



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

01/28/2020

3:30 PM

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

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

None.

[20-129](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Bloom Energy Corporation, et al. v. City of Santa Clara, et al., Santa Clara
County Superior Court Case No. 19CV348838

[20-130](#)

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)

- [20-131](#) Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: Mayor Lisa M. Gillmor
Unrepresented employee: City Attorney
- [20-154](#) Public Employee Performance Evaluation (CC)
Pursuant to Gov. Code § 54957
Title: City Attorney
- [20-155](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(2) - Exposure to litigation
Number of potential cases: 1
Facts and Circumstances: Letter from All Vision LLC dated January 17,
2020 regarding termination of Agreement and costs incurred

Convene to Closed Session (Council Conference Room)

5:30 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 5:33 PM.

Pledge of Allegiance and Statement of Values

Roll Call

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

1. [20-146](#) Informational Report on Councilmember Patricia Mahan's resignation from City Council

Recommendation: Note and File the staff report.

City Clerk Haggag presented the Informational Report.

Councilmember Mahan expressed it has been an honor and privilege for her to serve Santa Clara and the community throughout her Council years and gave a highlight of her top ten Council accomplishments.

Public Speaker(s): Jeannie Mahan
Bill Davis

Council expressed deep gratitude and appreciation for **Councilmember Mahan's** dedicated years of service to Santa Clara.

A motion was made by Councilmember O'Neill, seconded by Vice Mayor Hardy, to note and file the staff report.

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

Councilmember Mahan left the dais immediately after Item 1 was heard and did not return to the meeting.

2. [20-1376](#) Study Session: Census 2020 Update - Communication and Outreach Plan [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Review and provide input on the Census 2020 Update - Communication and Outreach Plan

Management Analyst Davis in conjunction with **Ray Mueller** (Partnership Specialist U.S. Census Bureau, Los Angeles Region) presented the PowerPoint Presentation on the Study Session.

Public Speaker(s): Public Speaker (2)

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle reported that there was no reportable action taken in Closed Session.

CONTINUANCES/EXCEPTIONS

3. [20-150](#) Request to Defer: Information on Alternate Leasing Plan for Department Stores at Related Santa Clara Project [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: Note and file the request to defer an Information Report on Alternate Leasing Plan for Department Stores at Related Santa Clara Project.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to defer item to a future Council meeting to be determined.

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

Absent: 1 - Councilmember Mahan

SPECIAL ORDER OF BUSINESS

4. [20-1352](#) Recognition of Holiday Decoration Contest Winners

Recommendation: Recognize the winners of the Cultural Commission's citywide Holiday Decoration Contest.

Vice Chair Marinaro and Chair Samara presented the Special Order of Business Report to recognize the winners of the Cultural Commission's citywide Holiday Decoration Contest.

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve the balance of the Consent Calendar (except Item 5.I).

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

Absent: 1 - Councilmember Mahan

- 5.A [20-74](#) Action on Special City Council Meeting Minutes of July 10, 2019, Stadium Authority and Special City Council Meeting Minutes of December 3, 2019, and Special City Council Meeting Minutes of December 9, 2019 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file Special City Council Meeting Minutes of July 10, 2019, Stadium Authority and Special City Council Meeting Minutes of December 3, 2019, and Special City Council Meeting Minutes of December 9, 2019.

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

- 5.B [20-02](#) Board, Commissions and Committee Minutes [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file the Minutes of:

Senior Advisory Commission - October 28, 2019
Cultural Commission - November 4, 2019
Cultural Commission - December 2, 2019
Youth Commission - December 10, 2019

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

- 5.C [20-1269](#) Action on Amendment No. 1 to an Agreement with Waterproofing Associates, Inc. for On-Call Roofing Repair [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 1 with Waterproofing Associates, Inc. for on-call roofing repair and maintenance services for an amount not-to-exceed \$290,000, subject to future budget appropriations;
2. Authorize the City Manager to make minor modifications to Amendment No. 1, if necessary; and
3. Authorize the City Manager to extend the term of the agreement with no increase in compensation in the event that the work is not completed by the agreement end date.

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

- 5.D [20-1428](#) Action on Power Purchase and Sale Agreements between Silicon Valley Power and West Valley-Mission Community College District and SunPower Corporation, Systems [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Authorize the City Manager to execute a Power Purchase and Sale Agreement with West Valley-Mission Community College District;
2. Authorize the City Manager to execute a Power Purchase and Sale Agreement with SunPower Corporation, Systems; and
3. Authorize the City Manager to make any minor modifications and amendments as required for the life of these Power Purchase and Sale Agreements to maintain the balance of benefits to SVP and the other parties.

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

- 5.E [20-1467](#) Action on the Adoption of a Resolution Accepting the AB1600 Report on Development Impact Fees for Fiscal Year Ended June 30, 2019 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Adopt a Resolution accepting the status report on the receipt and use of AB1600 Development Impact Fees during fiscal year ending June 30, 2019.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 20-8801 accepting the status report on the receipt and use of AB1600 Development Impact Fees during fiscal year ending June 30, 2019.

- 5.F [20-2456](#) Action on Adoption of a Resolution Declaring Weeds a Public Nuisance and Setting February 25, 2020 for Public Hearing [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation:

1. Adopt a Resolution ordering the abatement of nuisance consisting of growing weeds in the City; and
2. Set February 25, 2020 as the date for the required Public Hearing.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to 1. adopt Resolution No. 20-8802 ordering the abatement of nuisance consisting of growing weeds in the City; and 2. Set February 25, 2020 as the date for the required Public Hearing.

- 5.G [20-1388](#) Approval of the Annual Investment Policy Statement for the City of Santa Clara, its Agencies and Corporations [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation:

Approve the Investment Policy for the City of Santa Clara, its agencies and corporations.

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

- 5.H [20-84](#) Supplementary Declaration of Covenants, Conditions and Restrictions (CC&Rs) for the Catalina Townhomes [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: Note and file the proposed Supplemental Declaration of Covenants, Conditions and Restrictions For the Catalina Townhomes.

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

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

- 5.I [20-73](#) Action on Confirming Strategic Direction for the Civic Center Master Plan from December 17, 2019 Study Session [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Direct the City Manager to proceed with a phased approach for the development of the Civic Center Master Plan with no private commercial or residential development at City Hall or adjacent parkland. The initial phase shall comprise of the Utility Building and associated Civic Center shared amenities.

Vice Mayor Hardy pulled this item from the Consent Calendar to express comments and concerns and increase public awareness.

Chief Electric Utility Officer Pineda presented the maps of the utility building and Civic Center build out and responded to **Council** comments.

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

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

Absent: 1 - Councilmember Mahan

PUBLIC HEARING/GENERAL BUSINESS

6. [20-148](#) Action on Approval of First Amendment to the City Manager Employment Agreement, and a Resolution to Amend the City Manager Employment Agreement and Approve and Adopt the Updated Salary Plan that includes the Classification of City Manager [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Adopt a Resolution approving the First Amendment to the City Manager's Employment Agreement by and between the City of Santa Clara and Deanna J. Santana to eliminate a provision to pay a housing allowance and adjusting the City Manager's base salary to \$448,491 effective October 6, 2019; authorizing the Mayor to execute the Amendment; and updating the salary plans for the classification of City Manager.

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to adopt Resolution No. 20-8803 approving the First Amendment to the City Manager's Employment Agreement by and between the City of Santa Clara and Deanna J. Santana to eliminate a provision to pay a housing allowance and adjusting the City Manager's base salary to \$448,491 effective October 6, 2019; authorizing the Mayor to execute the Amendment; and updating the salary plans for the classification of City Manager.

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

Nay: 1 - Councilmember Chahal

Absent: 1 - Councilmember Mahan

7. [20-1437](#) Public Hearing: Action on Project Approvals for the Proposed 65 Residential Unit Affordable Housing Project at 2330 Monroe Street [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: Alternatives 1, 2, 3, and 4:

1. Adopt a resolution to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Affordable Housing Project at 2330 Monroe Street;
2. Adopt a resolution to approve a General Plan amendment from Right of Way to Medium Density Residential for the property at 2330 Monroe Street;
3. Adopt a resolution to approve a rezoning from Single Family Residential (R1-6L) to Planned Development (PD) to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements; and
4. Adopt a resolution approving and authorizing the City Manager to negotiate and execute a Disposition and Development Agreement with Monroe Street Housing Partners L.P. for the development of 65 units of housing at 2330 Monroe Street and further authorizing the City Manager to execute all other agreements (including a Ground Lease, Loan Agreements, Deeds of Trust, Promissory Notes, and Affordable Housing Agreement) in a form consistent with the DDA and all other documents necessary or convenient to close escrow and implement the purposes and terms of the DDA

Housing & Community Services Division Manager Veach in collaboration with **Community Development Director Crabtree** presented the PowerPoint Presentation on the staff report.

Robin Zimbler (Applicant/Development Team, Founder of Freebird Development), **Jan Stokley** (Development Team, Executive Director, Housing Choices Coalition), **Paul McElwee** (Development Team, Principal, HKIT Architects) presented a PowerPoint Presentation.

Public Speaker(s): Huascar Castro
Darcy Mccann
Gabriele Cabanilla
Alex Shoor
Neeraj Mehdiratta
Julian Devon
Michael Ojeda
Public Speakers (2)

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

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

Absent: 1 - Councilmember Mahan

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to 1. Adopt Resolution No. 20-8804 to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Affordable Housing Project at 2330 Monroe Street;
2. Adopt Resolution No. 20-8805 to approve a General Plan amendment from Right of Way to Medium Density Residential for the property at 2330 Monroe Street;
3. Adopt Resolution No. 20-8806 to approve a rezoning from Single Family Residential (R1-6L) to Planned Development (PD) to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements; and
4. Adopt Resolution No. 20-8807 approving and authorizing the City Manager to negotiate and execute a Disposition and Development Agreement (DDA) with Monroe Street Housing Partners L.P. for the development of 65 units of housing at 2330 Monroe Street and further authorizing the City Manager to execute all other agreements (including a Ground Lease, Loan Agreements, Deeds of Trust, Promissory Notes, and Affordable Housing Agreement) in a form consistent with the DDA and all other documents necessary or convenient to close escrow and implement the purposes and terms of the DDA.

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

Absent: 1 - Councilmember Mahan

8. [20-88](#) Public Hearing: Action on Resolution Amending the Municipal Fee Schedule Regarding New and Increased Alarm System and False Alarm Fees; Action on Adoption of Ordinance No. 2012 Amending Chapter 8.40 of the City Code ("False Alarm Regulation") [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: 1. Adopt a Resolution amending the 2019-20 Municipal Fee Schedule to add new regulatory fees and amend existing regulatory fees relating to alarm systems and false alarm responses; and
2. Adopt Ordinance No. 2012 amending Chapter 8.40 of the City Code ("False Alarm Regulation").

Assistant City Attorney Reuter presented the staff report.

Public Speaker(s): Public Speaker (1)

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

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

Absent: 1 - Councilmember Mahan

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to 1. Adopt Resolution No. 20-8808 amending the 2019-20 Municipal Fee Schedule to add new regulatory fees and amend existing regulatory fees relating to alarm systems and false alarm responses; and 2. Adopt Ordinance No. 2012 amending Chapter 8.40 of the City Code ("False Alarm Regulation").

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

Absent: 1 - Councilmember Mahan

9. [20-135](#) Action on Introduction of Ordinance No. 2011 Amending Chapter 18.76, (“Architectural Review”) of Title 18 (“Zoning”) and Making Other Clarifying Changes
[Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Introduce Ordinance No. 2011 Amending Chapter 18.76, (“Architectural Review”) of Title 18 (“Zoning”) of “The Code of the City of Santa Clara, California” and Making Other Clarifying Changes.

Community Development Director Crabtree presented the staff report.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to Introduce Ordinance No. 2011 Amending Chapter 18.76, (“Architectural Review”) of Title 18 (“Zoning”) of “The Code of the City of Santa Clara, California” and Making Other Clarifying Changes.

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

Nay: 1 - Councilmember Chahal

Absent: 1 - Councilmember Mahan

10. [20-144](#) Action on Written Petition received from Santa Clara Valley Transportation Authority (VTA) regarding VTA’s BART Phase 2 Transit Oriented Communities (TOCs) Strategy Study and the Santa Clara Station Area Playbook [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: There is no staff recommendation for this issue.

Public Speaker(s): Public Speaker (1)

A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to defer the Item for consideration at the upcoming Council Priority Setting Session.

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

Absent: 1 - Councilmember Mahan

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor noted that she just returned from the U.S. Conference of Mayors Meeting and she will prepare a report for the next Council meeting.

Councilmember O'Neill reported that her and **Mayor Gillmor** attended the NCPA (Northern California Power Agency) and CMUA (California Municipal Utilities Association) Capital Day Activities in Sacramento.

Vice Mayor Hardy reported on her attendance at the BPAC (Bicycle and Pedestrian Advisory Committee) meeting.

Councilmember Davis reported on her attendance at the BAWSCA (Bay Area Water Supply and Conservation Agency) meeting.

Councilmember Watanabe reported on her attendance at the Santa Clara/Santa Cruz Counties Airport/Community Roundtable meeting.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana reported on the following:

- The upcoming Council Priority Setting Session will take place on Thursday and Friday beginning at 9:00 AM at the Central Park Library;
- St. Clare statue was cleaned per Council request and shared a photo; and
- The Downtown Task Force meeting will be held on February 3, 2020 at 6:00 PM in Council Chambers.

[20-54](#)

Update on City Council and Stadium Authority Staff Referrals [Council Pillar: Enhance Community Engagement and Transparency]

[20-151](#)

Tentative Meeting Agenda Calendar (TMAC) [Council Pillar: Enhance Community Engagement and Transparency]

ADJOURNMENT

The meeting was adjourned at 9:07 PM in **memory** of **Joanne B. DeLozier** (Long term Santa Clara Community member and mother of Former Santa Clara City Councilmember David DeLozier) and **Sebastian D. Carrasco** (Former City of Santa Clara Street Maintenance Employee).

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

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

Absent: 1 - Councilmember Mahan

[20-184](#) Adjournment of the January 28, 2020 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, February 11, 2020 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."