



City of Santa Clara
Joint Meeting Minutes
Council and Authorities Concurrent Meeting
Santa Clara Stadium Authority Meeting

05/29/2018

6:00 PM

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

Closed Session - 6:00 PM | Regular Meeting - 7:00 PM

6:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 6:00 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

Public Comment

None.

Convene to Closed Session (Council Conference Room)

[18-668](#)

Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Nevarez v. City of Santa Clara, et al., U.S. District Court, Northern District
of California Case No. 5:16-CV-07013 HRL

[18-771](#)

Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Maranon v. City of Santa Clara, et al., U.S. District Court, Northern District
of California Case No. 5:15-CV-04709 BLF

7:00 PM COUNCIL REGULAR MEETING

Call to Order in the Council Chambers

Mayor Gillmor called the Regular Meeting to order at 7:04 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 5 - Council Member Patricia M. Mahan, Mayor Lisa M. Gillmor, Council Member Debi Davis, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

Absent: 1 - Council Member Teresa O'Neill

[18-985](#) Roll Call Memo

A motion was made by Council Member Mahan, seconded by Council Member Davis, to excuse Council Member O'Neill from the meeting.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to move Item #4 as the first order of Public Hearing/General Business.

Aye: 4 - Council Member Mahan, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

Abstained: 1 - Mayor Gillmor

SPECIAL ORDER OF BUSINESS

1.A [18-289](#) Accept Santa Clara Women's League Donation for the Senior Center Health & Wellness Program and Related Budget Amendment

Recommendation: Accept donation from the Santa Clara Women's League, approve a budget amendment in the amount of \$15,000 for the Senior Center Health & Wellness Program, and authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager. (FIVE COUNCIL VOTES)

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

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

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- 1.B [18-767](#) Wilcox High School Robotics Team Update
- 1.C [18-435](#) Triton Museum of Art Update on the Austen D. Warburton Collection of Native Art and Artifacts

CONSENT CALENDAR

Mahan Abstaining from Minutes

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve the Consent Calendar.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

- 2.A [18-353](#) Council and Authorities Concurrent Meeting Minutes of March 6, 2018

Recommendation: Note and file the Minutes of March 6, 2018.

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve staff recommendation.

Aye: 4 - Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

Abstained: 1 - Council Member Mahan

- 2.B [18-385](#) Bills and Claims for the month of April 2018 (Stadium Authority)

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

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve staff recommendation.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

- 2.C [18-631](#) Bills and Claims Report (CC, SA, HA) for the period April 27th - May 17th

Recommendation: Approve the list of Bills and Claims for April 27 - May 17, 2018.

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve staff recommendation.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

2.D [18-228](#) Action on Services Agreement with SWA Services Group, Inc. for Janitorial Cleaning Services at City Facilities

- Recommendation:**
1. Award an agreement for the Performance of Services, in substantially the same format as Attachment 1 to the report and in the amount of \$2,473,164 to SWA Services Group, Inc. for janitorial cleaning services over the three year term of the Agreement, and authorize the City Manager to execute the contract when all the necessary conditions have been met;
 2. Approve a 10% contract contingency in the amount of \$247,316 for the project;
 3. Authorize the City Manager to make minor, non-substantive modifications to the Agreement; and
 4. Authorize the City Manager to approve two optional one-year extensions including a 10% contingency pending satisfactory service, for an additional total not-to-exceed \$2,084,267.

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve staff recommendation.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

2.E [18-293](#) Approve Public Benefits Program of the Electric Utility Through Fiscal Year 2023

- Recommendation:** Approve the Public Benefit Programs as outlined in the Public Benefits Program Proposal for FY 2018-2019 through 2022-2023 based on 2.85% of annual utility sales subject to annual budget appropriations, and grant the City Manager authority to make programmatic changes as necessary during the program period.

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve staff recommendation.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

- 2.F [18-549](#) Consideration of an Affordable Housing Agreement with Legend SantaClara, LLC

Recommendation: Approve and authorize the City Manager to execute the Affordable Housing Agreement (AHA) with Legend SantaClara, LLC, to execute amendments thereto, and to take any other action necessary to implement the requirement for the provision of five (5) Below Market Purchase (BMP) units and payment of the BMP in-lieu fee for a fractional unit within a 56-unit housing project at 1890 El Camino Real.

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve staff recommendation.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

- 2.G [18-434](#) Action on the Introduction of an Ordinance Amending Section 5.75.210 related to Bingo Regulations

Recommendation: Alternative 1:
Approve the introduction of an Ordinance amending Section 5.75.210 ("Maximum amount of prizes - Paid receipt required for payout") of Chapter 5.75 ("Bingo") of Title 5 ("Business Licenses and Regulations") of "The Code of the City of Santa Clara."

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve the Introduction of Ordinance No. 1981.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

PUBLIC PRESENTATIONS

Lee Broughman expressed comments on the renovation of the Mission Branch Library and other City of Santa Clara libraries.

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

4. [18-432](#) Public Hearing: Action on 3402 El Camino Real Mixed Use Project The Deck

Recommendation: 1. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 3402 El Camino Real Mixed Use (The Deck) Project; and
2. Approve a rezone from Thoroughfare Commercial (CT) to Planned Development (PD) to allow a mixed-use development of 66 apartment units over 9,900 square feet of commercial space.

Mayor Gillmor recused herself and stepped off the dais.

Vice Mayor Watanabe presided over the meeting.

Public Speaker(s): Applicant
Public Speaker (1)

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to close the Public Hearing.

Aye: 4 - Council Member Mahan, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

Recused: 1 - Mayor Gillmor

A motion was made by Council Member Mahan, seconded by Council Member Davis, to approve staff recommendation #1.

Aye: 4 - Council Member Mahan, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

Recused: 1 - Mayor Gillmor

A motion was made by Council Member Mahan, seconded by Council Member Davis, to approve staff recommendation #2 and to include the following Planning Commission recommendations:

1. Provide six percent of parking spaces to be installed with electrical chargers and nine percent to be prewired for future connection to electrical chargers;
2. Work with the City Arborist on selecting appropriate trees with larger canopies along El Camino Real;
3. Revise condition E.27 to require 46 bicycle parking spaces as depicted on the development plan; and
4. Provide screening for the entire second floor parking area along El Camino Real.

Aye: 4 - Council Member Mahan, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

Recused: 1 - Mayor Gillmor

3.A [18-388](#) Discussion and Review of Potential General Fund Revenue Opportunities and Budget Amendment

- Recommendation:**
1. Review and Provide direction on the Potential General Fund Revenue Opportunities
 2. Authorize the City Manager to enter into contracts to conduct the required community research and outreach.
 3. Approve the appropriation of \$250,000 from the General Fund Budget Stabilization Reserve to the City's Clerk's operating budget

3.B [18-778](#) Supplemental Information: Summary of Legislation Related to Tax Ballot Measures

3.C [18-418](#) Report on Work Effort Related to New City Cannabis Regulations: Health & Safety Ordinance; Regulatory Fee and Tax Proposal; and Land Use Ordinance

- Recommendation:** Review and provide feedback on the framework for the establishment of a commercial cannabis policy and a corresponding fee and tax structure.

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- 3.D [18-287](#) Review of Various Infrastructure Improvement Needs and Funding Levels for Consideration as Part of a Potential November 2018 Infrastructure Ballot Measure and Approval of a Related Budget Amendment

Recommendation: Alternatives 1, 2, & 3:

1. Select a conceptual project option (Option 1, Option 2, or a different Council option) and continue the process of developing a November 2018 Ballot Measure.
2. Approve the appropriation of \$300,000 in the Budget Amendment to the International Swim Center, CRC, ISHOF (CIP 3172), and authorize the City Manager to execute Amendment No. 1 in substantially the same form with PFAL in the amount of up to \$300,000.

3. [18-741](#) Consideration of a Revenue Opportunities:

Public Speaker(s): Fernando Alvarez
Public Speaker (1)

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to direct staff to continue with Ballot Measure options for the establishment of a cannabis tax and an establishment of a Infrastructure Parcel Tax with conceptual project Option 1 (without CityPlace Park).

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to (1) authorize the City Manager to enter into contracts to conduct the required community research, outreach, and return the data; (2) approve the appropriation of \$250,000 from the General Fund Budget Stabilization Reserve to the City Clerk's operating budget; (3) approve the appropriation of \$300,000 in the Budget Amendment to the International Swim Center, CRC, ISHOF; and (4) authorize the City Manager to execute Amendment No. 1 in substantially the same form with PFAL in the amount of up to \$300,000.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

5. [18-474](#) Determination of Eligibility for Historical or Architectural Listing for the properties located at 1411 Lewis & 1444 Madison Street

Recommendation: 1. Find that the duplex residence at 1444 Madison Street and the single-family residence at 1411 Lewis Street are not eligible for listing on the Historical Resource Inventory as they are not contributing historical or architectural resources.

Mayor Gillmor recused herself and stepped off the dais.

Vice Mayor Watanabe presided over the meeting.

Public Speaker(s): Applicant
Public Speakers (2)

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to close the Public Hearing.

Aye: 4 - Council Member Mahan, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

Abstained: 1 - Mayor Gillmor

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve staff recommendation.

Aye: 4 - Council Member Mahan, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

Abstained: 1 - Mayor Gillmor

JOINT CITY COUNCIL/STADIUM AUTHORITY ITEMS

6. [18-747](#) Action on a Public Safety Agreement between City and Stadium Authority

Recommendation:

1. Approve the Public Safety Agreement, and
2. Authorize the City Manager/Stadium Director to execute the Agreement on behalf of the City and Stadium Authority.

A motion was made by Council/Board Member Watanabe, seconded by Council/Board Member Davis, to approve staff recommendation.

Aye: 5 - Council/Board Member Mahan, Mayor/Chairperson Gillmor, Council/Board Member Davis, Council/Board Member Watanabe, and Council/Board Member Kolstad

Absent: 1 - Council/Board Member O'Neill

A motion was made by Board Member Mahan, seconded by Board Member Watanabe, to excuse Board Member O'Neill from the Stadium Authority meeting.

Aye: 5 - Board Member Mahan, Chairperson Gillmor, Board Member Davis, Board Member Watanabe, and Board Member Kolstad

Absent: 1 - Board Member O'Neill

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Council Member Watanabe reported on her graduation from the Citizens Police Academy and noted the deadline to apply for the class beginning August is Friday, June 1st.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager announced the State of the City will be held on Saturday, June 2nd and also noted agenda items coming forth on the June 12th meeting.

[18-779](#) Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 10:09 PM.

A motion was made by Council Member Watanabe, seconded by Council Member Mahan, to adjourn the meeting.

Aye: 5 - Council Member Mahan, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member O'Neill

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

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."