



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

11/10/2020

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 3:44 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

CLOSED SESSION

Public Comment

None.

[20-1158](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov't Code § 54956.9(d)(1)
NCPA, et al. v. the United States, U.S. Court of Federal Claims, Case No.
14-817C

[20-1159](#)

Conference with Real Property Negotiators (CC)
Pursuant to Gov. Code § 54956.8
Property: 2908 Lafayette Street, APN: 224-08-109
City/Authority Negotiator: Deanna J. Santana, City Manager/Executive
Director (or designee)
Negotiating Parties: Dollinger Lafayette Associates
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)

Convene to Closed Session (Council Conference Room)

4:30 PM COUNCIL REGULAR MEETING

Pledge of Allegiance and Statement of Values

Mayor and Council recited the Pledge of Allegiance.

Councilmember Davis recited the Statement of Values.

Assistant City Clerk Pimentel recited the AB 23 Announcement and
Behavioral Standards.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

City Manager Santana requested that Item 2.F and 2.H be deferred to the
November 17, 2020 Council Meeting.

**A motion was made by Vice Mayor Hardy, seconded by
Councilmember Watanabe, to defer Items 2.F and 2.H to the
November 17, 2020 Council Meeting.**

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

SPECIAL ORDER OF BUSINESS

- 1.A [20-740](#) Proclaim November 2020 as Sikh Awareness and Appreciation Month

Mayor Gillmor and **Council** proclaimed November 2020 as Sikh Awareness and Appreciation Month and presented a Proclamation to **Sukhdeep Kaur on behalf of the Silicon Valley Gurdwara**.

Councilmember Chahal made informational comments on the Sikh Religion.

Public Speaker(s): Sukhdeep Kaur

- 1.B [20-1128](#) Recognize Sewa International for Outstanding Community Service

Mayor Gillmor presented Mayoral Recognitions to **Sewa International** for Outstanding Community Service with food distribution during the COVID-19 Pandemic.

Public Speaker(s): Public Speaker (1)

- 1.C [20-1102](#) Recognize Santa Clara Community Coalition for Outstanding Community Service

Mayor Gillmor presented a Mayoral Recognition to the **Santa Clara Community Coalition for Outstanding Community Service** for distribution of food and personal protective equipment.

Public Speaker(s): Harbir Bhatia

A PowerPoint Presentation was displayed with the names of volunteers to recognize them for their service.

1.D [20-1077](#) Verbal Report from City Manager regarding COVID-19 Pandemic

City Manager Santana provided the following verbal update on the COVID-19 Pandemic:

- City Libraries are now able to offer walk-up lobby services to pick-up reserved books and as well as appointment pick-up services;
- City will host COVID-19 testing on November 12, 2020 at Central Park Library;
- on November 19, 2020, the City will be hosting a virtual celebration to residents who have achieved their high school diploma;
- the City has partnered with the Salvation Army to distribute free boxes of essential foods to Santa Clara residents;
- the City will hold a Virtual Tree Lighting Ceremony on December 4, 2020;
- the City Cemetery hours have been extended for Veteran's Day;
- the City of Santa Clara has ranked #8 in the Nation as the most livable City in the United States; and
- November 10, 2020 is National Law Enforcement Records and Support Personal Day.

Chief Emergency Services Officer Schoenthal provided an update on COVID-19 cases in Santa Clara County and expects the State of California to move Santa Clara County from the Orange Tier to the Red Tier soon with the uprise in cases.

Chief Emergency Services Officer Schoenthal and **City Manager Santana** addressed Council questions.

City Manager Santana introduced the Veteran's Day Memorial video.

1.E [20-1072](#) Presentation by the Santa Clara Valley Transportation Authority (VTA) on the Proposed 2021 Transit Service Plan

Jay Tyree, Valley Transportation Authority Service Planning & Scheduling Manager, gave a PowerPoint Presentation and addressed **Council** questions.

CONSENT CALENDAR

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to approve the balance of the Consent Calendar (Items 2.F and 2.H Deferred to November 17, 2020 Council Meeting).

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

- 2.A** [20-1140](#) Approve the Special City Council & Stadium Authority, Council and Authorities Concurrent and Special Stadium Authority Meeting, and Council and Authorities Concurrent Meeting

Recommendation: Approve the meeting minutes of:
September 28, 2020 - Special City Council & Stadium Authority Meeting
September 29, 2020 - Council and Authorities Concurrent Meeting & Special Stadium Authority Meeting

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

- 2.B** [20-21](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Senior Advisory Commission - September 28, 2020
Planning Commission - June 10, 2020
Cultural Commission - October 5, 2020
Downtown Community Task Force - September 24, 2020

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

- 2.C [20-714](#) Action on Agreements with N. Harris Computer Corporation for the NorthStar CIS Utility Billing System

Recommendation: 1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with N. Harris Computer Corporation for the NorthStar CIS Utility Billing System to extend the term of the agreement through December 31, 2023, with no change to the maximum compensation of \$276,648;

2. Authorize the City Manager to negotiate and execute future amendments to the agreement with N. Harris Computer Corporation for additional work related to the SEW project and change of banking services and extend the term, if required, to complete the additional work and subject to the appropriation of funds; and

3. Authorize the City Manager to negotiate and execute a new support and maintenance agreement with N. Harris Computer Corporation to memorialize the software products and configurations that are licensed to the City with maximum compensation amount not-to-exceed \$171,595 for FY2020/21; negotiate and execute future amendments consistent with additions and deletions of software products and configurations licensed to the City; and execute one-year options to renew the maintenance and support agreement, subject to the appropriation funds.

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

- 2.D [20-964](#) Action on Bills and Claims Report (CC) for the period October 3rd, 2020 - October 16th, 2020

Recommendation: Approve the list of Bills and Claims for October 3, 2020 - October 16, 2020.

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

- 2.E [20-886](#) Action on a Resolution of the City Council of the City of Santa Clara Authorizing City Staff to Deposit and Withdraw City Funds in the State's Local Agency Investment Fund

Recommendation: Adopt a resolution granting the authority to the City Manager, City Auditor, Director of Finance, and Assistant Director of Finance to invest and withdraw City funds in the State of California's Local Agency Investment Fund (LAIF).

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to adopt Resolution No. 20-8899, authorizing City Staff to Deposit and Withdraw City Funds in the State's Local Agency Investment Fund.

- 2.F [20-900](#) Action on Approval of a Tentative Parcel Map for 5407 and 5409 Stevens Creek Boulevard

Recommendation: Alternative 1:
Adopt a resolution to approve the Tentative Parcel Map to subdivide the existing parcel into two lots at the property located at 5407 and 5409 Stevens Creek Boulevard.

A motion was made by Vice Mayor Hardy, seconded by Councilmember Watanabe, to continue this item to November 17, 2020.

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

- 2.G [20-909](#) Approval of Silicon Valley Power's Energy Storage Procurement Plan to Re-Evaluate Energy Storage as an Element of the Electric Utility Power Supply Plans in Compliance with California Assembly Bill 2514

Recommendation: Approve and adopt Silicon Valley Power's Energy Storage Procurement Plan to re-evaluate energy storage as an Element of Electric Utility Power Supply Plans in Compliance with California Assembly Bill 2514.

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

- 2.H [20-919](#) Public Hearing: Action on a Tentative Parcel Map for 2250 Lawson Lane

Recommendation: Alternative 1:
Adopt a resolution to approve the Tentative Parcel Map to create a single lot subdivision for commercial condominium purposes at the property located at 2250 Lawson Lane.

A motion was made by Vice Mayor Hardy, seconded by Councilmember Watanabe, to continue this item to November 17, 2020.

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

- 2.I [20-921](#) Action on Amendment No. 1 to the Agreement with Global Spectrum, LP, dba Spectra Venue Management for the Management and Operation of the Santa Clara Convention Center Modifying the Timing of Capital Investments

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the Agreement with Global Spectrum, LP, dba, Spectra Venue Management for the Management and Operation of the Santa Clara Convention Center modifying the timing of capital investments and providing authority the City Manager to make minor or administrative amendments.

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

- 2.J [20-929](#) Action on Resolution Approving the Purchase and Sale Agreements for Electric Utility Easements on the South Loop Reconfigure Project

Recommendation: 1. Adopt the Resolution approving the purchases of overhead electric easements at 2365 Lafayette Street [APN 224-40-010], and 2265 Lafayette Street [APN 224-03-080]; and
2. Authorize the recordation thereof.

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to adopt Resolution No. 20-8900, approving the Purchase and Sale Agreements for Electric Utility Easements on the South Loop Reconfigure Project.

- 2.K [20-930](#) Public Hearing: Action on the Termination of a Covenant Agreement for the Properties Located at 1560 and 1582 Jackson Street that Restrict Development

Recommendation: Alternative1: Authorize the City Manager to terminate the Covenant Agreement for the Properties located at 1560 and 1582 Jackson Street.

Mayor Gillmor abstained from this item due to a potential conflict of interest by owning property within 1000 feet.

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to approve staff recommendation, noting Mayor Gillmor abstention.

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

Abstained: 1 - Mayor Gillmor

- 2.L [20-879](#) Action on an Agreement for Services with Energy & Resource Solutions, Inc. for Commercial and Industrial Energy Audit and Rebate Management Services

Recommendation:

1. Authorize the City Manager to execute an Agreement with Energy and Resource Solutions, Inc. for commercial and industrial energy audit and rebate management services, for an initial term starting on or about December 1, 2020 and ending on June 30, 2022 for total maximum amount not-to-exceed \$1,691,700, subject to the annual appropriation of funds;
2. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreement after the initial term, ending June 30, 2027 assuming all options are exercised, subject to the annual appropriation of funds; and
3. 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 and approval by the City, subject to the appropriation of funds.

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

- 2.M [20-1010](#) Action on Funding Request from Santa Clara Firefighter's Foundation for 2020 Virtual Firehouse Run

Recommendation: Approve and authorize the City Manager to fund 2020 Virtual Firehouse Run in the amount of \$10,000 through the community grants program.

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

- 2.N [20-757](#) Action on the 2019 Power Source Disclosure Reports and Power Content Label

Recommendation: Adopt a Resolution approving the attestations of the veracity of the 2019 Power Source Disclosure Reports and the Power Content Label for submission to the California Energy Commission.

A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to adopt Resolution No. 8901 approving the attestations of the veracity of the 2019 Power Source Disclosure Reports and the Power Content Label for submission to the California Energy Commission.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

PUBLIC HEARING/GENERAL BUSINESS

3. [20-770](#) Action on 2020 Q3 Legislative Update

Recommendation: Note and file the 2020 Q3 Legislative Update.

Casey Elliott (Towsend Public Affairs) gave a PowerPoint Presentation.

A motion was made by Vice Mayor Hardy, seconded by Councilmember Chahal, to note and file the 2020 Q3 Legislative Update.

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

4. [20-1138](#) Action on Emergency Ordinance to Add Chapter 9.70 to enact COVID-19 Worker Recall Protections for Building Service, Food Service and Hotel Service Workers

Recommendation: Alternative 1:
Adopt the Emergency Ordinance to add Worker Recall Protections.

Assistant City Manager Shikada and City Attorney Doyle gave a PowerPoint Presentation.

Public Speaker(s): Marlene Bueler	Leah Williamson
Rosa Muniz	Sarah Julian
Juncay	Vicenta
Maria Landa	Maria Rocha,
Frank	Enrique Fernandez
Big B	Sarah McDermot
Louise Auerhahn	Amparo Zuniga
Jose Barba	Johnny

A motion was made by Councilmember Watanabe, seconded by Councilmember Chahal, to adopt Emergency Ordinance No. 2024 to add Worker Recall Protections with the new revisions as noted by the staff presentation.

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

5. [20-1133](#) Action on a Proposed Cost-Sharing Agreement with the County of Santa Clara to Fund a Countywide Isolation and Quarantine Support Program (IQSP)

Recommendation: Alternative 2: Council action to delegate authority to the City Manager to negotiate and execute a funding agreement with the County of Santa Clara in an amount not to exceed \$50,500 for a limited IQSP that includes program oversight and coordination, motel rooms for low-income, City of Santa Clara COVID positive individuals (and/or COVID exposed City of Santa Clara residents) and referral to the City's rental assistance program.

Assistant City Manager Bojorquez gave a PowerPoint Presentation.

Public Speaker(s): Juan Hernandez

A motion was made by Councilmember Davis, seconded by Vice Mayor Hardy, to approve Alternative 2: delegate authority to the City Manager to negotiate and execute a funding agreement with the County of Santa Clara in an amount not to exceed \$50,500 for a limited IQSP that includes program oversight and coordination, motel rooms for low-income, City of Santa Clara COVID positive individuals (and/or COVID exposed City of Santa Clara residents) and referral to the City's rental assistance program and direct staff to return with a report if the additional funds are requested by the County of Santa Clara.

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 the City is currently accepting applications to serve on the Task Force for Diversity, Equity, and Inclusion and encouraged residents to apply by the November 13, 2020 at 5:00 PM deadline.

[20-882](#) Tentative Meeting Agenda Calendar (TMAC)

[20-1074](#) Update on City Council and Stadium Authority Staff Referrals

ADJOURNMENT

The meeting was adjourned at 7:34 PM in memory of **Cheri Margret Squires (60-year resident in Santa Clara)** and **Carolyn Seeger, (Senior Advisory Commissioner and Long-Term Santa Clara Resident)**.

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

[20-1190](#) Adjournment of the November 10, 2020 City Council Meeting Post Meeting Material

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