



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

08/21/2018

3:30 PM

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

Closed Session - 3:30 PM | Celebration - 4:30 PM | Study Session - 5:00 PM | Interviews - 6:00 PM | Regular Meeting - 7:00 PM

3:30 PM CLOSED SESSION

Call to Order

Vice Mayor Watanabe called the Closed Session to order at 3:33 P.M.

Confirmation of a Quorum

Acting City Clerk confirmed the Quorum.

Public Comment

None.

18-1150

Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(e)(2)-Exposure to litigation
Number of potential cases: 1
(Facts and Circumstances)

City as potential defendant: Extension of Tolling Agreement with Santa Clara Firefighters Association, IAFF, Local 1171

18-1151

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Yumori-Kaku v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 17CV319862

18-1153

Conference with Legal Counsel-Existing Litigation (SA)
Pursuant to Gov. Code § 54956.9(d)(1)
Forty Niners Stadium Company v. Santa Clara Stadium Authority, in arbitration (JAMS)

Convene to Closed Session (Council Conference Room)

4:30 PM CELEBRATION

Recognition of the Santa Clara Fire Department Accreditation

Recognition of Santa Clara First Responders

5:00 PM STUDY SESSION

Call to Order

Mayor Gillmor called the Study Session to order at 5:09 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a Quorum.

[18-854](#)

Quarterly Silicon Valley Power Update

Public Speaker(s): Public Speaker (2)

6:00 PM INTERVIEWS

[18-344](#)

Interviews and Appointments to Historical and Landmarks Commission

Recommendation: Staff recommends conducting interviews and appointing two (2) candidates to allow for a full Commission, with both terms ending June 30, 2022.

7:00 PM REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 7:13 P.M.

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

CONTINUANCES/EXCEPTIONS

A motion was made by Council Member O'Neill, seconded by Council Member Davis, to appoint Michael Celso and Ana Vargas-Smith to the Historical Landmarks Commission for a term ending June 30, 2022.

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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney reported on three actions taken during Closed Session related to *Yumori-Kaku v. City of Santa Clara, et al.*, Santa Clara County Superior Court Case No. 17CV319862. By unanimous vote:

- 1.) Approved moving forward with an appeal of the judgment;
- 2.) City will not seek a stay in the Order with regard to the November 2018 election (appeal will not affect the November 2018 election); and
- 3.) City will seek calendar preference to get a hearing on the appeal in an attempt to get a decision from the Court of Appeal prior to the November 2020 election.

Public Speaker requested a continuance on Item #3. Continuance failed due to no motion.

SPECIAL ORDER OF BUSINESS

- 1.A [18-1035](#) Recognition of Santa Clara Sparks 10U and 12U Softball Teams
- 1.B [18-540](#) Report from 2018 Izumo, Japan Student-Exchange Trip
- 1.C [18-774](#) Recognition of Fire Department on Achieving International Accreditation Status Awarded by the Commission for Fire Accreditation International

CONSENT CALENDAR

A motion was made by Council Member Davis, seconded by Council Member O'Neill, 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 [18-357](#) Action of the Council and Authorities Concurrent and Stadium Authority Meeting Minutes

Recommendation:

1. Note and File the Council and Authorities Meeting Minutes of: March 20, 2018, March 22, 2018, March 27, 2018, March 29, 2018, April 3, 2018, April 10, 2018 and April 18, 2018.
2. Note and File the Stadium Authority Meeting Minutes of: March 13, 2018 and March 27, 2018.

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

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

2.B [18-358](#) Action on Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Historical and Landmarks Commission - April 5, 2018
Historical and Landmarks Commission - May 3, 2018
Board of Library Trustees - May 7, 2018
Board of Library Trustees - June 4, 2018
Senior Advisory Commission - June 25, 2018

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

2.C [18-648](#) Action on Bills and Claims Report (CC, SA, HA) for the period June 22nd - July 26th

Recommendation: Approve the list of Bills and Claims for June 22 - July 26, 2018.

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

2.D [18-1033](#) Action on Acceptance of Senior Advisory Commissioner Resignation and Declare Vacancy

Recommendation: 1. Accept the resignation of Senior Advisory Commissioner Samuel Orme.
2. Declare a partial term vacancy ending June 30, 2021.
2. Set September 14, 2018 at 5:00 P.M. as the deadline to receive applications in the City Clerk's Office.

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

2.E [18-821](#) Action on Appointing a City of Santa Clara Bicycle Pedestrian Advisory Committee Member to Serve as the City's Representative on the Santa Clara Valley Transportation Authority Bicycle Pedestrian Advisory Committee

Recommendation: As recommended by the Santa Clara Bicycle and Pedestrian Advisory Committee appoint the City of Santa Clara Bicycle Pedestrian Advisory Committee member Rafael Rius to serve as the City's representative on the Santa Clara Valley Transportation Authority Bicycle Pedestrian Advisory Committee for a term ending June 30, 2020.

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

- 2.F [18-395](#) Action on a Resolution Revising the Council and Authorities Regular Meetings Dates for the 2018 Calendar Year

Recommendation: Adopt a Resolution revising the Council and Authorities regular meeting dates for the 2018 calendar year to reflect the cancelation of the September 25 and October 23, 2018 meetings and to set September 11 and October 30, 2018 as Council and Authorities regular meetings.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Resolution No. 18-8586.

- 2.G [18-992](#) Action on a Resolution for the Use of City Water Forces at Two Park Locations

Recommendation: Adopt a Resolution approving the use of City Water Forces for the upgrade of existing water services and installation of new water services at Machado Park and Bowers Park.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Resolution No. 18-8587.

- 2.H [18-803](#) Action on Resolutions Ordering the Vacation of Underground Electric Easements for Various Properties

Recommendation: 1. Adopt four (4) Resolutions Ordering the Vacation of the Underground Electric Easements at 3535 Garrett Drive [APN 216-31-093 (2017-18); SC 19,051], 3315/3325 Scott Boulevard [APN 216-31-090 (2017-18); SC 19,052], 3000/3100 Tannery Way [APN 216-31-094 (2017-18); SC 19,053], and 2910 Tannery Way [APN 216-31-Common Area (2017-18); SC 19,054]; and
2. Authorize the recordation of the Resolutions.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Resolutions No. 18-8588, 18-8589, 18-8590, and 18-8591.

- 2.I [18-805](#) Action on Resolution Ordering the Vacation of an Underground Electric Easement at 3740 El Camino Real

Recommendation: 1. Adopt a Resolution ordering the vacation of the underground electric easement at 3740 El Camino Real [APN 313-06-003 (2017-18); SC 19,043]; and
2. Authorize the recordation of the Resolution.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Resolution No. 18-8592.

2.J [18-115](#) Action on Agreement with TruePoint Solutions, LLC for a Citywide Permit System Upgrade Software Implementation

Recommendation: Approve an Agreement for the Performance of Services with TruePoint Solutions, LLC to provide software implementation services to upgrade the City's permit system in an amount not-to-exceed \$885,082 over a two-and-a-half-year term.

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

2.K [18-118](#) Action on Agreement with Accela, Inc. for a Citywide Permit System Upgrade Software Subscription

Recommendation: Approve an Agreement for the Performance of Services with Accela, Inc. to provide software subscription services to upgrade the City's permit system, in an amount not to exceed \$84,115 in the first year, with a total not-to-exceed amount of \$1,218,660 over a five-year term.

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

2.L [18-260](#) Action on a Resolution Adopting a Complete Streets Policy to Receive Measure B Funds

Recommendation: Adopt a Resolution adopting a Complete Streets Policy containing the nine Complete Streets elements as outlined by the Metropolitan Transportation Commission to receive Measure B funds.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Resolution No. 18-8593.

2.M [18-272](#) Action on an Agreement with Pipe and Plant Solutions, Inc. for Sanitary Sewer Main Assessment Phase II

Recommendation:

1. Approve and authorize the City Manager to execute the Agreement for Services with Pipe and Plant Solutions, Inc. for the Sanitary Sewer Main Assessment Phase II project for an amount not to exceed \$650,000; and
2. Authorize the City Manager to make minor, non-substantive modifications if needed.

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

- 2.N [18-606](#) Action on a Resolution Setting the Small Cell Attachment Rate to City Owned Electric Utility Poles by Third Party Communications Service Providers

Recommendation: Adopt a Resolution setting the small cell attachment rate to City owned electric utility poles by third party communications service providers.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Resolution No. 18-8594.

- 2.O [18-822](#) Public Hearing: Action on Eligibility for Historic Resource Inventory Listing of the property located at 1493 El Camino Real

Recommendation: Alternatives 1 & 4:
1. Find that the single-family residence at 1493 El Camino Real is not eligible for listing on the Historical Resource Inventory;
4. Allow relocation of the existing main structure until such time as a development plan is approved.

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

- 2.P [18-777](#) Action on a Design Professional Services Agreement with Alta Planning + Design for the Pedestrian Master Plan Project and Related Budget Amendment

Recommendation: 1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with Alta Planning + Design for the Pedestrian Master Plan project in the amount not-to-exceed \$307,135;
2. Approve the related budget amendment transferring \$27,921 from the Pedestrian and Bicycle Enhancement Facilities project (CIP 533-1220) to the Pedestrian Master Plan project (CIP 533-1233); and
3. Authorize the City Manager to make minor modifications to the Agreement, if necessary.

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

- 2.Q [18-891](#) Action on an Agreement with M T Tire Service

Recommendation: 1. Approve and authorize the City Manager to execute an Agreement for tire services with M T Tire Service for an amount not-to-exceed \$120,000 over a three-year term subject to annual appropriations; and
2. Authorize the City Manager to make minor modifications to the Agreement, if necessary.

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

- 2.R [18-892](#) Action on an Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 3515 Monroe Street

Recommendation: 1. Approve and authorize the City Manager to execute the Agreement and Covenant Running With the Land with 3515-3585 Monroe Street LLC to install and maintain private landscaping and irrigation system improvements within the public right-of-way at 3515 Monroe Street [APN 216-25-006 (2017-18); SC 19,028]; and
2. Authorize the recordation thereof.

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

- 2.S [18-893](#) Action on Final Map for Tract No. 10453 at 967 Warburton Avenue

Recommendation: 1. Approve the Final Map for Tract No. 10453;
2. Authorize the City Manager to make minor modifications, if necessary, prior to recordation; and
3. Authorize the recordation of the Final Map for Tract No. 10453, which divides one parcel into six lots located at 967 Warburton Avenue [APN 224-27-048 (2017-18)].

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

- 2.T [18-913](#) Action on Award of Contract for the Pruneridge Avenue and Cronin Drive Traffic Signal Installation Project and Related Budget Amendments

Recommendation:

1. Award the Public Works Contract for the Pruneridge Avenue and Cronin Drive Traffic Signal Installation Project (CE 17-18-06) to the lowest and responsive bidder, Tennyson Electric Inc. in the amount of \$553,512 and authorize the City Manager to execute any and all documents associated with and necessary for the award, completion, and acceptance of the Project;
2. Authorize the City Manager to execute change orders up to 10% of the original contract price, or \$55,351, for a total not-to-exceed amount of \$608,863;
3. Approve the increase in the Traffic Signal Installation - Pruneridge Ave/Cronin Dr Intersection carryforward of \$7,857, as a result of the reconciliation between the estimated and actual carryforward; and
4. Approve the related budget amendment transferring \$80,859 from the Traffic Signal Enhancements project to the Pruneridge Avenue/Cronin Drive Traffic Signal Installation project.

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

2.U [18-931](#) Action on an Agreement with Valley Power Systems North, Inc. for Generator Services

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement for Generator Services with Valley Power Systems North, Inc. for an amount not-to-exceed \$725,000 over the three-year term subject to annual appropriation of funds; and
 2. Authorize the City Manager to make minor modifications of the Agreement, if necessary.

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

2.V [18-1048](#) Action on Adoption of Ordinance No. 1984 Amending Title 18 of "The Code of the City of Santa Clara, California" to Add Parking Ratios for Data Centers and Self-Storage Facilities

- Recommendation:** Adopt Ordinance No. 1984 Amending Title 18 of "The Code of the City of Santa Clara, California" to Add Parking Ratios for Data Centers and Self-Storage Facilities to Chapter 18.74, Parking Regulations.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Ordinance No. 1984.

2.W [18-1049](#) Action on Adoption of Ordinance No. 1985 Approving a Development Agreement between the City of Santa Clara and Benton and El Camino, LP for the Property located at 575 Benton Street, Santa Clara

- Recommendation:** Adopt Ordinance No. 1985 Approving a Development Agreement between the City of Santa Clara and Benton and El Camino, LP for the Property located at 575 Benton Street, Santa Clara.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Ordinance No. 1985.

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

Abstained: 1 - Mayor Gillmor

2.X [18-1051](#) Action on Adoption of Ordinance No. 1986 Making Corresponding Revisions to Santa Clara City Code Section 17.15.330 Related to Traffic Impact Fees

- Recommendation:** Adopt Ordinance No. 1986 Making Corresponding Revisions to Santa Clara City Code Section 17.15.330 Related to Traffic Impact Fees.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopt Ordinance No. 1986.

- 2.Y [18-1126](#) Action on Designating a Voting Delegate for League of California Cities
2018 Annual Business Meeting

Recommendation: Designate Council Member Teresa O'Neill to serve as the voting delegate and Chief Operating Officer Walter C. Rossmann as the alternate voting delegate, to represent the City of Santa Clara at the League of California Cities 2018 Annual Business Meeting.

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

- 2.Z [18-1130](#) Direction related to Elected Police Chief salary setting by Salary Setting Commission

Recommendation: Direct staff to bring forward an ordinance that will include the Elected Police Chief as part of the Salary Setting Commission's regular review and setting of City elected officials' compensation beginning in 2019.

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

PUBLIC PRESENTATIONS

Howard Myers expressed comments of concern on the Mariani project on El Camino Real.

CONSENT ITEMS PULLED FOR DISCUSSION

PUBLIC HEARING/GENERAL BUSINESS

3. [18-1068](#) Action on Admonition of Council Members Kolstad and Mahan

Recommendation: Staff has no recommendation for this item.

Public Speaker(s): Grant McCauley
Guyton Jinkerson (Attorney for Council Member Kolstad)
Dorothy Rosa
Mark Kelsey
Kathy Kelsey
Howard Myers
Linda Knepper
Noreen Giaurello
Bill Davis
Public Speakers (4)

A motion was made by Council Member Watanabe, seconded by Council Member Davis, to admonish Council Member Kolstad and Council Member Mahan.

Aye: 4 - Council Member O'Neill, Mayor Gillmor, Council Member Davis, and Council Member Watanabe

Nay: 1 - Council Member Kolstad

Abstained: 1 - Council Member Mahan

STADIUM AUTHORITY ITEMS

4. [18-1135](#) Informational Report on the Release of the Interim and Final Arbitration Awards in the Stadium Lease Arbitration

Recommendation: Note and File Report

Public Speaker(s): Public Speaker (1)

A motion was made by Board Member O'Neill, seconded by Board Member Mahan, to note and file the report.

Aye: 6 - Board Member Mahan, Board Member O'Neill, Chairperson Gillmor, Board Member Davis, Board Member Watanabe, and Board Member Kolstad

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Attorney reported that the Forty Niners dismissed the case, *Forty Niners Stadium Management Company LLC and Forty Niners SC Stadium Company LLC v. Santa Clara Stadium Authority, et al.*, Santa Clara Superior Court Case No. 17CV304903, against the City of Santa Clara, Stadium Authority, and Mayor Gillmor. The cross complaint against the Forty Niners Management Company will continue until requested documents have been received.

City Manager reported on the Convention-Visitors Bureau and Convention Center activities during Council break, noted agenda items coming forward to August 28, 2018 meeting, and announced that an open letter was sent to the business community in Santa Clara regarding Council action on the Convention-Visitors Bureau.

City Manager reported on her administrative decisions on sponsorship taken during Council break:

- \$6,000 for Art and Wine Festival Hospitality costs
- \$2,000 Leadership Santa Clara

[18-1291](#) City Manager/Executive Director Report Post Meeting Material

[18-1145](#) Informational Report on the Convention-Visitors Bureau Agreement and Convention Center Management Agreement with the Santa Clara Chamber of Commerce

Public Speaker(s): Nick Kaspar

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to note and file the report.

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

[18-220](#) Tentative Meeting Agenda Calendar

ADJOURNMENT

18-1290

Adjournment Post Meeting Material

The meeting was adjourned at 9:30 PM in **memory of Carolyn Phyllis Macguire** (mother of Cemetery Operations Manager Phil Orr), **Charlotte "Dale" Wootan** (grandmother of Acting City Clerk Jennifer Yamaguma), and **Victims of the Fires in Mariposa, Mendocino, Lake, Colusa, Glenn, Shasta, and Trinity Counties.**

The next regular scheduled meeting is on Tuesday evening, August 28, 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."

ATTEST:



City Clerk/Secretary/Clerk

APPROVE:



Mayor/Chairperson