

**MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA  
FOR MEETING HELD ON TUESDAY EVENING, MARCH 12, 2013**

The City Council of the City of Santa Clara met at 5:30 pm, on the above-mentioned date, in the City Hall Council Chambers with the following Council Members present: Debi Davis, Lisa M. Gillmor, Patricia M. Mahan, Jerry Marsalli and Teresa O'Neill and Mayor Jamie L. Matthews. The Council then met for a **Closed Session** in the Council Conference Room (Council Member Kolstad participated remotely from 999 Ninth Street, N.W., Washington, D.C.) for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - International Brotherhood of Electrical Workers (IBEW), Local 1245; Unit #4 - City of Santa Clara Professional Engineers; Unit #6 - American Federation of State, County and Municipal Employees (AFSCME), Local 101; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - Public Safety Non-Sworn Employees Association (PSNSEA); a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 104-43-030; APN 104-42-019; APN 104-55-017; APN 104-55-016; APN 104-43-052; APN 104-43-051; APN 104-43-004; APN 104-42-014; APN 104-43-049; Negotiating Party(ies): Roger Goodell, Commissioner (or his designee), National Football League, a not-for-profit trade association under Section 501(c)(6) of the Internal Revenue Code; City Negotiator: Julio J. Fuentes, City Manager (or his designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and City Council/Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(a); Potential initiation of litigation: 1 potential case and with Real Property Negotiator pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396 (City Attorney's memos - 03/06/13).

The Council then met at 7:02 pm for the regular scheduled meeting in the City Hall Council Chambers. The meeting was opened with the recitation of the Pledge of Allegiance and Statement of Values.

Present: Council Members Debi Davis, Lisa M. Gillmor, Patricia M. Mahan, Jerry Marsalli and Teresa O'Neill and Mayor Jamie L. Matthews. Absent: Council Member Patrick Kolstad.

Staff present: City Manager, Assistant City Manager, Director of Planning and Inspection, Director of Public Works/City Engineer, City Attorney and City Clerk/Auditor.

2. **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council **excuse** Council Member Kolstad from attendance at this evening's meeting (Executive Assistant to Mayor and City Council's memo - 03/06/13).
- 3.A/B **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the **Minutes** for the meetings of **February 12, 2013** and **February 19, 2013 (Special Meeting)** be adopted as written.
- 4.A **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Director of Planning and Inspection's memo (03/06/13), the Council **continue** to March 26, 2013 the Public Hearing for the **Santa Clara Town Centre Project** located at **2000-2118 El Camino Real** for consideration of the adoption of resolutions certifying the Environmental Impact Report (EIR) and approving Architectural Review for the project.
- 4.B **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Director of Planning and Inspection's memo (03/06/13), the Council **continue** to March 26, 2013 the Public Hearing for the **Gallery at Central Park** located at **900 Kiely Boulevard** for consideration of an Ordinance amending the Development Agreement for an in-lieu affordable housing payment.
- 8.B PUBLIC HEARING: The Mayor declared the Public Hearing open to consider the Director of Planning and Inspection's memo (03/06/13) regarding the adoption of a Resolution granting a Special Zoning Exception leading to rezoning from Single-Family Residential (R1-6L) to Planned Development (PD) for the property located at **930 Bellomy Street** for use as off-campus housing as a dormitory, fraternity, or sorority house (PLN2012-09472). **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council **continue** the Public Hearing to March 26, 2013.
- 5.A As a Special Order of Business, the Council proceeded with the appointment of a commissioner to fill one vacancy on the **Senior Advisory Commission** for the partial term ending June 30, 2014. The Mayor informed the audience that, earlier in the evening, in a meeting open to the public, the Council interviewed the following applicants: Wanda Buck and Kay Ryan. **MOTION** was made by Mahan, seconded and unanimously carried (Kolstad absent), that the Council **appoint Wanda Buck** to the **Senior Advisory Commission** for the partial term ending June 30, 2014 (City Clerk/Auditor's memo - 03/07/13).

6B.1 The Council proceeded to consider the Director of Planning and Inspection and Economic Development Officer's memo (03/05/13) recommending adoption of Resolutions regarding the naming of streets near the 49ers Stadium. The Director of Planning and Inspection reviewed the memo. Steve Hazel addressed the Council with comments of concern. MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council adopt Resolution No. 13-8003 entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, NAMING THE SOUTHERN PORTION OF THE FORMER, NOW VACATED, PUBLIC RIGHT-OF-WAY WITHIN THE 49ERS STADIUM AREA SOUTH OF TASMAN DRIVE FROM CENTENNIAL BOULEVARD TO AN ACCESS DRIVE TO BE KNOWN AS MARIE P DEBARTOLO WAY" which approves naming the southern portion of the former, now vacated, public right-of-way from Centennial Boulevard to an access drive to be known as Marie P DeBartolo Way and adopt Resolution No. 13-8004 entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, NAMING THE NEWLY CONSTRUCTED ACCESS DRIVE ON THE SOUTH SIDE OF THE 49ERS TRAINING FACILITY AS BILL WALSH DRIVE" which approves naming the newly constructed access drive on the south side of the 49ers Training Facility as Bill Walsh Drive.

7A.1 MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Director of Water and Sewer Utilities' memo (02/19/13), the Council adopt Resolution No. 13-8005 entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING AN AMENDMENT TO THE WATER SUPPLY AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO" which approves Amendment No. 1 to the Agreement with the City and County of San Francisco and assures that the existing condition of the Hetch Hetchy Reservoir is maintained unless further amendment is agreed to by the Wholesale Customers in Alameda County, San Mateo County and Santa Clara County.

7A.2 MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Director of Electric Utility's memo (02/19/13), the Council approve the use of City Electric forces for the installation of facilities at 2825 Lakeside Drive.

7A.3 MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Director of Electric Utility's memo (03/05/13), the Council approve the results of the Silicon Valley Power Public Benefit Program through Fiscal Year 2011-2012 and authorize the reporting of the information to customers and others as required.

7B.1 **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Director of Electric Utility's memo (03/05/13), the Council **approve** and authorize the City Manager to execute **Call No. 13-1 for Professional Services** with **Milton Security Group Inc.** in an amount not to exceed \$72,000 for Disaster Recovery and Symantec Endpoint Protection Support for the Electric Department.

7B.2 **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Director of Electric Utility's memo (03/05/13), the Council **approve** and authorize the City Manager to execute **Amendment No. 1 to Call No. 12-1 for Professional Services** with **Electrical Consultants, Inc.** in an amount not to exceed \$50,000 (for a total not to exceed \$150,000) to allow for additional miscellaneous engineering support for the Electric Department.

7C.1, 2,3, **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council **note and file** the following **Informational Memos:** Settlement of *Northern California River Watch v. City of Santa Clara, et al.*, U.S. District Court, California Northern District (San Francisco) Case No. 3:12-cv-05974-JSC (City Attorney's memo - 03/01/13); Approval to Purchase Traffic Signal Controller Cabinets and Associated Equipment for Stadium Off-site Work (Director of Public Works/City Engineer's memo - 03/05/13); and Silicon Valley Power's 2012 Residential Customer Satisfaction Survey Results (Director of Electric Utility's memo - 03/07/13).

7D.1,2 3,4,5, 6,7 **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council **note and file** the following **Minutes:** **International Exchange Commission** - February 5, 2013; **Board of Library Trustees** - December 3, 2012 and February 4, 2013; and **Parks and Recreation Commission** - August 21, 2012, September 18, 2012, October 16, 2012 and November 20, 2012

7E.1 **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Public Communications Manager's memo (02/14/13), the Council **approve** and authorize the City Manager to execute a **Contribution Agreement** with **Buchser Middle School Music Association** for \$10,000 in matching funds from the Championship Team Fund to perform at Disneyland in Anaheim, California, on May 11-14, 2013.

7E.2            **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the Public Communications Manager's memo (02/23/13), the Council **approve** and authorize the City Manager to execute a **Contribution Agreement** with **Santa Clara Unified School District/Santa Clara High School Spirit Squad** for 1,676 in matching funds from the Championship Team Fund for travel to Anaheim, California, to compete in the USA Spirit National Championship on March 15-17, 2013.

8.A            PUBLIC HEARING: The Mayor declared the Public Hearing open to consider the adoption of a Resolution approving the Rezone from Downtown Commercial (CD) to Planned Development (PD) for the property located at **1079 Alviso Street**. The Director of Planning and Inspection reviewed his memo (03/05/13) and gave an electronic presentation regarding the project. Joe Sugg, Assistant Vice President, Santa Clara University, addressed the Council regarding the project. **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council close the Public Hearing. **MOTION** was then made by Mahan, seconded and unanimously carried (Kolstad absent), that the Council **adopt Resolution No. 13-8006** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REZONING THE PROPERTY LOCATED AT 1079 ALVISO STREET, SANTA CLARA, FROM DOWNTOWN COMMERCIAL (CD) TO PLANNED DEVELOPMENT (PD)" which approves the rezone of the property located at **1079 Alviso Street** from Downtown Commercial (CD) to Planned Development (PD), subject to conditions (PLN2012-09486).

8.C            PUBLIC HEARING: The Mayor declared the Public Hearing open to consider the **Allocation of the Fiscal Year 2013-14 Annual Plan for use of Federal Community Development Block Grant (CDBG) and Home Investment Partnerships Act (HOME) Federal Entitlement Funds**. The Housing and Community Services Division Manager reviewed his memo (03/01/13). Representatives from Silicon Valley Independent Living Center addressed the Council regarding the organization's funding. **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council close the Public Hearing. **MOTION** was then made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council **approve** the Funding Proposal Summary that allocates Fiscal Year 2013-14 Community Development Block Grant entitlement funds, including \$26,574 in Fiscal Year 2013-14 anticipated CDBG Program Income and Fiscal Year 2013-14 Home Investment Partnerships Act entitlement funds, including \$18,075 anticipated HOME Program Income and **authorize** the City Manager, based on the actual Fiscal Year 2013-14 CDBG and HOME entitlement grants to the City, to adjust the individual allocation amounts according to the formula for adjusting estimated appropriations based on actual appropriations to be provided by United States Department of Housing and Urban Development (HUD).

- 9.A **MOTION** was made by Marsalli, seconded and unanimously carried (Kolstad absent), that, per the Director of Public Works/City Engineer's memo (03/05/13), the Council **award the contract** for the **Rabello & Northside Pump Station Generators** project to the lowest responsive and responsible bidder, **Anderson Pacific Engineering Construction, Inc.**, in the amount of \$1,100,000; **authorize** the City Manager to execute change orders up to 10% of the original contract price, or \$110,000, for a total amount not to exceed \$1,210,000; and **approve** the transfer of \$419,000 from the Customer Service Charges in unallocated account (594-1512-80010-1900) into the Sanitary Sewer Pump Station Improvement Project (594-4443-80XX0-1913) to cover the cost (CE 11-12-05).
- 9.B **MOTION** was made by Marsalli, seconded and unanimously carried (Kolstad absent), that, per the Director of Water and Sewer Utilities' memo (02/26/13), the Council **award the contract** for the **Destruction of Wells No. 1-02, 19 and 33 Project** to **Commercial Pump & Mechanical, Inc.** in the amount of \$216,813 and **authorize** the City Manager to execute contingencies up to 10% of the original contract price, or \$21,600 (WA 30147).
- 10.A The Director of Parks and Recreation reviewed the **Minutes** of the **Parks and Recreation Commission** for the meeting of July 17, 2012 and the Commission's recommendation requesting approval of an amendment to the **Youth Soccer Park facility use policy** to show that any non-resident facility use fees generated from Park facility use be deposited into an account designated and allocated for improvements to the Park. **MOTION** was made by Gillmor, seconded and unanimously carried (Kolstad absent), that per the recommendations contained in the above-referenced **Minutes**, the Council **amend** the **Youth Soccer Park facility use policy** to show that any non-resident facility use fees generated from Park facility use be deposited into an account designated and allocated for improvements to the Park and **note and file** the **Minutes**.
- 12.A Under Public Presentations, John Tucker, Yolanda Curtis, Garrett Brown and Carlos Gaona addressed the Council in support of the American Federation of State, County and Municipal Employees (AFSCME), Local 101, Bargaining Unit #6. Bobbie Ruma addressed the Council regarding general public safety concerns and issues near the crosswalk in front of Valley Village (provided handout). Steve Hazel addressed the Council regarding potential hosting of the Super Bowl. Kim Stedman and Vicki Field addressed the Council in support of the "Beautiful Day" organization regarding community makeover efforts (provided handout). Thomas Regul addressed the Council concerning a disabled placard citation he received (provided handout).

13.A The Council proceeded to consider the City Attorney's memo (03/05/13) recommending the adoption of an Emergency Ordinance instituting a moratorium on the establishment of smoking lounges for a period of 45 days. The City Attorney reviewed his memo. The City Attorney and Director of Planning and Inspection answered Council questions. MOTION was made by Mahan, seconded and unanimously carried (Kolstad absent), that the Council adopt Emergency Ordinance No. 1902 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING A MORATORIUM ON SMOKING LOUNGES" which institutes a moratorium on the establishment of smoking lounges within the City for a period of 45 days.

13.B The Council proceeded to consider the Director of Electric Utility and Director of Finance's memo (03/05/13) recommending the adoption of a Resolution authorizing the issuance of City of Santa Clara Electric Revenue Refunding Bonds, Series 2013A, in a principal amount not to exceed \$82.5 million and use of proceeds to refund City of Santa Clara Subordinated Electric Revenue Bonds, Series 2003A. The Director of Finance reviewed the memo. MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council adopt Resolution No. 13-8007 entitled "RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, AUTHORIZING AND APPROVING THE ISSUANCE OF NOT TO EXCEED \$82.5 MILLION AGGREGATE PRINCIPAL AMOUNT OF CITY OF SANTA CLARA, CALIFORNIA, ELECTRIC REVENUE REFUNDING BONDS, SERIES 2013 A; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A SECOND SUPPLEMENTAL ELECTRIC REVENUE BOND INDENTURE PURSUANT TO WHICH SUCH BONDS ARE TO BE ISSUED; APPROVING THE FORM OF AND AUTHORIZING CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE, SECURING AND SALE OF SUCH BONDS; AND AUTHORIZING CERTAIN OTHER ACTIONS RELATING THERETO" which approves the form and execution of documents and authorizes certain other related actions consistent with projected economic and fiscal impacts and authorizes the City Manager to execute all necessary documents, in substantially similar form as presented, to complete the transaction.

14.A MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that the Council approve the Bills and Claims and Progress Payments.

15 Council Member O'Neill reported on the reroute of the San Tomas Creek Trail during the Tasman Substation demolition/49ers stadium construction. Council Member Davis encouraged residents to attend the Americans with Disabilities Act Committee meetings. Mayor Matthews referenced his calendar Activity Report.

15.B The Council proceeded to consider the Mayor's memo (03/08/13) regarding the establishment of a Council Committee named "Review Consolidation Options for City Board & Commissions Ad Hoc Committee". A Council discussion followed. James Rowen addressed the Council with general comments. MOTION was made by Mahan, seconded and unanimously carried (Kolstad absent), that the Council appoint Council Members Davis, Mahan and O'Neill to the above-named Committee.

17.A The City Attorney reported on the agreements (02/19/13) that were reached for Unit #2 - Santa Clara Police Officer's Association and Unit #3 - International Brotherhood of Electrical Workers (IBEW) Local 1245 resulting from the Closed Session held earlier in the evening in the Council Conference Room (Council Member Kolstad participated remotely from 999 Ninth Street, N.W., Washington, D.C.) for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - International Brotherhood of Electrical Workers (IBEW), Local 1245; Unit #4 - City of Santa Clara Professional Engineers; Unit #6 - American Federation of State, County and Municipal Employees (AFSCME), Local 101; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - Public Safety Non-Sworn Employees Association (PSNSEA); a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 104-43-030; APN 104-42-019; APN 104-55-017; APN 104-55-016; APN 104-43-052; APN 104-43-051; APN 104-43-004; APN 104-42-014; APN 104-43-049; Negotiating Party(ies): Roger Goodell, Commissioner (or his designee), National Football League, a not-for-profit trade association under Section 501(c)(6) of the Internal Revenue Code; City Negotiator: Julio J. Fuentes, City Manager (or his designee); Under Negotiation: Purchase/Sale/ Exchange/Lease of Real Property (provisions, price and terms of payment) and that there was no reportable action; City Council/Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(a); Potential initiation of litigation: 1 potential case and that there was no reportable action and with Real Property Negotiator pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396 and that there was no reportable action.

17.B MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, per the City Attorney's memo (03/06/13), the Council **set** March 26, 2013 at 5:30 pm for a **Closed Session** in the Council Conference Room for a Conference with Labor Negotiators, pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - International Brotherhood of Electrical Workers (IBEW), Local 1245; Unit #4 - City of Santa Clara Professional Engineers; Unit #6 - American Federation of State, County and Municipal Employees (AFSCME), Local 101; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees and Unit #10 - Public Safety Non-Sworn Employees Association (PSNSEA); a Conference with Real Property Negotiator; pursuant to Government Code Section 54956.8; Property: APN 104-43-030; APN 104-42-019; APN 104-55-017; APN 104-55-016; APN 104-43-052; APN 104-43-051; APN 104-43-004; APN 104-42-014; APN 104-43-049; Negotiating Party(ies): Roger Goodell, Commissioner (or his designee), National Football League, a not-for-profit trade association under Section 501(c)(6) of the Internal Revenue Code; City Negotiator: Julio J. Fuentes, City Manager (or his designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment); and a Conference with Legal Counsel-Anticipated Litigation; pursuant to Government Code Section 54956.9(a), Potential initiation of litigation: 1 potential case.

18.A MOTION was made by Gillmor, seconded and unanimously carried (Kolstad absent), that, there being no further business, the meeting was adjourned at 8:10 pm in **Memory** of **Paul Stein** (longtime Santa Clara resident and original charter member of the Americans with Disabilities Act (ADA) Committee) and **Douglas Towne** (Police Department Community Service Officer since 2000) to Tuesday evening, **March 26, 2013** at 5:30 pm for a **Closed Session** in the Council Conference Room and to 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

ATTEST: \_\_\_\_\_  
City Clerk

APPROVE: \_\_\_\_\_  
Mayor