

City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

11/27/2018

5:30 PM

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

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

5:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 5:30 PM.

Confirmation of a Quorum

Assistant City Clerk Pimentel confirmed a quorum.

Public Comment

None.

18-1564

Public Employee Performance Evaluation (CC) Pursuant to

Gov. Code § 54957 Title: City Manager

Convene to Closed Session (Council Conference Room)

6:00 PM COUNCIL REGULAR MEETING

Call to Order

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

Pledge of Allegiance and Statement of Values

Roll Call

Present: 6 - Councilmember Patricia M. Mahan, Councilmember Teresa O'Neill, Mayor Lisa M. Gillmor, Councilmember Debi Davis, Vice Mayor Kathy

Watanabe, and Councilmember Patrick Kolstad

1. 18-217 Study Session: Potential Amendments to the Existing Massage Ordinance

Council went into a recess at 6:46 PM and reconvened at 6:57 PM.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

SPECIAL ORDER OF BUSINESS (TO BE HEARD AT 7:00 P.M. OR SOMETIME THEREAFTER)

2.A	18-1335	Presentation on New Hazardous Materials Vehicle for the Fire Department
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2.B 18-1340 Action on a Donation from the Santa Clara City Library Foundation and Friends and Related Budget Amendment

Recommendation: Accept a Santa Clara City Library Foundation and Friends donation in the amount of \$100,000 and approve the related Budget Amendment to appropriate the funds for future Library-related expenditures

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

Aye: 6 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

CONSENT CALENDAR

A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to approve the Consent Calendar.

Aye: 6 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

3.A Action on Bills and Claims Report (CC) for the period October 19th - October 25th

Recommendation: Approve the list of Bills and Claims for October 19, 2018 - October 25, 2018.

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

3.B 18-205 Action on a Resolution Revising the Council and Authorities/Stadium
Authority Regular Meetings Dates for the 2019 Calendar Year

Recommendation: Adopt a Resolution revising the Council and Authorities/Stadium Authority

regular meeting dates for the 2019 calendar year to reflect the cancelation of the January 22, 2019 meeting and to set January 15, 2019 as a Council

and Authorities regular meeting.

A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to adopt Resolution No. 18-8625.

3.C <u>18-1315</u> Action on Monthly Financial Status and Investment Reports for September

2018

Recommendation: Note and file the Monthly Financial Status and Investment Reports for

September 2018 as presented.

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

3.D <u>18-1039</u> Action on Amendment No. 2 to the Agreement for Services with GEI

Consulting, Inc. to Provide Project Management Support for the Bucks

Creek Project Relicensing

Recommendation: Approve Amendment No. 2 to a Professional Agreement with GEI

Consultants, Inc. to increase the not-to-exceed amount by \$138,431, for a total contract not-to-exceed amount of \$1,028,841 to provide continued Project Management support for the Bucks Creek Relicensing and to extend the term of the Agreement one additional year until April 30, 2021

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

3.E 18-1017 Action on Adoption of Silicon Valley Power's 2018 Integrated Resources

Plan

Recommendation: 1) Adopt Silicon Valley Power's 2018 Integrated Resource Plan in

substantial form and for submittal to the California Energy Commission;

and

2) Authorize the City Manager to submit the final Integrated Resource Plan

prior to April 30, 2019.

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

3.F 18-1434 Action on a Procurement Agreement with Wireless Structures Consulting, Inc. dba Western Utility Telecom, Inc. for the purchase of steel poles for Parker Substation

Recommendation: Approval of the Procurement Agreement with Wireless Structures Consulting, Inc. dba Western Utility Telecom, Inc. in an amount not to exceed \$240,676 for the purchase of steel poles for the development of Parker Substation

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

3.G 18-1450 Action on Bills and Claims for the month of October 2018 (Stadium Authority)

Recommendation: Approve the list of Bills and Claims for October 2018.

A motion was made by Boardmember Mahan, seconded by Boardmember Davis, to approve staff recommendation.

3.H 18-005

Action on Rezone and Variance for the property located at 130 Serena Way

Recommendation: 1. Adopt a resolution approving the rezoning of the property at 130 Serena Way from Agricultural (A) to Single-Family Zoning District (R1-6L) and; 2. Adopt a resolution approving a Variance for an existing substandard side yard setback of two feet and two inches and a 648 square foot detached accessory building.

> A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to adopt Resolution No. 18-8626 and Resolution No. 18-8627.

3.1 18-835 Action on Agreements with Finish Line Towing Incorporated, Lima Towing, and Unique Towing for towing services and Amendment of the FY 2018-19 Municipal Fee Schedule regarding Towing Rates

- **Recommendation:** 1. Approve and authorize the City Manager to execute an Agreement for towing services with Finish Line Towing Incorporated, Lima Towing, and Unique Towing;
 - 2. Authorize the City Manager to add a tow service operator(s) at any time during the term of the Agreement using a substantially similar form of agreement; and
 - 3. Authorize the City Manager to make minor modifications to the Agreement, including rate adjustment(s), if necessary, subject to the appropriation of funds.
 - 4. Adopt a resolution to amend the 2018-19 Municipal Fee Schedule to eliminate the annual Tow Driver Renewal Fee, adopt new tow fees and charges, and authorize annual Consumer Price Index adjustments of these tow fees and charges.

A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to approve staff recommendation and adopt Resolution No. 18-8628.

3.J 18-1561 Action on Adoption of Ordinance No. 1990 Extending the Temporary Ban of All Commercial Cannabis Activity until June 30, 2019

Recommendation: Adopt Ordinance No. 1990 Extending the Temporary Ban of All Commercial Cannabis Activity until June 30, 2019.

> A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to adopt Ordinance No. 1990.

18-1562 3.K

Action on Adoption of Ordinance No. 1991 Prohibiting Certain Activities within a Protected Area (Clean Zone)

Recommendation: Adopt Ordinance No. 1991 Prohibiting Certain Activities within a Protected Area (Clean Zone).

> A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to adopt Ordinance No. 1991.

3.L 18-1563 Action on Adoption of Ordinance No. 1992 Amending the Zoning Code to create the Transit Neighborhood Zoning District including a minimum density of 100 DU/AC and maximum density of 350 DU/AC, creating standards for uniformly sized parking spaces (unistalls), rezoning the Project Site to the new district, and establishing affordable housing requirements and an additional affordability incentive based on density

Recommendation: Adopt Ordinance No. 1992 Amending the Zoning Code to create the Transit Neighborhood Zoning District including a minimum density of 100 DU/AC and maximum density of 350 DU/AC, creating standards for uniformly sized parking spaces (unistalls), rezoning the Project Site to the new district, and establishing affordable housing requirements and an additional affordability incentive based on density.

> A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to adopt Ordinance No. 1992.

PUBLIC PRESENTATIONS

None.

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

4. 18-1554 Action on Appointment to fill a June 30, 2020 partial term vacancy on the Senior Advisory Commision

Recommendation: 1. Appoint one candidate to the Senior Advisory Commission to serve a partial term ending June 30, 2020.

> Councilmember Davis made a motion (seconded by Councilmember O'Neill) to nominate Judy Hubbard, however withdrew the motion to after discussion to vote on all candidates.

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to appoint Judy Hubbard to the Senior Advisory Commission to serve a partial term ending June 30, 2020.

Aye: 6 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis. Councilmember Watanabe. Councilmember Kolstad

5. 18-1235 Action on Resolution Establishing New Electric Rate Schedules for Large Customers

Recommendation: Adopt a Resolution of the City of Santa Clara Establishing City Electric Utility Rate Schedules CB-6, CB-7 and CB-8.

Public Speaker: Jackson Mueller

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 18-8629 establishing City Electric Utility Rate Schedules CB-6, CB-7, and CB-8.

Aye: 6 - Councilmember Mahan, Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

6. Santa Clara Convention Center/Convention-Visitors Bureau

Α. 18-769 Action on the Santa Clara Chamber of Commerce/Convention-Visitors Bureau Response to Performance Audit Titled "Santa Clara Convention Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue"

Recommendation: Action on the Santa Clara Chamber of Commerce Response to TAP International Performance Audit titled "Santa Clara Convention Center and Convention-visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue"

Councilmember Mahan left the meeting at 8:26 PM.

Public Speaker(s): Nick Kaspar Public Speaker (1)

A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to (1) note and file items 6.A, 6.B, 6.C, 6.D, 6.E, and direct staff to continue to implement the audit recommendations, (2) direct staff to further review credit card expenses, (3) direct staff to futher review bonuses and commissions paid, (4) direct staff to return to Council with information and next steps regarding UPS store occupancy, at the appropriate time, (5) direct the City Manager and City Attorney to take any required action to gain possession of the Convention-Visitors Bureau (CVB) audit management letters, and (6) partner with the Chamber to successfuly transition Convention Center/CVB to a potential new operator.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Council Member Kolstad

Absent: 1 - Councilmember Mahan

B. <u>18-699</u> Action on the Response by TAP International, Inc. to Santa Clara

Chamber of Commerce "Response to Audit Findings and Concerns

with City Actions"

Recommendation: Action on the November 18, 2018 TAP International response to Santa

Clara Chamber of Commerce "Response to Audit Findings and

Concerns with City Actions"

A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to (1) note and file items 6.A, 6.B, 6.C, 6.D, 6.E, and direct staff to continue to implement the audit recommendations, (2) direct staff to further review credit card expenses, (3) direct staff to futher review bonuses and commissions paid, (4) direct staff to return to Council with information and next steps regarding UPS store occupancy, at the appropriate time, (5) direct the City Manager and City Attorney to take any required action to gain possession of the CVB audit management letters, and (6) partner with the Chamber to successfuly transition Convention Center/CVB to a potential new operator.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

C. 18-1372 Action on Responses to City Council Questions related to the Performance Audit entitled "Santa Clara Convention Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue"

Recommendation: Note and File Responses to City Council Questions related to the Performance Audit entitled "Santa Clara Convention Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue"

> A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to (1) note and file items 6.A, 6.B, 6.C, 6.D, 6.E, and direct staff to continue to implement the audit recommendations, (2) direct staff to further review credit card expenses, (3) direct staff to futher review bonuses and commissions paid, (4) direct staff to return to Council with information and next steps regarding UPS store occupancy, at the appropriate time, (5) direct the City Manager and City Attorney to take any required action to gain possession of the CVB audit management letters, and (6) partner with the Chamber to successfuly transition Convention Center/CVB to a potential new operator.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

D. 18-1361 Action on the City's Response to the Performance Audit "Santa Clara Convention Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue" and Analysis of the Chamber's Response

Recommendation: Action on 1) the City's Response to and 2) Analysis of the Chamber's Response related to the Performance Audit "Santa Clara Convention" Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue"

> A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to (1) note and file items 6.A, 6.B, 6.C, 6.D, 6.E, and direct staff to continue to implement the audit recommendations, (2) direct staff to further review credit card expenses, (3) direct staff to futher review bonuses and commissions paid, (4) direct staff to return to Council with information and next steps regarding UPS store occupancy, at the appropriate time, (5) direct the City Manager and City Attorney to take any required action to gain possession of the CVB audit management letters, and (6) partner with the Chamber to successfuly transition Convention Center/CVB to a potential new operator.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

E. 18-889 Action on Performance Audit Titled "Santa Clara Convention Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue"

Recommendation: Action on Performance Audit Titled "Santa Clara Convention Center and Convention-Visitors Bureau: Restructuring Operations Can Strengthen Accountability, Performance and Revenue."

> A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to (1) note and file items 6.A, 6.B, 6.C, 6.D, 6.E, and direct staff to continue to implement the audit recommendations, (2) direct staff to further review credit card expenses, (3) direct staff to futher review bonuses an commissions paid, (4) direct staff to return to Council with information and next steps regarding UPS store occupancy, at the appropriate time, (5) direct the City Manager and City Attorney to take any required action to gain possession of the CVB audit management letters, and (6) partner with the Chamber to successfuly transition Convention Center/CVB to a potential new operator.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis. Councilmember Watanabe, and Councilmember Kolstad

7. Tourism Improvement District Audit:

A. 18-1166 Action on Presentation by TAP International, Inc. of "City of Santa Clara" Tourism Improvement District - Governance, Internal Controls and Oversight Need Attention"

Recommendation: Action on the audit "City of Santa Clara Tourism Improvement District -Governance, Internal Controls and Oversight Need Attention"

Public Speaker: Public Speaker (1)

A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to (1) note and file items 7.A, 7.B, and 7.C, (2) authorize staff to pursue an audit of FY 14/15, (3) direct staff to obtain legitimate and complete set of supporting documentation or reimbursement of funds, (4) direct staff to not release Tourism Improvement District (TID) funds to the Chamber, (5) direct staff to immediately obtain in its possession the TID Reserve, approximately \$600,000, (6) direct staff to continue working with TID Advisory Board, or alternate body on TID governance-related issues, toward corrective action, (7) explore TID oversight allocation for City's oversight of TID funds, (8) direct the City Manager to return with an update on the TID issue, create a strategy on how to handle the TID, full disclosure of legal fees and subsidies, and delegate the contract authority to the City Manager to implement these recommendations.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

B. 18-1571 Action on Presentation from Santa Clara Chamber of Commerce/Convention-Visitors Bureau in Response to Audit Titled "City of Santa Clara Tourism Improvement District - Governance, Internal Controls and Oversight Need Attention"

Recommendation: Action on Santa Clara Chamber of Commerce/Convention-Visitors Bureau Response to the TAP International audit titled "City of Santa Clara Tourism Improvement District - Governance, Internal Controls and Oversight Need Attention" dated November 19, 2018.

> A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to (1) note and file items 7.A, 7.B, and 7.C, (2) authorize staff to pursue an audit of FY 14/15, (3) direct staff to obtain legitimate and complete set of supporting documentation or reimbursement of funds, (4) direct staff to not release an TID funds to the Chamber, (5) direct staff to immediately obtain in its possession the TID Reserve, approximately \$600,000, (6) direct staff to continue working with TID Advisory Board, or alternate body on TID governance-related issues, toward corrective action, (7) explore TID oversight allocation for City's oversight of TID funds, (8) direct the City Manager to return with an update on the TID issue, create a strategy on how to handle the TID, full disclosure of legal fees and subsidies, and delegate the contract authority to the City Manager to implement these recommendations.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

C. 18-1371 Action on Presentation from the City on the Audit by TAP International titled "City of Santa Clara Tourism Improvement District - Governance, Internal Controls and Oversight Needed"

Recommendation: Action on City Response to Audit titled "City of Santa Clara Tourism" Improvement District - Governance, Internal Controls and Oversight Needed"

> A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to (1) note and file items 7.A, 7.B, and 7.C, (2) authorize staff to pursue an audit of FY 14/15, (3) direct staff to obtain legitimate and complete set of supporting documentation or reimbursement of funds, (4) direct staff to not release an TID funds to the Chamber, (5) direct staff to immediately obtain in its possession the TID Reserve, approximately \$600,000, (6) direct staff to continue working with TID Advisory Board, or alternate body on TID governance-related issues, toward corrective action, (7) explore TID oversight allocation for City's oversight of TID funds, (8) direct the City Manager to return with an update on the TID issue, create a strategy on how to handle the TID, full disclosure of legal fees and subsidies, and delegate the contract authority to the City Manager to implement these recommendations.

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

Absent: 1 - Councilmember Mahan

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Councilmember O'Neill attended the Senior Advisory Commission meeting and reported that suggestions were made on how to improve Senior and Pedestrian walking safety and bringing the concept of being an age-friendly City.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

18-1536 8. Note and File a Status Report on the Harvey M. Rose Measure J Compliance Audit of the Santa Clara Stadium Authority

Recommendation: Note and File a Status Report on the Harvey M. Rose Measure J Compliance Audit of the Santa Clara Stadium Authority.

> A motion was made by Boardmember Kolstad, seconded by Boardmember O'Neill, to note and flile a Status Report on the Harvey M. Rose Measure J. Compliance Audit of the Santa Clara Stadium Authority.

Aye: 5 - Boardmember O'Neill, Chairperson Gillmor, Boardmember Davis, Boardmember Watanabe, and Boardmember Kolstad

Absent: 1 - Boardmember Mahan

 18-1232 Informational Santa Clara Stadium Authority Annual Report (Stadium Authority)

<u>Recommendation:</u> Note and File the Informational Santa Clara Stadium Authority Annual Report

A motion was made by Boardmember Kolstad, seconded by Boardmember O'Neill, to note and flile the Informational Santa Clara Stadium Authority Annual Report.

Aye: 5 - Boardmember O'Neill, Chairperson Gillmor, Boardmember Davis, Boardmember Watanabe, and Boardmember Kolstad

Absent: 1 - Boardmember Mahan

<u>18-1580</u> Tentative Meeting Agenda Calendar

City Manager Santana reported the following:

- The (13) City of Santa Clara Firefighters deployed to the Campfire Wildfire have returned safely;
- The Registar of Voters will be providing the Certification of Results by December 4, 2018;
- The PAC 12 Championship Game will be on held on Friday, November 30, 2018 at Levis Stadium;
- Central Park Library will now have a DMV Self-Service Terminal;
- The Annual Tree Lighting Ceremony will be held on Friday, December 7, 2018 at 7:00 PM; and
- The Annual Meeting Schedule now includes on the Open Calendar Posting due dates.

Vice Mayor Watanabe announced upcoming attendance at the Menorah Lighting on December 2, 2018.

ADJOURNMENT

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

Aye: 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Kolstad

18-1597 Adjournment Post Meeting Material

The meeting was adjourned at 10:18 PM in **memory** of Gayno Shirley Gustavson West (Mother of Councilmember-elect Karen Hardy), **Joan Marowell** (Longtime Santa Clara resident), and **Earl Marowell** (Former Member of Santa Clara Police Activities Leagues - PAL Board of Directors).

The next regular scheduled meeting is on Tuesday evening, December 4, 2018 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.

ATTEST

APPROVE:

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."

Assistant City Clerk/Secretary/Clerk

Mayor/Chairperson