



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

08/18/2020

3:30 PM

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

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:
 - o <https://santaclaraca.zoom.us/j/99706759306>

Meeting ID: 997-0675-9306 or

- o Phone: 1(669) 900-6833
- Via the City's eComment (now available during the meeting)
- Via email to PublicComment@santaclaraca.gov

As always, the public may view the meetings on SantaClaraCA.gov, Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

For those individuals that do not have the above access, the City Cafeteria has been set up to accommodate up to 10 people at a time and public comment will be given from that location.

The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. The Mayor will be present for the meeting with Councilmembers and department heads participating remotely. A limited number of staff will also be present.

3:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the meeting to order at 3:35 PM.

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

Public Comment

None.

[20-766](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
County Sanitation District 2-3, West Valley Sanitation District, Burbank
Sanitary District, Cupertino Sanitary District, and The City of Milpitas v. The
City of San Jose, The City of Santa Clara, and Does 1 through 50,
Inclusive, Santa Clara Superior Court Case No. 18CV325480

[20-767](#)

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)

Convene to Closed Session (Council Conference Room)

The **Council** convened to Closed Session at 3:35 PM and reconvened
to Open Session at 5:32 PM.

4:45 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Council recited the Pledge of Allegiance.

Councilmember Davis recited the Statement of Values.

[20-799](#)

Moment of Silence at the August 18, 2020 City Council Meeting Post
Meeting Material

Mayor Gillmor requested a Moment of Silence in remembrance of the life
of **Representative John Robert Lewis**.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney Doyle noted that there was No Reportable Action from Closed Session.

CONTINUANCES/EXCEPTIONS

None.

SPECIAL ORDER OF BUSINESS

1. [20-752](#) Verbal Report from City Manager regarding COVID-19 Pandemic [Council Pillar: Enhance Community Engagement and Transparency]

City Manager Santana provided a verbal update on the following:

- City's response to California Wildfires and Energy Conservation (Silicon Valley Power converting Data Centers for use of Generators);
- Healthy Meals Program distributed over 200,000 meals over 21 weeks to youth and Seniors in Santa Clara. Santa Clara Unified School District will continue providing meals during the school-year;
- Central Park Library hosted Free COVID-19 Testing;
- International Swim Center was able to resume by appointment only use;
- City working with local businesses to apply for outdoor use permits; and
- City opened Drive-Thru Utility Payment Window.

Chief Emergency Services Officer Schoenthal provided an update on the City and County's response to the COVID-19 Pandemic.

Public Speaker(s): Suds Jain

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve the Consent Calendar (Mayor Gillmor abstained on item 2.F).

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

- 2.A [20-544](#) Action on Council and Authorities Concurrent and Special City Council Meeting Minutes [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Approve the Special City Council of June 4, 2020 and Council and Authorities Concurrent of June 9, 2020 Meeting Minutes.

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

- 2.B [20-15](#) Board, Commissions and Committee Minutes [Enhance Community Engagement and Transparency]

Recommendation: Note and file the Minutes of:
Planning Commission - February 20, 2020
Board of Library Trustees - December 2, 2019
Board of Library Trustees -- February 3, 2020

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

- 2.C [20-601](#) Action on Bills and Claims Report (CC, HA, SA) for the period June 13th, 2020 - July 24th, 2020 [Council Pillars: Enhance Community Engagement and Transparency]

Recommendation: Approve the list of Bills and Claims for June 13, 2020 - July 24, 2020.

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

- 2.D [20-563](#) Action on Amendment No. 2 to the Agreement for Performance of Services with The Permanente Medical Group, Inc. [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Authorize the City Manager to execute Amendment No. 2 to the Agreement with The Permanente Medical Group, Inc. for Professional Medical Services for Public Safety Employees to increase the amount of the agreement by \$266,000 and to extend the term of the agreement through August 31, 2025 for a revised not-to-exceed maximum compensation of \$600,000; and
2. Authorize the City Manager to execute amendments over the term of the agreement in the event that the demand for services is greater than anticipated, or additional services are required, subject to the same terms and conditions of the Agreement and the appropriation of funds.

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

- 2.E** [20-545](#) Action on Amendment No. 1 to the Agreement with Woodard and Curran, Inc. for the Sanitary Sewer Hydraulic Modeling As-Needed Support [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for Design Professional Services with Woodard and Curran, Inc. for Sanitary Sewer Hydraulic Modeling As-Needed Support in the amount of \$673,636, and extend the Agreement for one year to June 30, 2022;
2. Authorize the City Manager to exercise the option to extend the Agreement for up to two additional terms of one year each;
3. Authorize the City Manager to make minor modifications to the Agreement, if necessary; and
4. Approve the FY 2020/21 budget amendment in the Sewer Utility Capital Fund to transfer of \$41,523 from the Sanitary Sewer Capacity Improvement Project to the Sanitary Sewer Hydraulic Modeling As Needed Support Project.

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

- 2.F** [20-749](#) Adoption of a Resolution extending the Moratorium on Evictions for the Non-payment of Rent and No-Fault Evictions for Tenants with Incomes Affected by the Novel Coronavirus (COVID-19) [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

Recommendation: Adopt a Resolution extending the moratorium on residential evictions for the nonpayment of rent, as set forth in Chapter 8.65 of Title 8 of the Code of the City of Santa Clara to be in effect through September 30, 2020.

Mayor Gillmor abstained on this item due to potential conflict of interest in owning rental property within the City of Santa Clara.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 20-8880, extending the Moratorium on evictions for the nonpayment of rent, as set forth in Chapter 8.65 of Title 8 of the Code of the City of Santa Clara to be in effect through September 30, 2020.

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

Abstained: 1 - Mayor Gillmor

- 2.G** [20-625](#) Action on Final Map for Tract 10532 at 1205 Coleman Avenue and Addition of Street Names to the City's Approved Street Names List [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

Recommendation:

1. Approve Final Map for Tract 10532;
2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation;
3. Authorize the recordation of Final Map for Tract 10532, which subdivides the parcel into 14 lots located at 1205 Coleman Avenue [APN 230-46-069 (2019-20)]; and,
4. Approve the addition of the proposed street names: Champions Way, Wondo Way, Chastain Place, and Rickabaugh Avenue to City's approved street names list.

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

- 2.H** [20-643](#) Action on Award of Contract for the Citywide Emergency Generator Replacement - Phase 1 Project (CE 17-18-07) [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Award the Public Works Contract for the Citywide Emergency Generator Replacement - Phase 1 Project (CE 17-18-07) to the lowest responsive and responsible bidder, Rosendin Electric, Inc., in the amount of \$2,924,791 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and
2. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$438,719, for a total not-to-exceed amount of \$3,363,510.

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

- 2.I** [20-685](#) Action to Adopt a Resolution approving the 2825 Lafayette Street Water Supply Assessment [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Adopt a Resolution approving the Water Supply Assessment for 2825 Lafayette Street.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 20-8881, approving the Water Supply Assessment for 2825 Lafayette Street.

- 2.J [20-664](#) Action on Final Map for Tract 10513 at 2780 El Camino Real [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

Recommendation: 1. Approve Final Map for Tract 10513;
2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation; and,
3. Authorize the recordation of Final Map for Tract 10513, which subdivides the site into twenty lots located at 2780 El Camino Real [APN 290-16-018 (2019-20)].

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

- 2.K [20-677](#) Action on Approval of Coronavirus Emergency Supplemental Funding Program Grant Funding and Associated Budget Amendment [Council Pillar - Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: 1. Accept and approve the Coronavirus Emergency Supplemental Funding Program grant; and
2. Approve the FY 2020/21 Budget Amendment in the Police Operating Grant Trust Fund to recognize grant funding in the amount of \$39,923 and appropriate it to the Coronavirus Emergency Supplemental Funding Program Grant.

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

- 2.L [20-742](#) Action on the Approval of FY 17 Edward Byrne Memorial Justice Assistance Grant Funding and Related Budget Amendment [Council Pillar - Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: 1. Accept and approve the FY 17 Edward Byrne Memorial Justice Assistance Grant funding of \$12,254 to support the Police Department's efforts to become NIBRS compliant;
2. Approve the related FY 2020/21 budget amendment in the Police Operating Grant Trust Fund to carryover the budgeted revenue estimate of \$12,254 and Edward Byrne Memorial Justice Assistance Grant Program 2017 appropriation in the amount of \$12,254;
3. Authorize the City Manager to sign grant-related documents; and
4. Authorize the City Manager to execute purchase order(s), subject to the appropriation of funds, to directly support the Police Department's technical capacity for collecting, processing, analyzing and validating data to become NIBRS compliant.

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

- 2.M** [20-680](#) Action on the Office of Traffic Safety Selective Traffic Enforcement Program Grant and Related Budget Amendment [Council Pillar - Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: 1. Accept and approve the Office of Traffic Safety grant;
2. Approve the FY 2020/21 budget amendment in the Police Operating Grant Trust Fund to recognize grant funding in the amount of \$24,900 and appropriate it to the Office of Traffic Safety Grant FY 2020/21; and
3. Authorize the Chief of Police, City Manager and/or Finance Director to sign the required grant-related documents.

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

- 2.N** [20-733](#) Action on Amendment No. 1 to the Agreement for Services with HouseKeys Inc. Exercising the First Option to Extend the Term for One Year and Adding \$166,000 for Administration of the City's Affordable Rental Program [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with HouseKeys Inc. for Administration of the City's Affordable Rental Program in an amount not to exceed \$166,000 for the Fiscal Year 2020/21, and a total contract amount not to exceed \$377,000, and all related documents for the provision of administrative services for the Affordable Rental Program effective August 18, 2020.

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

- 2.O** [20-735](#) Action on Adoption of an Ordinance No. 2021 approving the First Amendment to the Development Agreement for the Gateway Crossings Project between the City of Santa Clara and TOD Brokaw, LLC [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Adopt Ordinance No. 2021 approving the First Amendment to the Development Agreement for the Gateway Crossings Project between the City of Santa Clara and TOD Brokaw, LLC.

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Ordinance No. 2021, approving the First Amendment to the Development Agreement for the Gateway Crossings Project between the City of Santa Clara and TOD Brokaw, LLC.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS

3. [20-759](#) Action on a Written Petition submitted by Dan Ondrasek Requesting to Initiate the Relocation of the County of Santa Clara Courthouse (1095 Homestead Road, Santa Clara, CA) [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Staff makes no recommendation.

Mayor Gillmor recused herself due to conflict of interest as her business is located in Franklin Square Mall and left the dais at 6:06 PM.

Vice Mayor Hardy presided over this item.

Public Speaker(s): Dan Ondrasek
Rob Mezzetti
Bob O'Keefe
Carter Fulhorst
Phone Number #4907
Catherine Zhang
Dan Ondrasek was given additional time from
Donna West and Mary Grizzle
Kevin Park
Suds Jain

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to direct staff to draft a letter to the State of California requesting the sale of the County of Santa Clara Courthouse, return with an informational update report to Council and reconvene the Downtown Community Task Force to deliberate on moving this item forward.

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

Abstained: 1 - Mayor Gillmor

A motion was made by Councilmember Chahal, seconded by Councilmember O'Neill, to return at a future agenda for Council consideration.

Aye: 3 - Vice Mayor Hardy, Councilmember O'Neill, and Councilmember Chahal

Nay: 2 - Councilmember Davis, and Councilmember Watanabe

Abstained: 1 - Mayor Gillmor

City Attorney Doyle noted the motion failed due to lack of 4 votes.

Vice Mayor Hardy called for a recess at 7:32 PM.

Mayor Gillmor reconvened the meeting at 7:43 PM.

4. [20-741](#) Action on a Written Petition submitted by Mayor Gillmor requesting to Review and Update the City's Worker Retention Ordinance for Santa Clara Workers [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Staff makes no recommendation.

Public Speaker(s): Sarah McDermott

A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to return on October 13, 2020 to discuss the City's Worker Retention Ordinance for Santa Clara Workers.

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

5. [20-565](#) Public Hearing: Action on Early Consideration of a General Plan Text Amendment to allow a greater Floor Area Ratio than currently allowed in the Regional Commercial General Plan designation for the 3.86-acre property located at 4949 Great America Parkway [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

Recommendation: City Council direct staff to continue processing the subject General Plan Text Amendment to allow a greater Floor Area Ratio than currently allowed in the Regional Commercial General Plan designation for the 3.86-acre property located at 4949 Great America.

Director of Community Development Crabtree gave a PowerPoint Presentation.

Erich Smith (Vice President Stanford Hotels; SC Hotel Development LLC) and **Dennis Rogers (ACRM)** gave a PowerPoint Presentation.

Director of Community Development Crabtree, Erich Smith, and Dennis Rogers addressed Council questions.

Public Speaker(s): Susan Hinton (eComment) read into the record by Assistant City Clerk Pimentel.

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 Vice Mayor Hardy, to direct staff to continue processing the subject General Plan Text Amendment to allow a greater Floor Area Ratio than currently allowed in the Regional Commercial General Plan designation for the 3.86-acre property located at 4949 Great America.

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Mayor Gillmor expressed comments of gratitude for Silicon Valley Power employees for providing support to residents during the extreme heat and lighting and providing frequent updates. **Mayor Gillmor** also expressed gratitude towards employees for the Annual Clean-up Campaign.

Councilmember Chahal echoed **Mayor Gillmor's** sentiment regarding Silicon Valley Power employees. **Councilmember Chahal** also noted his attendance at an event sponsored by Northern California Muslim Association on July 18, 2020 at Bower's Park to distribute COVID-19 Safety kits for the homeless.

Vice Mayor Hardy reported her participation in a Webinar on Natural Disasters with **Councilmember O'Neill**.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana expressed gratitude for City staff response to all the events that occurred over the weekend (Extreme Heat, Energy Conversation, Protests, and COVID-19 Pandemic). **City Manager Santana** also noted that staff will return next week with a request to lift Emergency Ordinance regarding Civil Unrest.

[20-718](#) Update on City Council and Stadium Authority Staff Referrals [Council Pillar: Enhance Community Engagement and Transparency]

[20-650](#) Tentative Meeting Agenda Calendar (TMAC) [Council Pillar: Enhance Community Engagement and Transparency]

ADJOURNMENT

The meeting was adjourned at 8:37 PM in memory of **LaVon Arlene Yates Fairchild** (Mother-In-Law of Vickie Fairchild, Santa Clara Unified School District Boardmember), **Paul James Bonacorso** (Long-Term Santa Clara Resident) and **Victoria Ann Zizzo** (Long-Term Santa Clara Resident and Former Paraeducator at Sutter Elementary School).

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

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

[20-797](#)

Adjournment of the August 18, 2020 City Council Meeting Post Meeting
Material

The next regular scheduled meeting is on Tuesday evening, August 25, 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."