



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

05/15/2018

5:00 PM

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

Closed Session - 5:00 PM | Interviews - 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 5:00 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

Public Comment

None.

Convene to Closed Session (Council Conference Room)

[18-259](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Salinas-Ibarra v. City of Santa Clara, et al., U.S. District Court, Northern
District of California Case No. 5:17-cv-01137 HRL

[18-422](#)

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Trimark Associates, Inc. v. City of Santa Clara, et al., Santa Clara
County Superior Court Case No. 18CV322294

6:00 PM PARKS & RECREATION COMMISSION INTERVIEWS

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the meeting to order at 7:01 PM.

Pledge of Allegiance and Statement of Values

Roll Call

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

Absent: 1 - Council Member Dominic J. Caserta

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

A motion was made by Council Member Watanabe, seconded by Council Member Davis, to add the letter of resignation from Council Member Caserta to the agenda.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member Caserta

[18-1210](#) Dominic J. Caserta's Resignation Letter

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to accept and note and file Council Member Caserta's resignation letter.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

Absent: 1 - Council Member Caserta

A motion was made by Council Member O'Neill, seconded by Council Member Mahan, to continue Item #8, and move Item #5 & #3 to after Item #1.B.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

SPECIAL ORDER OF BUSINESS

- 1.A [18-428](#) Appointment to the Parks and Recreation Commission

Recommendation: Staff makes no recommendation regarding the appointment of an applicant to fill the vacancy on the Parks and Recreation Commission to serve a partial term ending June 30, 2019.

A motion was made by Council Member Mahan, seconded by Council Member O'Neill, to appoint Burt Field to the Parks & Recreation Commission for the term ending June 30, 2019.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

- 1.B [18-566](#) Promotion of "Be Strong, Live Long" Health & Wellness Fair on Friday, May 18, 2018.

5. [18-624](#) Action on Sponsorship of the American Legion Santa Clara Post 419's Annual Car Show on June 9, 2018

Recommendation: There is no staff recommendation for this issue.

Public Speaker: Applicant

A motion was made by Council Member Watanabe, seconded by Council Member Mahan, to sponsor The American Legion Santa Clara Post 419 Carshow and authorize the City Manager to issue the Encroachment Permit, Special Event Application, Outdoor Amplification of Music Permit and request the funds be transferred from Reserved Community Promotions in the amount of \$679.10.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

3. [18-667](#) Consideration of Actions in Response to City Council Member's Conduct

Recommendation: There is no staff recommendation for this issue.

Public Speaker(s): La Donna Silva
Tamara Pantic
Savannah Nunez
Andrew Boone
Eric Stroker
Public Speaker (18)

By consensus, return to Council on May 22, 2018 with the election process to fill the vacancy.

A motion was made by Council Member Watanabe, seconded by Council Member Mahan, to adopt the an Admonition and Censure Policy.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

- 1.C [18-342](#) Cultural Commission Presentation of Upcoming Events in June and July 2018
- 1.D [18-393](#) Proclamation of Affordable Housing Week

CONSENT CALENDAR

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

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

- 2.A [18-350](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Parks & Recreation Commission - March 20, 2018
Planning Commission - March 28, 2018

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

- 2.B [18-408](#) Bills and Claims Report (CC) for the period April 13th - April 19th

Recommendation: Approve the list of Bills and Claims for April 13 - 19, 2018.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

- 2.C [18-407](#)

Monthly Financial Status and Investment Reports for March 2018

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

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

- 2.D [18-436](#)

Action on the New Job Specification and Set Salary Range for Electric Utility Chief Operating Officer

Recommendation: Approve the new unclassified job description for Electric Utility Chief Operating Officer and establish the unclassified monthly salary range to \$18,697 to \$24,196.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

- 2.E [18-604](#)

Adopt Ordinance No. 1979 Amending Chapter 2.130 of the Santa Clara City Code to enact regulations regarding contributions influencing local City elections (Dark Money)

Recommendation: Adopt Ordinance No. 1979 amending Chapter 2.130 of the Santa Clara City Code to enact regulations regarding contributions influencing local City elections (Dark Money).

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to adopt Ordinance No. 1979.

2.F [18-485](#) Action on a Reimbursement Agreement for the Tasman East Specific Plan

Recommendation: Authorize the City Manager to execute the Reimbursement Agreement for the Tasman East Specific Plan, in substantially the form attached hereto, subject to minor changes approved by the City Manager.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

2.G [18-122](#) Adoption of a Resolution Ordering the Vacation of Utility Easements at 2788 San Tomas Expressway

Recommendation: 1) Adopt a Resolution ordering the vacation of the underground electric easements, water utility easements, and sanitary sewer easements at 2788 San Tomas Expressway [APN 224-11-068 (2017-180); SC 19,024]; and
2) Authorize the recordation thereof.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to adopt Resolution No. 18-8519.

2.H [18-129](#) Accept Sewer Pump Station, Lift Station and Well Site Equipment Upgrades Project (WA 30305)

Recommendation: Accept the work performed by Anderson Pacific Engineering Construction, Inc. for a final contract price of \$548,900 for the Sewer Pump Station, Lift Station and Well Site Equipment Upgrades Project and authorize the City Manager to record the Notice of Completion with the County of Santa Clara Recorder.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

2.I [18-251](#) Mills Act Contract for 653 Jefferson Street

Recommendation: 1. Approve the addition of the property at 653 Jefferson Street to the City of Santa Clara Historic Resource Inventory (HRI);
2. Approve placement of a historic oval plaque for the property at 653 Jefferson Street, with the year “1895” appearing as the year of construction; and,
3. Authorize the City Manager to execute a Historic Property Preservation Agreement (Mills Act Contract) and adopt the 10-Year Restoration and Maintenance Plan associated with the Historic Property Preservation Agreement for the property at 653 Jefferson Street with Applicants Arlene Pineda Juntado and Edward Scott Sympson; PLN2017-12937.]

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

2.J [18-405](#) Amendment to the Covenants, Conditions and Restrictions for the Woodsborough Homes Association

Recommendation: Note and file the proposed amendment to the covenants, conditions and restrictions (“CC&Rs) for the Woodsborough Homeowners Association regarding the residential development at 990 Kiely Boulevard.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

2.K [18-412](#) 3315 Scott Boulevard Tentative Parcel Map

Recommendation: Approve the requested Tentative Parcel Map to subdivide the subject property into two parcels to subdivide the 6.95 acre project site into two parcels for 3315 Scott Boulevard.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to adopt Resolution No. 18-8520.

- 2.L [18-511](#) Acceptance of the Work Performed by Anderson Dragline, Inc. for the Black Butte Re-Regulation Erosion Project (Contract No. 2416) and Authorization for the Recordation of a Notice of Completion

Recommendation: Accept the work performed by Anderson Dragline, Inc. for the Black Butte Re-Regulation Erosion Repair Project (Contract No. 2416) and authorize the recordation of a Notice of Completion with the County Recorder.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation as part of the Consent Calendar.

PUBLIC PRESENTATIONS

Brian Darby expressed general comments.

Manuel Vieira expressed comments of concern on people living in their cars on Reed Street. **By Consensus, referred to the City Manager to work with the speaker on the complaint.**

Andrew Boone expressed comments of concern on the process on filing the Council Vacancy and on bike safety.

Public Speaker expressed comments on the need of sexual harassment training. **By Consensus, refer to the City Manager on the review of sexual harassment training.**

Public Speaker played a video on Elections.

Public Speaker expressed comments of concern on the election system.

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

4. [18-592](#) Written Petition received by Vivek Khandelwal: Opposition to proposed traffic lights at the intersection of Pruneridge and Cronin

Recommendation: There is no staff recommendation for this issue.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to continue this item to a future meeting.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

6. [18-654](#) Appointment of an Applicant to the Planning Commission

Recommendation: Alternative 1: Appointment of an applicant to fill the vacancy on the Planning Commission to serve a partial term ending June 30, 2021.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to continue this item.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

7. [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.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to continue this item to May 29, 2018.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

8. [18-433](#) Public Hearing: Action on a Four Unit Development Project located at 1075 Pomeroy Avenue

Recommendation: 1. Approve the rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD); and
2. Approve a Tentative Parcel Map to subdivide the subject property to four parcels.

A motion was made by Council Member O'Neill , seconded by Council Member Mahan to continue this item to a future meeting.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

9. [18-685](#) Direction on the Management Fee for the Santa Clara Chamber of Commerce & Convention-Visitors Bureau for Management of the Santa Clara Convention Center

Recommendation: Staff makes no recommendation on any of options for payment of a management fee, as all options presented are feasible; however, staff does make a recommendation that an option be selected so that if there is a desire to continue in this arrangement, there is a legitimate agreement that authorizes the City Manager to issue public funds for this purpose, which is not the case right now.

Public Speaker(s): Public Speaker (1)

A motion was made by Council Member Mahan, seconded by Council Member O'Neill, to continue this item to May 22, 2018.

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

None.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

- [18-469](#) Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting adjourned at 9:29 PM.

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

Aye: 6 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Davis, Council Member Watanabe, and Council Member Kolstad

The next regular scheduled meeting is on Tuesday evening, May 22, 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."