



City of Santa Clara

Special Meeting Minutes

Council and Authorities Concurrent Meeting

12/16/2020

7:30 PM

Virtual Meeting

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.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Mayor calls for a Special Meeting of the City Council of the City of Santa Clara, the Governing Board of the Stadium Authority, the Governing Board of the Sports and Open Space Authority, the Governing Board of the City of Santa Clara Housing Authority, and the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency to commence and convene on December 16, 2020, at 7:30 pm for a Special Meeting held virtually to consider the following matter(s) and to potentially take action with respect to them.

7:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Special Meeting to order at 7:31 PM

Roll Call

Assistant City Clerk Pimentel read a statement regarding Americans with Disabilities Act Compliance and technical issues from the previous meeting on December 15, 2020.

Present: 7 - Councilmember Kathy Watanabe, Councilmember Raj Chahal, Vice Mayor Karen Hardy, Councilmember Kevin Park, Councilmember Suds Jain, Councilmember Anthony Becker, and Mayor Lisa M. Gillmor

Public Comment

Public Speaker(s): Ben Dover

Teresa O'Neill

Jack

Cliff Digghim

Wesley Mukoyama

Public Speaker (1)

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to continue Closed Session Item 20-1343 to the January 12, 2021 Council and Authorities Concurrent meeting.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

[20-1343](#) Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Nevarez v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:16-CV-07013-LHK

[20-1345](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
City of Santa Clara v. Yumori Kaku, et al., California Sixth District Court of Appeal Case No. H046105

Convene to Closed Session (Council Conference Room)

COUNCIL SPECIAL MEETING

Pledge of Allegiance and Statement of Values

Council recited the Pledge of Allegiance.

Councilmember Watanabe recited the Statement of Values.

Assistant City Clerk Pimentel recited the AB23 Announcement.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

1. [20-1347](#) Public Hearing: Action on the Consideration of the Nomination of the Pomeroy Green Townhouses at the Northeast Corner of Pomeroy Avenue and Benton Street to the National Register of Historic Places

Recommendation: Continue the Consideration of the Nomination of the Pomeroy Green Townhouses at the Northeast Corner of Pomeroy Avenue and Benton Street to the National Register of Historic Places to January 12, 2021.

A motion was made by Councilmember Watanabe, seconded by Councilmember Jain, to continue the Consideration of the Nomination of the Pomeroy Green Townhouses at the Northeast Corner of Pomeroy Avenue and Benton Street to the National Register of Historic Places to January 12, 2021.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to continue Items 3.T, 3.BB, 3.CC, and 3.JJ to January 12, 2021.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

SPECIAL ORDER OF BUSINESS

- 2.A [20-3748](#) Adopt a Resolution Declaring the Results of the Canvass of Returns of the Consolidated Municipal Election held on November 3, 2020 with the Statewide Presidential Election

Recommendation: Adopt a resolution reciting the facts of the Consolidated Municipal Election held on November 3, 2020 with the Statewide Presidential Election and declare the following candidates elected: Kathy Watanabe for Councilmember in Council District 1, Kevin Nara Park for Councilmember in Council District 4, Sudhanshu “Suds” Jain for Councilmember in Council District 5, Anthony J. Becker for Councilmember in Council District 6, Hosam Haggag for City Clerk and Pat Nikolai for Chief of Police each for a four-year term ending 2024.

Public Speaker(s): Wesley Mukoyama

A motion was made by Vice Mayor Hardy, seconded by Councilmember Chahal, to adopt Resolution No. 20-8492 reciting the facts of the Consolidated Municipal Election held on November 3, 2020 with the Statewide Presidential Election and declare the following candidates elected: Kathy Watanabe for Councilmember in Council District 1, Kevin Nara Park for Councilmember in Council District 4, Sudhanshu “Suds” Jain for Councilmember in Council District 5, Anthony J. Becker for Councilmember in Council District 6, Hosam Haggag for City Clerk and Pat Nikolai for Chief of Police each for a four-year term ending 2024.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- 2.B [20-1338](#) Action on December 8, 2020 Council and Authorities Concurrent Meeting

Recommendation: Approve the meeting minutes of December 8, 2020 Council and Authorities Concurrent Meeting.

A motion was made by Councilmember Park, seconded by Councilmember Watanabe, to approve the meeting minutes of December 8, 2020 Council and Authorities Concurrent meeting.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- 2.C [20-1386](#) Verbal Report from City Manager regarding COVID-19 Pandemic
- City Manager Santana and Chief Emergency Services Officer Schoenthal** provided a verbal update on the County of Santa Clara Stay at Home order and information on the COVID-19 cases impacting the County.
- Chief Emergency Services Officer Schoenthal** provided a PowerPoint Presentation that displayed a resource for residents whom may be seeking Counseling services during the holidays.
- Public Speaker(s):** Wesley Mukoyama
- 2.D 21-6754 Introduction of the New Chief Executive Officer of Silicon Valley/Santa Clara DMO, Inc. (TO BE RESCHEDULED TO JANUARY 2021)
- This item will be rescheduled to January 12, 2021 Council and Authorities Concurrent Meeting.

CONSENT CALENDAR

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve the balance of Consent Calendar (except Item 3.F, 3.H, 3.R, and 3.II).

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- 3.A [20-1362](#) Action to Adopt Resolutions to Set the Regular Meeting Schedules and Dates for the Cultural Commission, Parks & Recreation Commission, Senior Advisory Commission, and Youth Commission for Calendar Year 2021

Recommendation: Adopt the attached resolutions setting the 2021 Calendar of Regular Meetings for the Cultural Commission, Parks & Recreation Commission, Senior Advisory Commission and Youth Commission for 2021.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolutions setting Regular Meeting schedules and dates for the Cultural Commission Resolution No. 20-8917, Parks & Recreation Commission Resolution No. 20-8918, Senior Advisory Commission Resolution No. 20-8919 and Youth Commission Resolution No. 20-8920 for Calendar Year 2021.

3.B [20-1341](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:

Youth Commission - October 13, 2020
Parks & Recreation Commission - October 20, 2020
Bicycle & Pedestrian Advisory Committee - September 21, 2020
Planning Commission - June 15, 2020
Housing Rehabilitation Loan Committee - February 13, 2020
Task Force on Diversity, Equity, and Inclusion - October 29, 2020
Economic Development, Communications, and Marketing Committee -
September 2, 2020
Senior Advisory Commission - October 26, 2020
Cultural Commission - November 2, 2020
Governance and Ethics Committee - September 14, 2020
Bicycle and Pedestrian Advisory Committee - January 26, 2020
Youth Commission - November 10, 2020
Planning Commission - July 15, 2020
Planning Commission - November 18, 2020

**A motion was made by Councilmember Jain, seconded by
Councilmember Chahal, to approve staff recommendation.**

3.C [20-1342](#) Action on Bills and Claims Report (CC, SA,) for the period October 17th,
2020 - November 13th, 2020

Recommendation: Approve the list of Bills and Claims for October 17, 2020 - November 13,
2020.

**A motion was made by Councilmember Jain, seconded by
Councilmember Chahal, to approve staff recommendation.**

3.D [20-1344](#) Action on Historic Resource Inventory Property Designation and Historical
Preservation Agreement (Mills Act Contract) for 1176 Lincoln Street

Recommendation: 1. Add the subject property to the City's Historic Resource Inventory (HRI),
2. Authorize the City Manager to execute a Mills Act contract that includes a
10-Year Restoration and Maintenance Plan for the property at 1176
Lincoln Street.

**A motion was made by Councilmember Jain, seconded by
Councilmember Chahal, to approve staff recommendation.**

- 3.E [20-1346](#) Action on Amendment No. 1 to the Agreement for Professional Services with CSG Consultants, Inc. for Development Plan Review and Field Inspection Services

Recommendation: Approve and Authorize the City Manager to execute Amendment No. 1 to the Agreement for Professional Services with CSG Consultants, Inc. for Development Plan Review and Field Inspection Services.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.G [20-1349](#) Action on Historical Preservation Agreement (Mills Act Contract) for 688 Monroe Street

Recommendation: Authorize the City Manager to execute a Mills Act Contract and adopt the 10-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 688 Monroe Street with the property owners Mark and Genevieve Rogers (PLN2020-14627).

Councilmember Jain recused himself from this item due to potential conflict of interest by owning property within 500 ft of the subject property.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

Aye: 6 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Becker, and Mayor Gillmor

Recused: 1 - Councilmember Jain

- 3.I [20-1352](#) Action on Amendment No. 1 to the Billboard Banking Agreement with Outfront Media, LLC to Allow a Banked Credit for the Removal of a Two-Sided Static Billboard Located at 4545 Stevens Creek Boulevard Until 2021

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Billboard Banking Agreement with Outfront Media, LLC to extend the termination date from December 31, 2020 to December 31, 2021.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.J [20-1353](#) Action on the City of Santa Clara Audited Comprehensive Annual Financial Report (CAFR) and Audited Silicon Valley Power (SVP) Financial Statements for Fiscal Year Ended June 30, 2020, as Recommended by the City Council Audit Committee

Recommendation: Note and file, as recommended by the City Council Audit Committee:

1. The audited City of Santa Clara Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2020; and
2. The audited City of Santa Clara Electric Utility Enterprise Fund (Silicon Valley Power) Financial Statements for fiscal year ended June 30, 2020.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.K [20-5387](#) Informational Report on Master Agreement on BART Silicon Valley Phase II Extension Project

Recommendation: Note and file the Informational Report upon executing Master Agreement that provides information on negotiated terms as related to BART Silicon Valley Phase II Extension Project.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.L [20-1355](#) Action on Amendments to the Power Purchase and Sale Agreement for Renewable Energy with Rooney Ranch, LLC and Power Purchase and Sale Agreements for Wind Energy with Sand Hill A, LLC and Sand Hill B, LLC

Recommendation:

1. Authorize the City Manager to execute an Amendment to the Power Purchase and Sale Agreement with Rooney Ranch, LLC for the wind site located on the City's Altamont Property;
2. Authorize the City Manager to execute the Amendments to the Power Purchase and Sale Agreements for Wind Energy with Sand Hill A, LLC and Sand Hill B, LLC, to purchase the electrical power; and
3. Delegate authority to the City Manager to execute future amendments to the Power Purchase and Sale Agreement for the term of the Agreement.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.M** [20-1356](#) Action on Amendment No. 1 to the Agreement for Professional Services with Aspen Environmental Group and Amendment No. 1 to the Agreement for Professional Services with Electrical Consultants, Inc.

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Professional Services with Aspen Environmental Group, Inc. to increase the value of the contract by \$395,933, for a total not-to-exceed value of \$825,861;
2. Authorize the City Manager to execute Amendment No. 1 to the Agreement for Professional Services with Electrical Consultants, Inc. to increase the value of the contract by \$1,540,551, for a total not-to-exceed value of \$3,920,551; and
3. Authorize the City Manager to add or delete environmental services consistent with the scope of the agreement, extend the agreement for projects initiated before the expiration date of the agreement, and allow future rate increases subject to request and justification by consultants, and approval by the City, subject to the appropriation of funds.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.N** [20-1357](#) Action on Amendment No. 1 to the Agreement with TMG Utility Advisory Services, Inc. to Provide Project Management for a Utility Customer Self-Service Portal and Billing System

Recommendation:

1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with TMG Utility Advisory Services, Inc. to extend the term of the agreement through December 31, 2023, with no change to the maximum compensation of \$445,740; and
2. Authorize the City Manager to negotiate and execute future amendments to the agreement with TMG Utility Advisory Services, Inc. to extend the term, if required, to complete the work.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.O [20-1358](#) Action on a Resolution Authorizing the Use of City Electric Forces at Various Locations

Recommendation: Adopt a Resolution authorizing the use of City Electric Forces at 2961 Corvin Drive, 3305 Kifer Road, 1160 Walsh Avenue, Kenneth Street between Space Park Drive and Comstock Street, south side of Scott Boulevard west of San Tomas Expressway, right of Notre Dame Drive on SVP Pole 51F06, 3075 Olcott Street, Lawson Lane, 5403 Stevens Creek Boulevard, 1390 Norman Avenue, 3655 Kifer Road, and Hogan Drive and Lafayette Street.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolution No. 20-8921 authorizing the Use of City Electric Forces at Various Locations.

- 3.P [20-1359](#) Action on Amendment No. 2 to the Agreement with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan and Related Budget Amendment

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for Services with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan to expand the scope of services and increase the total not to exceed amount to \$1,017,623; and
2. Approve the related FY 2020/21 budget amendment in the General Fund to decrease the Ending Fund Balance - Advanced Planning Reserve by \$26,000 and increase the Community Development Department appropriation by \$26,000.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.Q [20-1360](#) Action on a Resolution Amending In Part Resolution No. 19-8767, Setting the Number and Start Time of Regular Meetings of the Board of Library Trustees, and Approving the 2021 Board of Library Trustees Calendar of Meetings

Recommendation: Adopt a Resolution amending in part Resolution No. 19-8767, setting the number and start time of regular Board of Library Trustees meetings, and approving the 2021 Board of Library Trustees Calendar of Meetings.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolution No. 20-8922, amending in Part Resolution No. 19-8767, setting the number and start time of regular meetings of the Board of Library Trustees, and approving the 2021 Board of Library Trustees Calendar of Meetings.

- 3.S [20-1363](#) Action on the Santa Clara Convention Center FY 2020/21 1st Quarter Financial Status Report

Recommendation: Note and file the Santa Clara Convention Center Financial Status Report for the first quarter ended September 30, 2020, as submitted by Spectra.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.T [20-1365](#) Action on Adoption of an Ordinance No. 2023 adding Chapter 9.65 to the City Code to provide Hotel Service Workers Retention Rights

Recommendation: Adopt Ordinance No. 2023 adding Chapter 9.65 to the City Code to provide Hotel Service Workers Retention Rights.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to continue Items 3.T, 3.BB, 3.CC, and 3.JJ to January 12, 2021.

- 3.U [20-1366](#) Action on a Resolution Approving Purchase and Sale Agreements for Electric Utility Easement on the South Loop Reconfigure Project at 2500 De La Cruz Boulevard

Recommendation: 1. Adopt the Resolution approving the purchase of an overhead electric easement at 2500 De La Cruz Boulevard [APN 230-03-106]; and
2. Authorize the recordation thereof.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolution No. 20-8923, approving the Purchase and Sale Agreements for Electric Utility Easement on the South Loop Reconfigure Project at 2500 De La Cruz Boulevard.

- 3.V [20-1368](#) Action on Appointment to fill two vacant positions on the Downtown Precise Plan Downtown Community Task Force (DCTF)

Recommendation: Appoint two members to the vacant positions of the Downtown Community Task Force to support the preparation of the Downtown Precise Plan.

Mayor Gillmor recused herself from this item due to potential conflict of interest as she owns property in Franklin Square Mall.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to appoint Chan Thai and Atisha Varshney to fill the vacancy on the Downtown Precise Plan Downtown Community Task Force.

Aye: 6 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, and Councilmember Becker

Recused: 1 - Mayor Gillmor

- 3.W** [20-1370](#) Action on a Resolution Approving the 2021 Civil Service Commission Calendar of Meetings, and Setting the Number and Start Time of Regular Meetings of the Civil Service Commission

Recommendation: Adopt a Resolution approving the 2021 Civil Service Commission Calendar of Meetings, and setting the number and start time of regular Civil Service Commission meetings.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolution No. 20-8924, approving the 2021 Civil Service Commission Calendar of Meetings and Setting the number and start time of Regular Meetings of the Civil Service Commission.

- 3.X** [20-1371](#) Action on a Resolution approving the 2021 Deferred Compensation Committee Calendar of Meetings, and setting the Number and Start Time of Regular Meetings of the Deferred Compensation Committee

Recommendation: Adopt a Resolution approving the 2021 Deferred Compensation Committee Calendar of Meetings, and setting the number and start time of regular Deferred Compensation Committee meetings.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolution No. 20-8925, Approving the 2021 Deferred Compensation Committee Calendar of Meetings and Setting the number and start time of Regular Meetings of the Deferred Compensation Committee.

- 3.Y** [20-1373](#) Informational Report Regarding the 2016 Measure B 10-Year Revenue Outlook Prepared by Santa Clara Valley Transportation Authority

Recommendation: The report is presented for the Council's information only; no action is required at this time.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.Z** [20-1374](#) Action on Amendment No. 2 to the Agreement with Metropolitan Planning Group for Dedicated Planning Services for Tasman East Development Projects

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for Services with Metropolitan Planning Group for dedicated planning services for Tasman East development projects and increase the total not to exceed amount to \$147,000, with a term extending through June 30, 2022.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.AA** [20-1376](#) Actions to Adopt a Resolution Approving and Adopting Updated Salary Plans for Various Classified and As-Needed Positions, and to Approve Modified Class Specifications for the Public Works Supervisor and Public Safety Dispatcher I/II Classifications

Recommendation: 1. Adopt a Resolution to approve the revised salary plans for various classified, unclassified, and as-needed positions to satisfy the requirements of California Code of Regulations Section 570.5; and
2. Approve Modified Class Specifications for the Public Works Supervisor and Public Safety Dispatcher I/II Classifications.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolution No. 20-8926, approving and adopting updated Salary Plans for various Classified and As-Needed Positions, and to Approve Modified Class Specifications for the Public Works Supervisor and Public Safety Dispatcher I/II Classifications.

- 3.BB** [20-1377](#) Action on Adoption of Ordinance No. 2025 amending the Transit Neighborhood Zoning District, the Zoning District applicable to the Tasman East Specific Plan area boundaries, to allow certain non-residential uses within the first three floors of mixed-use buildings and to correct an error regarding permissible density ranges

Recommendation: Adopt Ordinance No. 2025 amending the Transit Neighborhood Zoning District to allow certain non-residential uses within the first three floors of a mixed-use building and to correct an error regarding permissible density ranges.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to continue Items 3.T, 3.BB, 3.CC, and 3.JJ to January 12, 2021.

- 3.CC** [20-1379](#) Adoption of Ordinance No. 2026 Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code Regarding the Tasman East Specific Plan Infrastructure Fee

Recommendation: Adopt Ordinance No. 2026 Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code Regarding the Tasman East Specific Plan Infrastructure Fee.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to continue Items 3.T, 3.BB, 3.CC, and 3.JJ to January 12, 2021.

- 3.DD** [20-1380](#) Authorize the City Manager to execute the 2020-2022 Memorandum of Understanding Between the City of Santa Clara and the Unclassified Fire Management Employees (Unit 9B), that incorporates the terms of the Tentative Agreement

Recommendation: Authorize the City Manager to execute the amended Memorandum of Understanding between the City of Santa Clara and the Unclassified Fire Management Employees (Unit 9B) with effective dates of December 27, 2020 to December 31, 2022, that incorporates the terms of the Tentative Agreement.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.EE** [20-1382](#) Action on Resolution Authorizing the City Manager to Negotiate and Execute Amendments, Change Orders, and New Agreements with Various Vendors as Required to Complete Emergency Repairs and Maintenance at the Gianera Generating Station, in an Aggregate Amount Not-to-Exceed \$1 million

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute amendments, change orders, and new agreements with various vendors as required to complete all repairs at the Gianera Generating Station, in an aggregate amount not-to-exceed \$1,000,000 and directing staff to provide Council with a report on contracts awarded and worked performed once the repairs have been completed.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to adopt Resolution No. 20-8927, authorizing the City Manager to Negotiate and Execute Amendments, Change Orders and new Agreements with various vendors as required to complete Emergency Repairs and Maintenance at the Gianera Generating Station in an aggregate amount not to exceed \$1 million.

- 3.FF** [20-1383](#) Authorize the City Manager to execute the 2019-2023 Memorandum of Understanding Between the City of Santa Clara and the City of Santa Clara Employees Association (Unit 5, 7 & 8), that incorporates the terms of the Tentative Agreement

Recommendation: Authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and the City of Santa Clara Employees Association (Unit 578) with effective dates of December 15, 2019 to December 31, 2023, that incorporates the terms of the Tentative Agreement.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.GG** [20-1384](#) Authorize the City Manager to execute the 2020-2021 Memorandum of Understanding Between the City of Santa Clara and the American Federation of State County and Municipal Employees, Local 101 (Unit 6), that incorporates the terms of the Tentative Agreement

Recommendation: Authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and the American Federation of State County and Municipal Employees, Local 101 (Unit 6) with effective dates of December 27, 2020 - December 31, 2021, that incorporates the terms of the Tentative Agreement.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.HH** [20-1385](#) Authorize the City Manager to execute an amended Memorandum of Understanding Between the City of Santa Clara and the Unclassified Police Management Association Unit 9A, that incorporates the terms of the Tentative Agreement

Recommendation: Authorize the City Manager to execute an amended Memorandum of Understanding between the City of Santa Clara and the Unclassified Police Management Employees (Unit 9A) with effective dates of December 23, 2018 to December 31, 2023, that incorporates the terms of the Tentative Agreement.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

- 3.JJ** [20-1367](#) Action on Resolution Amending Rate Schedules for Electric Service for All Classes of Customers, Effective January 1, 2021

Recommendation: Adopt a Resolution amending Rate Schedules for Electric Services for all classes of customers effective January 1, 2021 and amending Time of Use rate under CB-6 and CB-7 Rate Schedule.

A motion was made by Councilmember Becker, seconded by Councilmember Chahal, to continue Items 3.T, 3.BB, 3.CC, and 3.JJ to January 12, 2021.

3.KK [20-1390](#) Action on Historical Preservation Agreement (Mills Act Contract) for 590 Monroe Street

Recommendation: Authorize the City Manager to execute a Mills Act contract and adopt the 10-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 590 Monroe Street with applicants Julia Breuer and Joseph Breuer; PLN2020-14591.

Councilmember Jain recused himself from this item due to potential conflict of interest by owning property within 500 ft of the subject property.

A motion was made by Councilmember Jain, seconded by Councilmember Chahal, to approve staff recommendation.

Aye: 6 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Becker, and Mayor Gillmor

Recused: 1 - Councilmember Jain

PUBLIC PRESENTATIONS

Ken Kratz expressed comments of concern regarding the Bicycle and Pedestrian Advisory Committee (BPAC) interview process.

CONSENT ITEMS PULLED FOR DISCUSSION

- 3.F** [20-1348](#) Action on Small Cell Attachment Agreement Between the City of Santa Clara, California, and New Cingular Wireless PCS, LLC

Recommendation: 1. Authorize the City Manager to execute the Small Cell Attachment Agreement with New Cingular Wireless PCS, LLC; and
2. Authorize the City Manager to execute amendments to the Agreement with non-substantive changes, where the terms and conditions do not increase the City's liability under the Agreement, or increases the City's costs to manage and administer the Agreement.

Councilmember Chahal pulled Item 3.F and 3.II for further clarification.

Chief Electric Utility Officer Pineda addressed Council questions for both 3.F and 3.II.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Hardy, to (1) authorize the City Manager to execute the Small Cell Attachment Agreement with New Cingular Wireless PCS, LLC; and (2) authorize the City Manager to execute amendments to the Agreement with non-substantive changes, where the terms and conditions do not increase the City's liability under the Agreement, or increases the City's costs to manage and administer the Agreement.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- 3.II** [20-1364](#) Action on a Pole Contact Agreement with Zayo Group, LLC

Recommendation: Authorize the City Manager to execute the Pole Contact Agreement with Zayo Group, LLC to allow the attachments of facilities on City-owned utility poles.

Councilmember Chahal pulled Item 3.F and 3.II for further clarification.

Chief Electric Utility Officer Pineda addressed Council questions for both 3.F and 3.II.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Hardy, to authorize the City Manager to execute the Pole Contact Agreement with Zayo Group, LLC to allow the attachments of facilities on City-owned utility poles.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- 3.H** [20-1350](#) Information Report Regarding Automobile Burglaries, including Strategies for Prevention

Recommendation: Note and file the Information Report regarding Automobile Burglaries, including Strategies for Prevention.

Councilmember Watanabe pulled this item for further clarification.

Chief of Police Nikolai gave a PowerPoint Presentation and addressed Council questions.

A motion was made by Councilmember Watanabe, seconded by Councilmember Jain, to note and file the Information Report regarding Automobile Burglaries, including Strategies for Prevention.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

- 3.R** [20-1361](#) Action on Final Map for Tract 10528 at 1834 Worthington Circle/90 North Winchester Boulevard

Recommendation: 1. Approve Final Map for Tract 10528;
2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation; and
3. Authorize the recordation of Final Map for Tract 10528, which subdivides the site into six lots located at 1834 Worthington Circle/90 North Winchester Boulevard [APN 303-17-053 (2020-21)].

Councilmember Becker pulled this item for further clarification.

City Manager Santana and **City Attorney Doyle** addressed Council questions.

A motion was made by Councilmember Becker, seconded by Vice Mayor Hardy, to (1) approve Final Map for Tract 10528; (2) authorize the City Manager to make minor modifications, if necessary, prior to recordation; and (3) authorize the recordation of Final Map for Tract 10528, which subdivides the site into six lots located at 1834 Worthington Circle/90 North Winchester Boulevard [APN 303-17-053 (2020-21)].

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

PUBLIC HEARING/GENERAL BUSINESS

4. [20-4654](#) Action on a Written Petition submitted by Sam Liu Requesting a Discussion and Reconsideration of a 10' CMU Wall with the Project at 3200 Scott Blvd.

Recommendation: Staff makes no recommendation.

Councilmember Jain, Councilmember Chahal, and Councilmember Becker noted that each individual had discussions with Written Petitioner Sam Liu.

Public Speaker(s): Sam Liu
Alan Li (eComment)

A motion was made by Councilmember Chahal, seconded by Vice Mayor Hardy, to return to Council at the January 26, 2021 Council and Authorities Concurrent meeting.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

5. [20-1372](#) Public Hearing: 2019-2020 Consolidated Annual Performance and Evaluation Report (CAPER), 2020-2025 Consolidated Plan (ConPlan) Substantial Amendment, and the 2020-2021 Annual Action Plan (AAP) Substantial Amendment and Approve the Related Budget Amendment

- Recommendation:**
1. Hold a public hearing and approve the:
 - a. 2019-2020 Consolidated Annual Performance and Evaluation Report (CAPER) (Attachment 1),
 - b. 2020-2025 Consolidated Plan (ConPlan) Substantial Amendment (Attachment 2),
 - c. 2020-2021 Annual Action Plan (AAP) Substantial Amendment (Attachment 3), and
 - d. authorize the City Manager, or her designee, to execute the documents for submission to the U.S. Department of Housing and Urban Development (HUD) by December 31, 2020 unless otherwise directed by HUD.
 2. Approve the related FY 2020/21 Budget Amendment in the Housing and Urban Development Fund to recognize the additional CDBG Coronavirus (CDBG-CV) funds through the US Department of Housing and Urban Development (HUD) in the amount of \$139,384 and appropriate the grant funds in the amount of \$139,384 towards the emergency rental assistance program.

Housing Division Manager Veatch gave a PowerPoint Presentation and played a video of participants in the Below Market Program.

A motion was made by Vice Mayor Hardy, seconded by Councilmember Chahal, to close the Public Hearing.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

A motion was made by Vice Mayor Hardy, seconded by Councilmember Watanabe, to (1) hold a public hearing and approve the: a. 2019-2020 Consolidated Annual Performance and Evaluation Report (CAPER) (Attachment 1), b. 2020-2025 Consolidated Plan (ConPlan) Substantial Amendment (Attachment 2), c. 2020-2021 Annual Action Plan (AAP) Substantial Amendment (Attachment 3), and d. authorize the City Manager, or her designee, to execute the documents for submission to the U.S. Department of Housing and Urban Development (HUD) by December 31, 2020 unless otherwise directed by HUD; and (2) approve the related FY 2020/21 Budget Amendment in the Housing and Urban Development Fund to recognize the additional CDBG Coronavirus (CDBG-CV) funds through the US Department of Housing and Urban Development (HUD) in the amount of \$139,384 and appropriate the grant funds in the amount of \$139,384 towards the emergency rental assistance program.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

6. [20-1246](#) Update on the City's interest to relocate the Santa Clara County Courthouse located at 1095 Homestead Road, Santa Clara CA 95050 (APN 269-22-94)

Recommendation: There is no staff recommendation: however, staff recommends that the Council accept this update and the Judicial Council's response to the City's request.

Mayor Gillmor recused herself from this item due to a potential conflict of interest as she owns property in Franklin Square Mall.

Vice Mayor Hardy presided over this item.

Councilmember Jain noted on an advice letter he received from Fair Political Practices Commission (FPPC) and that he does not have Conflict of Interest and does not need to recuse himself on this topic.

City Manager Santana provided a verbal update on the request to relocate Santa Clara County Courthouse.

Public Speaker(s): Dan Ondrasek (email)

A motion was made by Councilmember Becker, seconded by Councilmember Park, to note and file the Update on the City's interest to relocate the Santa Clara County Courthouse and the Judicial Council's response to the City's request.

Aye: 6 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, and Councilmember Becker

Recused: 1 - Mayor Gillmor

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember Becker wished the Council, staff, and residents a Happy Holidays.

Vice Mayor Hardy reported on her attendance at the Bicycle and Pedestrian Advisory Committee Meeting.

Councilmember Chahal wished the Council, staff, and residents a safe and healthy Holidays.

Councilmember Watanabe reported on her attendance at the Recycling and Waste Commission meeting, Santa Clara/Santa Cruz Airport Committee, and expressed gratitude to staff over the hard work over the past year and working through the pandemic.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager Santana noted that the Tentative Meeting Agenda Calendar (TMAC) and the Referral list in the agenda packet.

City Manager Santana reported that the Virtual Comic Com was very successful, especially Storytime with Elsa and that the City of Santa Clara ranked #22 as top Metropolitan area.

[20-1351](#) Tentative Meeting Agenda Calendar (TMAC)

[20-1378](#) Update on City Council and Stadium Authority Staff Referrals

ADJOURNMENT

The meeting was adjourned at 11:33 PM in memory of **Paul Carney** (Former Police Officer with the Santa Clara Police Department and Santa Clara Resident), **David Robert Parker** (Former Hazardous Materials Specialist with the Santa Clara Fire Department), and **Paul Giannini** (Former Police Officer with the Santa Clara Police Department).

A motion was made by Councilmember Becker and seconded by Councilmember Park, to adjourn the meeting.

Aye: 7 - Councilmember Watanabe, Councilmember Chahal, Vice Mayor Hardy, Councilmember Park, Councilmember Jain, Councilmember Becker, and Mayor Gillmor

The next regular scheduled meeting is on Tuesday evening, January 12, 2021.

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@santacalaraca.gov <<mailto:clerk@santacalaraca.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."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.