



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

02/25/2020

3:30 PM

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

Councilmember O'Neill attended remotely from the following location:
Mayflower Renaissance Washington
1127 Connecticut Ave NW
Room 606
Washington, DC 20036

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

3:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 3:31 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

- [20-215](#) 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)
- [20-274](#) 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)
City as potential defendant: Letter from Gibson Dunn law firm, representing Related Santa Clara LLC, dated September 24, 2018 regarding Force Majeure under DDA
- [20-275](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 2
- [20-282](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov't Code § 54956.9(d)(1)
Pomeroy Eichler Neighborhood Preservation Society, an Unincorporated Association, et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 18CV334205

Convene to Closed Session (Council Conference Room)

5:00 PM JOINT DINNER

Mayor Gillmor called the Joint Dinner meeting with the Cultural Commission to order at 5:12 PM.

Call to Order in the Council Chambers

Confirmation of a Quorum

- [20-1212](#) Joint Dinner Meeting with Cultural Commission

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 6:10 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 6 - Vice Mayor 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 Doyle reported that there was no reportable action taken in Closed Session.

CONTINUANCES/EXCEPTIONS

None.

City Manager Santana introduced and welcomed **Marco Mercado**, the new **Assistant Director of Human Resources**.

SPECIAL ORDER OF BUSINESS

1. [20-27](#) Recognition of Pacific Autism Center for Education's 30th Anniversary

 Council recognized Pacific Autism Center for Education's (PACE) 30th Anniversary.

 PACE Executive Director Kurt Ohlfs shared a video and expressed gratitude for the City's recognition and support of their work.
2. [20-1434](#) Welcome to Father Kevin O'Brien, S.J. as President of Santa Clara University

 Council issued a recognition to **Father Kevin O'Brien**.

3. [20-44](#) Presentation by County Assessor regarding California Schools and Local Communities Funding Act of 2020
- County Assessor Stone** presented a PowerPoint presentation on the staff report.
- Public Speaker(s):** Jessica Vollmer
Public Speaker (1)

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to approve the balance of the Consent Calendar (except Items 4.D, 4.G).

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

- 4.A [20-221](#) Action on Council and Authorities Concurrent Meeting Minutes of January 14, 2020 and January 28, 2020 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file Council and Authorities Concurrent Meeting Minutes of January 14, 2020 and January 28, 2020.

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

- 4.B [20-04](#) Board, Commissions and Committee Minutes [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file the Minutes of:

Bicycle and Pedestrian Advisory Committee - March 25, 2019
Bicycle and Pedestrian Advisory Committee - June 24, 2019
Housing Rehabilitation Loan Committee - June 9, 2019
Housing Rehabilitation Loan Committee - November 14, 2019
Senior Advisory Commission - November 25, 2019
Youth Commission - January 14, 2020

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

- 4.C [20-89](#) Action on Bills and Claims Report (CC, SOSA) for the period January 17th, 2020 - January 30th, 2020 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Approve the list of Bills and Claims for January 17, 2020 - January 30, 2020.

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

- 4.E [20-1370](#) Action on Appointing a City of Santa Clara Bicycle Pedestrian Advisory Committee Member to Serve as the City's Representative on the Santa Clara Valley Transportation Authority Bicycle Pedestrian Advisory Committee [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Appoint the City of Santa Clara Bicycle Pedestrian Advisory Committee member Betsy Megas to serve as the City's representative on the Santa Clara Valley Transportation Authority Bicycle Pedestrian Advisory Committee.

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

- 4.F [20-1453](#) Action on Authorizing the City Manager to Accept the Public Park and Trail Easements at Santa Clara Square from 3255 Scott Boulevard, LLC et al. and to Record the Related Documents [Council Pillar: Enhance Community Sports & Recreational Assets]

Recommendation:

1. Approve and authorize City Manager to execute Meadow Park Grant Deed and all documents necessary to transfer the park to the City subject to City Attorney approval as to form;
2. Approve and authorize City Manager to execute "Redwood Trail" and "Trail Connection" easements grant and all documents necessary to grant a nonexclusive easement and right-of-way to the City subject to City Attorney approval as to form; and
3. Authorize City Manager to record previously executed Park Maintenance Agreement, dated April 9, 2019.

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

4.G [20-180](#)

Action on an Agreement for Services with Dasher Technologies, Inc. for the Blade Center Replacement Project [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Authorize the City Manager, or her designee, to execute an Agreement for Services with Dasher Technologies, Inc. for the Blade Center Replacement Project for a term starting on or about March 1, 2020, and ending on or about June 30, 2025, for a total maximum not-to-exceed of \$797,677.10; and
 2. Authorize the City Manager to make minor modifications to the Agreement for Services with Dasher Technologies, Inc. and execute any and all associated documents and future amendments.

Councilmember O'Neill abstained from this item due to Conflict of Interest.

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

Aye: 5 - Vice Mayor Hardy, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

Abstained: 1 - Councilmember O'Neill

4.H [20-219](#)

Actions to Approve Various New and Modified Class Specifications, Adopt a Resolution Approving and Adopting Updated Salary Plans for Various Unclassified Positions, and Approve the Related Budget Amendment [Council Pillar: Manage Strategically Our Workforce Capacity and Resources]

- Recommendation:**
1. Approve modifications to various class specifications: Revise the Electric Crew Foreperson (Job Code 550) Class Specification; Revise the Service Coordinator Inspector (Job Code 792) Class Specification; Revise the Troubleshooter (Job Code 860) Class Specification; Revise the Senior Plans Examiner (Job Code 773) Class Specification; Revise and retitle the Transportation Manager (Job Code 171; formerly Traffic Engineer) Class Specification; and Create the Chief Assistant City Attorney Class Specification;
 2. Adopt a Resolution to approve the revised salary plans for various unclassified positions to satisfy the requirements of California Code of Regulations Section 570.5; and
 3. Add 1.0 Chief Assistant City Attorney position in FY 2019/20, delete 1.0 Assistant City Attorney in FY 2020/21 and approve the related budget amendment.

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to approve 1. Approve modifications to various class specifications: Revise the Electric Crew Foreperson (Job Code 550) Class Specification; Revise the Service Coordinator Inspector (Job Code 792) Class Specification; Revise the Troubleshooter (Job Code 860) Class Specification; Revise the Senior Plans Examiner (Job Code 773) Class Specification; Revise and retitle the Transportation Manager (Job Code 171; formerly Traffic Engineer) Class Specification; and Create the Chief Assistant City Attorney Class Specification; 2. Adopt Resolution No. 20-8810 to approve the revised salary plans for various unclassified positions to satisfy the requirements of California Code of Regulations Section 570.5; and 3. Add 1.0 Chief Assistant City Attorney position in FY 2019/20, delete 1.0 Assistant City Attorney in FY 2020/21 and approve the related budget amendment.

4.I [20-220](#)

Summary of 2020 Council Priority Setting Session and Council Priorities [Council Pillar: Enhance Community Engagement and Transparency]

- Recommendation:** Review and approve 2020 City Council Priority Setting Session Summary and Council Priorities.

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

- 4.J [20-101](#) Action on a Resolution Approving and Authorizing the City Manager to execute a Loan Agreement with ZAEN Partners, LLC for a loan of up to \$6,000,000 to support the construction of 150 affordable housing units located at 2302 Calle Del Mundo and Approve the Related Budget Amendment [Council Pillar: Promote and Enhance Economic and Housing Development]

Recommendation: Alternative 1 and 2:

1. Adopt a resolution approving and authorizing the City Manager to execute a Loan Agreement with ZAEN Partners, LLC for a loan of up to \$6,000,000 to support the construction of 150 affordable housing units located at 2302 Calle Del Mundo; to make modifications to the Loan Agreement and attachments consistent with the Term Sheet and as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow; and
2. Approve the Related Budget Amendment to increase the Loan appropriation by \$6,000,000 and decrease the Ending Fund Balance by \$6,000,000 in the Housing Successor Agency Fund.

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to 1. Adopt Resolution No. 20-8811 approving and authorizing the City Manager to execute a Loan Agreement with ZAEN Partners, LLC for a loan of up to \$6,000,000 to support the construction of 150 affordable housing units located at 2302 Calle Del Mundo; to make modifications to the Loan Agreement and attachments consistent with the Term Sheet and as reviewed by the City Attorney for form and consistency; to execute all documents necessary (including Deeds of Trust, Promissory Notes, and Affordable Housing Agreements) to implement the Loan Agreement and close escrow; and 2. Approve the Related Budget Amendment to increase the Loan appropriation by \$6,000,000 and decrease the Ending Fund Balance by \$6,000,000 in the Housing Successor Agency Fund.

PUBLIC PRESENTATIONS

Matthew Tinsley, Ph.D. (Director, Strong Start Project) expressed comments regarding the Strong Start initiative of the Santa Clara County Office of Education.

CONSENT ITEMS PULLED FOR DISCUSSION

- 4.D [20-235](#) Action on a Resolution Amending Silicon Valley Power's Rules and Regulations to Remove the Requirement for New or Modified Self-Generation Facilities to Utilize Renewable Generation and Fuel Sources [Council Pillar: Sustainability]

Recommendation: Adoption of a Resolution Amending Silicon Valley Power's Rules and Regulations to Remove the Requirement for New or Modified Self-Generation Facilities to Utilize Renewable Generation and Fuel Sources.

This Item was pulled by **Linda Knepper** for clarification.

Chief Electric Utility Officer Pineda provided a verbal report to provide clarification.

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to adopt Resolution No. 20-8812 Amending Silicon Valley Power's Rules and Regulations to Remove the Requirement for New or Modified Self-Generation Facilities to Utilize Renewable Generation and Fuel Sources.

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

PUBLIC HEARING/GENERAL BUSINESS

5. [20-279](#) Verbal Report from City Clerk regarding March 2020 Election [Council Pillar: Enhance Community Engagement and Transparency]

City Clerk Haggag presented a verbal report regarding the March 2020 election

Public Speaker(s): Public Speaker (3)

6. [20-1476](#) Public Hearing: Adoption of a Resolution Ordering the Abatement of a Nuisance Consisting of Growing Weeds in Association with the County Weed Abatement Program for 2019-2020 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Adopt a Resolution ordering the abatement of a nuisance consisting of growing weeds in the City.

Deputy Fire Chief Ray provided a verbal report.

Mayor Gillmor noted that there was one letter in opposition that was received from a resident.

Moe Kumre (Santa Clara County Weed Abatement Program Manager) provided a response on the resident who opposed.

Public Speaker(s): Betsy Megas

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

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

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 20-8813 ordering the abatement of a nuisance consisting of growing weeds in the City.

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

7. [20-1369](#) Action on a Resolution Adopting the Santa Clara Pedestrian Master Plan [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Alternative 1: Adopt a resolution adopting the Santa Clara Pedestrian Master Plan.

Director of Public Works Mobeck presented a PowerPoint Presentation on the staff report.

Public Speaker(s): Betsy Megas

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to approve Alternative 1: Adopt Resolution No. 20-8814 adopting the Santa Clara Pedestrian Master Plan and referring this item to the budget regarding action items in the budget.

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

8. [20-234](#) Report on Illegal Street Racing and Sideshow Activity [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Alternative 1: Direct the City Manager to prepare a new ordinance amending Santa Clara City Code, Title 10 ("Vehicles and Traffic"), in consideration of consultant study findings, and to implement recommendations 1, 2, 3, 4, 5, and 6 as presented in this report.

Assistant Chief Winter presented a PowerPoint presentation on the staff report along with **John Scruggs** (Manager, Matrix Consulting Group).

Public Speaker(s): Public Speaker (4)

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve Alternative 1: Direct the City Manager to prepare a new ordinance amending Santa Clara City Code, Title 10 ("Vehicles and Traffic"), in consideration of consultant study findings, and to implement recommendations 1. Enact an ordinance to address Illegal Street Racing and Sideshows; 2. Develop a strategy to enable speed camera enforcement at the State Assembly; 3. Use overtime to address Illegal Street Racing on weekend afternoons/evenings when pre-event intelligence is obtained; 4. Assign street racing cases to the traffic unit for follow up investigations, where possible; 5. Train officers in a California Highway Patrol (CHP) class on Illegal Street Racing enforcement; 6. Draw attention to the dangers of illegal street activity by using social media and other media Public Service Announcements (PSAs).

Aye: 5 - Vice Mayor Hardy, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

Absent: 1 - Councilmember O'Neill

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Davis reported on the following:

- Attendance at the Treatment Plant Advisory Committee (TPAC) meeting on February 13, 2020;
- Attendance at the Cities Association of Santa Clara County meeting later in the day on February 13, 2020, where discussions were held on the following topics:
 - Noted that Valley Water did not inform the City Manager's Office about the Federal order to drain Anderson Reservoir;
 - Regional Express Transit;
 - The February 7, 2020 Association of Bay Area Governments (ABAG) meeting had a PowerPoint Presentation on the Regional Housing Needs Allocation process for 2020;
- Attendance at the Triton Museum of Art Board Meeting on February 20, 2020 and noted that Jill Meyers (Executive Director) announced her resignation effective February 28, 2020; and
- The Triton Museum of Art will be holding a Tequila Tasting Fundraiser on March 21, 2020 at 6:00 PM.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

Assistant City Manager Nader reported on behalf of **City Manager Santana** that **City Librarian Keith** announced her retirement effective July 24, 2020.

[20-96](#) Update on City Council and Stadium Authority Staff Referrals [Council Pillar: Enhance Community Engagement and Transparency]

[20-211](#) Tentative Meeting Agenda Calendar (TMAC) [Council Pillar: Enhance Community Engagement and Transparency]

ADJOURNMENT

The meeting was adjourned at 10:12 PM in **memory** of **Thomas Joseph Adams** (Long-term Santa Clara resident), **Isaiah Juan Chagoya Pacheco** (Resident of Santa Clara and student at Santa Clara High School), **Everist G. Romano** (Long-term resident of Santa Clara).

Aye: 5 - Vice Mayor Hardy, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

Absent: 1 - Councilmember O'Neill

[20-310](#) Adjournment of the February 25, 2020 City Council Meeting Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, March 17, 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."