



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

10/09/2018

4:30 PM

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

Closed Session - 4:30 PM | Joint Dinner - 5:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 4:31 PM.

Confirmation of a Quorum

Assistant City Clerk confirmed a Quorum.

Public Comment

None.

[18-1295](#)

Conference with Real Property Negotiators (CC, SARDA)
Pursuant to Gov. Code § 54956.8
Property: 4701 Great America Parkway; APN 104-42-014 and 104-42-019
City Negotiator: Deanna J. Santana, City Manager (or designee)
Negotiating Parties: Greg Cloth, Eastdil Secured LLC
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)

Convene to Closed Session (Council Conference Room)

5:00 PM JOINT DINNER

Call to Order in the Council Chambers

Mayor Gillmor called the Joint Dinner to order at 5:03 PM.

Confirmation of a Quorum

Assistant City Clerk confirmed a Quorum.

[18-617](#)

Informational Joint Dinner Meeting with the Youth Commission

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Study Session to order at 6:08 PM.

Confirmation of a Quorum

Assistant City Clerk confirmed a Quorum.

[18-824](#)

Update on Agrihood project located at 1834 Worthington Circle / 90 North Winchester: Disposition and Development Agreement and Project Approvals

Public Speaker(s):

Michael Norris	Helen Huang
Bob Stromberg	Fred Yoshida
Patrick Schmitt	Alex S.
Francis McVey	Danae Hall
Dustin Harber	Joven Villavert
Mitchell Mankin	Tanya van Renesse
Michael Lomio	Alrie Middlebrook
Kirk Vartan	Catherine Chan
Timothy Tang	Public Speakers (2)
Fred Yoshida	Vince Cantore

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting to order at 7:37 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

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

CONTINUANCES/EXCEPTIONS

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to remove Item 2.S from the agenda.

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 [18-1133](#) Recognition of Community and Corporate Partners of the Santa Clara City Library Foundation and Friends

1.B [18-080](#) Second Survey Results of Pilot Residential Food Scraps Recycling Program

Public Speaker(s): Kirk Vartan
Public Speaker (1)

1.C [18-308](#) Presentation on Public Power Week

1.D [18-1259](#) Recognition of the 10th Anniversary of the JW House

Mayor Gillmor announced two proclamations that were awarded:

October Bullying Prevention Month
October Breast Cancer Awareness Month

CONSENT CALENDAR

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve the balance of the consent calendar (except Item 2.L).

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

2.A [18-994](#) Action on the Council and Authorities Concurrent Meeting Minutes

Recommendation: Note and file the Minutes of:
Council and Authorities Concurrent Meeting - June 26, 2018
City Council Special Meeting 9:00 AM - July 5, 2018
City Council Special Meeting 5:00PM - July 5, 2018
Council and Authorities Concurrent Meeting - July 10, 2018
City Council Special Meeting - July 16, 2018

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

2.B [18-362](#) Board, Commissions and Committee Minutes

Recommendation: Note and file the Minutes of:
Planning Commission Meeting of June 27, 2018
Planning Commission Meeting of August 8, 2018
Planning Commission Meeting of August 22, 2018
Historical and Landmarks Commission Meeting of June 7, 2018
Civil Service Commission Meeting of July 9, 2018
Audit Committee Meeting of December 6, 2017

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

2.C [18-1329](#) Proclamations issued to City Employees from July through September 2018

Recommendation: Note and File Proclamations Issued to City Employees from July through September 2018

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.D [18-914](#) Action on Agreements for On-Call Heating, Ventilation, Air Conditioning (HVAC) Services with Prime Mechanical, Inc. and Thermal Mechanical, Inc.

- Recommendation:**
1. Approve and authorize the City Manager to execute agreements for the Performance of Services with Prime Mechanical Service, Inc. (\$225,000) and Thermal Mechanical, Inc. (\$125,000) to perform on-call HVAC repairs for a combined amount not-to-exceed \$350,000 over the three year term of the agreements;
 2. Adopt a Resolution to authorize the City Manager to make necessary amendments to the agreements, including but not limited to the not-to-exceed amount in either agreement, as long as the cumulative amount spent does not exceed \$350,000, subject to annual appropriations.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation and adopt Resolution No. 18-8609.

- 2.E [18-946](#) Action on an Agreement with Red Hawk Fire and Security for Fire Alarm Inspection, Repairs and Maintenance at Various City Facilities

- Recommendation:**
1. Approve and authorize the City Manager to execute an Agreement for the Performance of Services with Red Hawk Fire and Security to provide fire alarm inspections, repairs and maintenance at various City buildings for an amount not-to-exceed \$188,750 over the three year term of the agreement subject to annual appropriations; and
 2. Authorize the City Manager to make minor modifications to the agreement, if necessary; and
 3. Authorize the City Manager to extend the term of the agreement with no increase in compensation in the event that the work is not completed by the Agreement end date.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.F [18-1014](#) Action on an Electric Vehicle Program funded through Low Carbon Fuel Standard Credits to Facilitate Electric Vehicle Adoption and Related Budget Amendment

- Recommendation:**
1. Approve the establishment of Silicon Valley Power's Electric Vehicle (EV) Program as Program 1319 in the Electric Operating Grant Trust Fund using proceeds from the sale of LCFS Credits;
 2. Transfer of \$2,168,506 from the sale of LCFS Credits in the Electric Department Operating cash account to the Electric Operating Grant Trust Fund, and make additional budget appropriations to support the initiation of the EV-Program, and;
 3. Grant the City Manager authority to make future programmatic changes as necessary.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.G [18-1287](#) Action on Resolution Authorizing an Application to County of Santa Clara All Inclusive Playground Project Grant and Related Budget Amendment

- Recommendation:**
1. Adopt a Resolution authorizing the City Manager and/or designee to submit a County of Santa Clara All Inclusive Playground Project Grant Application and execute all documents necessary for the grant application, and grant administration, if funded.
 2. Approve the Budget Amendment to the Central Park Arbor Playground Project. (Requires 5-vote majority to appropriate revenue)

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation and adopt Resolution No. 18-8610.

- 2.H [18-1127](#) Action on the Initial Determination of Wildfire Risk of the Remote Transmission Assets for the City of Santa Clara dba Silicon Valley Power

- Recommendation:** Approve the determination of wildfire risk of the Remote Transmission Assets and direct the City Manager to develop a SVP Wildfire Mitigation Plan.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.I [18-1096](#) Action on the 2018 Annual Report Related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System

Recommendation: Note and File the 2018 Annual Report for the Santa Clara County Multi-Jurisdictional Program for Public Information related to the Federal Emergency Management Agency's National Flood Insurance Program's Community Rating System.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.J [18-1106](#) Action on Final Map for Tract No. 10445 at 917 Warburton Avenue

Recommendation:

1. Approve the Final Map for Tract No. 10445;
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. 10445, which divides one parcel into seven lots located at 917 Warburton Avenue [APN 224-27-049 (2018-19)].

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.K [18-1110](#) Action on the Legislative Advocacy Position Policy and 2018 Legislative Advocacy Positions

Recommendation:

1. Adopt a Resolution to approve the Legislative Advocacy Position Policy and rescind Council Policy 018 Positions on Non-City-Related Issues; and
2. Adopt the Legislative Advocacy Positions on Affordable Housing and Homelessness; Engagement with Federal Aviation Administration Regarding Airplane Noise; Environmental Regulatory and Conservation Issues; Local Authority over Wireless Telecommunications Facilities; Regional and State-wide Water Supply and Conservation; Regional Transportation Issues; and School Mitigation Fees.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation and adopt Resolution No. 18-8611.

2.M [18-1325](#) Action on Various Job Specifications for Classified Positions Brought to Civil Service Commission on September 17, 2018

- Recommendation:**
1. Approve modified job specifications for Firefighter II, Driver/Engineer, Meter Reader, and Engineering Aide - Electric.
 2. Approve the adopted job specification and establish the recruitment type as Open/Promotional with an examination weighting of 100% oral for Electric Utility Database Administrator, and set the salary range according to Pay Rate Schedule A43 (\$9,889/mo-\$12,607/mo).
 3. Approve the adopted job specification and establish the recruitment type as Open/Promotional with an examination weighting of 100% oral with a qualifying supplemental for Meter Data Analyst, and set the salary range according to Pay Rate Schedule A27 (\$6,690/mo-\$8,530/mo).

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

2.N [18-1212](#) Action on Amendment No. 1 to an Agreement with Yosh Enterprises, Inc., dba Orion Security for Security Guard Services at the Central Park Library

- Recommendation:** Approve and authorize the City Manager to execute Amendment No.1 to the Agreement with Yosh Enterprises, Inc., dba Orion Security in the amount of \$90,000 for a total not-to-exceed amount of \$295,750 for security guard services at the Central Park Library.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

2.O [18-1134](#) Action on an Agreement for Design Professional Services with NV5, Inc. for Serra Tanks Rehabilitation

- Recommendation:**
1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with NV5, Inc. for the Serra Tanks Rehabilitation project for an amount not to exceed \$427,147; and,
 2. Authorize City Manager to make minor, non-substantive modifications, if necessary.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.P [18-491](#) Action on Adoption of Ordinance No. 1987 Codifying Existing Claims Settlement Authority and Amending Settlement Authority for Workers' Compensation Matters (Continued from October 2, 2018)

Recommendation: Adopt Ordinance No. 1987 Codifying Existing Claims Settlement Authority and Amending Settlement Authority for Workers' Compensation Matters.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to adopt Ordinance No. 1987.

- 2.Q [18-1391](#) Action on Adoption of Ordinance No. 1988 Including Elected Chief of Police in Salary Setting Commission's Regular Review of Elected Officials' Compensation (Continued from October 2, 2018)

Recommendation: Adopt Ordinance No. 1988 Including Elected Chief of Police in Salary Setting Commission's Regular Review of Elected Officials' Compensation.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to adopt Ordinance No. 1988.

- 2.R [18-1124](#) Action on the Fiscal Operation of the Santa Clara Golf and Tennis Club Report for the 4th quarter and fiscal year ended June 30, 2018

Recommendation: Note and file the Status Report for the Fiscal Operation of the Santa Clara Golf and Tennis Club for the fourth quarter and fiscal year ended June 30, 2018.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to approve staff recommendation.

- 2.S [18-1199](#) Action on the Electric Service Agreement with Equinix Corporation

Recommendation: Approve the Electric Service Agreement with Equinix Corporation to provide electric service at a modified standby rate for a three (3) year term.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to remove Item 2.S from the agenda.

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

CONSENT ITEMS PULLED FOR DISCUSSION

- 2.L [18-1240](#) Action on Naming Reed & Grant Street Community Center Building the “Jerry Marsalli Community Center”

Recommendation: Approve the naming of the future community building at the Reed & Grant Street Sports Park as the “Jerry Marsalli Community Center.”

Public Speaker(s): Public Speaker (1)

A motion was made by Council Member Davis, seconded by Council Member Kolstad, to approve staff recommendation.

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

PUBLIC PRESENTATIONS

Timothy Tang expressed comments of concern on a administrative citation he received.

Public Speaker expressed comments on current climate.

Patty Picard expressed comments on School Board Measure BB and forums available for more information.

Nick Kaspar expressed comments of concern regarding the Santa Clara Chamber of Commerce Audit.

Chris Brown expressed comments of concern regarding City of Santa Clara.

Robin S. expressed comments of concern regarding City of Santa Clara.

Kirk Vartan expressed comments of concern regarding meeting decorum.

PUBLIC HEARING/GENERAL BUSINESS

3. [18-1337](#) Consideration of Written Petition submitted by Ana Vargas-Smith requesting sponsorship for the return of the Parade of Champions

Recommendation: There is no staff recommendation for this issue.

Public Speaker(s): Ana Vargas-Smith
Rod Dunham
Mary Grizzle

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to direct staff to return with a report on options in January 2019.

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

4. [18-1120](#) Follow Up to a Written Petition and Potential Action on Central Park Lawn Bowl Clubhouse Refurbishment

Recommendation: Note and file the report.

Public Speaker(s): Jerry Patrignani

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to refer to staff to return with a report with options.

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

5. [18-1071](#) Update on the Pruneridge Avenue Corridor Improvements

Recommendation: Note and file the update on the Pruneridge Avenue Corridor Improvements.

Public Speaker(s): Kirk Vartan
Betsy Megas
Public Speaker (1)

A motion was made by Council Member Kolstad, seconded by Council Member Davis, 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

6. [18-1375](#) Action on the Procurement Strategy for the Management of the Convention Center and Convention Visitors Bureau

Recommendation: Alternatives #1 and #2:
1. Approve the Procurement Strategy for the Management and Operation of the Convention Center and Convention Visitors Bureau; and
2. Approve the Procurement Process Integrity and Conflict of Interest Guidelines.

A motion was made by Council Member Kolstad, seconded by Council Member Davis, to approve alternatives #1 and #2.

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

Council Member O'Neill reported on information on the VTA website regarding street improvements in cities and information regarding a hearing on Measure B.

Council Member Watanabe requested the City Manager review the Santa Clara Chamber of Commerce campaign disclosure filings and to return with a report.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager made the following announcements:

- ComicCon is this Saturday, October 13, 2018 from 10:00 AM - 4:00 PM at Central Park Library,
- Safewise ranked Santa Clara as #41 in 50 Safest Cities, and
- By Consensus, cancel November 20, 2018 meeting and schedule November 27, 2018 as a Council and Authorities Concurrent Meeting.

[18-042](#)

Tentative Meeting Agenda Calendar

ADJOURNMENT

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 meeting was adjourned at 11:15 PM to October 16, 2018 at 5:00 PM in **memory** of **Evelyn Carmichael** (Longtime Santa Clara Resident).

[18-1447](#)

Adjournment Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, October 16, 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."