



# City of Santa Clara

## Meeting Minutes

### Council and Authorities Concurrent Meeting

07/10/2018

4:00 PM

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

Interviews - 4:00 PM | Closed Session - 4:45 PM | Study Session - 5:00 PM | Regular Meeting - 7:00 PM

#### 4:00 PM INTERVIEWS

**Vice Mayor Watanabe** called the meeting to order at 4:00 PM.

#### Confirmation of a Quorum

**Acting City Clerk** confirmed a quorum.

[18-505](#)

Cultural Commission Interviews and Appointment for a Partial Term Ending June 30, 2021

**Recommendation:** Staff recommends conducting interviews and appointing a candidate to allow for a full Commission.

#### 4:45 PM CLOSED SESSION

**Vice Mayor Watanabe** continued to preside over the meeting.

#### Call to Order in the Council Chambers

**Vice Mayor Watanabe** called the Closed Session to order at 4:55 PM.

[18-1219](#)

Public Comment Post Meeting Material

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

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

[18-970](#)

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

#### 5:00 PM STUDY SESSION

## Call to Order in the Council Chambers

**Vice Mayor Watanabe** called the Study Session to order at 5:33 PM.

## Confirmation of a Quorum

**Acting City Clerk** confirmed a quorum.

[18-457](#)

Study Session: Short-Lived Climate Pollutants Regulations and Future Solid Waste Processing and Collections Options

**Public Speaker(s):** None

[18-286](#)

Study Session on the Zoning Code Comprehensive Update

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

Meeting went into recess at 6:55 pm.

## 7:00 PM COUNCIL REGULAR MEETING

### Call to Order

**Vice Mayor** called the meeting to order at 7:10 PM.

### Pledge of Allegiance and Statement of Values

### Roll Call

**Present:** 5 - Council Member Patricia M. Mahan, Council Member Teresa O'Neill, Council Member Debi Davis, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

**Absent:** 1 - Mayor Lisa M. Gillmor

## REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

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

## CONTINUANCES/EXCEPTIONS

[18-927](#)

Continuance Regarding the Public Hearing: Action on the Multimodal Improvement Plan and a Resolution Approving the Multimodal Improvement Plan and the new Multimodal Improvement Plan Traffic Impact Fee

**Recommendation:** Continue the Item - Action on the Multimodal Improvement Plan and a Resolution Approving the Multimodal Improvement Plan and the new Multimodal Improvement Plan Traffic Impact Fee - to a future Council meeting after proper notice and publication of hearing.

**A motion was made by Council Member Davis, seconded by Council Member O'Neill, to continue the item.**

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

**Absent:** 1 - Mayor Gillmor

[18-928](#)

Continuance Regarding the Public Hearing: Action on a Resolution Approving the Findings from the Traffic Impact Fee Report and Setting the Rates for the Traffic Impact Fee, and Action on an Ordinance Making Corresponding Revisions to SCCC Section 17.15.330

**Recommendation:** Open the Public Hearing and then Immediately Continue the Item - Action on a Resolution Approving the Findings from the Traffic Impact Fee Report and Setting the Rates for the Traffic Impact Fee, and Action on an Ordinance Making Corresponding Revisions to SCCC Section 17.15.330 - to July 17, 2018.

**A motion was made by Council Member Davis, seconded by Vice Mayor Watanabe, to open public hearing.**

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

**Absent:** 1 - Mayor Gillmor

**A motion was made by Council Member O'Neill, seconded by Council Member Davis, to continue the item to July 17, 2018.**

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

**Absent:** 1 - Mayor Gillmor

**SPECIAL ORDER OF BUSINESS**

1.A

[18-819](#)

Presentation of 2018 City of Santa Clara/Silicon Valley Power Scholarships

Appointment of Cultural Commissioner

**A motion was made by Council Member Mahan, seconded by Council Member Davis, to appoint Jonathan Marinaro to the Cultural Commission for a partial term ending June 30, 2021.**

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

**Absent:** 1 - Mayor Gillmor

**CONSENT CALENDAR**

**A motion was made by Council Member Mahan, seconded by Council Member Davis, to approve Consent Calendar.**

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

**Absent:** 1 - Mayor Gillmor

**2.A**     [18-356](#)     Action on Board, Commissions and Committee Minutes

**Recommendation:** Note and file the Minutes of:  
Planning Commission - May 23, 2018

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

**2.B**     [18-759](#)     Action on Bills and Claims Report (CC, SA, SOSA) for the period June 1st - June 14th

**Recommendation:** Approve the list of Bills and Claims for June 1 - 14, 2018.

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

**2.C**     [18-069](#)     Action on a Service Agreement with Prime Mechanical Service, Inc.

**Recommendation:** 1) Approve and authorize the City Manager to execute an Agreement for the Performance of Services with Prime Mechanical Service, Inc. to perform annual boiler preventative maintenance and on-call boiler repairs for an amount not-to-exceed \$200,000 over the three year term of the agreement; and  
2) Authorize the City Manager to make minor modifications to the agreement, if necessary.

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

- 2.D [18-374](#) Action on a Substation Expansion Agreement with CoreSite Real Estate Limited Partnerships on Coronado Drive and Stender Way and Approval of Budget Amendment

**Recommendation:** 1.) Approve the Substation Expansion Agreement with CoreSite Real Estate Limited Partnerships to increase the amount of electric capacity to be made available from 50 MVA to 80 MVA.  
2.) Delegate authority to the City Manager to approve long lead material procurement agreements.  
3.) Approve the budget amendment to appropriate \$8.49M into the Install Fairview Substation project (CIP 591-2403) as a part of the implementation of this Agreement to accumulate the Developer Contributions and resulting charges.

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

- 2.E [18-521](#) Action on the Agnew Park Updated Site Plan and Schematic Design for the Playground Construction Project

**Recommendation:** Approve the Agnew Park Updated Site Plan and Schematic Design for the Playground Construction Project.

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

- 2.F [18-582](#) Action on an Agreement with Pacific Water Art, Inc.

**Recommendation:** 1) Approve and authorize the City Manager to execute an Agreement for the Performance of Services with Pacific Water Art, Inc. for an amount not-to-exceed \$125,615 over a three year term of the Agreement; and  
2) Authorize the City Manager to make minor modifications to the Agreement, if necessary.

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

2.G [18-594](#) Action on an Agreement with The Edelman Corporation

**Recommendation:** 1. Make a determination that the security improvements under this project are an urgent necessity and as such the project does not need to be advertised for bids in accordance with Section 1310 of the City Charter based upon the following facts:

- A. Numerous doors to City hall are uncontrolled and are open to anyone during the work day because they are on a keyed lock system.
- B. Once keys are distributed to employees there is no way to revoke access unless the key is physically returned.
- C. There is no way to know if unofficial copies of keys have been made and distributed.
- D. There is no way to determine who may be accessing City Hall after hours.
- E. During the past several months there have been security issues which could have been mitigated through the use of cameras, card readers and a new badging system. During one of those events staff had to perform an emergency rekey of the locks at the City Hall campus and reissue new keys to employees.

2. Approve and authorize the City Manager to execute an Agreement for the Performance of Services with The Edelman Corporation to provide security improvements at the City Hall Complex in an amount not-to-exceed \$158,835 over the one year term of the Agreement; and

3. Authorize the City Manager to make minor modifications to the Agreement, if necessary.

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

2.H [18-643](#) Action on Tobacco Law Enforcement Grant Program funding from the California Department of Justice and Related Budget Amendment

**Recommendation:** 1. Authorize the City Manager to execute a Memorandum of Understanding with the California Department of Justice, substantially similar to the attached form; and  
2. Approve a budget amendment in the amount of \$227,175 to the Police Grants - Patrol Program (7752).

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

- 2.I [18-710](#) Action on Donations Received in Support of the 2018 Arbor Day/Earth Day Celebration

**Recommendation:** Authorize the City Manager to acknowledge and accept the donations received in support of the 2018 Arbor Day/Earth Day Celebration.

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

- 2.J [18-780](#) 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 2908 El Camino Real; Scott Boulevard and Coronado Drive; 390 N. Winchester Boulevard; N/Side Scott Boulevard, W/Side Octavius Drive and S/Side Augustine Drive; Montgomery Drive between Scott Boulevard and Augustine Drive; 3220 Scott Boulevard; (former) Gordon Road and Kifer Road; 1098 Lexington Street at south side of Mission Library Remodel Project; 1701 Lawrence Road; Pruneridge Avenue and Cronin Drive; 960 Pomeroy Avenue; Agate Drive at Calabazas Creek; 161 N. Cypress Avenue.

**A motion was made by Council Member Mahan, seconded by Council Member Davis, to adopt Resolution No. 18-8562.**

- 2.K [18-785](#) Action on Amendment No. 1 to an Agreement with Project for Public Spaces

**Recommendation:** Authorize the City Manager to execute Amendment No. 1 to the Agreement for the Performance of Services with Project for Public Spaces, Inc., to continue progress on the Santa Clara Placemaking series.

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

- 2.L [18-810](#) Action on Response to the 2017-2018 Civil Grand Jury Report entitled, "Police and the Mentally Ill: Improving Outcomes"

**Recommendation:** Authorize Mayor Gillmor to send the City's response to the Civil Grand Jury Report to the Honorable Patricia Lucas, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than Tuesday, August 7, 2018.

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

**2.M**     [18-952](#)     Action on Adoption of Ordinance No. 1982 Assigning the City Auditor Function to the Assistant Finance Director

**Recommendation:** Adopt Ordinance No. 1982 Assigning the City Auditor Function to the Assistant Finance Director.

**A motion was made by Council Member Mahan, seconded by Council Member Davis, to approve staff recommendation and adopt Ordinance No. 1982.**

**2.N**     [18-500](#)     Action on an Ordinance 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

**Recommendation:** Approve the introduction of an Ordinance 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 Mahan, seconded by Council Member Davis, to approve staff recommendation.**

**2.O**     [18-728](#)     Action on a Rezoning and Minor Modification located at 554 Saratoga Avenue

**Recommendation:** 1. Approve the rezoning and approve a Minor Modification of the property at 554 Saratoga Avenue from Professional Office (OA) to Single Family Zoning District (R1-6L), subject to conditions of approval.

**A motion was made by Council Member Mahan, seconded by Council Member Davis, to approve staff recommendation and adopt Resolution No. 18-8563.**

**PUBLIC PRESENTATIONS**

**Ken Kratz** requested reconsideration of 1075 Pomeroy action from last Council meeting held June 26, 2018.

Request failed due to no motion made for reconsideration.

**PUBLIC HEARING/GENERAL BUSINESS**



3. [18-965](#) Action on a Written Petition Submitted by Korean American Chamber of Commerce of Silicon Valley: Request to be placed on future agenda to discuss Korea Day

**Recommendation:** There is no staff recommendation for this issue.

**Public Speaker(s):** Ken Kim (Applicant)

**A motion was made by Council Member Davis, seconded by Council Member O'Neill, to set July 17, 2018 agenda date for this item.**

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

**Absent:** 1 - Mayor Gillmor

4. [18-154](#) Presentation and Discussion of Results from My90 Satisfaction Survey of the Santa Clara Police Department

**Recommendation:** Note and file the My90 Satisfaction Survey and direct the City Manager to provide periodic updates on the implementation of the community engagement plan.

**Public Speaker(s):** Public Speaker (4)

**A motion was made by Council Member Davis, seconded by Council Member Kolstad, to note and file the My90 Report and return with annual update.**

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

**Absent:** 1 - Mayor Gillmor

5. [18-522](#) Public Hearing: Action on Residential Townhouse Project at 1900 Warburton Avenue

**Recommendation:** Alternatives 1, 2 and 3:  
1. Adopt a Resolution approving the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 1900 Warburton Residential Project;  
2. Adopt a Resolution approving the rezoning from General Office (OG) to Planned Development (PD);  
3. Adopt a Resolution approving the Tentative Condominium Map to allow development of 12 townhouse units.

**Public Speaker(s):** Samir Sharma (Applicant)  
Public Speakers (11)

**A motion was made by Council Member O'Neill, seconded by Council Member Mahan, to close the public hearing.**

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

**Absent:** 1 - Mayor Gillmor

**A motion was made by Council Member Mahan, seconded by Council Member Kolstad, approve Alternative #1 and adopt Resolution No. 18-8564.**

**Aye:** 4 - Council Member Mahan, Council Member O'Neill, Vice Mayor Watanabe, and Council Member Kolstad

**Nay:** 1 - Council Member Davis

**Absent:** 1 - Mayor Gillmor

**A motion was made by Council Member Mahan, seconded by Council Member Kolstad, to approve Alternative #2 and adopt Resolution No. 18-8565.**

**Aye:** 4 - Council Member Mahan, Council Member O'Neill, Vice Mayor Watanabe, and Council Member Kolstad

**Nay:** 1 - Council Member Davis

**Absent:** 1 - Mayor Gillmor

By consensus, refer to staff to assess the specific area (Warburton Avenue and Scott Boulevard) to look at parking solutions, including working with residents.

**A motion was made by Council Member Mahan, seconded by Council Member Kolstad, to approve Alternative #3, include 6 guest parking spaces on site, and adopt Resolution No. 18-8566.**

**Aye:** 4 - Council Member Mahan, Council Member O'Neill, Vice Mayor Watanabe, and Council Member Kolstad

**Nay:** 1 - Council Member Davis

**Absent:** 1 - Mayor Gillmor

6. [18-536](#) Public Hearing: Action on a Resolution Confirming the 2018 Weed Abatement Program and Assessment

**Recommendation:** 1. Adopt a Resolution confirming the 2018 Weed Abatement Program Assessment Report and Assessment

**Public Speaker(s):** None.

**A motion was made by Council Member O'Neill, seconded by Council Member Mahan, to close the public hearing.**

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

**Absent:** 1 - Mayor Gillmor

**A motion was made by Council Member O'Neill, seconded by Council Member Davis, to adopt Resolution No. 18-8567.**

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

**Absent:** 1 - Mayor Gillmor

7. [18-874](#) Action on Designating a Voting Delegate for League of California Cities 2018 Annual Business Meeting

**Recommendation:** Designate a member of the City Council or a City official to serve as a voting delegate, and up to two alternates, to serve as the voting delegate in the event that the designated voting delegate is unable to serve in that capacity, 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 Mahan, to designate the City Manager as the Voting Delegate at the League of California Cities 2018 Annual Business Meeting, in the event no other Council Member attends.**

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

**Absent:** 1 - Mayor Gillmor

8. [18-878](#) Action on Resignation of Planning Commissioner; Declare a Vacancy on the Planning Commission; and Set Process for Filling the Vacancy

**Recommendation:** Alternative 1, Staff makes no recommendation regarding Alternatives 2 or 3 for the filling of the Planning Commission vacancy:

1. Accept the resignation of Michael O'Halloran and declare one vacancy on the Planning Commission for the partial term ending June 30, 2019.

**A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve Alternative #1: (1) accept the resignation of Michael O'Halloran, declare one vacancy on the Planning Commission for the partial ending June 30, 2019, and return at the next meeting with the applicants from the April 2018 Planning Commission pool.**

**Aye:** 3 - Council Member Davis, Vice Mayor Watanabe, and Council Member Kolstad

**Nay:** 2 - Council Member Mahan, and Council Member O'Neill

**Absent:** 1 - Mayor Gillmor

**Motion Failed.**

**A motion was made by Council Member O'Neill, seconded by Council Member Davis, to accept the resignation of Michael O'Halloran and declare the vacancy on the Planning Commission for the partial term ending June 30, 2019.**

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

**Absent:** 1 - Mayor Gillmor

**A motion was made by Council Member O'Neill, seconded by Council Member Davis, to direct staff to outreach to Cultural Commission and the April Planning Commission candidate pool to poll their interest and return on July 16, 2018.**

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

**Absent:** 1 - Mayor Gillmor

## **REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

### [18-1221](#)

Reports of Members and Special Committees

**Council Member O'Neill** reported on her attendance to the American Public Powers Association National Conference in New Orleans.

**Council Member Davis** reported on her attendance at the League of California Cities Conference in Monterey, CA.

**Council Member Mahan** announced that Council Member Kolstad received the American Public Power Association's Public Official Award at the American Public Powers Association National Conference in New Orleans.

**Council Member Kolstad** reported on the a session on the future at the American Public Powers Association National Conference in New Orleans.

## CITY MANAGER/EXECUTIVE DIRECTOR REPORT

**City Manager** reported that City Manager's Office goal is to balance the agenda for July 16 and July 17, 2018.

18-802 Tentative Meeting Agenda Calendar

## ADJOURNMENT

The meeting was **adjourned** at 10:11 PM in **memory** of **Larry Marsalli** (former City of Santa Clara Mayor and Council Member) and the **Victims** of the shooting at **Capital Gazette in Annapolis, Maryland**.

18-1220 Adjournment Post Meeting Material

The next regular scheduled meeting is on Tuesday evening, July 17, 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."