

**MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA
FOR MEETING HELD ON TUESDAY EVENING, JANUARY 23, 2007**

The City Council met at 6:00 p.m., on the above-mentioned date, in the Reception Lobby Area for the **Interviews to Fill a Vacancy on the Parks and Recreation Commission** for the term ending June 30, 2009.

The Council then met at 7:04 p.m. for the regular session in the City Hall Council Chambers. The meeting was opened with the recitation of the Pledge of Allegiance and the reading of an Invocation-Prayer.

Present: Council Members Dominic J. Caserta, Patrick Kolstad, Joe Kornder, Jamie McLeod and Kevin Moore and Mayor Patricia M. Mahan. Absent: Council Member Will Kennedy.

Staff present: City Manager, Assistant City Manager, Director of Planning and Inspection, Director of Public Works, Interim City Attorney and City Clerk/Auditor.

MOTION was made by Kolstad, seconded and unanimously carried (Kennedy absent), that the Council **excuse** Council Member Kennedy from attendance at this evening's meeting.

MOTION was made by McLeod, seconded and unanimously carried (Kennedy absent), that, per the Director of Planning and Inspection (1/16/07), the Council **set** February 6, 2007 the public hearing to **rezone 3625 Pruneridge Avenue** from Neighborhood Commercial (CN) to Planned Development (PD) (PLN2006-05758).

MOTION was made by Caserta, seconded and unanimously carried (Kennedy absent), that, per the Director of Planning and Inspection (1/17/07), the Council **continue** to February 6, 2007 the public hearing to approve a **Vesting Tentative Tract Map for 3421 Homestead Road** (PLN2006-06095/PLN2005-05463).

As a Special Order of Business, the Council proceeded with the recognition of the Northern California Cricket Association North West Region U-19 Cricket Team for winning the 2006 National U-19 Cricket Championship and the California Cricket Academy Junior National Cricket Teams U-11, U-13 and U-15 for winning the 2006 U.S. Junior National Tournament Titles. The Council noted the Senior Staff Aide's memo (1/11/07) regarding the teams. Representatives from the Association and the Academy addressed the Council and presented appreciation gifts to the Mayor. Photographs were taken with the City Council.

Also as a Special Order of Business, the Council proceeded with the presentation by the Valley Transportation Authority (VTA) and the City regarding the status of the Bay Area Rapid Transit (BART) design and the Metropolitan Transportation Commission funded Station Area Plan study, a joint planning effort of the VTA and the cities of San Jose and Santa Clara. The Director of Planning and Inspection reviewed his memo (1/17/07) regarding the project. Marian Lee-Skowronek, Planning Manager, VTA Planning, gave an electronic presentation summarizing the project overview and the status of the project, the supplemental Environmental Impact Report (EIR) purpose and project description updates. A Council discussion followed and Ms. Lee-Skowronek answered Council questions.

Also as a Special Order of Business, the Council proceeded with the Police Department presentation regarding Online Reporting of non-violent crimes available on the Police Department website. The City Manager introduced the item. The Chief of Police briefly reviewed his memo (1/12/07) and highlighted new features now available on the website. Sharon Hoehn, Police Department Management Analyst, demonstrated the program on the website.

Also as a Special Order of Business, the Council proceeded with the appointment of a commissioner to fill one vacancy on the Parks and Recreation Commission for the term ending June 30, 2009. The Mayor informed the audience that the Council interviewed earlier in the evening in a meeting open to the public the following applicants: Thomas Freitas, George Guerra, Christine Henson, Sharon Lee, Ketra Oberlander, Cynthia Owens and Vilma Kennedy Palette. MOTION was made by Caserta, seconded and unanimously carried (Kennedy absent), that the Council appoint Cynthia Owens to the Parks and Recreation Commission for the term ending June 30, 2009.

Also as a Special Order of Business, the Council proceeded with the interviews and appointment to fill a vacancy on the Planning Commission for the term ending June 30, 2010. The following applicants were interviewed: Keith Stattenfield, John Matthew Adams, Martin Patrick Sammon, Ray Russo, Jr., Teresa O'Neill, Mario Bouza, James Rowen, Kamran Merchant and Phal J. Vaswani. Applicant Vilma Kennedy Palette had previously withdrawn her application. A Council discussion followed. MOTION was made by McLeod, seconded and unanimously carried (Kennedy absent), that the Council **appoint Teresa O'Neill** to the Planning Commission for the term ending June 30, 2010.

The Mayor announced that the following item would be considered earlier than agendaized due to a large number of citizens present in the audience.

The Council proceeded to consider the recommendations contained in the minutes of the Economic Development Committee "Mission City 21" (Economic Development Committee) for the meeting of November 15, 2006, regarding the letter (8/23/06) submitted by Alexander Hull, President, and Tak S. Chang, Chairman, of the Korean American Chamber of Commerce of Silicon Valley (Korean Chamber) requesting approval of the following items: 1) mount one monument sign in the center median of the El Camino Real near Lawrence Expressway to identify an area of the City of Santa Clara as Korea Town and post signs on Highway 280 and 101 near Lawrence Expressway exits and on Highway 880 near The Alameda exit pointing people to the Korea Town area; 2) erect a Korean American community symbol in Central Park; 3) hire Korean language speaking police officers in the City's Police Department; and 4) check with local businesses on their support of the designation of a Korean American business district. The City Manager reviewed the Administrative Analyst to the City Manager's memo (1/17/07) regarding the request and stated that the Korean Chamber's request was referred to the City Manager and the Economic Development Committee to make advisory recommendations to the Council. The City Manager gave an electronic presentation regarding the request and stated that a petition with approximately 140 names was submitted by Mr. Hull in support of the Korean Chamber's request. The City Manager referred to a "Petition to Promote Unity" (1/18/07) which was received with approximately 853 signatures opposing the Korea Town proposal. She also referred to the Executive Assistant to the City Manager's memo (1/19/07) regarding correspondence received during the period of August 2006 through January 19, 2007, six of which were expressing support and

58 against the Korean Chamber's request. She also referred to the Executive Assistant to the Mayor and Council Offices' memo (1/23/07) regarding 28 communications in opposition to the Korean Chamber's request received during the period of January 19, 2007 through this evening's Council meeting. The City Manager continued with her electronic presentation and summarized the notification process that was used for this evening's public hearing. She reviewed each of the Korean Chamber's requested items and the staff research conducted on each item. She reviewed the following recommendations of the Economic Development Committee from the meeting of November 15, 2006: 1) Suggest Korean American businesses to develop a sign program on privately owned property using private financing, which would include the individual business name and a logo and/or wording indicating Korean American business/merchant, with specific guidelines and procedures to meet citywide sign regulations developed by staff; 2) Amend/expand the City's current Business Recognition Program and recognize the Korean American business community in 2007 at a City Council meeting as part of that program; 3) Issue City Council Proclamation expressing support and appreciation for the diverse business base in Santa Clara, highlighting focus on valuing all participants in the business community and expressing thanks to the Korean American Chamber of Commerce for its outreach to the City; 4) Continue City participation and cooperation with the Korean American business community and invite their participation in citywide community events; 5) Continue to build upon collaborative working relationships between the Korean American Chamber of Commerce and the Santa Clara Chamber of Commerce; and 6) Continue to encourage merchants to post English language signs along with non-English designation. A Council discussion followed and the City Manager answered Council questions. Mr. Hull addressed the Council on behalf of the Korean Chamber and answered Council questions. Mr. Chang also addressed the Council on behalf of the Korean Chamber. The following residents addressed the Council in support of the Korean Chamber's request: Jun Y. Huh, Alexia Kim, Hyemee Ahn, and Nathan Mertz. Steve Van Dorn, President and General Manager of the Santa Clara Chamber of Commerce and Convention-Visitors Bureau, addressed the Council in support of the Economic Development Committee's recommendations. Gabe (last name unknown) addressed the Council regarding recycling issues. The following residents addressed the Council in opposition to the Korean Chamber's request: Gary Springer, Mark Pooler, Randy Horrillo, Mike Wexlor, Richard H. Rusnak, Jerry Schneider, Brian Lowery, Doris Atkinson (also submitted petitions), Patricia M. Carney, Ernie DeFrenchi, Ian DeFrenchi,

Sophie DeFrenchi, Rich Ferguson, Mario Bouza, John Casey, Mike Maraneres, Ray Gamma, Howard Myers, and Mr. Arena (first name unknown). James Rowen and Joanne G. Bruna addressed the Council regarding the request. A Council discussion followed. **MOTION** was made by Kolstad, seconded and unanimously carried (Kennedy absent), that the Council **approve** the Economic Development Committee's recommendations itemized above.

MOTION was made by Caserta, seconded and unanimously carried (Kennedy absent), that the Council **continue** to February 6, 2007 consideration of the **Quarterly Report for 2005-2007 Council Principles and Priorities** and the acceptance of the Second Quarter Status Report for fiscal year 2006-07.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the City Manager (1/12/07), the Council **note and file** the **Departmental Activity Report** for the month of November 2006.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Housing and Community Services Division Manager (1/9/07), the Council **set** March 6, 2007 for a public hearing to obtain citizen's views on proposals to use **2007-08 Community Development Block Grant (CDBG) and Home Investment Partnerships Act (HOME) Entitlement Funds** and **authorize** the publication of the notice of the public hearing.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Public Works (1/17/07), the Council **adopt Resolution No. 07-7383** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ESTABLISHING CERTAIN PARKING REGULATIONS [LAFAYETTE STREET]" which establishes No Stopping, Standing or Parking at Any Time zones on the east side of Lafayette Street north of Agnew Road and on the east side of Lafayette Street north of Eisenhower Drive.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Public Works (1/17/07), the Council **adopt Resolution No. 07-7384** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ESTABLISHING CERTAIN PARKING REGULATIONS [NORMAN AVENUE]" which establishes a No Parking zone for vehicles in excess of 20 feet in length on the south side of Norman Avenue east of Thomas Road.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Senior Staff Aide (1/8/07), the Council **approve** and authorize the publication of the proposed March 2007 **Mission City SCENES**.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Electric Utility (1/9/07), the Council **approve** the **Amended Rate Schedules for Electric Utility Service for all classes of customers** to provide for a time of use option beginning July 2007 and an **Amended 2007-2008 Electric Fee Schedule** to include a time-based meter charge.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Parks and Recreation (1/12/07), the Council **accept** the **Donation** from **Daniel and Louise Strauss** to help support the Senior Center Case Management Program and **authorize** the transmittal of a letter of appreciation signed by the Mayor and City Manager.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Electric Utility (1/17/07), the Council **approve** the use of **City Electric forces** for the installation of facilities at 831, 835, 851 and 855 Monroe Street and 2850 Augustine Drive.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Human Resources (1/16/07), the Council **approve** the revised **job description** for Deputy Fire Chief.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Assistant Director of Water Utility (1/2/07), the Council **approve** the use of **City Water forces** for the installation of facilities at 1655 Scott Boulevard.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Parks and Recreation (1/16/07), the Council **approve** and authorize the execution of **Change Order No. 5** with **Coast Side Associates, Inc.** in the amount of \$5,971 for the **Agnew Park, Carli Park, Carmichael Park and Curtis School Soccer Field Restroom Project** (PK 05-06-03).

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the City Attorney (12/28/06), the Council **approve** and authorize the City Manager or her designee to execute **Amendment No. 3** to the **Legal Services Agreement** with Thelen Reid & Priest LLP to acknowledge and accept the change of the law firm's name to **Thelen Reid Brown Raysman & Steiner LLP** and **authorize** the City Manager to continue to utilize the services of the newly formed law firm.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Electric Utility (1/16/07), the Council **approve** and authorize the City Manager to execute **Amendment No. 1** to **Call No. 06-1** with **Cintara Corporation** to extend the Electric Utility's marketing and communications services through June 30, 2007 for a new total amount not to exceed \$400,000.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Human Resources (1/3/07), the Council **approve** and authorize the City Manager to execute the **Legal Services Agreement** with **Valerie J. Armento**, Attorney at Law, in her role as Interim City Attorney in an amount not to exceed \$80,000 effective retroactively to January 2, 2007, and **approve** a transfer of appropriations in the amount of \$80,000 from City Attorney's Office Salary & Wages (account 001-2411-87010) to the City Attorney's Office Contractual Services (account 001-2411-87870) to cover the cost of the contract.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Electric Utility (12/7/06), the Council **approve** an **Application for Transmission Service** and **approve** and authorize the City Manager to execute a **Letter of Agreement** with **Western Area Power Administration** in substantially the form presented, subject to final review and approval of the City Attorney's Office, in an amount not to exceed \$207,000 and **authorize** the City Manager to set up an escrow account not to exceed \$200,000.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that the Council **note and file** the following **Informational Memos**: Agreement for Services with John Bednar Engineering Services and the Redevelopment Agency for the Santa Clara Convention Center GE Lighting System Replacement (Director of Public Works - 1/17/07) and Give A Little . . . Help A Lot Campaign Progress Report (Senior Staff Aide - 1/23/07).

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that the Council note and file the Minutes of the Board of Library Trustees for the meeting of December 4, 2006.

PUBLIC HEARING: The Mayor declared the hearing open for consideration of the 2006-2007 Weed Abatement Program. There being no public input, MOTION was made by Caserta, seconded and unanimously carried (Kennedy absent), that the hearing be closed. MOTION was then made by Caserta, seconded and unanimously carried (Kennedy absent), that the Council **adopt** Resolution No. 07-7385 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ORDERING THE ABATEMENT OF A NUISANCE CONSISTING OF GROWING WEEDS IN THE CITY OF SANTA CLARA" which orders the abatement of a nuisance consisting of growing weeds in the City.

MOTION was made by Moore, seconded and unanimously carried (Kennedy absent), that, per the Director of Electric Utility (1/17/07), the Council **accept** the bid in the amount of \$1,249,995 for Public Works Contract 2397A for the Construction of the Great America Station Photovoltaic Carport Structure; **award the contract to** SPG Solar Inc.; and **authorize** the City Manager to execute the contract documents and change orders in connection with the project which, in the aggregate, do not exceed 10% (\$124,999.50) of the contract amount.

MOTION was made by Caserta, seconded and unanimously carried (Kennedy absent), that the Council **note and file** the Minutes of the Planning Commission for the meeting of January 10, 2007.

MOTION was made by Caserta, seconded and unanimously carried (Kennedy absent), that, per the recommendations contained in the Minutes of the Civil Service Commission for the meeting of January 8, 2007, the Council **approve** the new job specification for Recreation Supervisor; modification of the job specifications for Assistant Recreation Supervisor, Recreation Coordinator and Recreation Coordinator - Therapeutics; and the modification of Civil Service Rule 4.3 which clarifies that promotional eligible lists for sworn Police Department positions are valid for two years.

Under Public Presentations, Joanne G. Bruna addressed the Council and expressed appreciation and concerns regarding City services.

MOTION was made by Caserta, seconded and unanimously carried, that the Council **approve** the payment of **Bills and Claims** and **Progress Payments** as submitted.

The Mayor reported that Council Member McLeod was appointed as a member to the Recycling and Waste Reduction Commission of Santa Clara County by the City Selection Committee of Santa Clara County Cities' Association. She also announced the grand opening celebration of the Senior Center on February 12, 2007.

The City Manager reminded the Council of the 2007 Follow-up Ethical Campaigning Workshop scheduled for January 29, 2007 for candidates, campaign workers and interested citizens.

MOTION was made by McLeod, seconded and unanimously carried (Kennedy absent), that there being no further business, the meeting was adjourned at 10:53 p.m. in **Memory** of **Candy Ma** (mother of Assistant Director of Water Utility Dennis Ma), **Dorothy Murphy** (Santa Clara resident) and **Frank "Jiggs" Vieira Silva** (retired Reserve Police Officer) to Tuesday evening, **February 6, 2007** at 7:00 p.m. for the regular meeting in the City Hall Council Chambers.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor