



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

10/27/2020

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 COUNCIL MEETING

Call to Order in the Council Chambers

Mayor Gillmor called the meeting to order at 3:32 PM.

Roll Call

Present: 5 - Vice Mayor Karen Hardy, Councilmember Teresa O'Neill, Councilmember Debi Davis, Councilmember Kathy Watanabe, and Mayor Lisa M. Gillmor

Absent: 1 - Councilmember Raj Chahal

CLOSED SESSION

Public Comment

None.

[20-1059](#)

Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: Please see below listing for APNs and addresses
City/Authority Negotiator: Deanna J. Santana, City Manager/Executive Director (or designee)
Negotiating Parties: Please see below listing for names for negotiating party(ies)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

[20-1080](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Omar Gomez v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:19-cv-05266-LHK

[20-1065](#)

Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Maranon v. Santa Clara Stadium Authority, et al., United States District Court, Northern District of California Case No. 5:15-cv-04709-BLF

Convene to Closed Session (Council Conference Room)

Council convened to Closed Session at 3:33 PM.

Councilmember Chahal joined the meeting at 3:35 PM.

5:30 PM REGULAR MEETING

Pledge of Allegiance and Statement of Values

Mayor & Council recited the Pledge of the Allegiance.

Councilmember Davis recited the Statement of Values.

Assistant City Clerk Pimentel read the AB23 Announcement.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

None.

SPECIAL ORDER OF BUSINESS

- 1.A [20-1041](#) Recognize River of Life Foundation for Outstanding Service to the Community
- Mayor Gillmor** expressed gratitude and provided Mayoral Recognitions to **Pastor Tong Liu** (River of Life Foundation), **Sam Loh** (President of River of Life Foundation), and the River of Life Foundation volunteers for distributing food boxes and hot meals to the community during the COVID-19 Pandemic.
- 1.B [20-1035](#) Recognition of the 2020 Santa Clara Parade of Champions
- Mayor Gillmor/Council** expressed gratitude and provided Mayoral Recognitions to the Parade of Champions organizers for the execution of the 2020 virtual parade.
- Parade of Champions President Ana Vargas-Smith** gave a PowerPoint Presentation.

1.C [20-1066](#)

Verbal Report from City Manager regarding COVID-19 Pandemic [Council Pillar: Enhance Community Engagement and Transparency]

City Manager Santana provided a verbal report on the following:

- The City launched the Help Your Neighbor Program to allow residents to donate to help residents needing assistance paying their Utility Bills;
- The City continues to promote and encourage low-income residents to apply for the Emergency Rental Assistance Program;
- The City is extending the Electric Rate Assistance Program for six months;
- The Northside and Central Park Library will open as voting centers from October 31, 2020 - November 3, 2020 and Curbside will temporarily be suspended to allow for higher voter turnout;
- The Libraries are transitioning from curbside book pick-up to in-person pick-up; and
- The City has provided on the website safe options for Halloween.

Chief Emergency Services Officer Schoenthal reported the latest confirmed COVID-19 cases in the City of Santa Clara and County of Santa Clara. County of Santa Clara is in its third week of the Orange Tier of the Governor's BluePrint for Safer Economy.

City Manager Santana noted that City Playgrounds will be opening on October 28, 2020. The City installed sanitization stations and Social Distancing Guidelines signs at City Parks. **City Manager Santana** introduced the Play It Safe Santa Clara video which highlights new Parks and Rehabilitated Parks.

Public Speaker(s): Juan Hernandez

CONSENT CALENDAR

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the balance of the Consent Calendar (except Item 2.K).

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

- 2.A** [20-826](#) Action on Council and Authorities Concurrent and Special Stadium Authority Meeting Minutes

Recommendation: Approve the meeting minutes of:
Council and Authorities Concurrent Meeting Minutes of August 18, 2020
Special City Council Meeting Minutes of August 24, 2020
Council and Authorities Concurrent & Special Stadium Authority Meeting Minutes of August 25, 2020
Council and Authorities Concurrent Minutes of September 1, 2020
Special City Council Minutes of September 8, 2020

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

- 2.B** [20-20](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Youth Commission - September 8, 2020
Planning Commission - May 27, 2020
Parks & Recreation Commission - September 15, 2020

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

- 2.C** [20-884](#) Action on Bills and Claims Report (CC, SA) for the period September 19th, 2020 - October 2nd, 2020

Recommendation: Approve the list of Bills and Claims for September 19, 2020 - October 2, 2020.

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

- 2.D [20-436](#) Action on Amendment No. 1 to the Agreement for Distributed Control System Upgrade/Replacement Project between Emerson Process Management Power and Water Solutions and City of Santa Clara and Related Budget Amendment

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Distributed Control System Upgrade/Replacement Project between City of Santa Clara and Emerson Process Management Power and Water Solutions;
2. Authorize the City Manager to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor or consultant and approval by the City, subject to the appropriation of funds.; and
3. Approve the related FY 2020/21 budget amendment in the Electric Utility Capital Fund to increase the Replace Balance of Plant Control System Project by \$1,000,000 and decrease the Unrestricted Ending Fund Balance by \$1,000,000.

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

- 2.E [20-849](#) Action on a Resolution Approving the 2021 Planning Commission Calendar of Meetings

Recommendation: Adopt a Resolution approving the 2021 Planning Commission Calendar of Meetings.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8894, approving the 2021 Planning Commission Calendar of Meetings.

- 2.F [20-878](#) Action on Amendment No. 1 to the Agreement with YEI Engineers, Inc. for Citywide Emergency Generator Replacement - Phase 1 Project

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with YEI Engineers, Inc. for Citywide Emergency Generator Replacement - Phase 1 Project.

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

- 2.G** [20-891](#) Action on an Agreement with Revel Environmental Manufacturing, Inc. for Maintenance, Data Collection and Reporting for Installed Full Trash Capture Devices

Recommendation: 1. Approve and authorize the City Manager to finalize and execute an agreement with Revel Environmental Manufacturing, Inc. to perform maintenance, data collection and reporting for full trash capture devices for an amount not-to-exceed \$596,068 over the five year term of the agreement, subject to the appropriation of funds; and
2. Authorize the City Manager to make minor modifications to the agreement, including time extensions, as necessary.

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

- 2.H** [20-904](#) Action on Amending Council Policy 030 - Adding an Item on the Agenda and Approving Council Item Request Form

Recommendation: Adopt a resolution to repeal Resolution No. 20-8809, amend Council Policy 030 - Adding an Item on the Agenda, and approve the Council Item Request Form.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8895 repealing Resolution No. 20-8809, amend Council Policy 030 - Adding an Item on the Agenda, and approve the Council Item Request Form.

- 2.I** [20-905](#) Action on Amending Council Policy 042 - Reconsideration of Council Action

Recommendation: Adopt a resolution to amend Council Policy 042 - Reconsideration of Council Action.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8896 amending Council Policy 042 - Reconsideration of Council Action.

- 2.J** [20-1003](#) Action on Agreement with Silicon Valley/Santa Clara DMO, Inc. for Destination Marketing Services

Recommendation: 1. Approve and authorize the City Manager to execute an agreement with Silicon Valley/Santa Clara DMO, Inc. for destination marketing services;
2. Authorize the City Manager to exercise the option to extend the Agreement for up to two five-year options to renew; and
3. Authorize the City Manager to make minor and administrative modifications to the Agreement if necessary.

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

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.K [20-1020](#) Action on the Help Your Neighbor Program for City Matches and Approve Related Budget Amendments

Recommendation: 1. Approve the expansion of the Help Your Neighbor Program to provide City Matches;
2. Authorize the City Manager to Distribute Funds for the Help Your Neighbor Program; and
3. Approve the FY 2020/21 Budget Amendments in the Public Donations Fund to recognize transfers of \$25,000 from the Sewer Utility Fund and \$25,000 from the Water Utility Fund and appropriate the \$50,000 to the Help Your Neighbor Program; in the Sewer Utility Fund, transfer \$25,000 to the Public Donations Fund and reduce the Unrestricted Ending Fund Balance by \$25,000; and in the Water Utility Fund, transfer \$25,000 to the Public Donations Fund and reduce the Unrestricted Ending Fund Balance by \$25,000.

Councilmember Watanabe pulled this item to highlight it for residents and to encourage residents to donate to the program.

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to (1) approve the expansion of the Help Your Neighbor Program to provide City Matches; (2) Authorize the City Manager to Distribute Funds for the Help Your Neighbor Program; and (3) Approve the FY 2020/21 Budget Amendments in the Public Donations Fund to recognize transfers of \$25,000 from the Sewer Utility Fund and \$25,000 from the Water Utility Fund and appropriate the \$50,000 to the Help Your Neighbor Program; in the Sewer Utility Fund, transfer \$25,000 to the Public Donations Fund and reduce the Unrestricted Ending Fund Balance by \$25,000; and in the Water Utility Fund, transfer \$25,000 to the Public Donations Fund and reduce the Unrestricted Ending Fund Balance by \$25,000.

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

PUBLIC HEARING/GENERAL BUSINESS

3. [20-960](#) Action on a Resolution Authorizing the City Manager to Execute an Amended and Restated Affordable Housing Agreement with ZAEN Partners, LLC for construction of 150 affordable housing units located at 2302 Calle Del Mundo and Approving the Related Budget Amendment

Recommendation: Alternative 1 and 2:

1. Adopt a resolution approving and authorizing the City Manager to execute an Amended and Restated Affordable Housing Agreement with ZAEN Partners, LLC for construction of 150 affordable housing units located at 2302 Calle Del Mundo; to make modifications to the Loan Agreement and attachments 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;
2. Rescind Resolutions 19-8766 & 20-8811; and
3. Approve the related FY 2020/21 Budget Amendment in the Housing Successor Agency Fund to recognize developer contributions in the amount of \$6,000,000 to fund the City's loan amount towards the project and increase the ending fund balance by \$6,000,000.

Housing Division Manager Veach gave a PowerPoint Presentation and addressed **Council** questions.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, Alternative 1, 2, 3: (1) adopt Resolution No. 20-8897 approving and authorizing the City Manager to execute an Amended and Restated Affordable Housing Agreement with ZAEN Partners, LLC for construction of 150 affordable housing units located at 2302 Calle Del Mundo; to make modifications to the Loan Agreement and attachments 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; (2) Rescind Resolutions 19-8766 & 20-8811; and (3) Approve the related FY 2020/21 Budget Amendment in the Housing Successor Agency Fund to recognize developer contributions in the amount of \$6,000,000 to fund the City's loan amount towards the project and increase the ending fund balance by \$6,000,000.

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

4. [20-1050](#) Action on (1) Emergency Ordinance to Add Chapter 9.70 to enact COVID-19 Worker Recall Protections for Building Service, Food Service and Hotel Service Workers; and (2) Introduction of an Ordinance to Add Chapter 9.65 to provide Hotel Service Workers Retention Rights

Recommendation: Alternatives 1 and 4:

1. Approve the adoption of the Emergency Ordinance to add Worker Recall Protections; and
4. Approve the proposed Ordinance to add hotel workers as covered employees under the Worker Retention Ordinance and direct staff to complete a community engagement process prior to setting a date for the second reading of the proposed Ordinance.

Public Speaker(s):

Public Speaker (1)	#9306
#1368	Emma
Sandra Munoz	Manuela
Ana Rodriguez	Vicenta Mayoral
Sarah McDermot	#9707
Luzita Aguilar	Raquel L19
Felipe	#5221

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to continue Alternative 1: approve the adoption of the Emergency Ordinance to add Worker Recall Protections to November 10, 2020 Council Meeting.

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

Assistant City Manager Shikada gave a PowerPoint Presentation on the Worker Retention Ordinance.

Public Speaker(s): Unite Here Local 19
Louise Auerhahn
Sarah Julian
Sarah McDermot
Jeff

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve Alternative 4: approve the proposed Ordinance to add hotel workers as covered employees under the Worker Retention Ordinance, direct staff to complete a community engagement process for 30 days prior to setting a date for the second reading of the proposed Ordinance.

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

Mayor Gillmor called for a recess at 7:51 PM and reconvened the meeting at 8:02 PM.

5. [20-1062](#) Presentation of Santa Clara Valley Transportation Authority (VTA) Update on the BART Silicon Valley Phase II Extension Project and Consideration of Delegation of Authority to the City Manager to Negotiate and Execute a Master Agreement between the City and VTA

Recommendation: Alternative 1
Authorize the City Manager to negotiate and execute a Master Agreement with the Santa Clara Valley Transportation Authority Relating to VTA's BART Silicon Valley Phase II Extension Project and make minor changes, including time extensions, as necessary.

Takis Salpeas (Chief BART Delivery Officer Santa Clara Valley Transportation Authority - VTA), Bernice Alaniz (Deputy Director, Marketing & Public Affairs, Santa Clara Valley Transportation Authority - VTA), and Director of Public Works Mobeck gave a PowerPoint Presentation.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve Alternative 1:
authorize the City Manager to negotiate and execute a Master Agreement with the Santa Clara Valley Transportation Authority relating to VTA's BART Silicon Valley Phase II Extension Project and make minor changes, including time extensions, as necessary.**

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana noted that there will be a Special City Council meeting on Thursday, October 29, 2020. topic. **City Manager Santana** also noted that her 3rd Year Work Anniversary was this month and provided the Community a letter defining the accomplishments in the last year.

[20-1024](#) Update on City Council and Stadium Authority Staff Referrals

[20-848](#) Tentative Meeting Agenda Calendar (TMAC)

ADJOURNMENT

The meeting was adjourned at 8:50 PM.

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

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

The next regular scheduled meeting is on Tuesday evening, November 10, 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."