



City of Santa Clara

Meeting Agenda

Council and Authorities Concurrent Meeting

Tuesday, December 10, 2019

3:00 PM

City Hall Council Chambers

1500 Warburton Avenue

Santa Clara, CA 95050

Vice Mayor Mahan will be attending remotely at the following location:

Westin Nanea Ocean Villas
45 Kai Malina Parkway
Lahaina, HI 96761

Closed Session - 3:00 PM | Joint Dinner - 5:00 PM | Regular Meeting - 6:00 PM

3:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Confirmation of a Quorum

Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

- 19-1414** [Conference with Legal Counsel-Existing Litigation \(CC, SA\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Forty Niners Stadium Management Company LLC, et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 19CV355432](#)

- 19-1415** [Conference with Legal Counsel-Existing Litigation \(SA\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority, Demand for Arbitration through JAMS, 11/19/19](#)

- 19-1416** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Sandau v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 18CV336243](#)

- 19-1417** [Conference with Legal Counsel-Existing Litigation \(CC\)](#)
[Pursuant to Gov't Code § 54956.9\(d\)\(1\)](#)
[Sandau v. City of Santa Clara, et al., PERB Case No. SF-CE-1625-M](#)
- 19-1418** [Conference with Legal Counsel-Anticipated Litigation \(CC\)](#)
[Pursuant to Gov. Code § 54956.9\(d\)\(4\) - Initiation of litigation](#)
[Number of potential cases: 2](#)
- 19-1420** [Conference with Labor Negotiators \(CC\)](#)
[Pursuant to Gov. Code § 54957.6](#)
[City representative: Deanna J. Santana, City Manager \(or designee\)](#)
[Employee Organization\(s\):](#)
[Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171](#)
[Unit #2-Santa Clara Police Officer's Association](#)
[Unit #3-IBEW Local 1245 \(International Brotherhood of Electrical Workers\)](#)
[Unit #4-City of Santa Clara Professional Engineers](#)
[Units #5, 7 & 8-City of Santa Clara Employees Association](#)
[Unit #6-AFSCME Local 101 \(American Federation of State, County and Municipal Employees\)](#)
[Unit #9-Miscellaneous Unclassified Management Employees](#)
[Unit #9A-Unclassified Police Management Employees](#)
[Unit #9B-Unclassified Fire Management Employees](#)
[Unit #10-PSNSEA \(Public Safety Non-Sworn Employees Association\)](#)
- 19-1421** [Conference with Labor Negotiators \(Part 2\) \(CC\)](#)
[Pursuant to Gov. Code § 54957.6](#)
[City representative: Mayor Lisa M. Gillmor](#)
[Unrepresented employee: City Manager](#)

Convene to Closed Session (Council Conference Room)

5:00 PM JOINT DINNER

Call to Order in the Council Chambers

Confirmation of a Quorum

19-1195 [Joint Dinner Meeting with Youth Commission](#)

6:00 PM COUNCIL REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

SPECIAL ORDER OF BUSINESS

1. 19-1385 [Accept 2019 Exemplary City Award for Reducing Exposure to Secondhand Smoke](#)

CONSENT CALENDAR

[Items listed on the CONSENT CALENDAR are considered routine and will be adopted by one motion. There will be no separate discussion of the items on the CONSENT CALENDAR unless discussion is requested by a member of the Council, staff, or public. If so requested, that item will be removed from the CONSENT CALENDAR and considered under CONSENT ITEMS PULLED FOR DISCUSSION.]

- 2.A 19-1227 [Action on Special City Council Meeting Minutes of October 22, 2019](#)

Recommendation: Note and file the Special City Council Meeting Minutes of October 22, 2019 and Special City Council, Sports & Open Space Authority Meeting Minutes of October 22, 2019.

- 2.B 19-040 [Board, Commissions and Committee Minutes](#)

Recommendation: Note and file the Minutes of:
Senior Advisory Commission - September 23, 2019
Cultural Commission - October 7, 2019
Youth Commission - October 8, 2019
Parks & Recreation Commission - October 15, 2019
Planning Commission - October 23, 2019
Governance and Ethics Committee - July 15, 2019
Governance and Ethics Committee - October 24, 2019

2.C 19-1191 [Action on Bills and Claims Report \(CC, SA\) for the period October 25th - November 7th](#)

Recommendation: Approve the list of Bills and Claims for October 25, 2019 - November 7, 2019.

2.D 19-1118 [Action on the Fiscal Operation of the Santa Clara Golf and Tennis Club Report for the 1st Quarter ended September 30, 2019](#)

Recommendation: Note and file the Status Report for the Fiscal Operation of the Santa Clara Golf and Tennis Club for the first quarter ended September 30, 2019.

2.E 19-1255 [Action on Approval of the Spending Plan for Supplemental Law Enforcement Services Fund and Related Budget Amendment](#)

Recommendation:

1. Approve the spending plan for funds received from the Citizen's Option for Public Safety programs Supplemental Law Enforcement Services Fund;
2. Approve a budget amendment in the amount of \$195,075 for the anticipated Fiscal Year 2019/20 revenue and expenditure for the COPS program; and,
3. Approve a budget amendment in the amount of \$110,203 for revenue received in excess of the previously approved allocation for the COPS program from Fiscal Year 2018/19.

2.F 19-1139 [Action on the Award of a Construction Contract with Paso Robles Tank, Inc. to Provide Construction Services for the Serra Tanks Rehabilitation Project and Related Budget Amendments](#)

- Recommendation:**
1. Award the Construction Contract for the Serra Tanks Rehabilitation Project (WA 30505) to the lowest responsive and responsible bidder, Paso Robles Tank, Inc. in the amount of \$8,771,496 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and
 2. Authorize the City Manager to execute change orders up to approximately 10% of the original contract in the amount of \$877,150, for a total not-to-exceed project amount of \$9,648,646 and related FY 2019/20 and FY 2020/21 budget amendments, increasing the transfer from the Water Utility Fund to the Water Utility Capital Fund and moving funding from FY 2020/21 forward to FY 2019/20 to cover the entire project cost.

2.G 19-809 [Action on: \(1\) Agreement with Superior, LLC for Residential and Business Alarm Management Software, \(2\) Resolution Amending the Municipal Fee Schedule, and \(3\) Introduction of an Ordinance Amending Chapter 8.40 of the City Code \("False Alarm Regulation"\)](#)

- Recommendation:**
1. Approve a three-year Agreement with Superior LLC, for Residential and Business Alarm Management Software and authorize the City Manager to automatically renew the agreement for additional one-year periods, with a maximum of two additional one-year periods, as necessary, without further Council action;
 2. Adopt a Resolution amending the 2019-20 Municipal Fee Schedule to add new regulatory fees and amend existing regulatory fees relating to alarm systems; and
 3. Approve introduction of an Ordinance amending SCCC Chapter 8.40 ("False Alarm Regulation").

2.H 19-1211 [Action on an Agreement with Real Environmental Products for Landfill Gas Collection System Repair and Maintenance Services](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute an Agreement for landfill gas collection system repair and maintenance services with Real Environmental products for an amount not-to-exceed \$1,000,000 over a five-year term subject to biennial appropriations; and
 2. Authorize the City Manager to make minor modifications to the Agreement, including time extensions involving no increase in costs, if necessary.

2.I 19-1126 [Action on Approving Amendment No. 1 to the Agreement with SCI Consulting Group for the Storm Drain Fee and Rate Study and Related Budget Amendment](#)

- Recommendation:**
1. Authorize the City Manager to execute Amendment No. 1 to the Agreement with SCI Consulting Group which increases the amount of the Agreement and extends the term of the Agreement; and
 2. Approve the related budget amendment to appropriate funds in the amount of \$27,723 from the Storm Drain Capital Fund Reserve to the Storm Drain Capital Fund Miscellaneous Storm Drain Improvement Project.

2.J 19-1231 [Action on an Amendment to an Agreement with SBV Concrete, Inc. dba Valley Concrete, Inc. for Concrete Curb, Gutter and Sidewalk Maintenance Services](#)

- Recommendation:** Approve and authorize the City Manager to execute an Amendment to an Agreement for concrete curb, gutter and sidewalk maintenance services with SBV Concrete, Inc. dba Valley Concrete.

2.K 19-1305 [Action to Authorize the City Manager to Execute Amendments and Change Orders to Existing Agreements and/or Execute New Agreements as Required to Complete Unanticipated Maintenance and Repairs at the Donald Von Raesfeld Power Plant \(DVR\) and Approve Related Budget Amendment](#)

- Recommendation:**
1. 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 DVR Power Plant, in an aggregate amount not-to-exceed \$10,000,000. This funding shall not be used for any purpose other than to facilitate the completion of all repairs at the DVR Power Plant related to the outage, and any unused funds shall be returned to their original funding source; and
 2. Approve related budget amendment of \$8 million, with transfer of funds from Electric Utility Fund's DVR Plant Reserve and Unrestricted Reserve to Major Engine Overhaul and Repair project.

2.L 19-1267 [Action on Appendix G - Amendment No. 7 to the Grizzly Development and Mokelumne Settlement Agreement by and Between Pacific Gas and Electric Company and City of Santa Clara and Related Budget Amendment](#)

Recommendation: Authorize the City Manager to execute Appendix G - Amendment No. 7 to the Grizzly Development and Mokelumne Settlement Agreement by and Between Pacific Gas and Electric Company and City of Santa Clara and Related Budget Amendment.

2.M 19-1203 [Action on Mills Act Contract for 1591 Homestead Road](#)

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 1591 Homestead Road, with property owners Allison Hilton and Lars A. Hilton; PLN2016-12028.

2.N 19-1271 [Action on an Agreement for Design Professional Services with V&A Consulting Engineers, Inc. for the Sanitary Sewer System Inflow and Infiltration Evaluation for Chromite, Machado and Cabrillo Tributary Area Project](#)

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with V&A Consulting Engineers, Inc. for Sanitary Sewer System Inflow and Infiltration Evaluation in the not-to-exceed amount of \$430,472;
 2. Authorize the City Manager to exercise the option to extend the Agreement for up to two additional terms of one year each; and
 3. Authorize the City Manager to make minor modifications to the Agreement, including time extensions, if necessary.

2.O 19-962 [Action on a Resolution for the Use of City Electric Forces at Various Locations](#)

- Recommendation:** Adopt a Resolution approving the use of City Electric Forces for the installation of facilities at Scott Boulevard and Octavius Drive, 2805 Mission College Boulevard, 3355 Octavius Drive at Scott Boulevard, 5403 Stevens Creek Boulevard, Tasman Drive and Stars & Stripes, 1375 El Camino Real, 2861 Scott Boulevard, 2740 El Camino Real, 591 Harvard Avenue, and El Camino Real between Washington and Lafayette.

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the Council or authorities on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on the speaker card available in the Council Chambers.]

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

3. 19-1199 [Action on Patrick Henry Drive Specific Plan, Draft Notice of Preparation](#)

Recommendation: Alternative 1:
Accept the report on the Patrick Henry Drive Specific Plan Notice of Preparation as presented by staff.

4. 19-1272 [Public Hearing: Action on an Agreement with GreenWaste Recovery, Inc. for Solid Waste Processing, Transfer, Transport, Recycling and Disposal Services](#)

Recommendation: Alternatives 1 and 3;
1. Approve and authorize the City Manager to execute an agreement with GreenWaste Recovery for solid waste processing, transfer, transport, recycling, and disposal services; and
3. Authorize the City Manager to make minor modifications to the Agreement, if necessary.

5. 19-807 [Public Hearing: Action on Agreement with Mission Trail Waste Systems for Exclusive Franchise for the Collection and Transportation of Garbage, Organics, and Commercial Recyclables](#)

Recommendation: Alternatives: 2, 4, 5

2. Direct staff to incorporate Option 2 - maintain the existing garbage container for single-family and townhouse customers and deliver the contents to a mixed waste processing facility to recover food scraps and food-soiled paper into the agreement with Mission Trail Waste Systems. This option is contingent upon prior Council approval of an agreement with GreenWaste Recovery, Inc. for mixed waste processing services;
4. Direct staff to incorporate Option B - mixed waste processing of garbage with no additional container required for commercial business and multi-family customers into the agreement with Mission Trail Waste Systems. This option is contingent upon prior Council approval of an agreement with GreenWaste Recovery, Inc. for mixed waste processing services; and
5. Approve and authorize the City Manager to finalize and execute an Agreement with Mission Trail Waste Systems for Exclusive Franchise for the Collection and Transportation of Garbage, Organics and Commercial Recyclables containing the terms outlined in the Term Sheet that incorporates the organics recycling programs selected by Council.

6. 19-324 [Action on an Amendment to the Zoning Code, SCCC Chapter 18.76 Architectural Review](#)

Recommendation: Alternatives #2 and #3:

2. Introduce an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee with an administrative public hearing process for Architectural Review heard by the Director of Community Development or designee and appealable to the Planning Commission (for single-family residential projects) or the City Council (for all other projects) on a *de novo* basis; and
3. Direct staff to engage a practicing architect with relevant experience in designing structures of a similar land use type and of a similar scale to the proposed project to provide a written analysis of the design and recommendations for improvement of the design for all multi-family projects, new freestanding non-residential buildings over 5,000 square feet and additions to non-residential buildings when the proposed addition is over 20,000 square feet.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

19-1362 [Informational Memo on 2019 City Awards and Accolades](#)

Recommendation: Note and file the 2019 City Accolades.

19-1316 [Update on City Council and Stadium Authority Staff Referrals](#)

19-933 [Tentative Meeting Agenda Calendar \(TMAC\)](#)

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, December 17, 2019 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."