



City of Santa Clara

Special Meeting Minutes

Council and Authorities Concurrent Meeting

10/02/2018

5:00 PM

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

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 (“The Brown Act”) and Section 708 of the Santa Clara City Charter, the Mayor calls for a Special Meeting of the City Council of the City of Santa Clara, the Governing Board of the Stadium Authority, the Governing Board of the Sports and Open Space Authority, the Governing Board of the City of Santa Clara Housing Authority, and the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency to commence and convene on October 2, 2018, at 5:00 pm for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

Closed Session - 5:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

5:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 5:01 PM.

Confirmation of a Quorum

Assistant City Clerk confirmed a quorum.

Public Comment

None.

[18-1362](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov’t Code § 54956.9(d)(1)
NCPA v. United States, U.S. Court of Federal Claims, Case No. 14-817C

[18-1363](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov’t Code § 54956.9(d)(1)
Pomeroy Eichler Neighborhood Preservation Society et al. v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 18CV334205

- 18-1364 Conference with Legal Counsel-Anticipated Litigation (CC, SA)
Pursuant to Gov. Code § 54956.9(a) - Exposure to litigation
Number of potential cases: 1
(Facts and Circumstances)
City as potential defendant: At a meeting on September 20, 2018, StadCo representatives stated that the failure to pay public safety costs in the amount of approximately \$660K were a breach of the Stadium Lease

Convene to Closed Session (Council Conference Room)

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Vice Mayor Watanabe called the Study Session to order at 6:05 PM.

Confirmation of a Quorum

Assistant City Clerk confirmed a quorum.

- 18-1005 6:00 P.M. Study Session: Precise Plan for the Downtown (only four non-conflicted Council Members to participate)

Public Speaker(s): Ana Vargas-Smith

Frank Lemmon
Skip Pearson
Patti Allmon
Donna West
Mary Grizzle
Suds Jain
Adam Thompson

7:00 PM COUNCIL SPECIAL MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 7:05 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 5 - Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Council Member Debi Davis, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

Excused: 1 - Council Member Patricia M. Mahan

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

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

Excused: 1 - Council Member Mahan

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney reported that the City Council unanimously approved filing an appeal on behalf of the City of Santa Clara in the *NCPA v. United States*, U.S. Court of Federal Claims, Case No. 14-817C.

CONTINUANCES/EXCEPTIONS

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to continue Item 2.G and 2.H to October 9, 2018 meeting.

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

Excused: 1 - Council Member Mahan

SPECIAL ORDER OF BUSINESS

- 1.A [18-1223](#) Recognition of Hanson Bridgett Law Firm
- 1.B [18-1289](#) Recognition of Volunteer Battalion Chief Kent Clerk and his wife Barbara Clerk for 30 years of service with the Santa Clara Fire Department
- 1.C [18-1328](#) Presentation by the Alzheimer's Association

- 2.J [18-1247](#) Action on Referring a Recommendation to Name the San Tomas & Monroe Neighborhood Park as "Everett N. Sousa Park" to the Ad-Hoc Facilities Naming and Recognition Committee

Recommendation: Recommend that Council Refer the Parks and Recreation Commission Recommendation to Name the San Tomas & Monroe Neighborhood Park as "Everett N. Sousa Park" to the Ad-Hoc Facility Naming and Honorary Recognition Committee.

A motion was made by Council Member O'Neill, seconded by Council Member Davis, to refer to the Naming and Honorary Recognition Committee to develop the appropriate format to include "Eddie" in the name "Everett N. Souza Park."

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

Excused: 1 - Council Member Mahan

CONSENT CALENDAR

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve the balance of the consent calendar.

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

Excused: 1 - Council Member Mahan

- 2.A [18-489](#) Action on the Council and Authorities Concurrent and Stadium Authority Meeting Minutes

Recommendation: Note and file the Minutes of:
Joint Council and Authorities Concurrent and Stadium Authority Meeting - May 29, 2018
Council and Authorities Concurrent Meeting - June 12, 2018
City Council Special Meeting 11:00 AM - June 21, 2018
Joint City Council and Stadium Authority Special Meeting 5:00 PM - June 21, 2018

A motion was made by Council/Board Member Davis, seconded by Council/Board Member O'Neill, to approve the staff recommendation.

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

Excused: 1 - Council/Board Member Mahan

2.B [18-361](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Planning Commission Meeting of June 27, 2018
Historical and Landmarks Commission Meeting of June 7, 2018

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve the staff recommendation.

2.C [18-1123](#) Action on Bills and Claims for the month of August 2018 (Stadium Authority)

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

A motion was made by Board Member Davis, seconded by Board Member O'Neill, to approve the staff recommendation.

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

Excused: 1 - Board Member Mahan

2.D [18-1136](#) Action on Bills and Claims Report (CC) for the period August 31st - September 13th

Recommendation: Approve the list of Bills and Claims for August 31, 2018 - September 13, 2018.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve the staff recommendation.

2.E [18-1282](#) Action on Gifts to Elected and Appointed Officials Policy

Recommendation: Adopt a resolution to approve the Gifts to Elected and Appointed Officials policy

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt No. 18-8607.

2.F [18-1283](#) Action on Donations to the City Policy and Related Budget Amendment

Recommendation: Adopt a resolution to approve the Donations to the City policy and approve related budget amendment

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Resolution No. 18-8608.

2.G [18-1296](#) Action on Adoption of Ordinance No. 1987 Codifying Existing Claims Settlement Authority and Amending Settlement Authority for Workers' Compensation Matters

Recommendation: Adopt Ordinance No. 1987 Codifying Existing Claims Settlement Authority and Amending Settlement Authority for Workers' Compensation Matters.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to continue Item 2.G and 2.H to October 9, 2018 meeting.

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

Excused: 1 - Council Member Mahan

2.H [18-1336](#) Action on Adoption of Ordinance No. 1988 Including Elected Chief of Police in Salary Setting Commission's Regular Review of Elected Officials' Compensation

Recommendation: Adopt Ordinance No. 1988 Including Elected Chief of Police in Salary Setting Commission's Regular Review of Elected Officials' Compensation.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to continue Item 2.G and 2.H to October 9, 2018 meeting.

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

Excused: 1 - Council Member Mahan

- 2.I [18-1246](#) Action on Referring a Recommendation to Name the Central Park Annex park site as “Bill Wilson, Jr. Park” to the Ad-Hoc Facilities Naming and Recognition Committee

Recommendation: Recommend that Council Refer the Parks and Recreation Commission Recommendation to Name the Central Park Annex park site as the “Bill Wilson, Jr. Park” to the Ad-Hoc Facility Naming and Honorary Recognition Committee.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve the staff recommendation.

PUBLIC PRESENTATIONS

Christine Koltermann expressed comments of concern on School Bond Measure BB.

Sally Brett expressed comments of concern School Bond Measure BB.

Yuki Ikezi expressed comments on Accessory Dwelling Units (ADUs) and how the City can encourage more ADU's to increase more affordable housing.

Rob Jerdonek expressed comments of concern due to the of a forum for Measures M and N.

[18-1416](#) Public Presentation Post Meeting Material

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

3. [18-1353](#) Consideration of Written Petition submitted by William Eserini regarding Use of City Property for Political Campaign Purposes

Recommendation: There is no staff recommendation for this issue as the petitioner’s issues have been addressed.

Public Speaker(s): Public Speakers (2)

By Consensus, referred to the Governance Committee to review Political Signs on Public Properties Policy.

A motion was made by Council Member Davis, seconded by Council Member Kolstad, to deny the written petition request to be added to a future agenda.

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

Excused: 1 - Council Member Mahan

4. [18-944](#) Action on the Introduction of an Ordinance Amending Chapter 5.35 ("Taxicabs") of the Code of the City of Santa Clara to revise taxicab permitting and operational requirements establish new permit and operational requirements for pedi-cabs

Recommendation: Alternative 1:

1. Introduce an Ordinance Amending Chapter 5.35 ("Taxicabs") of the Code of the City of Santa Clara to revise taxicab permitting and operational requirements, and to include new permit and operational requirements for pedi-cabs

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve the introduction of Ordinance No. 1989.

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

Excused: 1 - Council Member Mahan

5. Stadium Authority Financial Status Reports

- A. [18-411](#) Action on the Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2018

Recommendation: Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending March 31, 2018.

Public Speaker(s): Public Speaker (2)

A motion was made by Board Member O'Neill, seconded by Board Member Davis, to note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter ending March 31, 2018.

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

Excused: 1 - Board Member Mahan

- B. [18-1122](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending June 30, 2018 and Related Budget Amendments

Recommendation:

1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending June 30, 2018.
2. Approve Budget Amendments to the 2018/19 Santa Clara Stadium Authority Budget.

Public Speaker(s): Public Speaker (1)

A motion was made by Board Member Davis, seconded by Board Member Watanabe, to note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter ending June 30, 2018 and approve budget amendments to the 2018/19 Santa Clara Stadium Authority.

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

Excused: 1 - Board Member Mahan

6. [18-1351](#) Information Report from Stadium Manager on College Football Playoff 2019 National Championship Game Preparation

Recommendation: Note and file the information report from Stadium Manager on College Football Playoff 2019 National Championship Preparation

A motion was made by Board Member Watanabe, seconded by Board Member Davis, to note and file the information report from Stadium Manager on College Football Playoff 2019 National Championship preparation.

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

Excused: 1 - Board Member Mahan

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Council Member O'Neill reported on her attendance at the Northern California Power Agency conference event and announced that Director John Roukema (Silicon Valley Power) received an award on behalf of City of Santa Clara - Silicon Valley Power, which represents gratitude for the City's assistance during the Redding wildfires.

Council Member Watanabe expressed gratitude to those who participated in the Downtown Festival and reported on her attendance at the Grand Boulevard Initiative in San Mateo and Redwood City, and Urban Planning workshop.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

Chief Operating Officer reported his recent attendance at the Mission Branch Library Grand Opening, announced the Annual Fire Station Open House event on October 6, 2018, September 18, 2018 (18-1069, 2.1) was missing an appendix on an item it is now included and can be viewed online, and media reports were released over the week on alleged embezzlement of the Swim Club, however services to the public have not been affected by the reports.

[18-1382](#)

Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 9:58 PM in **memory of Irene Shirley Stewart** (wife of Late Council Member John M. Stewart and Mother of Unisys Information Technologies (IT) Trainer Laurie Stewart).

A motion was made by Council Member Davis, seconded by Vice Mayor Watanabe, that this item be Approved. The motion carried by the following vote:

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

Excused: 1 - Council Member Mahan

[18-1415](#)

Adjournment Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, October 9, 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."