



# City of Santa Clara

## Meeting Minutes

### Council and Authorities Concurrent Meeting

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11/13/2018

4:00 PM

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

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**Closed Session - 4:00 PM | Regular Meeting - 6:00 PM**

#### **4:00 PM CLOSED SESSION**

#### **Call to Order in the Council Chambers**

**Mayor Gillmor** called the Closed Session to order at 4:05 PM.

#### **Confirmation of a Quorum**

**Assistant City Clerk Pimentel** confirmed a quorum.

#### **Public Comment**

**None.**

#### **[18-1531](#)**

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)

#### **[18-1532](#)**

Conference with Legal Counsel-Anticipated Litigation (CC)  
Pursuant to Gov. Code § 54956.9(e)(1) - Exposure to litigation  
Number of potential cases: 1

- [18-1533](#) 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: 10/08/18 Letter from Nick Kaspar,  
President/CEO, Santa Clara Chamber of Commerce and  
Convention-Visitors Bureau to City Manager
- [18-1534](#) Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov't Code § 54956.9(d)(1)  
Gaffney, et al. v. City of Santa Clara, United States District Court, Northern  
District of California Case No. 5:18-cv-6500
- [18-1535](#) Conference with Legal Counsel-Existing Litigation (CC, SA, SOSA, HA,  
SARDA)  
Pursuant to Gov't Code § 54956.9(d)(1)  
Sharma et al. v. Successor Agency to the Redevelopment Agency, et al.,  
Sacramento Superior Case No. 34-2013-80001396
- [18-1538](#) Conference with Real Property Negotiators (CC, SOSA)  
Pursuant to Gov. Code § 54956.8  
Property Address: 5131 Stars and Stripes, APN 104-03-036  
City/SOSA Negotiator: Deanna J. Santana, City Manager/Contract  
Administrator (or designee)  
Negotiating Parties: David Ebrahimi, D.E.II Restaurants  
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property  
(provisions, price and terms of payment)
- [18-1542](#) Conference with Real Property Negotiators (CC, SOSA)  
Pursuant to Gov. Code § 54956.8  
Property: 5155 Stars and Stripes, APNs 104-03-036, 104-01-102,  
097-01-039  
City Negotiator: Deanna J. Santana, City Manager/Contract Administrator  
(or designee)  
Negotiating Parties: Philip Wade, IA Lodging Santa Clara-Xenia Hotels &  
Resorts  
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property  
(provisions, price and terms of payment)

- [18-1543](#) Conference with Real Property Negotiators (CC, SOSA)  
Pursuant to Gov. Code § 54956.8  
Property: 5101 Great America Parkway, APN 104-55-012  
City Negotiator: Deanna J. Santana, City Manager/Contract Administrator  
(or designee)  
Negotiating Parties: Philip Wade, IA Lodging Santa Clara-Xenia Hotels &  
Resorts  
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property  
(provisions, price and terms of payment)

**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 6:02 PM.

**Pledge of Allegiance and Statement of Values**

**Roll Call**

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

1. [18-1021](#) Actions Relating to the Issuance of the City's Electric Revenue Refunding  
Bonds, Series 2018 A

**Recommendation:** Adopt the Resolution authorizing and approving the issuance of the City  
Electric Revenue Refunding Bonds, Series 2018 A, approving the form of  
and authorizing certain documents, in substantially the form presented, in  
connection with the issuance, and authorizing certain actions related  
thereto.

**A motion was made by Councilmember Davis, seconded by  
Councilmember O'Neill, to adopt Resolution No. 18-8614.**

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

2. [18-1426](#) Action on a Process to Develop New Exclusive Franchise Agreements for the Collection, Transportation, and Processing of Garbage, Organics, and Recyclables Materials and Direction to the City Manager to Enter into Negotiation with Existing Service Providers, and if Unsuccessful With Achieving Amended Exclusive Franchise Agreements(s), to Initiate a Request for Proposals Procurement Process for New Exclusive Franchise Agreements for the Collection, Transportation, and Processing of Garbage, Organics and Recyclables

**Recommendation:** Alternatives 1., 2., and 5.:

1. Direct staff to enter negotiations with Recology for an Amendment to the current agreement to provide residential recycling services through December 31, 2021. If negotiations are not complete by mid-December 2018, staff shall immediately enter into negotiation with any provider for a successor agreement in accordance with Chapter 8.25.200 of the Santa Clara City Code or release a RFP to procure residential recycling services by February 28, 2019.
2. Direct staff to enter negotiations for a successor agreement for residential garbage and organics, and commercial garbage and recycling at all other properties not zoned for "Industrial" use in accordance with Chapter 8.25.200 of the Santa Clara City Code or release a RFP to procure residential recycling services by May 31, 2019.
5. Approve and authorize the City Manager to execute an Agreement for Solid Waste Exclusive Franchise Agreement Assistance Services with a consultant following a RFP in an amount not to exceed \$300,000 over the three-year term, subject to annual appropriation of funds.

**Public Speaker(s):** Louie Pellegrini  
Public Speaker (1)

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

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

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

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

**CONTINUANCES/EXCEPTIONS**

**City Manager Santana** announced that Written Petition requester (Item #6) requested to withdraw their petition.

**CONSENT CALENDAR**

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

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

**4.A**     [18-494](#)     Action on the Council and Authorities Concurrent Meeting Minutes

**Recommendation:** Note and file the Minutes of:  
Joint City Council and Santa Clara Valley Water District Special Meeting  
3:00 PM - September 5, 2018  
Council and Authorities Concurrent Meeting - September 11, 2018  
Council and Authorities Concurrent Meeting - September 18, 2018  
Council and Authorities Concurrent Special Meeting - October 2, 2018  
Council and Authorities Concurrent Meeting - October 9, 2018  
Council and Authorities Concurrent Meeting - October 16, 2018

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

**4.B**     [18-364](#)     Board, Commissions and Committee Minutes

**Recommendation:** Note and file the Minutes of:  
Board of Library Trustees - August 6, 2018  
Cultural Commission - August 6, 2018  
Historical and Landmarks Commission - September 6, 2018  
Ad Hoc Stadium Audit Committee - March 19, 2018

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

**4.C**     [18-1307](#)     Action on Bills and Claims for the month of September 2018 (Stadium Authority)

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

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

- 4.D [18-1316](#) Action on Bills and Claims Report (CC) for the period September 14th - September 27th

**Recommendation:** Approve the list of Bills and Claims for September 14, 2018 - September 27, 2018

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

- 4.E [18-1317](#) Action on Bills and Claims Report (CC, SA, HA) for the period September 28th - October 18th

**Recommendation:** Approve the list of Bills and Claims for September 28, 2018 - October 18, 2018

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

- 4.F [18-971](#) Action on Report of Dates and Purpose of Stadium Authority and ManCo Meetings for the period July 1, 2018 to September 30, 2018 (Stadium Authority)

**Recommendation:** Note and file the quarterly report on Stadium Authority and ManCo Meetings for the period of July 1, 2018 to September 30, 2018.

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

- 4.G [18-123](#) Action on a Resolution Dedicating a Portion of City-Owned Land Located at the Southwest Corner of El Camino Real and Jackson Street for Use as an Underground Electric Easement

**Recommendation:**

1. Adopt a Resolution Dedicating a Portion of City-owned Land Located at the Southwest Corner of El Camino Real and Jackson Street for use as an underground electric easement [APN 269-03-131 (2017-18); SC 18,998]; and
2. Authorize the recordation of the Resolution.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 18-8615 and authorize the recordation of the Resolution.**

4.H [18-1397](#) Action on Revised Salary Schedule for IAFF Local 1171 (Unit 1)

**Recommendation:** Approve the revised Salary Schedule (Schedule C, C1) for the classifications represented by IAFF Local 1171 (Unit 1).

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

4.I [18-1249](#) Action on California Library Services Act Funds from Pacific Library Partnership and Related Budget Amendment

**Recommendation:** Accept the California Library Services Act funds from Pacific Library Partnership in the amount of \$5,953 and approve a related Budget Amendment to appropriate the funds for digital content purchases through the Overdrive Northern California Digital Library consortium.

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

4.J [18-125](#) Action on an Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 1368 El Camino Real

**Recommendation:** 1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land with Madison Place Condominium Association to install and maintain light bollards, brick paving strips, planters, and benches within the public right-of-way at 1368 El Camino Real [APN 269-03-149 (2017-18); SC 19,050]; and  
2. Authorize the recordation thereof.

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

4.K [18-467](#) Action on a Contribution Agreement with Santa Clara Unified School District to Support the Extended Day Care/Latchkey Program

**Recommendation:** Approve the Contribution Agreement with Santa Clara Unified School District for an amount not to exceed \$108,450 to support the Extended Day Care/Latchkey Program.

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

- 4.L [18-1510](#) Action on Double-Time Pay to Employees from Certain Bargaining Units and Time and One Half Pay to As Needed Employees who Work on December 31, 2018 and January 7, 2019 at Levi's Stadium

**Recommendation:** 1. Authorize the City Manager to execute side letters to pay double-time to regular City employees from bargaining units 1, 2, 3, 4, 6, 10, and 578 that work the football event at Levi's Stadium on December 31, 2018, and the College Football Playoff Game on January 7, 2019, pursuant to the terms as described in the attached Side Letters.  
2. Approve paying time and one half to As Needed Per Diem Special Event Police Officers, Per Diem Dispatchers, and Traffic Control Special Events employees who work the football event at Levi's Stadium on December 31, 2018, and the College Football Playoff Game on January 7, 2019.

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

- 4.M [18-930](#) 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; and  
2. Approve a budget amendment in the amount of \$196,976 for the anticipated revenue and expenditure for the COPS program.

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

- 4.N [18-1026](#) Action on the Demonstration of Energy & Efficiency Developments (DEED) Grant Agreement with American Public Power Association and related Budget Amendment

**Recommendation:** 1. Approve Grant Agreement with American Public Power Association and Accept the Demonstration of Energy & Efficiency Developments (DEED) Grant in the amount of \$65,000; and  
2. Approve a budget amendment in the amount of \$65,000 for Electric Department Public Benefits Operating Budget Contractual Services.

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



- 4.O [18-1027](#) Action on the Demonstration of Energy & Efficiency Developments (DEED) Grant Agreement Silicon Valley Power CG-2167 Maximizing the Effectiveness of Ductless Mini-Split Heat Pumps in Existing Homes and Approval of Budget Amendment

**Recommendation:** 1. Approval of a Demonstration of Energy & Efficiency Developments (DEED) Grant Agreement with American Public Power Association for CG-2167 Maximizing the Effectiveness of Ductless Mini-Splits in Existing Homes; and  
2. Approval of a budget amendment in the amount of \$124,284 for the Electric Department's Public Benefits Program Operating Budget Grant Funding and Contractual Services.

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

- 4.P [18-1067](#) Action on National Crime Statistics Exchange funding from the Bureau of Justice Statistics and Federal Bureau of Investigation and Related Budget Amendment

**Recommendation:**  
1. Authorize the City Manager to execute a Cooperative Agreement with the National Crime Statistics Exchange, substantially similar to the attached form; and,  
2. Approve a budget amendment in the amount of \$207,000 in the 911 Dispatch/Communications Capital Project.

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

- 4.Q [18-1121](#) Action on Monthly Financial Status and Investment Reports for the months of July and August 2018

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for July and August 2018 as presented.

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

- 4.R [18-1152](#) Action on Resolution Authorizing an Application to GameTime 2018 Playground Grant for Homeridge Park Playground Rehabilitation Project including up to \$90,000 in City Matching Funds

**Recommendation:** Adopt a Resolution authorizing the City Manager and/or designee to submit a GameTime 2018 Playground Grant Application for Homeridge Park Playground Rehabilitation Project including up to \$90,000 in City Matching Funds and execute all documents necessary for the grant application, and grant administration, if funded.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 18-8616.**

- 4.S [18-1198](#) Action on a Design Professional Services Agreement with CSG Consultants, Inc. for the Uncontrolled Crosswalks Improvements Project and Amend the Uncontrolled Crosswalks Capital Improvement Project Locations

**Recommendation:**

1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with CSG Consultants, Inc., for the Uncontrolled Crosswalks Improvements project in the amount not-to-exceed \$160,250;
2. Amend the Uncontrolled Crosswalks Improvements project scope to include a traffic study and improvements at Bellomy Street, west of Alviso Street instead of Scott Boulevard and Cabrillo Avenue; and
3. Authorize the City Manager to make minor modifications to the Agreement, if necessary.

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

- 4.T [18-1205](#) Action on an Agreement for Design Professional Services with Schaaf & Wheeler Consulting Civil Engineers, Inc. for the Laurelwood Storm Drain Pump Station Rehabilitation Project

**Recommendation:**

1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with Schaaf & Wheeler Consulting Civil Engineers, Inc. for the Laurelwood Pump Station Rehabilitation Project in the amount not-to-exceed \$865,381; and
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if needed.

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

- 4.U [18-1211](#) Action on an Amendment No. 5 to Contract 89-SAO-50003 with Western Area Power Administration (WAPA, a non-profit agency of the United States Department of Energy) to Extend the Term of the Contract until December 31, 2023 for Emergency Aid and Optional Permanent Repair Services of 60-kV Transmission Line at Stony Gorge and Black Butte Hydroelectric Projects

**Recommendation:** Approve Amendment No. 5 to Contract 89-SAO-50003 with Western Area Power Administration to Extend the Term until December 31, 2023 for Emergency Aid and Optional Permanent Repair Services of 60KV Transmission Line at Stony Gorge and Black Butte Hydroelectric Projects

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

- 4.V [18-1260](#) Action on the Approval of a Budget Amendment Related to an Agreement with the Santa Clara County Emergency Medical Services Agency

**Recommendation:** Approve the budget amendment related to a funding agreement between the Santa Clara County Emergency Medical Services Agency and the City of Santa Clara for medical and computer equipment purchases

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

- 4.W [18-1278](#) Action on a resolution approving the Water Supply Assessment for the Tasman East Specific Plan

**Recommendation:** Adopt a resolution approving the Water Supply Assessment for the Tasman East Specific Plan.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 18-8617.**

- 4.X [18-1286](#) Action on an Agreement and Covenant Running with the Land for the Transfer of Property at 1205 Coleman Avenue

**Recommendation:** 1. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land with TOD Brokaw, LLC for the transfer of property with the property owner accepting full responsibility for the remediation of any existing hazardous materials within the grant area at 1205 Coleman Avenue [APN 230-46-069 and 070 (2018-19); SC 19,081]; and  
2. Authorize the recordation thereof.

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

- 4.Y [18-1470](#) Action on Amendment No. 1 to an Agreement with SCI Consulting Group for Services Related to Developing a Cannabis Management Program

**Recommendation:** Approve and authorize the City Manager to execute Amendment No.1 to the Agreement with SCI Consulting Group to extend the term of the agreement to June 30, 2019.

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

- 4.Z [18-1233](#) Action on an Agreement for Design Professional Services with Luhdorff & Scalmanini Consulting Engineers, Inc. for Feasibility Study and Design of New Wells

**Recommendation:** 1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with Luhdorff & Scalmanini Consulting Engineers, Inc. for the Feasibility Study and Design of New Wells project for an amount not to exceed \$1,167,920; and,  
2. Authorize the City Manager to make minor, non-substantive modifications, if necessary.

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

**4.AA**    [18-1268](#)    Action on Mills Act Contract for 1311 Lewis Street

**Recommendation:** Authorize the City Manager to execute a Mills Act Contract and adopt the proposed 10-Year Restoration and Maintenance Plan associated with the Contract for the property at 1311 Lewis Street with Applicants Shun Ye and Yilin Yu; PLN2018-13309.

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

**4.BB**    [18-1301](#)    Action on Mills Act Contract for 1393 Santa Clara Street

**Recommendation:** Authorize the City Manager to execute a Mills Act Contract and adopt the proposed 10-Year Restoration and Maintenance Plan associated with the Contract for the property at 1393 Santa Clara Street with Property Owners' Lauren Wendland and Seif Mazareeb; PLN2018-13384.

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

**4.CC**    [18-1348](#)    Action on Mills Act Contract for 1226 Jackson 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 and adopt the 10-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 1226 Jackson Street with applicant Shun Ye; PLN2018-13399.

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

**4.DD**    [18-1424](#)    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: 3710 El Camino Real at Halford; 280 Calvert Drive; 3059 Agate Drive; 718 Los Olivos Drive; 3359 Regis Court and 575 Benton Street.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 18-8618.**

**4.EE**     [18-1380](#)     Action on an Agreement with Santa Clara Gateway I LLC and Arista Networks, Inc. to Allow for Two Electric Services at 5453 Great America Parkway

**Recommendation:** Approve a Special Facilities Agreement with Santa Clara Gateway I LLC and Arista Networks, Inc. to allow for two electric services at 5453 Great America Parkway.

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

**4.FF**     [18-1386](#)     Action on a Reimbursement Agreement for Consultant Planning Services with Tasman East Holdco, LLC, and City Manager Contract Approval Authority for Reimbursement Agreements up to \$250,000

**Recommendation:** 1. Authorize the City Manager to execute a Reimbursement Agreement, subject to minor non-substantive revisions, with Tasman East Holdco, LLC.  
2. Approve a resolution authorizing the City Manager to enter into Reimbursement Agreements including amendments of up to \$250,000 subject to review and approval by the City Attorney's Office.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to authorize the City Manager to execute a Reimbursement Agreement, subject to minor non-substantive revisions, with Tasman East Holdco, LLC., and adopt Resolution No. 18-8619.**

**4.GG**     [18-1393](#)     Action on a Special Permit to allow JW House, located at 3850 Homestead Road, to conduct a Remembrance Dinner Celebration from 5:00 p.m. to 7:00 p.m. on December 16, 2018 (File No. PLN2018-13561)

**Recommendation:** Approve a Special Permit to allow JW House, located at 3850 Homestead Road, to conduct a Remembrance Dinner Celebration on December 16, 2018, File No. PLN2018-13561, subject to conditions.

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

- 4.HH [18-1412](#) Action on a request for a Special Permit to allow the Santa Clara First Baptist Church, located at 3111 Benton Street, to conduct an outdoor Christmas Pageant from December 6, 2018 through December 10, 2018, and December 12, 2019 through December 16, 2019 from 6:30 p.m. to 9:00 p.m. (File No. PLN2018-13563)

**Recommendation:** Approve the request of a Special Permit to allow the Santa Clara First Baptist Church, located at 3111 Benton Street, to conduct an outdoor Christmas Pageant on December 6, 2018 through December 10, 2018, and December 12, 2019 through December 16, 2019 from 6:30 p.m. to 9:00 p.m., File No. PLN2018-13563, subject to conditions.

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

#### **PUBLIC PRESENTATIONS**

**Haoning Richter** expressed comments on the Chamber of Commerce and the Santa Clara Convention Center.

#### **CONSENT ITEMS PULLED FOR DISCUSSION**

#### **PUBLIC HEARING/GENERAL BUSINESS**

5. [18-1388](#) Action on Resignation of Senior Advisory Commissioner; Declare a Vacancy on the Senior Advisory Commission; and Set Process for Filling the Vacancy

**Recommendation:** Alternative 1 and staff makes no recommendation regarding Alternatives 2. or 3.

1. Accept the resignation of Alma M. Garcia and declare one vacancy on the Senior Advisory Commission for the partial term ending June 30, 2020.

**A motion was made by Councilmember Davis, seconded by Councilmember Mahan, to accept the resignation of Alma M. Garcia, declare one vacancy on the Senior Advisory Commission for the partial term ending June 30, 2020, and direct staff to contact the previous candidates that were interviewed at the October 16, 2018 Council meeting and return with a staff report to appoint from pool.**

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

6. [18-959](#) Action on a Written Petition submitted by Haoning Richter requesting time during a Council Meeting to make a presentation regarding the Chamber of Commerce, Convention Center, and Convention & Visitors Bureau

**Recommendation:** Staff has raised governance issues that would suggest that the Written Petition be delayed or not approved to avoid a perception or actual conflict of interest or advantaging one City job applicant over others during a time of an active recruitment and, for this purpose, the City Manager recommends that the item not be scheduled at this time.

**Written Petitioner Haoning Richter** withdrew her written petition.

7. [18-232](#) Action on an Ordinance Extending the Temporary Ban of All Commercial Cannabis Activity until June 30, 2019

**Recommendation:** Alternative 1: Approve the introduction of an Ordinance amending Section 18.102.010 ("Commercial Marijuana Activity Prohibited") of Chapter 18.102 ("Regulation of Marijuana") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" to temporarily prohibit all commercial cannabis activity until June 30, 2019.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the introduction of Ordinance No. 1990 amending Section 18.102.010 ("Commercial Marijuana Activity Prohibited") of Chapter 18.102 ("Regulation of Marijuana") of Title 18 ("Zoning") of "The Code of the City of Santa Clara" to temporarily prohibit all commercial cannabis activity until June 30, 2019.**

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

8. [18-972](#) Action on Resolution Amending Rate Schedules for Electric Service for All Classes of Customers, Effective January 1, 2019

**Recommendation:** Adopt a Resolution of the City of Santa Clara Amending Rate Schedules for Electric Services for All Classes of Customers effective January 1, 2019.

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to adopt Resolution No. 18-8620.**

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



11. [18-1527](#) Action on Introduction of an Ordinance Prohibiting Certain Activities within a Protected Area (Clean Zone) in Connection with the 2019 College Football Playoff National Championship Game

**Recommendation:** Alternative 1:  
Introduce an Ordinance Prohibiting Certain Activities within a Protected Area (Clean Zone) in Connection with the 2019 College Football Playoff National Championship Game.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to introduce Ordinance No. 1991 - Prohibiting Certain Activities within a Protected Area (Clean Zone) in Connection with the 2019 College Football Playoff National Championship game.**

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

12. [18-1523](#) Action on Adoption of a Resolution in Support of the State of California in United States of America v. State of California

**Recommendation:** Staff has no recommendation.

**A motion was made by Councilmember Mahan, seconded by Councilmember O'Neill, to adopt Resolution No. 18-8621 in support of the State of California in the United States v. California Ninth Circuit appeal.**

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

### **7:00 PM SPECIAL ORDER OF BUSINESS**

- 3.A [18-1420](#) Cultural Commission Presentation of Upcoming Events in November and December 2018

- 3.B [18-1409](#) Proclamation of Sikh Appreciation and Awareness Month

### **PUBLIC PRESENTATIONS**

**Kirk Vartan** expressed comments of concern in regards to the City Council and collaborating with surrounding cities.

**Chris Moylan** (Congressman Ro Khanna representative) announced upcoming events and Spring intern applications are open.

[18-1570](#) Public Presentation Post Meeting Material



10. [18-1131](#) Public Hearing: Action on a Proposed Rezoning to Allow Development of Eight Townhouses at 1530 - 1540 Pomeroy Avenue

**Recommendation:** Alternatives 1, 2, and 3:

1. Adopt a resolution adopting the Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program for the 1530 - 1540 Pomeroy Avenue Project;
2. Adopt a resolution approving the rezoning from Agricultural (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD);
3. Adopt a resolution approving the Tentative Subdivision Map to allow development of 8 townhouse units.

**Public Speaker(s):** Omid Shakeri (Applicant)

James Brick  
Lavelle Souza  
Hanh Van Le  
Marco Chipawa  
John Lesnick  
Hong Choi  
Quan H.  
Hung Le  
Ivan G

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to close the public hearing.**

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

**A motion was made by Councilmember Mahan, seconded by Councilmember Davis, to deny the project.**

**Aye:** 4 - Councilmember Mahan, Councilmember Davis, Councilmember Watanabe, and Mayor Gillmor

**Nay:** 2 - Councilmember O'Neill and Councilmember Kolstad

**REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

**Councilmember O'Neill** reported on her attendance at the Northwest Public Power Associations - Women in Public Power Conference in Portland, Oregon.

**Mayor Gillmor** reported on her attendance at the grand opening of River of Life Christian Church's Shekinah Glory Building.

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

**City Manager Santana** reported the following:

- Included in the packet is the first year accomplishments report and will return on November 27, 2018 with a similar report regarding the Stadium.
- December 13, 2018 is an all day Council Session on Governance.
- The Council and Authorities Concurrent Meeting of January 22, 2019 will be cancelled and rescheduled to January 15, 2019.
- The Council Priority Goal Setting Session is scheduled for January 31 and February 1, 2019.
- In an effort of sustainability, City Manager will be reviewing process to reduce paper in producing Post Meeting Material packet.

[18-1541](#) City Manager's First Year Community Letter and Summary of Accomplishments

**Recommendation:** Note and File City Manager's First Year Community Letter and Summary of Accomplishments

[18-1518](#) Tentative Meeting Agenda Calendar

**ADJOURNMENT**

[18-1569](#) Adjournment Post Meeting Material

The meeting was adjourned at 10:49 PM in memory of **Bruce Lindberg** (Retired Captain of Santa Clara Police Department), **Eileen Marie Doyle** (Mother of City Attorney Brian Doyle), **victims of the Mass Shooting in Thousand Oaks, California**, and the **victims of the Camp Fire in Butte County and the Woolsey Fire in Ventura County**.

The next regular scheduled meeting is on Tuesday evening, November 27, 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) <<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."