

**MINUTES OF THE JOINT MEETING  
OF THE CITY OF SANTA CLARA CITY COUNCIL  
AND THE BICYCLE PEDESTRIAN ADVISORY COMMITTEE  
AND THE REGULAR CONCURRENT MEETING  
OF THE CITY OF SANTA CLARA  
CITY COUNCIL  
SANTA CLARA STADIUM AUTHORITY  
SPORTS AND OPEN SPACE AUTHORITY  
CITY OF SANTA CLARA HOUSING AUTHORITY  
TUESDAY, OCTOBER 24, 2017**

The City Council and the Bicycle Pedestrian Advisory Committee met at 5:08 pm, on the above-mentioned date, in the City Hall Council Chambers, for an **Informational Joint City Council and Bicycle Pedestrian Advisory (BPAC) Committee dinner meeting.**

Present: Council Members Dominic J. Caserta, Debi Davis, Patrick Kolstad, Patricia M. Mahan, Teresa O'Neill and Kathy Watanabe and Mayor Lisa M. Gillmor. Present: Bicycle Pedestrian Advisory Committee Members Thomas Granvold, Diane Harrison, Ken Kratz and Craig Larsen.

Staff Present: City Manager, Interim City Attorney, City Clerk/Auditor and Associate Engineer (Civil)/Staff Committee Liaison Marshall Johnson.

Per the Executive Assistant to the Mayor and City Council's informational report, the **Council and the Bicycle Pedestrian Advisory Committee (BPAC) proceeded with the joint dinner meeting** for an update on current activities and potential future BPAC projects. A Council/BPAC discussion was held.

The Council, with a quorum present, met at 6:18 pm in the City Hall Council Chambers. Deborah Bress addressed the Council with concerns. The Council then met in the Council Conference Room for a **Closed Session** regarding Public Employee Performance Evaluation pursuant to Government Code Section 54957, Title: Interim City Attorney; Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Harmon v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:16-cv-04228 EJD; Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of San Jose v. City of Santa Clara*, San Mateo County Superior Court Case No. 16-CIV-02303; and Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of Santa Clara v. City of San Jose*, San Mateo County Superior Court Case No. 17-CIV-00547.

The Council, Stadium Authority, Sports and Open Space Authority and Housing Authority convened at 7:09 pm in the City Hall Council Chambers and the regular Concurrent Meeting was opened with the recitation of the Pledge of Allegiance and Statement of Values.

Present: Members Dominic J. Caserta, Debi Davis, Patrick Kolstad, Patricia M. Mahan, Teresa O'Neill and Kathy Watanabe and Mayor/Chairperson Lisa M. Gillmor.

Staff present: City Manager, Interim City Attorney and City Clerk/Auditor.

The City Clerk/Auditor read the "Behavioral Standards for Public Meetings."

**MOTION** was made by Davis, seconded and unanimously carried, that the **Minutes** of the Special Meeting of **September 19, 2017** be adopted as written.

**MOTION** was made by Davis, seconded and unanimously carried, that the **Minutes** of the Concurrent Meeting of **September 26, 2017** be adopted as written.

**MOTION** was made by Caserta, seconded and unanimously carried, that the Council **continue** to a later date the Chief of Police's report regarding the **2017 Byrne Justice Assistance Grant** in the amount of \$12,254 and **continue** to November 7, 2017 the Chief of Police's report regarding the **California Office of Traffic Safety** grant in the amount of \$35,000.

**MOTION** was made by Davis, seconded and unanimously carried, that the Council **consider** earlier than agendaized the Assistant City Manager's report recommending the approval of Championship Team Funding in the amount of \$7,450 for the **City of Santa Clara's Parks and Recreation Performance Dance Team** and **direct** that it be considered after Special Orders of Business at this evening's meeting.

As a Special Order of Business, the Council proceeded to consider the Fire Chief's report for acceptance of a donation from the **Air Products Foundation** in the amount of \$5,000 as part of the Foundation's Matching Gifts and Grants Program to be used for the purchase of supplies and materials for the Fire Department Community Emergency Response Team Program. The Fire Chief addressed the Council and thanked Air Products Foundation. Michael Chao, Air Products Foundation Chief Financial Officer, presented the donation to the Mayor. The Council **accepted** the donation, **approved** the appropriations in the amount of \$5,000 to the Fire Department Training Trust Fund and **authorized** the transmittal of a letter of appreciation to Air Products Foundation. Photographs were taken.

As a Special Order of Business, the Council proceeded to consider Management Analyst Jung's informational report regarding the **Cultural Commission's upcoming events for November and December 2017**. Commission Chair Loretta Beavers gave an electronic presentation summarizing the events.

As a Special Order of Business, the Council proceeded to consider the Director of Community Development's report promoting a **vacancy on the Planning Commission**. Commission Chair Yuki Ikezi gave an electronic presentation regarding the duties and responsibilities of the Planning Commission.

As a Special Order of Business, the Council proceeded to consider the Community Relations Manager's informational report for a presentation welcoming the delegation and 12 exchange students visiting from **Santa Clara Sister City Limerick, Ireland**. Yvonne Daly with Business Improvement Department for Limerick City and County Council, addressed the Council on behalf of the school exchange program between Thomond Community College and Wilcox High School and Santa Clara High School. She introduced the Limerick delegation and students and gave an electronic presentation on the history of both, Limerick and the sister-city relationship with Santa Clara. Donal Doody, teacher and member of the delegation, continued with the presentation regarding the Republic of Ireland which included video clips of Limerick and Thomond Community College. The Council presented gifts to the students and the Mayor and the members of the delegation exchanged gifts. Photographs were taken.

The Council proceeded to consider Assistant City Manager Shikada's report regarding the request for **Championship Team Funding** in the amount of \$7,450 for the **City of Santa Clara's Parks and Recreation Performance Dance Team** to perform in the 2017 Disneyland Merry Holiday Parade. The Director of Parks and Recreation introduced Linnea Sheehy, the City's Dance Instructor. Ms. Linnea thanked the Council for their support, and the dance team performed for the Council and audience. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **approve** the request for Championship Team Funding in the amount of \$7,450 for the City of Santa Clara's Parks and Recreation Performance Dance Team to perform in the 2017 Disneyland Merry Holiday Parade in Anaheim, CA from December 8-10, 2017.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Parks and Recreation's report, the Council **accept** the donation from **Premier Soccer Coaching** in the amount of \$300 to help support the Wade Brummell Youth Sports Scholarship/Grant Program; **approve** an appropriation in the amount of \$300 to the Wade Brummell Youth Sports Scholarship/ Grant Program; and **authorize** the transmittal of a letter of appreciation, signed by the Mayor and City Manager.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Community Development's report, the Council **adopt Resolution No. 17-8472** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE 2018 PLANNING COMMISSION CALENDAR OF MEETINGS," which approves the **2018 Planning Commission Calendar of Meetings**.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Water and Sewer Utilities' report, the Council **adopt Resolution No. 17-8473** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING A WATER SUPPLY ASSESSMENT FOR THE PROJECT AT 2305 MISSION COLLEGE BOULEVARD," which approves the **Water Supply Assessment for 2305 Mission College Boulevard**.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** the use of **City Electric forces** for the installation of facilities at 225 Washington Drive; Monroe Street and Meadowbrook Drive; and Monroe Street and Chromite Drive.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Public Works' report, the Council **adopt** **Resolution No. 17-8474** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF REED STREET AND GRANT STREET [NORTH OF APN 224-02-013 (2017-18)]," which orders the summary vacation of portion of public right-of-way located at the southwest corner of Reed Street and Grant Street and **authorize** the recordation thereof.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Interim City Attorney's report, the Council **adopt** **Ordinance No. 1970** entitled "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 1.05.060 ('SEVERABILITY OF PARTS OF CODE') OF CHAPTER 1.05 ('GENERAL PROVISIONS') OF TITLE 1 ('GENERAL PROVISIONS') OF 'THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA' " which amends Section 1.05.060 ("Severability of Parts of Code") of chapter 1.05 ("General Provisions") of Title 1 ("General Provisions") of "The Code of the City of Santa Clara, California."

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Interim City Attorney's report, the Council adopt **Ordinance No. 1971** entitled "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 18.104 ('MESSAGE ESTABLISHMENTS') OF TITLE 18 ('ZONING') OF 'THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA'" which extends the amortization period for existing massage establishments to December 31, 2019.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Acting Director of Finance's report, the Council **note and file** the **Monthly Financial Status Reports for August 2017** as presented.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** and authorize the City Manager to execute the **Electric Service Agreement** with **Intel Corporation** for the purchase of electricity on a long-term basis in exchange for certain discounted rates.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** and authorize the City Manager to execute **Amendment No. 1 to the Electric Service Agreement** with **Digital Realty Trust, L.P.** which extends the agreement term by three months to January 31, 2018.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Community Development's report, the Council **approve** and authorize the City Manager to execute a **Historic Property Preservation Agreement (Mills Act Contract)** with **Caroline Smullen** for the property located at **1150 Chapel Drive** , and **approve**: 1) the addition of the property to the City's List of Architecturally or Historically Significant Properties, and 2) a historic oval plaque for the property with the year "1948" appearing as the construction year (PLN2017-12676). The Council noted a printed electronic presentation submitted by the Director of Community Development.

**MOTION** was made by Davis, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** and authorize the City Manager to execute the **Agreement for Performance of Services** with **Professional Meters, Inc.** in an amount not to exceed \$1,411,737, to provide for Advanced Metering Infrastructure meter installation services.

**MOTION** was made by Davis, seconded and unanimously, that the Council/Authorities **approve** the payment of **Bills and Claims and Progress Payments**.

**MOTION** was made by Davis, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Board of Library Trustees** for the meeting of August 7, 2017, the **Charter Review Committee** for the meeting of September 18, 2017, the **City/School Liaison Committee** for the meeting of September 6, 2017, the **Cultural Commission** for the meetings of August 7, 2017 and September 18, 2017, the **Planning Commission** for the meeting of September 13, 2017, and the **Senior Advisory Commission** for the meeting of August 28, 2017.

Under Public Presentations, Kirk Vartan gave an electronic presentation (provided a handout) on the recent Amsterdam Placemaking Week Conference which he attended (provided a handout). Deborah Bress expressed comments regarding the City Manager's Blog. Scott Lane expressed general comments of concern. Tomio Hayase-Izu addressed the Council regarding the Bay Area's housing crisis. Steve Hazel expressed comments regarding current events (provided handouts).

The Council proceeded to consider the Director of Community Development's report regarding the **initiation of community outreach and preparation of a Request for Development Proposals process for City-owned properties (3575 De La Cruz Boulevard, 2330 Monroe Street and 1021/1031 El Camino Real)** as a step toward accomplishing the goal of increasing the City's affordable housing supply. The Director of Community Development gave an electronic presentation (updated and noted) regarding the proposed schedule to begin community outreach and planning for the properties. A Council discussion followed and the Director of Community Development answered questions. Kirk Vartan, Deborah Bress and Scott Lane addressed the Council with general comments. **MOTION** was made by O'Neill, seconded and carried with Gillmor abstaining (owns property in vicinity of one of the subject properties), that the Council **note and file** the Director of Community Development's report regarding initiation of the community outreach and Request for Development Proposals process for City-owned properties.

Member Kolstad stepped off the dais.

The Council proceeded to consider the Director of Community Development's report recommending approval of Amendment No. 1 to the Agreement for Professional Services with Perkins + Will, Inc. Kirk Vartan addressed the Council with general comments. **MOTION** was made by Davis, seconded and unanimously carried (Kolstad absent), that the Council **approve** appropriations of an additional \$194,870 to the Tasman East Specific Plan project (account 539-5523-80100-6544) funded by a transfer from the Building Inspection Reserves (account 063-44465) and **approve** and authorize the City Manager to execute **Amendment No. 1** to the **Agreement for Professional Services** with **Perkins + Will, Inc.** to complete the Tasman East Specific Plan and Environmental Impact Report (EIR), increasing the not-to-exceed cost by \$194,870 to a revised total of \$954,295.

Member Kolstad returned to the dais.

**PUBLIC HEARING:** The Mayor declared the hearing open for consideration of the Director of Community Development's report recommending the adoption of Resolutions to 1) adopt the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program for the **2232-2240 El Camino Real Residential Project**; and 2) approve the rezone from Community Commercial (CC) to Planned Development (PD) to allow a four-story mixed-use development with 17,909 square feet of commercial floor area and 151 senior apartment units, including the additional conditions of approval as recommended by the Planning Commission and as agreed by the applicant [(APN 290-10-090 and 290-10-091) PLN2017-12723 (Rezone), and CEQ2016-01009 (MND)]. The Director of Community Development reviewed his report, gave an electronic presentation and answered Council questions. Applicant Elaine Breeze with SummerHill Apartment Communities (SummerHill), addressed the Council and gave an electronic presentation regarding the project and answered Council questions. The City's Traffic Consultant, Gary Black, answered Council questions. The Council noted the Executive Assistant to the Mayor and City Council's report regarding correspondence received after the agenda was posted. The Council also noted a letter (10/24/2017) submitted by Michal Healy, Director, Facility Development and Planning with Santa Clara Unified School District in support of the project. The following individuals addressed the Council in support of the project: Cynthia Owens, Kathy Betts, Nathan Ho, Priscilla Haynes, Kirk Vartan, Michael Tsai, Sean O'Carroll, Jason Uhlenkott, Paul Bickmore, Adina Levin, Scott Lane, Michal Healy (provided a handout), Anil Babbar, Alex Shoor, Adam Thompson, Nick Kaspar, Joe Siecinski, Diane Chambers, Kevin Park, Deborah Bress and Deborah Costa. The following individuals addressed the Council with concerns: Sriram Palapudi, Kevin Ward, Emily Mackrodt, Harbir Bhatia, man (name unknown), Karen Hardy, Raj Chahal, Steve Hazel and Hosam Haggag. Ms. Breeze gave closing comments. Jeff Oderman, applicant's counsel, answered Council questions regarding low income housing. Katia Kamangar, SummerHill Executive Vice President, addressed the Council regarding the project. **MOTION** was made by Caserta, seconded and unanimously carried, that the hearing be closed. **MOTION** was then made by Mahan, seconded and unanimously carried, that the Council **adopt Resolution No. 17-8475** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MIXED-USE DEVELOPMENT PROJECT LOCATED AT 2232-2240 EL CAMINO REAL, SANTA CLARA" which adopts the Mitigated Negative

Declaration and the Mitigation Monitoring and Reporting Program. **MOTION** was then made by Mahan, seconded and unanimously carried, that the Council **adopt Resolution No. 17-8476** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA REZONING FROM COMMUNITY COMMERCIAL (CC) TO PLANNED DEVELOPMENT (PD) TO ALLOW A MIXED-USE SENIOR APARTMENT DEVELOPMENT FOR THE PROPERTY LOCATED AT 2232-2240 EL CAMINO REAL, SANTA CLARA" which approves the rezoning from Community Development (CC) to Planned Development (PD) of the project as modified by the applicant to reserve five (5) of the project's residential units to be affordable to renters of moderate income (120% Area Median Income) or lower. For the record, member Mahan clarified that school impact fees will be \$220,000 for the project.

The Council/Authorities took a short recess.

The Council proceeded to consider the Acting Director of Finance's report recommending approval of the **transfer of surplus funds in the Operating Budget for the final Council action to close Fiscal Year 2016-17**. The Acting Director of Finance gave an electronic presentation and reviewed her report. A Council discussion followed and the Acting Director of Finance answered questions. Deborah Bress addressed the Council with concerns. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **approve** the transfer of 1) \$402,549 to the Building Inspection Reserve from the 2016-17 General Fund operating surplus; 2) \$5.4 million to the Special Liability Fund Reserve from the 2016-17 General Fund operating surplus; 3) \$6.0 million to the Working Capital Reserve, \$7.0 million to the Capital Projects Reserve and \$7.0 million to the Pension Trust Fund from the 2016-17 General Fund operating surplus; 4) \$3.5 million to the Pension Trust Fund from the 2016-17 Electric Fund operating surplus; 5) \$34 million to the Electric Rate Stabilization Fund from the 2016-17 Electric Fund operating surplus; and 6) **approve** the appropriation of \$1.9 million in the Special Liability Fund for ongoing legal services.

The Council proceeded to consider the **Written Petition** submitted by Mark Trout requesting the placement of Infowars.com bumper stickers on City Police and Fire vehicles. The petitioner was not present. **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **note and file** the Written Petition.

Member O'Neill reported that the Santa Clara Valley Transportation Authority (VTA) will discuss a report on environmental issues such as litter, graffiti and landscaping, etc. at an upcoming meeting, and she urged all Santa Clarans to do their part in keeping the City clean.

The Interim City Attorney reported that earlier in the evening the Council met in the Council Conference Room for a **Closed Session** regarding Public Employee Performance Evaluation pursuant to Government Code Section 54957, Title: Interim City Attorney; Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Harmon v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:16-cv-04228 EJD; Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of San Jose v. City of Santa Clara*, San Mateo County Superior Court Case No. 16-CIV-02303; and Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of Santa Clara v. City of San Jose*, San Mateo County Superior Court Case No. 17-CIV-00547 and there was no reportable action.

There being no further business, **MOTION** was made by Davis, seconded and unanimously carried, that the meeting be adjourned at 11:03 pm, in **Memory of Louis “Butch” Pastorini** (former Santa Clara Unified School District Assistant Superintendent) and **Jack Ellwanger** (Santa Clara resident and a lead consultant for the Santa Clara County National Heritage Area project). The next regular scheduled meeting is on Tuesday evening, **November 7, 2017** in the City Hall Council Chambers.

ATTEST: \_\_\_\_\_  
City Clerk/Secretary/Clerk

APPROVE: \_\_\_\_\_  
Mayor/Chairperson