



# City of Santa Clara

## Meeting Minutes

### Council and Authorities Concurrent Meeting

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12/11/2018

4:15 PM

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

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#### 4:15 PM COUNCIL REGULAR MEETING

##### Call to Order

**Mayor Gillmor** called the Regular Meeting to order at 4:22 PM.

##### Pledge of Allegiance and Statement of Values

##### Roll Call

**Present:** 4 - Councilmember Teresa O'Neill, Mayor Lisa M. Gillmor, Councilmember Debi Davis, and Vice Mayor Kathy Watanabe

**Absent:** 1 - Councilmember Patricia M. Mahan

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to excuse Councilmember Mahan from the meeting.**

**Aye:** 4 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, and Councilmember Watanabe

**Excused:** 1 - Councilmember Mahan

1. [18-1094](#) Adopt a Resolution Declaring the Results of the Canvass of Returns of the Consolidated Special Municipal Election held on November 6, 2018 with the Statewide General Election

**Recommendation:** Adopt a resolution reciting the facts of the Consolidated Special Municipal Election held on November 6, 2018 with the Statewide General Election and declare the following candidates elected: Lisa M. Gillmor for Mayor for a full term of four years ending 2022; Raj Chahal for Councilmember for District 2 for a full term of four years ending 2022; Karen A. Hardy for Councilmember for District 3 for a full term of four years ending 2022; and Hosam Haggag for City Clerk for a partial term ending 2020.

**Assistant City Clerk Pimentel** noted that Raj Chahal has submitted his resignation from the Planning Commission.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 18-8637 reciting the facts of the Consolidated Special Municipal Election held on November 6, 2018 with the Statewide General Election.**

**Aye:** 4 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, and Councilmember Watanabe

**Excused:** 1 - Councilmember Mahan

#### Roll Call

**Present:** 6 - Councilmember Teresa O'Neill, Mayor Lisa M. Gillmor, Councilmember Debi Davis, Vice Mayor Kathy Watanabe, Councilmember Karen Hardy, and Councilmember Raj Chahal

**Excused:** 1 - Councilmember Patricia M. Mahan

#### 4:30 PM CLOSED SESSION

#### Public Comment

None.

2. [18-1652](#) Conference with Legal Counsel-Existing Litigation (CC, SA, SOSA, HA, SARDA)  
Pursuant to Gov't Code § 54956.9(d)(1)  
Sharma, et al. v. Successor Agency to the Redevelopment Agency, et al.,  
Sacramento Superior Case No. 34-2013-80001396

**Convene to Closed Session (Council Conference Room)**

**5:00 PM STUDY SESSION**

3. [18-1349](#) Presentation and Discussion on City Retirement Costs by Bartel & Associates LLC

**REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS**

**City Attorney Doyle** reported that there was no reportable action from Closed Session.

**CONTINUANCES/EXCEPTIONS**

**None.**

**SPECIAL ORDER OF BUSINESS (TO BE HEARD AT 7:00 PM OR SOMETIME THEREAFTER)**

- 4.A [18-495](#) Recognition of City of Santa Clara Employee Lindsay Mibach for receiving an International Award for her work supporting the Law Enforcement Torch Run for Special Olympics
- 4.B [18-1285](#) Recognition of Air Products Foundation for \$5,000 donation to support the City's Community Emergency Response Team (CERT) Program
- 4.C [18-1595](#) Recognition of John C. Roukema, Chief Electric Utility Officer

**CONSENT CALENDAR**

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve the Consent Calendar.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

- 5.A [18-1449](#) Action on Bills and Claims Report (CC, SOSA) for the period November 9th - November 22nd

**Recommendation:** Approve the list of Bills and Claims for November 9, 2018 - November 22, 2018.

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

- 5.B [18-315](#) Action on a Resolution Ordering the Vacation of a General Purpose Easement, Utility Easement, Underground Electric Easement, and Anchor Easement at 2041 Mission College Boulevard

**Recommendation:** 1. Adopt a Resolution ordering the vacation of the General Purpose Easement, Utility Easement, Underground Electric Easement, and Anchor Easement at 2041 Mission College Boulevard [APN 104-38-005 and 006 (2017-18); SC 19,060]; and  
2. Authorize the recordation thereof.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 18-8638 and authorize the recordation thereof.**

- 5.C [18-1620](#) Action on a Resolution Delegating Authority to the City Manager for Special Permits for Temporary Uses Related to the College Football Playoff National Championship

**Recommendation:** Adopt a Resolution delegating authority to the City Manager, or her designee, for Special Permits for temporary uses and structures related to the College Football Playoff National Championship

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 18-8639.**

- 5.D [18-1423](#) Action on a Resolution for the Use of City Electric Forces at Various Locations

**Recommendation:** Adopt a Resolution approving the use of City Electric Forces for the installation of facilities at 1475 Lewis Street and 3045 Stender Way.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 18-8640.**

- 5.E [18-1458](#) Action to Approve the Park Agreement with SummerHill Lawrence Station, LLC et al. for Construction of Park Improvements within the Lawrence Station Area Plan

**Recommendation:** Approve and authorize the City Manager to execute the Park Agreement by and between the City of Santa Clara and SummerHill Lawrence Station, LLC et al.

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

- 5.F [18-1468](#) Action on Amendment No. 3 to the Agreement with the City of San Jose for Materials Testing Services

**Recommendation:**

1. Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement for Materials Testing Services with the City of San Jose; and
2. Authorize the City Manager to make minor modifications to the Amendment and execute any and all associated documents; and
3. Authorize the City Manager to execute future amendments to the Agreement only to extend the termination date and revise the fee schedule.

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

- 5.G [18-1469](#) Action on the Ad Hoc Facilities Naming and Honorary Committee Recommendation to Name the San Tomas & Monroe Neighborhood Park as the "Everett N. "Eddie" Souza Park"

**Recommendation:** Recommend that Council name the San Tomas & Monroe Neighborhood Park as the "Everett N. "Eddie" Souza Park".

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

- 5.H [18-1486](#) Action on Amendment No. 4 to the Agreement with Metropolitan Planning Group for the Performance of Code Enforcement Services

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 4 to the Agreement for the Performance of Services with Metropolitan Planning Group for Code Enforcement Services with an increase of \$87,500 for a total contract cost not to exceed \$1,285,600.

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

- 5.I [18-1494](#) Action on Award of Contract for the Mission College Boulevard Bike Lane Project and Related Budget Amendments

**Recommendation:**

1. Award a contract to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$415,098 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;
2. Authorize the City Manager to execute change orders up to approximately 10% of the original contract price, or \$41,510, for a total not to exceed amount of \$456,608; and
3. Approve the related budget amendment transferring \$101,355 from the Streets and Highway Fund - Pedestrian & Bicycle Enhancement Facilities to the Mission College Boulevard Bike Lane Project

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

- 5.J [18-1508](#) Action on an Exclusive Negotiation Agreement (ENA) with Freebird Development Company for 2330 Monroe Street

**Recommendation:** Approve and authorize the City Manager to execute an Exclusive Negotiation Agreement (ENA) with Freebird Development Company for the development of 2330 Monroe Street in a form as approved by the City Attorney

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

- 5.K [18-1514](#) Action on Approval of Amendment No. 1 to the Agreement with National Plant Services, Inc. for the Sanitary Sewer Main Assessment Phase I Project

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for Professional Services with National Plant Services, Inc.

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

- 5.L [18-1284](#) Action on an Agreement with Smart Energy Systems LLC dba Smart Energy Water, for a Customer Self-Service Portal for Utility Services
- Recommendation:** Approve an Agreement for Services with Smart Energy Systems LLC dba Smart Energy Water to provide software subscription and credit card transaction services to replace the City's Utility Customer Self Service Platform, with a total not-to-exceed amount of \$1,257,149 over a three-year term subject to annual appropriation of funds.

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

### **PUBLIC PRESENTATIONS**

None.

### **CONSENT ITEMS PULLED FOR DISCUSSION**

### **PUBLIC HEARING/GENERAL BUSINESS**

6. [18-1429](#) Update and Potential Action on Lawn Bowl Clubhouse Project
- Recommendation:** Alternative 1.:  
Note and file the report, and continue with current approved renovation of the existing Clubhouse in current location in an amount up to \$175,000.

This alternative provides a certain level of improvement for the Lawn Bowls facility and also maintains other available funds for other projects such as playgrounds, dog parks, and shower repairs at the Swim Center.

**Public Speaker(s):** Jerry Patrignani

**A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to continue to explore other options (modular's through school district and Lawn Bowl Club to explore grants) and to fix necessary improvements in current facility for health and safety.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

- 7. [18-1623](#) Action on Resolution of Necessity to Acquire Leasehold at 5131 Stars & Stripes Drive, Santa Clara, California from D.E.II Restaurants for a Public Project and Directing the Filing of Eminent Domain Proceedings

**Recommendation:**

Alternative 1

Adopt Resolution of Necessity to Acquire Property Interests at 5131 Stars & Stripes Drive, Santa Clara from D.E.II Restaurants for a Public Project and Directing the Filing of Eminent Domain Proceedings

**Public Speaker(s):** David Delozier                      Joseph Guilardi  
                                  David Ebrahimi                      Ethan Daniels  
                                  Jean Ebrahimoun                      Public Speaker (1)  
                                  Gary Wesley                      David Ibrahim  
                                  Daniel K

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to close the Public Hearing.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

**A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to adopt Resolution No. 18-8641 of Necessity to Acquire Property Interests at 5131 Stars & Stripes Drive, Santa Clara from D.E. II Restaurant for a Public Project and directing the filing of Eminent Domain Proceedings.**

**Aye:** 5 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, and Councilmember Chahal

**Nay:** 1 - Councilmember Hardy

**Excused:** 1 - Councilmember Mahan

- 8. [18-1629](#) Action on Resolution of Necessity to Acquire Recreation Facilities Rights from Leasehold Located at 5105 Great America Parkway, Santa Clara, California from IA Lodging Santa Clara LLC for a Public Project and Directing the Filing of Eminent Domain Proceedings

**Recommendation:**

Alternative 1.:

Adopt Resolution of Necessity to Acquire Property Interests at 5105 Great America Parkway, Santa Clara as it relates to the use and operation of the Santa Clara Golf and Tennis facility from IA Lodging Santa Clara for a Public Project and Directing the Filing of Eminent Domain Proceedings.

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to close the Public Hearing.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to adopt Resolution No. 18-8642 of Necessity to Acquire Property Interests at 5105 Great America Parkway, Santa Clara as it relates to the use and operation of the Santa Clara Golf and Tennis Facility from IA Lodging Santa Clara for a Public Project and directing the filing of Eminent Domain Proceedings.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

9. [18-1622](#) Action on the Appointment of the Tourism Improvement District (TID) Advisory Board and Authorize the City Manager with Approval Authority to Pay TID Invoices

**Recommendation:** Alternatives 1 and 2:

1. Appoint the Tourism Improvement District (TID) Advisory Board
2. Authorize the City Manager with the Approval Authority to pay TID invoices

**Public Speaker(s):** Public Speaker (1)

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve Alternatives #1 and #2.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

10. [18-1581](#) Action on Vice Mayor (Mayor Pro Tempore) and Chaplain Appointment for Calendar Year 2019

**Recommendation:** Staff makes no recommendation.

**A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to continue the item with direction to return to Council with an amended resolution at the January 15, 2019 meeting.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

**STADIUM AUTHORITY ITEMS**

11. [18-1157](#) Informational Report on Planning for the College Football Playoff National Championship at Levi's Stadium on January 7, 2019 (Stadium Authority)

**Recommendation:** Note and File - Update on Planning for College Football Playoff National Championship at Levi's Stadium on January 7, 2019.

**Jim Mercurio (Vice President of Stadium Operations and General Manager)** gave an electronic presentation.

**A motion was made by Boardmember O'Neill, seconded by Boardmember Davis, to note and file the report.**

**Aye:** 6 - Boardmember O'Neill, Chairperson Gillmor, Boardmember Davis, Boardmember Watanabe, Boardmember Hardy, and Boardmember Chahal

**Excused:** 1 - Boardmember Mahan

12. [18-1439](#) Action on the Santa Clara Stadium Authority Financial Status Report for Quarter Ending September 30, 2018

**Recommendation:** 1. Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter Ending September 30, 2018.

**A motion was made by Boardmember Davis, seconded by Boardmember O'Neill, to accept the report.**

**Aye:** 6 - Boardmember O'Neill, Chairperson Gillmor, Boardmember Davis, Boardmember Watanabe, Boardmember Hardy, and Boardmember Chahal

**Excused:** 1 - Boardmember Mahan

## REPORTS OF MEMBERS AND SPECIAL COMMITTEES

**Councilmember Davis** reported that she attended the EOC meeting and provided an update on the weather forecasted for the winter and encouraged residents to purchase a Rain Barrel to save water.

**Mayor Gillmor** reported on her attendance at the Wilcox High School Football Game won the Divison 3 Championship game which qualified them to compete in the Statewide Divison 3 Championship game on Saturday, December 15, 2018 at 6:00 PM.

**Mayor Gillmor** announced that the City released additional video related to an October 12, 2018 Domestic Violence call involving then San Francisco 49ers player Ruben Foster. By Consensus, Council showed support for an investigation by the City Manager and City Attorney into the incident.

**Councilmember Davis** expressed gratitude for the Parks and Recreation Commission for the Tree Lighting Ceremony.

**Councilmember O'Neill** reported on her attendance at the Historic Home Tour.

## CITY MANAGER/EXECUTIVE DIRECTOR REPORT

**City Manager Santana** announced the following:

- Noted that Council should have received their December 13, 2018 Special Meeting on Governance Packet in their emails;
- The City Manager will release a Bi-Weekly City Manager's Report next week and will continue with reports in January 2019;
- December 20, 2018 Closed Session will start at a later time to allow time for the new Councilmembers to receive a briefing;
- Reduced staffing due to the holiday break from December 25, 2018 -January 1, 2019.

[18-1576](#)

Tentative Meeting Agenda Calendar

## ADJOURNMENT

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to adjourn the meeting.**

**Aye:** 6 - Councilmember O'Neill, Mayor Gillmor, Councilmember Davis, Councilmember Watanabe, Councilmember Hardy, and Councilmember Chahal

**Excused:** 1 - Councilmember Mahan

[18-1389](#) Adjournment Post Meeting Material

The meeting was adjourned at 10:36 PM in memory of **Anne Mulcrevy Holder** (Santa Clara Business Owner) and **Anthony John York** (Son of San Francisco 49ers Owners Denise Debartolo York and John York).

The next regular scheduled meeting is on Tuesday evening, December 18, 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) <<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."