on October 31, 2020, for a maximum compensation not-to-exceed \$225,500 during the initial term; and
2. Authorize the City Manager to exercise up to four one-year options to renew the purchase order through October 31, 2024, subject to the annual appropriation of funds.

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

- 2.D [19-963](#) Action on the Award of Purchase Order to RWG USA, Inc. for Turbine Engine Major Overhaul Services for Silicon Valley Power

Recommendation: 1. Authorize the City Manager to execute a Purchase Order with RWG USA, Inc., for an amount not to exceed \$844,635; and
2. Authorize the City Manager to execute an option for a major overhaul of the second Alison 501-KB5 gas turbine engine at the Cogeneration Plant, subject to the same terms and the appropriation of funds.

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

- 2.E [19-966](#) Action on the Transmission Agency of Northern California Project Agreement No. 6 for Regulatory Engagement in Participating Transmission Owner Cases before the Federal Energy Regulatory Commission

Recommendation: Authorize the City Manager to execute the Transmission Agency of Northern California Project Agreement No. 6 for Regulatory Engagement in Participating Transmission Owner Cases before the Federal Energy Regulatory Commission.

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

- 2.F [19-986](#) Action on Amendment No. 1 to Call 17-1 with Nexant, Inc. to Provide the Specialized Commercial and Industrial Operational Optimization Program Third Party Energy Efficiency Program

Recommendation: Authorize the City Manager to execute Amendment No. 1 to Call 19-1 Agreement with Nexant, Inc. to provide the Specialized Commercial and Industrial Operational Optimization Program Third Party Energy Efficiency Program extending the service provided until January 24, 2022 in an amount not-to exceed \$474,000, subject to annual appropriation of funds.

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

- 2.G [19-998](#) Update on project located at 2330 Monroe Street with Freebird Development Company, LLC: Status of Disposition and Development Agreement and Project Approvals

Recommendation: Note and File the Informational Memo on the project located at 2330 Monroe Street with Freebird Development Company, LLC.

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

- 2.I [19-1051](#) Action on the Appointment of Additional Members to the Tourism Improvement District (TID) Advisory Board

Recommendation: Appoint Additional Members Representing AC Hotel and Element Santa Clara Hotel to the Tourism Improvement District (TID) Advisory Board.

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

- 2.J [19-1075](#) Action on Amendment No. 1 to the Agreement with FIS AvantGard LLC ("FIS"), formerly known as SunGard AvantGard LLC, for an Investment Management and Portfolio Accounting Solution

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Agreement with FIS AvantGard LLC for APS2 SaaS/WEB investment and portfolio accounting software for a term of two years ending September 30, 2021, with the option of an additional two-year term.

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

- 2.K [19-1084](#) Adoption of a Resolution Calling and Giving Notice of a Special Municipal Election to be held on Tuesday, March 3, 2020 for the Office of Elected Chief of Police; Requesting that the Board of Supervisors of the County of Santa Clara Consolidate the Special Election with the Statewide Presidential Primary Election; and Adopt Regulations for Candidate Statements of Qualifications Submitted to the Voters and Levying a Share of the Cost of the Candidates' Statements

Recommendation: Adopt a Resolution Calling and Giving Notice of a Special Municipal Election to be held on Tuesday, March 3, 2020 for the Office of Elected Chief of Police; Requesting that the Board of Supervisors of the County of Santa Clara Consolidate the Special Election with the Statewide Presidential Primary Election; and Adopt Regulations for Candidate Statements of Qualifications Submitted to the Voters and Levying a Share of the Cost of the Candidates' Statements.

A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to adopt Resolution No. 19-8762 Calling and Giving Notice of a Special Municipal Election to be held on Tuesday, March 3, 2020 for the Office of Elected Chief of Police; Requesting that the Board of Supervisors of the County of Santa Clara Consolidate the Special Election with the Statewide Presidential Primary Election; and Adopt Regulations for Candidate Statements of Qualifications Submitted to the Voters and Levying a Share of the Cost of the Candidates' Statements.

- 2.M** [19-1106](#) Action on Adoption of Ordinance No. 2006 Amending Chapter 5.40 ("Massage Services And Massage Establishments") of Title 5 ("Business Licenses And Regulations"), and Chapters 18.34 ("Regulations For CN-Neighborhood Commercial Zoning Districts"), 18.36 ("Regulations For CC-Community Commercial Zoning Districts"), 18.42 ("Regulations For CP-Commercial Park Zoning Districts"), 18.56 ("Planned Development-Master Community Zoning Districts"), 18.70 ("Use Regulations Applicable To Specified Regulated Businesses") and 18.104 ("Massage Establishments") of Title 18 ("Zoning") of "The Code of The City of Santa Clara, California" to Amend Regulations Relating To Massage Establishments

Recommendation: Adopt Ordinance No. 2006, Amending Chapter 5.40 ("Massage Services And Massage Establishments") of Title 5 ("Business Licenses And Regulations"), and Chapters 18.34 ("Regulations For CN-Neighborhood Commercial Zoning Districts"), 18.36 ("Regulations For CC-Community Commercial Zoning Districts"), 18.42 ("Regulations For CP-Commercial Park Zoning Districts"), 18.56 ("Planned Development-Master Community Zoning Districts"), 18.70 ("Use Regulations Applicable To Specified Regulated Businesses") and 18.104 ("Massage Establishments") of Title 18 ("Zoning") of "The Code of The City of Santa Clara, California" to Amend Regulations Relating To Massage Establishments.

A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to adopt Ordinance No. 2006, Amending Chapter 5.40 ("Massage Services And Massage Establishments") of Title 5 ("Business Licenses And Regulations"), and Chapters 18.34 ("Regulations For CN-Neighborhood Commercial Zoning Districts"), 18.36 ("Regulations For CC-Community Commercial Zoning Districts"), 18.42 ("Regulations For CP-Commercial Park Zoning Districts"), 18.56 ("Planned Development-Master Community Zoning Districts"), 18.70 ("Use Regulations Applicable To Specified Regulated Businesses") and 18.104 ("Massage Establishments") of Title 18 ("Zoning") of "The Code of The City of Santa Clara, California" to Amend Regulations Relating To Massage Establishments.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.H [19-1002](#) Approve City Position on Proposed League of California Cities' 2019 Annual Conference Resolutions

Recommendation: Approve "Take No Position" positions for the proposed Resolution #1, Call on the California Public Utilities Commission to Amend Rule 20A to Add Projects in Very High Fire Hazard Severity Zones to the List of Eligible Criteria and to Increase Funding Allocations for Rule 20A Projects, and Resolution #2, Call Upon the Federal and State Governments to Address the Devastating Impacts of International Transboundary Pollution Flows into the Southernmost Regions of California and the Pacific Ocean, and authorize the City's voting delegate/alternate to cast votes consistent with the City Council's adopted positions.

Councilmember Chahal pulled this item for further comments.

A motion was made by Councilmember Hardy, seconded by Councilmember Watanabe, to approve "Take No Position" positions for the proposed Resolution #1, Call on the California Public Utilities Commission to Amend Rule 20A to Add Projects in Very High Fire Hazard Severity Zones to the List of Eligible Criteria and to Increase Funding Allocations for Rule 20A Projects, and Resolution #2, Call Upon the Federal and State Governments to Address the Devastating Impacts of International Transboundary Pollution Flows into the Southernmost Regions of California and the Pacific Ocean, and authorize the City's voting delegate/alternate to cast votes consistent with the City Council's adopted positions.

Aye: 5 - Vice Mayor Mahan, Councilmember Hardy, Councilmember O'Neill, Councilmember Watanabe, and Mayor Gillmor

Nay: 1 - Councilmember Chahal

Excused: 1 - Councilmember Davis

- 2.L [19-1098](#) Resolution Establishing the Political Campaign Voluntary Expenditure Limit and Campaign Contribution Limit for March 3, 2020

Recommendation: Adoption of a Resolution establishing the Political Campaign Voluntary Expenditure Limit and Campaign Contribution Limit for the March 3, 2020 Special Municipal Election.

Mayor Gillmor pulled this item for further discussion.

A motion was made by Councilmember Hardy, seconded by Vice Mayor Mahan, to adopt Resolution No. 19-8763 establishing the Political Campaign Voluntary Expenditure Limit and Campaign Contribution Limit for the March 3, 2020 Special Municipal Election and to direct staff to review the expenditure limit for Districts and at-large seats for the November 2020 Election.

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

Excused: 1 - Councilmember Davis

PUBLIC HEARING/GENERAL BUSINESS

3. [19-1042](#) Presentation and Possible Action on the 2019 Employee Survey Findings

Recommendation: Note and File 2019 Employee Survey Findings.

City Manager Santana introduced **Jessica Polsky** (EMC research representative) to present a PowerPoint on the employee survey results.

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

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

Excused: 1 - Councilmember Davis

4. [19-1006](#) Action on the Award of Agreement to Wallace Roberts & Todd, LLC for Downtown Precise Plan Consultant Services and Related Budget Amendment

Recommendation:

1. Authorize the City Manager to execute an agreement with Wallace Roberts & Todd, LLC to provide Downtown Precise Plan Consultant Services for an initial three-year term ending September 30, 2022, for a maximum compensation not to exceed \$578,346, subject to the annual appropriation of funds;
2. Approve the related budget amendment recognizing appropriations of an additional \$268,346 in FY 2019/20 in the Downtown Master Plan Capital Improvement Project for the development of a Downtown Precise Plan funded by the General Fund Advanced Planning Reserve; and
3. Authorize the City Manager to execute an amendment to extend the Agreement for an additional three-year period ending September 30, 2025 and increase maximum compensation in the event that additional services are required, subject to the annual appropriation of funds.

Mayor Gillmor and **Vice Mayor Mahan** recused themselves due to potential conflict of interest and left the dais.

Councilmember O'Neill presided over this item.

Director of Community Development Crabtree made a PowerPoint presentation.

Public Speaker(s): Atisha Varshney (Wallace Roberts & Todd, LLC representative)

Dan Ondrasek
Nancy Biagini

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

Aye: 4 - Councilmember Hardy, Councilmember O'Neill, Councilmember Watanabe, and Councilmember Chahal

Excused: 1 - Councilmember Davis

Recused: 2 - Vice Mayor Mahan, and Mayor Gillmor

5. [19-1101](#) Direction on Santa Clara's Participation in Collaborative Efforts by the Cities Association of Santa Clara County to Address the Regional Housing Need Allocation

Recommendation: Alternative 1:
Direct staff to work with the Cities Association RHNA Task Force on a planning collaborative.

Director of Community Development Crabtree made a PowerPoint presentation.

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

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

Excused: 1 - Councilmember Davis

6. Action on Stadium Authority Items:

- A. [19-1121](#) Report on Letter from attorney for Forty-Niners Stadium Management Co. and ratification of Stadium Authority Counsel's issuance of Notice of Termination

Recommendation: Ratify the Stadium Authority Counsel's issuance of the Notice of Termination.

Stadium Authority Counsel Doyle made a verbal presentation of the Staff Report.

Public Speaker(s): Jon Curcio

Walter Wilson
Reginald Swilley
Public Speaker (1)

A motion was made by Boardmember O'Neill, seconded by Boardmember Watanabe, to approve staff recommendation.

Aye: 5 - Boardmember Hardy, Boardmember O'Neill, Boardmember Watanabe, Boardmember Chahal, and Chair Gillmor

Excused: 1 - Boardmember Davis

Abstained: 1 - Vice Chair Mahan

- B. [19-1110](#) Action on Adoption of Ordinance No. 2005 Amending Sections 17.30.080 ("Best Value Selection Procedures"), 17.30.090 ("Formal Bidding Procedure"), And 17.30.120 ("Service Contracts-Signature Authority") Of Title 17 ("Development") Of "The Code Of The City Of Santa Clara, California"

Recommendation: Adopt Ordinance No. 2005 Amending Sections 17.30.080 ("Best Value Selection Procedures"), 17.30.090 ("Formal Bidding Procedure"), And 17.30.120 ("Service Contracts-Signature Authority") Of Title 17 ("Development") Of "The Code Of The City Of Santa Clara, California".

City Attorney Doyle presented the staff report.

A motion was made by Councilmember O'Neill, seconded by Councilmember Watanabe, to adopt Ordinance No. 2005 Amending Sections 17.30.080 ("Best Value Selection Procedures"), 17.30.090 ("Formal Bidding Procedure"), And 17.30.120 ("Service Contracts-Signature Authority") Of Title 17 ("Development") Of "The Code Of The City Of Santa Clara, California".

Aye: 5 - Councilmember Hardy, Councilmember O'Neill, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

Nay: 1 - Vice Mayor Mahan

Excused: 1 - Councilmember Davis

7. [19-1172](#) Deferral on Amendment to Resolution No. 19-8749 to establish the Park In-Lieu Fee Schedule for New Residential Development and to determine the Park Improvement Cost to be used in Fee Calculations

Recommendation: Note and File this report.

City Manager Santana reported that the item would be deferred to the October 29, 2019 Council meeting.

A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to defer this item to the October 29, 2019 Council meeting.

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

Excused: 1 - Councilmember Davis

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor reported on her attendance at the Northern California Power Agency (NCPA) Conference with **Councilmember O'Neill** and **Councilmember Davis**.

Councilmember O'Neill reported on her attendance at the NCPA Conference.

Councilmember Watanabe reported on her attendance at the following:

- Cities Association seminar with **Councilmember O'Neill**.
- Airport Noise Community meeting at the Northside Library Branch with **Mayor Gillmor** and **Councilmember Chahal**.
- The Firehouse Family Fair at Fire Station 2.

Councilmember Chahal reported on his attendance at the Airport Noise Community meeting at the Northside Library Branch.

Councilmember Hardy shared comments on the legal decibel standards concerning airport noise.

Mayor Gillmor reported that the Parade of Champions was a success, and expressed interest in adding a Special Order of Business Item to future agenda to acknowledge the efforts of the committee.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana shared comments and provided updates on the following:

- Information on the budget kickoff meeting and the budget development process.

- Upcoming Saturday's Comic Con event at Central Park Library.

- Pacific Gas & Electric (PG&E) alerted the City on the potential Public Safety Power Shutoff events. **City Manager Santana** reported that the City of Santa Clara residents and Silicon Valley Power customers are not currently affected; however, some employees may be affected and the City will continue to keep the public informed during these events.

8. [19-911](#) Informational Report to Council on the Implementation of an Unmanned Aircraft System Program
9. [19-1057](#) Monthly Update on City Council and Stadium Authority Staff Referrals

ADJOURNMENT

The meeting was adjourned at 9:15 PM in memory of **Sandeep Singh Dhaliwal** (Harris County Sheriff Deputy) and **Brian Mulkeen** (New York Police Department Officer).

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

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

Excused: 1 - Councilmember Davis

[19-1192](#) Adjournment of the October 8, 2019 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, October 29, 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."