



City of Santa Clara

Meeting Minutes

Council and Authorities Concurrent Meeting

08/28/2018

5:00 PM

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

Closed Session - 5:00 PM | Study Session - 6:00 PM | Regular Meeting - 7:00 PM

5:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 5:00 P.M.

Confirmation of a Quorum

Acting City Clerk confirmed a Quorum.

Public Comment

None.

18-1183

Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: Deanna J. Santana, 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 - IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4 - City of Santa Clara Professional Engineers
Units #5, 7 & 8 - City of Santa Clara Employees Association
Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees)
Unit #9 - Miscellaneous Unclassified Management Employees
Unit #9A - Unclassified Police Management Employees
Unit #9B - Unclassified Fire Management Employees
Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association)

18-1187

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
In re Ronald Billingsley, Workers' Compensation Appeals Board Case
Nos. ADJ10828894, ADJ325132

- [18-1189](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
In re Daniel Cortazzo, Workers' Compensation Appeals Board Case Nos.
ADJ11026457, ADJ10879991, ADJ10722930
- [18-1190](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
In re Kevin Estes, Workers' Compensation Appeals Board Case No.
ADJ10536540
- [18-1191](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
In re Nicole Young, Workers' Compensation Appeal Board Case Nos.
ADJ10397222, ADJ10397206 and ADJ10412284
- [18-1192](#) Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Northern California Power Agency, City of Redding, City of Roseville, and
City of Santa Clara v. The United States, U.S. Court of Federal Claims No.
14-817C
- [18-1193](#) Conference with Legal Counsel-Anticipated Litigation (CC, SOSA)
Pursuant to Gov. Code § 54956.9(d)(4) - Initiation of litigation
Number of potential cases: 1

Convene to Closed Session (Council Conference Room)

6:00 PM STUDY SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Study Session to order at 6:10 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a Quorum.

- [18-033](#) Review of Central Park Master Plan Guiding Principles

Public Speaker(s): Suds Jain

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular meeting to order at 7:05 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 6 - Council Member Patricia M. Mahan, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Council Member Debi Davis, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

City Attorney reported on approvals by unanimous vote by the City Council to accept the following workers compensation settlements:

1.) In re Ronald Billingsley, Workers' Compensation Appeals Board Case Nos. ADJ10828894, ADJ325132: Council agreed to settle these claims as a compromise and release in the amount of \$155,000.

2.) In re Daniel Cortazzo, Workers' Compensation Appeals Board Case Nos. ADJ11026457, ADJ10879991, ADJ10722930: Council agreed to settle these claims as a compromise and release in the amount of \$125,000.

3.) In re Kevin Estes, Workers' Compensation Appeal Board Case No. ADJ10536540: Council agreed to settle this claim as a compromise and release in the amount of \$50,490.

4.) In re Nicole Young, Workers' Compensation Appeal Board Case Nos. ADJ10397222, ADJ10397206, ADJ10412284: Council agreed to settle these claims as a compromise and release in the amount of \$165,000.

CONTINUANCES/EXCEPTIONS

18-1176 Public Hearing: Action on Early Consideration of a General Plan Amendment (GPA) from Medium Density Residential to High Density Residential for the 12.43 Acre Property Located at 3131 Homestead Road (Laguna Clara Apartments)

Recommendation: Continue Public Hearing: Action on Early Consideration of a General Plan Amendment (GPA) from Medium Density Residential to High Density Residential for the 12.43 Acre Property Located at 3131 Homestead Road to the November 13, 2018 City Council hearing [PLN2018-13286].

Public Speaker(s): Leon Dorfman

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to continue the item to November 13, 2018.

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

SPECIAL ORDER OF BUSINESS

- 1.A [18-1112](#) Recognition of Chief Master Sergeant Ronald S. Blancas
- 1.B [18-1097](#) Proclamation of National Payroll Week
- 1.C [18-1148](#) Proclamation of September 2018 as Community Preparedness Month

CONSENT CALENDAR

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve the balance of the Consent Calendar (with exception of 2.D, 2.R, and 2.U).

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

- 2.A [18-359](#) Action on the Council and Authorities Concurrent and Stadium Authority Meeting Minutes

Recommendation: Note and file the Minutes of:
Joint Meeting - April 24, 2018
Joint Meeting - May 8, 2018

A motion was made by Council/Board Member Davis, seconded by Council/Board Member O'Neill, to approve staff recommendation. (Kolstad abstaining on Minutes from April 24, 2018)

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

- 2.B [18-659](#) Action on Bills and Claims Report (CC) for the period July 27th - August 2nd

Recommendation: Approve the list of Bills and Claims for July 27, 2018 - August 2, 2018.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.C [18-644](#) Action on Bills and Claims for the months of June and July 2018 (Stadium Authority)

Recommendation: Approve the list of Bills and Claims for June and July 2018.

A motion was made by Board Member Davis, seconded by Board Member O'Neill, to approve staff recommendation.

Aye: 6 - Board Member Mahan, Board Member O'Neill, Chairperson Gillmor, Board Member Davis, Board Member Watanabe, and Board Member Kolstad

- 2.E [18-817](#) Action on Donation for the Purchase, Installation, and Maintenance of a Tree at Mission City Memorial Park, and Related Budget Amendment
- Recommendation:** Accept a donation of \$1,635 for the purchase, supplies, and installation of a tree and related budget amendment and authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager.
- A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.**
- 2.F [18-916](#) Action on City's Response to the 2017-2018 Santa Clara County Civil Grand Jury Report: "Affordable Housing Crisis: Density is Our Destiny"
- Recommendation:** Authorize Mayor Gillmor to submit 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 Thursday, September 20, 2018.
- A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.**
- 2.G [18-940](#) Informational Report on Flood Insurance Coverage Assessment
- Recommendation:** Note and file the Report on Flood Insurance Coverage Assessment.
- A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.**
- 2.H [18-1006](#) Action on a Donation from the Santa Clara City Library Foundation and Friends and Related Budget Amendment
- Recommendation:** Accept a Santa Clara City Library Foundation and Friends donation in the amount of \$50,000 and approve a related Budget Amendment to appropriate the funds for future Library-related expenditures, and authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager.
- A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.**

- 2.I [18-661](#) Action on an Agreement with Rentokil North America, Inc. DBA Western Exterminator Company for Pest Control Services at Various City Facilities.

Recommendation:

1. Approve and authorize the City Manager to execute an Agreement for the Performance of Services with Rentokil North America, Inc. DBA Western Exterminator Company to provide pest control services at various City buildings for an amount not-to-exceed \$190,406 over a 3 year term; and
2. Authorize the City Manager to make minor modifications to the Agreement, if necessary.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.J [18-1016](#) Action on the Approval of the 2017 Power Source Disclosure Report

Recommendation: Adopt a Resolution approving the attestation of the veracity of the 2017 Power Source Disclosure Report and the submission of the Report to the California Energy Commission.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to adopted Resolution No. 18-8595.

- 2.K [18-1041](#) Action on a Special Permit request for a seasonal Pumpkin Patch and Christmas Tree sales event at 2610 El Camino Real, PLN2018-13341

Recommendation: Approve the request of a Special Permit to allow a seasonal Pumpkin Patch and Christmas Tree sales event at 2610 El Camino Real (PLN2018-13341), subject to conditions.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.L [18-1042](#) Action on a Special Permit request for a seasonal Pumpkin Patch and Christmas Tree sales event at 3590 Benton Street, PLN2018-13416

Recommendation: Approve the request of a Special Permit to allow a seasonal Pumpkin Patch and Christmas Tree sales event at 3590 Benton Street (PLN2018-13416), subject to conditions.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.M [18-1043](#) Action on a request of a Special Permit to allow Kaiser Permanente to conduct an Employee and Family Wellness Event on September 9, 2018 in the Kaiser Permanente Parking Lots (A, B, C) located at 710 Lawrence Expressway.

Recommendation: Approve the request of a Special Permit to allow Kaiser Permanente to conduct an Employee and Family Wellness Event on September 9, 2018 in the Kaiser Permanente Parking Lots (A, B, C) located at 710 Lawrence Expressway (PLN2018-13388), subject to conditions

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.N [18-1184](#) Action on Central Park Master Plan Guiding Principles

Recommendation: Approve Central Park Master Plan Guiding Principles.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.O [18-1078](#) Action on an Enterprise Program Agreement and Corporate Family Software License and Services Agreement with OSIsoft, LLC

Recommendation: Approve and authorize the City Manager to execute an Enterprise Program Agreement and Corporate Family Software License and Services Agreement with OSIsoft, LLC retroactive to April 24, 2017 for installation, configuration, modifications and maintenance to OSIsoft, PI historian software and related systems, in an amount not-to-exceed \$488,070 over a five (5) year term.

Indexes: CC

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendaton.

- 2.P [18-1079](#) Action on an Agreement for the Performance of Services with Nalco Company, LLC to Provide Water Treatment Services at the Donald Von Raesfeld (DVR) Power Plant

Recommendation: Approve an Agreement for the Performance of Services with Nalco Company, LLC to provide water treatment services in an amount not-to-exceed \$429,785 over a three (3) year period.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendaton as part of the consent calendar.

- 2.Q [18-1080](#) Action on an Agreement for the Performance of Services with Nalco Company, LLC to Provide Water Treatment Services at the Cogeneration Facility (CoGen)

Recommendation: Approve an Agreement for the Performance of Services with Nalco Company, LLC to provide water treatment services in an amount not-to-exceed \$163,933 over a three (3) year term.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

- 2.S [18-1102](#) Action Related to the City's Variable Rate Demand Electric Revenue Bonds, Series 2008 B

Recommendation: Adopt a Resolution Authorizing the Execution of a Second Amendment to Reimbursement Agreement and Second Amended and Restated Fee Letter Relating to the City's Variable Rate Demand Electric Revenue Bonds, Series 2008 B; and Authorizing Certain Other Actions Relating Thereto

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation and adopt Resolution No. 18-8596.

- 2.T [18-1147](#) Approve City Position on Proposed League of California Cities' 2018 Annual Conference Resolutions

Recommendation: Approve support positions for the proposed Resolution #1, Respond to the Increasing Vulnerabilities to Local Municipal Authority, Control and Revenue and Explore the Preparation of a Ballot Measure and/or Constitutional Amendment that would further Strengthen Local Democracy and Authority, and Resolution #2, Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides, and authorize the City's voting delegate/alternate to cast votes consistent with the City Council's adopted positions.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

PUBLIC PRESENTATIONS

Ken Kim reported on the Korean Day event and requested \$2,000 for advertising and \$200 for insurance premium.

Howard Myers expressed comments of concern on staff reports regarding developments.

[18-1352](#) Public Presentation Post Meeting Material

CONSENT ITEMS PULLED FOR DISCUSSION

2.D [18-920](#) Action on the Display of Flags Council Policy

Recommendation: Adopt a resolution approving the Display of Flags Council Policy.

A motion was made by Council Member Watanabe, seconded by Council Member Davis, to adopt Resolution No. 18-8597.

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

2.R [18-1099](#) Informational Report on the Metropolitan Transportation Commission Campaign for Transformative Projects and Stevens Creek/West San Carlos Corridor Study

Recommendation: Note and file the Informational Report on the Metropolitan Transportation Commission Campaign for Transformative Projects and Stevens Creek/West San Carlos Corridor Study.

A motion was made by Council Member Davis, seconded by Council Member Mahan, to note and file the report.

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

2.U [18-1093](#) Action on Amendment No. 2 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium

Recommendation: Authorize the City Manager to execute Amendment No. 2 to the Agreement with Wilson, Ihrig & Associates subject to annual appropriations to continue conducting noise monitoring of Levi's Stadium and the 49ers practice facility for an additional cost of \$150,000 to be funded over a two-year term, resulting in a revised total cost not to exceed \$249,840 over the life of the agreement.

A motion was made by Council Member Watanabe, seconded by Council Member O'Neill, to approve staff recommendation.

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

PUBLIC HEARING/GENERAL BUSINESS

3. Actions Related to Santa Clara Tourism Improvement District

A. [18-929](#) Public Hearing: Action on the Santa Clara Tourism Improvement District (TID)

- Recommendation:**
1. Approve the Tourism Improvement District Fiscal Year 2018/19 Amended Budget
 2. Adopt a Resolution to levy an annual assessment for the Santa Clara Tourism Improvement District (TID) for Fiscal Year 2018/19.

City Manager reported on process of collecting and reporting of the Tourism Improvement District (TID) funds.

City Manager requested authorization to enter into agreement if necessary to establish a pay structure.

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to close the public hearing.

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

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation, adopt Resolution No. 18-8598, and authorize the City Manager to enter into agreement if necessary to establish a pay structure.

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

B. [18-1167](#) Action on Amended and Restated Agreement with TAP International for Audit Services for the Santa Clara Convention Center & Tourism Improvement District

- Recommendation:**
1. Approve and authorize the City Manager to execute Amended and Restated Agreement for Services with TAP International for a performance and financial audit related to the Convention Center, Convention-Visitors Bureau and Tourism Improvement District for a total amount not to exceed \$155,020.
 2. Authorize the City Manager to make minor, non-substantive modifications if needed.

A motion was made by Council Member Davis, seconded by Council Member O'Neill, to approve staff recommendation.

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

4. [18-756](#) Action on the Renewable Power Purchase Agreement with Viento Loco Wind, LLC

Recommendation: 1. Delegation of authority to the City Manager to execute a Renewable Power Purchase and Sales Agreement with Viento Loco Wind, LLC, in substantially similar terms as presented, and subject to final review and approval by the City Attorney
2. Authorize the City Manager to execute all necessary documents, subject to final review and approval by the City Attorney, to effectuate the purchases of power from Viento Loco Wind, LLC.

Public Speaker(s): Public Speaker (2)

A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, to approve staff recommendation.

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

5. [18-523](#) Public Hearing: Action on Appeal of Planning Commission Action for the Property Located at 1593 Lexington Street

Recommendation: 1. Sustain the appeal, overrule the Planning Commission's action, and approve the basement conversion and a new accessory dwelling unit for the property at 1593 Lexington Street, subject to conditions of approval.

Public Speaker(s): Rep for Fawzy Ismaic (applicant)

Public Speaker (2)

Charles Gibson

Public Speaker (4)

A motion was made by Council Member Davis, seconded by Council Member Watanabe, to close the public hearing.

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

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve Alternative 1: sustain the appeal, overrule the Planning Commission's action, approve the basement conversion and a new accessory dwelling unit for the property at 1593 Lexington Street, subject to conditions of approval, and adopt Resolution No. 18-8599.

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

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager noted a Joint City Council and Santa Clara Valley Water District meeting on September 5, 2018 and that the item regarding Downtown has been moved to October.

18-1055 Tentative Meeting Agenda Calendar

ADJOURNMENT

The meeting was adjourned at 9:01 PM in **memory of Senator John Sidney McCain III and the victims of the shooting in Jacksonville, Florida.**

18-1374 Adjournment Post Meeting Material

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

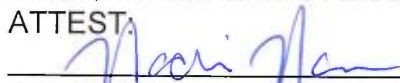
Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

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)

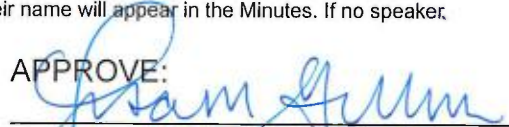
Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special 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>> 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."

ATTEST:


City Clerk/Secretary/Clerk

APPROVE:


Mayor/Chairperson