



# City of Santa Clara

## Meeting Minutes

### Council and Authorities Concurrent Meeting

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12/04/2018

4:45 PM

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

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**Closed Session - 4:45 PM | Joint Dinner - 5:00 PM | Regular Meeting - 6:00 PM**

#### **4:45 PM CLOSED SESSION**

##### **Call to Order in the Council Chambers**

**Mayor Gillmor** called the Closed Session to order at 4:52 PM.

##### **Confirmation of a Quorum**

**Assistant City Clerk Pimentel** confirmed a Quorum.

##### **Public Comment**

**None.**

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

[18-1596](#)

Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov't Code § 54956.9(d)(1)  
Smee v. City of Santa Clara, et al., Santa Clara County Superior  
Court Case No. 116CV294244

#### **5:00 PM JOINT DINNER**

##### **Call to Order in the Council Chambers**

**Mayor Gillmor** called the Joint Dinner Meeting to order at 5:06 PM.

##### **Confirmation of a Quorum**

**Assistant City Clerk Pimentel** confirmed a Quorum.

[18-1074](#)

Informational Joint Dinner Meeting with the Senior Advisory Commission

**6:00 PM COUNCIL REGULAR MEETING**

**Call to Order**

**Mayor Gillmor** called the Regular Meeting to order at 6:07 PM.

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**Present:** 5 - Councilmember Teresa O'Neill, Mayor Lisa M. Gillmor, Councilmember Debi Davis, Vice Mayor Kathy Watanabe, and Councilmember Patrick Kolstad

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

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

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

**Excused:** 1 - Councilmember Mahan

1. [18-1203](#) Study Session: Presentation by Caltrain on the Status and Next Steps of the Caltrain Electrification Project
2. [18-1493](#) Action on Appointment of a Downtown Precise Plan Downtown Community Task Force (only four non-conflicted Councilmembers to participate)

**Recommendation:** Appoint a Downtown Community Task Force to support the preparation of the Downtown Precise Plan.

**Mayor Gillmor** recused herself and left the dais at 6:33 PM.

**Vice Mayor Watanabe** presided over the meeting.

**Public Speaker(s):** Mary Grizzle  
Patty Allmon  
Skip Pearson

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve the Downtown Community Task Force Composition, appoint participants, and direct staff to commence the Task Force Work Program.**

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

**Excused:** 1 - Councilmember Mahan

**Recused:** 1 - Mayor Gillmor

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

**Mayor Gillmor** returned to the dais at 7:15 PM and presided over the meeting.

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

### **CONTINUANCES/EXCEPTIONS**

**None.**

### **SPECIAL ORDER OF BUSINESS**

**3.A**     [18-1502](#)     Recognition of Outgoing Councilmember Patrick Kolstad

**3.B**     [18-1572](#)     Cultural Commission Presentation of Upcoming Events in December 2018 and January 2019

### **CONSENT CALENDAR**

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

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

**Excused:** 1 - Councilmember Mahan

**4.A**     [18-366](#)     Board, Commissions and Committee Minutes

**Recommendation:** Note and file the Minutes of:  
Housing Rehabilitation Loan Committee - August 9, 2018  
Board of Library Trustees - October 1, 2018  
Historical and Landmarks Commission - October 4, 2018

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.B [18-1448](#) Action on Bills and Claims Report (CC) for the period October 26th - November 8th

**Recommendation:** Approve the list of Bills and Claims for October 26, 2018 - November 8, 2018.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.C [18-073](#) Action on a Management Agreement between Lifetime Activities, Inc. and the City of Santa Clara for Operation of Public Tennis Courts and Recreation Programs

**Recommendation:** Authorize the City Manager to Execute a Management Agreement between Lifetime Activities, Inc. and the City of Santa Clara for operation of public tennis courts and programs for a five year term with two, five-year renewal options, pay the City a Management Fee of \$30,000 per year, increasing each subsequent year by the San Francisco-Oakland-San Jose Consumer Price Index, plus 1%, and provide up to \$50,000 towards capital maintenance and improvements as required by City

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.D [18-836](#) Action on an Agreement for Design Professional Services with Moore Iacofano Goltsman, Incorporated for an Americans with Disabilities Act Self-Evaluation and Transition Plan

**Recommendation:**

1. Approve and authorize the City Manager to execute the Agreement for Design Professional Services with Moore Iacofano Goltsman, Incorporated for the ADA Self-Evaluation and Transition Plan Project in the amount not-to-exceed \$489,471; and
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if needed.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.E [18-1334](#) Action on Amendment No. 1 to the Agreement with Mark Thomas and Company for the Saratoga Creek Trail Project

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with Mark Thomas and Company for the Saratoga Creek Trail Project

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.F [18-1406](#) Action on an Amendment to the Agreement with the County of Santa Clara for the City's Senior Nutrition Program and Related Budget Amendment

**Recommendation:**

1. Approve and authorize City Manager to execute Amendment No. 2 to the Master Contract for Senior Nutrition Services with the County of Santa Clara to provide congregate meals at the Santa Clara Senior Center for an amount not to exceed \$133,517.70 for FY 2018-19, and any additional minor modifications to the Agreement as needed.
2. Approve the related budget amendment.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.G [18-1436](#) Action on Adoption of a Resolution Declaring Weeds a Public Nuisance and Setting January 29, 2019 for Public Hearing

**Recommendation:**

1. Adopt a Resolution ordering the abatement of nuisance consisting of growing weeds in the City.
2. Set January 29, 2019 as the date for the required Public Hearing.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to adopt Resolution No. 18-8630 and set January 29, 2019 as the date for the required Public Hearing.**

- 4.H [18-1490](#) Action on Introduction of an Ordinance to Amend Chapters 18.14, 18.16, 18.18, and 18.20 of the Zoning Code, to allow Accessory Dwelling Units in Multi-family Zoning Districts

**Recommendation:** Introduce an Ordinance to Amend Chapters 18.14, 18.16, 18.18, and 18.20 of Title 18 of "The Code of the City of Santa Clara, California" to allow accessory dwelling units in Multi-family Zoning Districts.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to introduce Ordinance No. 1993.**

- 4.I [18-1492](#) Action on Approval of a Budget Amendment to Fund Settlement in the Case of Smee v. City of Santa Clara

**Recommendation:**

1. Approve an appropriation from the Special Liability Reserve Fund to the Special Liability Insurance Fund in the amount of \$2,000,000
2. Approve payment from the Special Liability Insurance Fund in the amount of \$2,000,000 to plaintiffs and their counsel in the case of *Smee v. City of Santa Clara* in accordance with the terms of the settlement agreement

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.J [18-1467](#) Action to Approve Modified Job Specifications for Seven Classified Positions as recommended by the Civil Service Commission on November 19, 2018

**Recommendation:** Approve modified job specifications for Police Officer, Police Records Supervisor, Grounds Maintenance Worker II, Recreation Supervisor, Staff Aide II - Environmental Programs, Senior Permit Technician, and Library Program Coordinator - Branch Manager

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.K [18-1551](#) Action to Revise Job Specifications for Deputy Fire Chief, Battalion Chief, Water and Sewer Operations Manager, and Human Resources Division Manager, and to Approve and Set Compensation for a New Job Specification of Deputy City Clerk

**Recommendation:** Approve the revised job descriptions for Deputy Fire Chief, Battalion Chief, and Human Resources Division Manager; revise the job title and description for Water and Sewer Superintendent (to Water and Sewer Operations Manager); and approve new job description and compensation for Deputy City Clerk (set salary range at \$8,631 to \$11,170)

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve staff recommendation.**

- 4.L [18-1558](#) Action on the 2017-2020 Memorandum of Understanding between the City of Santa Clara and Unclassified Fire Management Employees (Unit 9B)

**Recommendation:** 1. Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and Unclassified Fire Management (Unit 9B) 2017-2020, with effective dates of December 17, 2017 to December 26, 2020.  
2. Adopt a Resolution approving the salary schedule for Unclassified Fire Management (Unit 9B), effective December 17, 2017.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to (1) approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and Unclassified Fire Management (Unit 9B) 2017-2020, with effective dates of December 17, 2017 to December 26, 2020; and (2) adopt Resolution No. 18-8631 approving the salary schedule for Unclassified Fire Management (Unit 9B), effective December 17, 2017.**

- 4.M [18-1577](#) Action on a Resolution Approving Revised Salary Schedule for As-Needed (Temporary) Employees

**Recommendation:** Adopt Resolution approving the revised salary schedule for As-Needed (Temporary) Employees.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to adopt Resolution No. 18-8632.**

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**PUBLIC PRESENTATIONS**

**Yigal Rosenberg** made a presentation on the Lighting of the Menorah.

**Public Speaker** expressed comments of concern regarding street parking in her residential neighborhood.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**PUBLIC HEARING/GENERAL BUSINESS**

5. [18-1511](#) Action on Resolutions Approving Revised Salary Schedules for Employees Association (Units 5, 7 & 8), AFSCME Local 101 (Unit 6) and Unclassified Management (Unit 9) and approve a wage increase of 4% for the City Attorney consistent with Unclassified Management

**Recommendation:** Adopt Resolutions approving the revised salary schedules for Employees Association (Units 5, 7 & 8), AFSCME Local 101 (Unit 6) and Unclassified Miscellaneous Management (Unit 9), and a 4% salary adjustment for the City Attorney effective December 16, 2018.

**A motion was made by Councilmember O'Neill, seconded by Councilmember Davis, to adopt Resolutions approving the revised salary schedules for Employee Associations Units 5, 7, 8 (Resolution No. 18-8633), AFSCME Local 101 Unit 6 (Resolution No. 18-8634), and Unclassified Miscellaneous Management Unit 9 (Resolution No. 18-8635), and a 4% salary adjustment for the City Attorney effective December 16, 2018.**

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

**Excused:** 1 - Councilmember Mahan

6. [18-1298](#) Action on FY 2017/18 Budget Year-End Report and Related Budget Amendments and the Monthly Investment Report for June 2018

**Recommendation:** Alternatives 1, 2, and 3:

1. Note and file the FY 2017/18 Budget Year-End Report and Approve the Related Budget Amendments (Five Affirmative Council Votes Required for Revenue actions only),
2. Authorize the Transfer of \$4,807,217 to the City's Pension Trust Fund; and,
3. Note and file the Monthly Investment Report for June 2018 as presented.

**A motion was made by Councilmember Davis, seconded by Councilmember Kolstad, to approve Alternatives #1, 2, and 3.**

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

**Excused:** 1 - Councilmember Mahan



- 7. [18-1066](#) Public Hearing: Actions on Gateway Crossings Project located at 1205 Coleman Avenue including General Plan Amendment to Santa Clara Station Very High Density Residential (51-120 du/ac) with a minimum commercial FAR of 0.20, Creation of a new Very High Density Mixed-Use Zoning District and Rezoning to that District, Vesting Tentative Subdivision Map, Development Agreement, Environmental Impact Report, and Mitigation Monitoring and Reporting Program

**Recommendation:** Alternatives 1, 2, 4, 6, and 7:

- 1) Adopt a resolution to approve and Certify an Environmental Impact Report (EIR) and adopt CEQA Findings and a Statement of Overriding Considerations (SOCs) and the Mitigation Monitoring and Reporting Program (MMRP);
- 2) Adopt a resolution to approve the General Plan Amendment #87 from Regional Commercial, High Density Residential and Very High Density Residential to Very High Density Residential with a minimum commercial FAR of 0.2; amendment to the General Plan Land Use Map for the Santa Clara Station Focus Area to reflect the General Plan change; and revision to the Climate Action Plan to add TDM goals for the new land use designation;
- 4) Introduce an ordinance to approve the Rezone from Light Industrial (ML) to Very High Density Mixed-Use (VHDMU) to allow phased construction of a mixed-use development consisting of 1,600 residential units, 182,000 square foot full-service hotel, 15,000 square feet of supporting retail, park and open space, surface and structured parking facilities, private streets, and site improvements; subject to conditions that include additional pedestrian, decorative paving and landscape enhancements to the 30-foot wide north - south private street on the west side of the public park and Building 2 that connects Brokaw Road to Champions Way;
- 6) Adopt a resolution to approve the Vesting Tentative Subdivision Map for the purpose of developing four mixed-use parcels, one commercial parcel, a dedicated park parcel, and six common lots for site access/circulation and utility corridors to serve the development; and
- 7) Introduce an Ordinance to approve the Development Agreement.

**Public Speaker(s):** Derek K. Hunter Jr. (Applicant - Hunter Storm)

- |                     |               |
|---------------------|---------------|
| Dan Ondrasek        | Rebecca Davis |
| Patricia Leung      | Erica Roecks  |
| Jonathan Evans      | Josue Garcia  |
| Rob Mayer           | Michal Healy  |
| Gabby Seagrave      | Chris Shay    |
| Stewart Hill        | Howard Myers  |
| Public Speakers (7) |               |

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to continue Item #7 to February 5, 2019.**

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

**Excused:** 1 - Councilmember Mahan

#### **8. Actions related to Silicon Valley Power**

**A.**     [18-1422](#)     Action on Adoption of Silicon Valley Power's 2018 Strategic Plan

**Recommendation:** Adopt Silicon Valley Power's 2018 Strategic Plan

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

**A motion was made by Councilmember Kolstad, seconded by Councilmember Watanabe, to adopt Silicon Valley Power's 2018 Strategic Plan.**

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

**Excused:** 1 - Councilmember Mahan

- B. [18-1559](#) Action to Add Two Assistant Directors of Electric Utility and Revise Assistant Director of Electric Utility Job Description to Align with the Strategic Plan Implementation

**Recommendation:** Alternatives 1, 2, and 3:

1. Approve the addition of two new Assistant Director of Electric Utility positions;
2. Approve the revised job description for Assistant Director of Electric Utility; and
3. Authorize the City Manager to study salary compaction, meet and confer with Unit 9, and return to Council with an adjusted salary schedule for Unit 9, as necessary.

**A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to approve Alternatives #1, 2, & 3.**

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

**Excused:** 1 - Councilmember Mahan

- C. [18-1463](#) Action on Resolution for an Exception to the 180 Day Waiting Period To Appoint A Retired Annuitant To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224)

**Recommendation:** Alternative 1: Adopt the attached Resolution for an Exception to the 180 Day Waiting Period To Appoint A Retired Annuitant To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).

**A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to adopt Resolution No. 18-8636 for an Exception to the 180 day waiting period to appoint a retired Annuitant to serve as temporary Extra Help (Government Code Sections 7522.56 and 21224).**

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

**Excused:** 1 - Councilmember Mahan

## REPORTS OF MEMBERS AND SPECIAL COMMITTEES

**Mayor Gillmor** reported on her attendance at the Wilcox High School Football CCS Championship Game with **Councilmember Davis** and **O'Neill**. Wilcox will participate in the Northern California Championship Game on December 8, 2018.

**Councilmember O'Neill** reported on her attendance at the Firehouse Run and thanked the City for their sponsorship.

**Vice Mayor Watanabe** reported on her attendance at the Menorah Lighting on Sunday, December 2, 2018.

## CITY MANAGER/EXECUTIVE DIRECTOR REPORT

**City Manager Santana** announced the following:

- Levi's Stadium will be hosting five large events;
- Leadership Santa Clara application deadline is January 11, 2019; and
- Fencing has began at the Temporary Dog Park at Larry Marsalli Park.

[18-671](#)

Tentative Meeting Agenda Calendar

## ADJOURNMENT

**A motion was made by Councilmember Kolstad, seconded by Councilmember Davis, to adjourn the meeting.**

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

**Excused:** 1 - Councilmember Mahan

[18-1637](#)

Adjournment Post Meeting Material

The meeting was adjourned at 10:37 PM in **memory of George Herbert Walker Bush** (41st United States President).

The next regular scheduled meeting is on Tuesday evening, December 11, 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."