



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

07/07/2020

1:00 PM

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

****Revisions:**

Revised Closed Session Item 20-678 language

Added Closed Session Item 20-672

Revised Consent Calendar Item 20-606 (2.F) Report & Attachment

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.

1:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 1:05 PM.

Pledge of Allegiance and Statement of Values

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

[20-678](#) Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(a) - Exposure to litigation
Number of potential cases: 1
(Facts and Circumstances)
City as potential defendant: Letters from Gibson Dunn law firm, representing Related Santa Clara LLC, dated September 24, 2018 and March 27, 2020 regarding Force Majeure under DDA

[20-672](#) Conference with Legal Counsel - Anticipated Litigation: Pursuant to Government Code Section 54956.9 (d)(4)
Number of Potential Cases: 1

Public Comment

None.

Convene to Closed Session (Council Conference Room)

Council convened to Closed Session at 1:06 PM and Reconvened into Open Session at 3:27 PM.

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

None.

SPECIAL ORDER OF BUSINESS

1. [20-626](#) Verbal Report from City Manager regarding COVID-19 Pandemic Per Government Code Section 8630 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Note and file the report from City Manager regarding the COVID-19 Pandemic.

City Manager Santana, Chief Emergency Services Coordinator Schoenthal, and Public Information Officer Wright provided a verbal update on the COVID-19 Pandemic.

No action was taken by Council.

CONSENT CALENDAR

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve the Balance of the Consent Calendar (except Items 2.H and 2.I).

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

- 2.A [20-568](#) Action on Bills and Claims Report (CC, SA) for the period May 30th, 2020 - June 12th, 2020 [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Approve the list of Bills and Claims for May 30, 2020 - June 12, 2020.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve staff recommendation.

- 2.B** [20-640](#) Action on Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the South Loop Reconfigure Project to Construct New Electrical Transmission Lines on Lafayette Street, Mathew Street, Martin Avenue and De La Cruz Boulevard and Related Budget Amendment [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Adopt a Resolution adopting the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the South Loop Reconfigure Project;
 2. Authorize staff to file a Notice of Determination with the County Clerk-Recorder and State Clearinghouse; and
 3. Approve the FY 2020/21 budget amendment in the Electric Utility Capital Fund to increase the Transmission System Reinforcements Capital Improvement Program Project by \$6,300,000 and reduce the unrestricted ending fund balance by \$6,300,000.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to (1) adopt Resolution No.20-8869 adopting the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the South Loop Reconfigure Project; (2) authorization to file a Notice of Determination with the County Clerk-Recorder and State Clearinghouse; and (3) approve the FY 2020/21 budget amendment in the Electric Utility Capital Fund to increase the Transmission System Reinforcements Capital Improvement Program Project by \$6,300,000 and reduce the unrestricted ending fund balance by \$6,300,000.

- 2.C** [20-560](#) Action on Final Map for Tract 10492 at 2961-2995 Corvin Drive [Council Pillar: Promote and Enhance Economic and Housing Development]

- Recommendation:**
1. Approve Final Map for Tract 10492;
 2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation; and
 3. Authorize the recordation of Final Map for Tract 10492, which subdivides the site into nine lots located at 2961-2995 Corvin Drive [APN 216-33-040, 041, 042, 043 and 044 (2019-20)].

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve staff recommendation.

- 2.D [20-575](#) Action on Master Agreements with Stantec Consulting Services, Inc. and Bellecci & Associates for Underground Electrical Distribution System Design Services [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Authorize the City Manager to execute Master Agreements with Stantec Consulting Services, Inc. and Bellecci & Associates for underground electrical distribution system design services, for a five-year term ending April 30, 2025 for a maximum aggregate compensation not to exceed \$3,000,000 for the two Master Agreements; and
2. Authorize the City Manager to add or delete services consistent with the scope of the agreements and allow future rate adjustments subject to request and justification by consultant and approval by the City, subject to the appropriation of funds.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve staff recommendation.

- 2.E [20-591](#) Action on an Agreement for General Chemistry Laboratory Services with McCampbell Analytical, Inc. [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Approve and authorize the City Manager to execute the Agreement for General Chemistry Laboratory Services with McCampbell Analytical, Inc. for an initial term starting on July 1, 2020 and ending on June 30, 2025, at a cost of \$228,835 with an additional 10% contingency amount of \$22,884, for a total maximum not-to-exceed amount of \$251,719, subject to the appropriation of funds;
2. Authorize the City Manager to execute amendment(s) to the Agreement to make minor adjustments to testing protocols or in the event that testing requirements exceed the forecast, subject to the same Agreement terms and unit pricing, and the appropriation of funds; and
3. Authorize the City Manager to exercise up to two additional one-year term options through June 30, 2027, subject to the same agreement terms and unit pricing, and the appropriation of funds.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve staff recommendation.

2.F [20-606](#)

Action on Amendment No. 2 to the Agreement for Services with Housing Trust Silicon Valley for the City's Below Market Purchase Program [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

Recommendation: Authorize the City Manager to execute Amendment No. 2 to the Agreement with Housing Trust Silicon Valley for administration services for the Below-Market Purchase Program to increase the amount of the agreement by \$87,742 and to extend the term of the agreement through December 1, 2020 for a revised not-to-exceed maximum compensation of \$452,592, subject to the appropriation of funds.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve staff recommendation.

2.G [20-623](#)

Approve and Authorize the City Manager to Finalize and Execute an Agreement with Golder Associates, Inc. for Operation, Maintenance, Monitoring, and Compliance Services for the Closed All Purpose Landfill and Technical and Construction Support for the Related Santa Clara Project and the Related Budget Amendment [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation:

1. Approve and authorize the City Manager to finalize and execute an agreement with Golder Associates, Inc. for operation, maintenance, monitoring, and compliance services for the closed All Purpose Landfill; and technical and construction support for the Related Santa Clara project for an amount not-to-exceed \$4,541,000 over the five-year term of the agreement, subject to the appropriation of funds;
2. Approve the FY 2020/21 budget amendment in the Related Santa Clara Developer Fund to recognize Developer Contributions in the amount of \$400,000 and establish the new Related - Other Development Project Services project in the amount of \$400,000 to support the agreement costs included for the Related Santa Clara project; and
3. Authorize the City Manager to make minor modifications to the agreement.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to approve staff recommendation.

PUBLIC PRESENTATIONS

Suds Jain expressed comments of concern regarding the meeting start time for Council meetings and requested that the City hire an Elections Consultant.

CONSENT ITEMS PULLED FOR DISCUSSION

2.H [20-665](#)

Note and File this Informational Report on New Fencing at School Properties [Council Pillar: Enhance Community Engagement and Transparency]

Recommendation: Staff does not have a recommendation. This report is for informational purposes only.

Councilmembers O'Neill and Watanabe pulled this item for comments.

A motion was made by Councilmember Watanabe, seconded by Vice Mayor Hardy, to note and file informational report on New Fencing at School Properties.

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

2.I [20-479](#)

Action to Approve a Water & Sewer Rate Assistance Program for Residential Customers [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Establish the Water and Sewer Rate Assistance Program and approve the use of cell tower lease revenue to fund discounts to residents pursuant to the ongoing availability of funds which will be evaluated after one year.

Councilmembers Chahal and O'Neill pulled this item to provide comments.

A motion was made by Councilmember Chahal, seconded by Vice Mayor Hardy, to approve staff recommendation.

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

PUBLIC HEARING/GENERAL BUSINESS

3. [20-241](#) Follow-Up Information and Possible Council Action on the Written Petition for Traffic Calming Measures along Briarwood Drive [Council Pillar: Enhance Community Engagement and Transparency and Deliver and Enhance High Quality Efficient Services and Infrastructure]

Recommendation: Staff makes no recommendation: however, the City Council may select from any of the policy alternatives below:

1. Do not approve the installation of Level 2 or 3 traffic calming measures (including speed humps) as the 85th percentile speed does not exceed 33 mph as required by the NTCP and direct staff to proceed per the NTCP with the installation of Level 1 traffic calming measures.
2. Waive the requirements of the NTCP, allow the installation of Level 2 or 3 traffic calming measures (including speed humps) due to the 85th percentile speed being close to exceeding 33 mph, and direct staff to work with the community to obtain the necessary written petition approvals from the residents to comply with the NTCP.
3. Waive the requirements of the NTCP, allow the installation of speed humps along Briarwood due to the 85th percentile speed being close to exceeding 33 mph, direct staff to finalize speed hump locations, and waive both the 70% and 100% approval requirements for written petition approvals from the residents.
4. Any other action as directed by Council.

Assistant Director of Public Works Liw gave a PowerPoint Presentation.

Mayor Gillmor called a recess due to technical difficulties and reconvened at 4:29 PM.

Public Speaker(s): Sherry Bevis
Adam Thompson
Jonathan Evans
Harbir Bhatia
Sherry Bevis
Allison Vu
Todd Bevis
Ibrahim Avci
Jocelyn

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to approve Alternative #3: Waive the requirements of the NTCP, allow the installation of speed humps along Briarwood Drive due to the 85th percentile speed being close to exceeding 33 mph, direct staff to finalize speed hump locations, and waive both the 70% and 100% approval requirements for written petition approvals from the residents.

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

4. [20-521](#) Public Hearing: Action on an Amendment to Development Agreement for Gateway Crossings Project at 1205 Coleman Avenue [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

Recommendation:

Alternative 1:

Introduce an ordinance approving the First Amendment to the Development Agreement for the Gateway Crossings Project between the City of Santa Clara and TOD Brokaw, LLC.

Director of Community Development Crabtree gave a PowerPoint Presentation.

Josh Rupert (Gateway Crossings) gave a PowerPoint Presentation.

Public Speaker(s): Project Developer	Alex Shoor
Kevin	Bob O'Keefe
Anthony Becker	Suds Jain
Dan Ondrasek	Matthew Hancock
Rob Mayer831	Adam Thompson
Christian Pellecchia	Harbir Bhatia
Cheryl Walsh	Henry Bose Jr.

Mayor Gillmor called for a recess due to technical difficulties at 6:39 PM and reconvened at 6:45 PM.

Public Speaker(s): Brian Goldenberg	Connie Costa
Mike Walke	Kristine Bebe
Pat Nikolai	Mary Grizzle
John Elwood	Mark Kelsey
Wali Aminyar	Robert Fitch
#6508	Jonathan Evans
Patricia Leung	Matthew speaking on behalf of Silicon Valley@Home
Kevin Park	#9814 A

Assistant City Clerk Pimentel read e-Comments from the following:

Morgan Goldstein
Lucy Haro
Linda Leca
Gabrielle Seagrave (email)
Applicant

A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to close the Public Hearing.

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

A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to approve Alternative #2: Introduce Amendment with additional terms to increase affordability to 15% in Phase 2 for Bldg 3 and 4.

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

None.

[20-651](#) Update on City Council and Stadium Authority Staff Referrals [Council Pillar: Enhance Community Engagement and Transparency]

[20-699](#) Adjournment of the July 7, 2020 City Council Meeting Post Meeting Material

ADJOURNMENT

The meeting was adjourned at 8:37 PM in memory of **Eden Espoo Pantaleon** (Long-term Santa Clara Resident and sister of Senior Advisory Commissioner Helen Narciso), **Carolina M. Simon** (Long-term Santa Clara Resident), **Jason (Mike) Whitfield** (Silicon Valley Power Employee) and **Mike Phillippe Brillantes Viray** (Silicon Valley Power Employee).

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

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

The next scheduled meeting is on Tuesday evening, July 13, 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."

ATTEST:



Assistant City Clerk/Secretary

APPROVE:



Mayor/Chairperson