



# City of Santa Clara

## Meeting Minutes

### Council and Authorities Concurrent Meeting

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08/27/2019

3:30 PM

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

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#### 3:30 PM CLOSED SESSION

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

**Vice Mayor Mahan** called the Closed Session to order at 3:30 PM.

##### Confirmation of a Quorum

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

##### Public Comment

**None.**

#### [19-972](#)

Conference with Legal Counsel-Existing Litigation (SOSA)  
Pursuant to Gov. Code § 54956.9(d)(1)  
The Sports and Open Space Authority of the City of Santa Clara v. D.E. Restaurants, Inc., Santa Clara County Superior Court Case No. 17CV311968 and Santa Clara County Superior Court Appellate Department Case No. 18AP002411

#### [19-973](#)

Conference with Real Property Negotiators (CC)  
Pursuant to Gov. Code § 54956.8  
Property: 2525 Tasman Drive (Tasman Garage), APN 104-03-040  
City Negotiator: Deanna J. Santana, City Manager (or designee)  
Negotiating Parties: Stephen Eimer, Related Companies  
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

#### [19-976](#)

Conference with Real Property Negotiators (CC)  
Pursuant to Gov. Code § 54956.8  
Property: 5001 Great America Parkway, APNs 104-55-016 and 104-55-017  
City Negotiator: Deanna J. Santana, City Manager (or designee)  
Negotiating Parties: Stephen Eimer, Related Companies  
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

- [19-977](#) Conference with Legal Counsel-Anticipated Litigation (CC)  
Pursuant to Gov. Code § 54956.9(a) - Exposure to litigation  
Number of potential cases: 1  
Facts and Circumstances:  
City as potential defendant: Letter from Gibson Dunn law firm, representing  
Related Santa Clara LLC, dated September 24, 2018 regarding Force  
Majeure under DDA
- [19-978](#) Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
Gaffney, et al. v. City of Santa Clara, United States District Court, Northern  
District of California Case No. 5:18-cv-6500-NC
- [19-980](#) Conference with Legal Counsel-Existing Litigation (CC)  
Pursuant to Gov. Code § 54956.9(d)(1)  
D.E. Restaurants, Inc. v. City of Santa Clara, et al., Santa Clara County  
Superior Court Case No. 115CV275606

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

**6:00 PM COUNCIL REGULAR MEETING**

**Call to Order**

**Mayor Gillmor** called the Regular Meeting to order at 6:03 PM.

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**Present:** 7 - Vice Mayor Patricia M. Mahan, Councilmember Teresa O'Neill,  
Councilmember Kathy Watanabe, Councilmember Karen Hardy,  
Councilmember Debi Davis, Councilmember Raj Chahal, and Mayor  
Lisa M. Gillmor

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

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

### **CONTINUANCES/EXCEPTIONS**

**City Manager Santana** noted that Item 2.H had a typographical error that will be corrected.

**Director of Community Development Crabtree** clarified for the record, Item 2.H, Ordinance No. 2003: Condition C23 to reflect the insertion of the words "**an additional**" as provided below.

C23. The total parking required for the project as shown on the development plans shall incorporate 6% of the parking spaces with EV charging facilities. **An additional** nine percent (9%) of the total parking spaces must be prewired for future electrical charging facilities.

**A motion was made by Vice Mayor Mahan, seconded by Councilmember Davis, to approve the addition to correct Item 2.H, Ordinance No. 2003: Condition C23, and leave the item with the correction on the Consent Calendar.**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

### **SPECIAL ORDER OF BUSINESS**

[19-1021](#)

City Manager Presents Community Gardens One Year Anniversary Video Post Meeting Material

**City Manager Santana** shared that the first publication of the City Hall Newsletter was recently released to reach those who don't use social media or subscribe to the blog and will be published every two weeks in paper format.

**City Manager Santana** presented a video of the one-year anniversary of the Community Gardens, which is the first of upcoming story telling videos highlighting various residential city services.

1.A [19-824](#)

Recognition of Police Reserve Dan Magnane

**Mayor Gillmor** expressed gratitude for **Police Reserve Magnane's** 42-years of service.

**Chief Sellers** acknowledged **Police Reserve Magnane** for his dedicated 42-years of service.

1.B [19-910](#)

Proclamation of Muslim Appreciation and Awareness Month

**Mayor Gillmor and Councilmembers** presented a Proclamation of Muslim Appreciation and Awareness Month.

1.C [19-866](#)

Recognition of Better Together Leadership Program

**Mayor Gillmor** called representatives from the **Fire Department, Better Together Leadership Program** and **Planet Granite** to speak.

**Mayor Gillmor** on behalf of the **Council** expressed appreciation for the great work that's being done by **Better Together Leadership Program** and their community partner **Planet Granite**.

**Firefighter McGhie** gave comments about the program and invited **Planet Granite representative Nick Gerard** to speak.

**Nick Gerard** introduced the Planet Granite representatives.

**Councilmember Watanabe** shared her positive experience at a **Better Together Leadership Program** Valentine's Day event she attended.

**Mayor Gillmor and Councilmembers** presented certificates to **Better Together Leadership Program, Zachary McGhie (Fire Department), and Planet Granite and Nick Gerard (Planet Granite Representative)**.

**Mayor Gillmor** also read the names of the many facilitators involved in the program.

**1.D**     [19-960](#)     Recognition of Michael "Mike" J. Sellers, Chief of Police

**Chief Sellers** expressed words of appreciation and gratitude for the many years of support he has received and thanked all the employees he has worked with past and present.

**CONSENT CALENDAR**

**A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to approve the balance of the Consent Calendar (except Item 2.I).**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

**2.A**     [19-033](#)     Board, Commissions and Committee Minutes

**Recommendation:** Note and file the Minutes of:  
Cultural Commission - July 1, 2019  
Parks & Recreation Commission - July 16, 2019

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

**2.B**     [19-1299](#)     Action on Monthly Financial Status and Investment Reports for May 2019

**Recommendation:** Note and file the Monthly Financial Status and Investment Reports for May 2019 as presented.

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

- 2.C     [19-665](#)     Action to Approve Amendments to the Hourly Rate for the As-Needed Classifications of Per Diem Dispatcher and Traffic Control Officer, and to Adopt a Resolution Approving and Adopting an Updated As-Needed Salary Plan Reflecting the Amended Hourly Rates

**Recommendation:** 1. Approve amendments to the Hourly Rate for the As-Needed Classifications of Per Diem Dispatcher and Traffic Control Officer; and  
2. Adopt a Resolution approving and adopting the updated As-Needed salary plan reflecting the amended hourly rates.

**A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to approve amendments to the Hourly Rate for the As-Needed Classifications of Per Diem Dispatcher and Traffic Control Officer; and adopt Resolution No. 19-8747 approving and adopting the updated As-Needed salary plan reflecting the amended hourly rates.**

- 2.D     [19-792](#)     Action on a Vesting Tentative Parcel Map for Three Commercial Condominium Units Located at 651, 725 and 825 Mathew Street

**Recommendation:** Adopt Resolution to Approve the Vesting Tentative Parcel Map to allow for three Commercial Condominium Units on an existing single lot located at 651, 725 and 825 Mathew Street.

**A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to adopt Resolution No. 19-8748 to approve the Vesting Tentative Parcel Map to allow for three Commercial Condominium Units on an existing single lot located at 651, 725 and 825 Mathew Street.**

- 2.E     [19-902](#)     Action on a request for a Special Permit to allow seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 20, 2019 through December 24, 2019. (File No PLN2019-14006)

**Recommendation:** Approve the request of a Special Permit to allow for a seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 20, 2019 through December 24, 2019, File No PLN2019-14006, subject to conditions.

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

- 2.F [19-904](#) Action on a request for a Special Permit to allow seasonal Pumpkin Patch and Christmas Tree sales events at 2610 El Camino Real from September 20, 2019 through December 24, 2019. (File No PLN2019-14007)

**Recommendation:** Approve the request of a Special Permit to allow for a seasonal Pumpkin Patch and Christmas Tree sales events at 2610 El Camino Real from September 20, 2019 through December 24, 2019, File No PLN2019-14007, subject to conditions.

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

- 2.G [19-906](#) Action on the Recommendation to Pre-Qualify Vendors and Award Purchase Orders on an As-Required Basis for Sanitary Sewer Cleaning and Closed-Circuit Television Inspection Services

**Recommendation:** Approve the pre-qualified vendor list and authorize the City Manager to execute purchase orders for sanitary sewer cleaning and inspection services with National Plant Services, Inc. (Hayward, CA), AIMS Companies (San Leandro, CA), and Pipe and Plant Solutions Inc. (Oakland, CA) for a maximum aggregate amount not-to-exceed \$5,000,000 through June 30, 2024. Final purchase orders will be awarded to the low bidder for each project, and subject to the appropriation of funds.

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

- 2.H**      [19-916](#)      Action on Adoption of Ordinance No. 2003 Approving a Development Agreement between the City of Santa Clara and TOD Brokaw, LLC for the Property Located at 1205 Coleman Avenue and Ordinance No. 2004 Amending Chapter 18.22, "Regulations for Various Mixed Use Combining Zoning Districts" of Title 18, "Zoning" of "The Code of the City of Santa Clara, California" to add a New Article III, "Regulations for VHDMU - Very High Density Mixed Use Zoning Districts" and Approving a Rezoning of the 21.4 Acre Project Site Located at 1205 Coleman Avenue, Santa Clara, to the New VHDMU Zoning District

**Recommendation:** 1. Adopt Ordinance No. 2003 approving a Development Agreement between the City of Santa Clara and TOD Brokaw, LLC for the Property Located at 1205 Coleman Avenue; and  
2. Adopt Ordinance No. 2004 amending Chapter 18.22, "Regulations for Various Mixed Use Combining Zoning Districts" of Title 18, "Zoning" of "The Code of the City of Santa Clara, California" to add a New Article III, "Regulations for VHDMU - Very High Density Mixed Use Zoning Districts" and approving a rezoning of the 21.4 acre project site located at 1205 Coleman Avenue, Santa Clara, to the new VHDMU zoning district.

**A motion was made by Councilmember Davis, seconded by Councilmember Hardy, to adopt Ordinance No. 2003 with the correction to Condition C23 to reflect the insertion of the words "an additional": C23. The total parking required for the project as shown on the development plans shall incorporate 6% of the parking spaces with EV charging facilities. An additional nine percent (9%) of the total parking spaces must be prewired for future electrical charging facilities.**

#### **PUBLIC PRESENTATIONS**

**Public Speaker(s):** Public Speaker shared that the County Board of Supervisors declared that the County is in a climate emergency.

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



- 2.I [19-955](#) Action on Declaring a Vacancy on the Board of Library Trustees to Fill a Partial Term Ending June 30, 2021

**Recommendation:** 1. Accept resignation and declare a vacancy on the Board of Library Trustees;  
2. Set September 20, 2019 as the application deadline; and  
3. Set the Interviews for a future Council meeting, to fill the partial term ending June 30, 2021.

**Mayor Gillmor** pulled this item and noted that along with the Board of Library Trustees vacancy, there is still an open recruitment to fill the vacancy on the Housing Rehabilitation Loan Committee.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to declare the partial term vacancy for the Board of Library Trustees with an application deadline of September 20, 2019.**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

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

3. [19-713](#) Public Hearing: City North Framework

**Recommendation:** Alternative 1:  
Accept the report on the City North Framework as presented by staff.

**Director of Community Development Crabtree** presented a PowerPoint.

**Public Speaker(s):** Public Speakers (2)

**A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to close the Public Hearing.**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

**A motion was made by Vice Mayor Mahan, seconded by Councilmember Hardy, to accept the report on the City North Framework and return to Council with specific policies to each framework.**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

4. [19-712](#) Discussion and Direction on the Freedom Circle Specific Plan and General Plan Amendment for the Greystar Development Application

**Recommendation:** Alternative 2:  
Direct City Manager to evaluate the potential designation of the Freedom Circle area as a Phase III Future Focus Area in the General Plan with incorporated review of the Greystar General Plan Amendment.

**Director of Community Development Crabtree** presented a PowerPoint.

**A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to approve Alternative 2: direct City Manager to evaluate the potential designation of the Freedom Circle area as a Phase III Future Focus Area in the General Plan with incorporated review of the Greystar General Plan Amendment.**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

5. [19-153](#) Action on Petition Requesting an Item Be Added to a Future Council Agenda to Proclaim Section of El Camino as Korea Town

**Recommendation:** Staff has no recommendation.

**Assistant City Manager Shikada** presented the staff report.

**Petitioner Ken Kim** addressed **Council** questions and comments.

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

**A motion was made by Councilmember Watanabe, seconded by Councilmember Davis, to agendize this item to a future Council meeting for further discussion.**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

6. [19-817](#) Action on a Bicycle and Pedestrian Advisory Committee Recommendation regarding Council Drafting a Letter for the Preservation of the Freedom Bridge

**Recommendation:** 1. Staff makes no recommendation regarding City Council drafting a letter or not to the Santa Clara Valley Water District; and  
2. Note and file the Minutes of the Bicycle and Pedestrian Advisory Committee.

**Public Works Director Mobeck** presented the staff report.

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

**A motion was made by Councilmember Davis, seconded by Councilmember Wantanbe, to (1) draft a letter to the Santa Clara Valley Water District and (2) note and file the Bicycle and Pedestrian Advisory Committee minutes of March 25, 2019.**

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

**Nay:** 1 - Councilmember Hardy

7. [19-800](#) Action on a Resolution Establishing the Average Per-Acre Land Values and Parkland In Lieu Fee Schedule for New Residential Development FY2019/20

**Recommendation:** Alternatives 2 and 4:

2. Adopt a Resolution Establishing the Average Per-Acre Land Values and Parkland In Lieu Fee Schedule for New Residential Development for FY2019-20 In Accordance with Title 17 ("Development") Chapter 35 ("Park and Recreational Land") of the Code of the City of Santa Clara with the exception that the total allowable amount for increases in park improvement values will be phased in over a three year period at 25% per year and the land appraisal will be conducted annually as required per City Code 17.35 and new fees effective July 1 of each year.
4. Conduct a Feasibility of Residential Development Study that will evaluate the effects of total development fee levels on developers' ability to provide housing of various types.

**Director of Parks and Recreation Teixeira** presented the staff report.

**Director of Parks and Recreation Teixeira** addressed **Council** questions and concerns.

**Public Speaker(s):** Mathew Reed  
Suds Jain  
Dennis Martin (Lobbyist)

**A motion was made by Councilmember Davis, seconded by Vice Mayor Mahan, to adopt Resolution No. 19-8749 approving staff recommendation Alternative 2 for longer than a 3-year period and return to the September 24, 2019 Council meeting with a new improved phasing in the fee increase to help ease impact and approving Alternative 4.**

**Aye:** 6 - Vice Mayor Mahan, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

**Nay:** 1 - Councilmember O'Neill

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

**Councilmember O'Neill** reported on her attendance at the Senior Advisory Commission meeting.

**Councilmember Watanabe** reported on her attendance at a Caltrain meeting in San Carlos and discussed the upcoming Coffee with a Cop meeting.

## **CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

**City Manager Santana** noted two Special Meetings:

- September 4, 2019 Special City Council Meeting - Items: City's Response Grand Jury Report on Public Records and Chief of Police vacancy

- September 5, 2019 - Items: Part II Governance Study Session

**City Manager Santana** reported that the City is currently recruiting for 100 vacant positions and there are 142 unique Public Records Act requests.

**City Manager Santana** reported that the City received \$1.8 million dollars from the County for the Magical Bridge Foundation to construct an inclusive park along with a signing ceremony on September 19, 2019 at the Central Park Arbor Center.

**Councilmember Hardy** reported that she will not be able to attend the September 4, 2019 Special City Council meeting because she is contractually required to attend Back-to-School night.

Tentative Meeting Agenda Calendar (TMAC)

[19-971](#)

## **ADJOURNMENT**

The meeting was adjourned at 10:43 PM in **memory** of **William (Bill) R. Shaddle** (Former Parks and Recreation Commissioner and Civil Service Commissioner).

**A motion was made by Vice Mayor Mahan, seconded by Councilmember Hardy, to adjourn the meeting.**

**Aye:** 7 - Vice Mayor Mahan, Councilmember O'Neill, Councilmember Watanabe, Councilmember Hardy, Councilmember Davis, Councilmember Chahal, and Mayor Gillmor

19-1015

Adjournment of the August 27, 2019 City Council Meeting Post Meeting  
Material

The next regular scheduled meeting is on Tuesday evening, September 17, 2019 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."