

**MINUTES OF THE JOINT MEETING
OF THE CITY OF SANTA CLARA CITY COUNCIL
AND THE YOUTH COMMISSION
AND THE REGULAR CONCURRENT MEETING
OF THE CITY OF SANTA CLARA
CITY COUNCIL
SANTA CLARA STADIUM AUTHORITY
SPORTS AND OPEN SPACE AUTHORITY
CITY OF SANTA CLARA HOUSING AUTHORITY
TUESDAY, OCTOBER 10, 2017**

The City Council and the Youth Commission met at 5:03 pm, on the above-mentioned date, in the City Hall Council Chambers, for an **Informational Joint City Council and Youth Commission dinner meeting**.

Present: Council Members Dominic J. Caserta, Debi Davis, Patrick Kolstad, Patricia M. Mahan, Teresa O'Neill and Kathy Watanabe and Mayor Lisa M. Gillmor. Present: Youth Commissioners Nithyashri Baskaran, Antonio Davila, Icko Iben, Ahmed Iftekhhar, Bella Jimenez, Alicia Luong, Damarah Madriaga, Jill Mangawang, Pyper Olsen, Kayla Phan and Sanjana Yerramaneni and Chair Caroline Kloes.

Staff Present: City Manager, Interim City Attorney, City Clerk/Auditor and Recreation Coordinator/Staff Liaison Jon Kawada.

Per the Executive Assistant to the Mayor and City Council's informational report, the **Council and the Youth Commission proceeded with the Joint Dinner Meeting** for an update on current activities and potential future Youth Commission projects. A Council/Commission discussion was held.

The Council, with a quorum present, met at 6:03 pm in the City Hall Council Chambers. With no public comment, the Council then met in the Council Conference Room for a **Closed Session**.

The Council met for a Conference with Labor Negotiators pursuant to Government Code Section 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); Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2) – Exposure to litigation, Number of potential cases: 1; Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2) – Exposure to litigation, Number of potential cases: 1 (FACTS AND CIRCUMSTANCES); City as potential defendant: Letter from SSL Law Firm LLP dated April 25, 2017 re: Lease between Morse-Fremont-08, LLC and ETA Lambda Facilities Corporation of Kappa Alpha Theta (“Tenant”) for 981 Fremont Street, Santa Clara (the “Premises”); Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Harmon v. City of*

Santa Clara, et al., United States District Court, Northern District of California Case No. 5:16-cv-04228 EJD; Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of San Jose v. City of Santa Clara*, San Mateo County Superior Court Case No. 16-CIV-02303; and Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of Santa Clara v. City of San Jose*, San Mateo County Superior Court Case No. 17-CIV-00547.

The Council, Stadium Authority, Sports and Open Space Authority and Housing Authority convened at 7:07 pm in the City Hall Council Chambers and the regular Concurrent Meeting was opened with the recitation of the Pledge of Allegiance and Statement of Values.

Present: Members Dominic J. Caserta, Debi Davis, Patrick Kolstad, Patricia M. Mahan, Teresa O'Neill and Kathy Watanabe and Mayor/Chairperson Lisa M. Gillmor.

Staff present: City Manager, Interim City Attorney and City Clerk/Auditor.

The City Clerk/Auditor read the "Behavioral Standards for Public Meetings."

The Mayor introduced and welcomed recently appointed City Manager Deanna Santana and spoke briefly regarding Ms. Santana's extensive government experience and education. Ms. Santana introduced newly appointed to the City Manager's Office Chief Operating Officer Walter Rossman and Assistant City Manager Manuel Piñeda.

MOTION was made by O'Neill, seconded and unanimously carried, that the **Minutes** of the Concurrent Meeting of **September 12, 2017** be adopted as written.

MOTION was made by Caserta, seconded and unanimously carried, that the Council **consider** earlier than agenda item 1) the Director of Public Works and City Librarian's report recommending the award of contract for the **Mission Branch Library Remodel Project** (CE 15-16-17) to the lowest responsive and responsible bidder, Gonsalves & Stronck Construction Company, Inc., and 2) the recommendation contained in the Minutes of the Board of Library Trustees for the meeting of September 18, 2017 to award the contract for the Mission Branch Library Remodel Project including the base bid and bid alternates, and **direct** that it be considered after the Consent Calendar at this meeting.

As a Special Order of Business, the Council proceeded to consider the City Librarian's report regarding recognition of Community and Corporate Partners of the **Santa Clara City Library Foundation and Friends (Foundation)**. The City Librarian acknowledged the Foundation's significant contributions to the Library and introduced Carly Sherman, President of the Board of the Foundation. Ms. Sherman presented plaques to representatives of the following corporations and community groups that have partnered with the Library and the Foundation this year: Kaiser Permanente, KeyPoint Credit Union, Mission City Community Fund, Rotary Club of Santa Clara, Intel, AMD, Union Pacific, Yahoo, San Francisco 49ers and 49ers Foundation, Related Company, Irvine Company, SummerHill Homes and Enterprise Holdings. Photographs were taken.

As a Special Order of Business, the Council proceeded to consider the Executive Assistant to the City Manager's report for a presentation by the Silicon Valley Leadership Group announcing the **Applied Materials "Silicon Valley Turkey Trot"**, sponsored by SummerHill Homes, to be held on Thanksgiving Day, November 23, 2017. Siobhan

Kenney from Applied Materials and Joe Head, SummerHill's Managing Director invited everyone to the event.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief of Police's report, the Council **accept** the donation of Ray Russo, Jr. in the amount of \$1,898.95 to support the Santa Clara Police Department's Specialized Enforcement Team (account 001-7733-59650); **approve** the appropriation of the donation for the purchase of a vehicle tracker and nest cam (account 001-7733-8804(l)4664); and **authorize** the transmittal of a letter of appreciation to Mr. Russo signed by the Mayor and City Manager.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief of Police's report, the Council **set** the salary of **Lateral Police Officer candidate Maximilian Nielepko** at Step 5, Salary Grade B-31 and **set** the salary of **Records Specialist II candidate Sylvia Avalos** at Step 2, Salary Grade H-22.

MOTION was made by Caserta, seconded and unanimously carried, that, per the City Clerk/Auditor's report, the Council **accept** the resignation of **Jan-Yu Weng** from the Planning Commission effective September 22, 2017; **declare** a vacancy on the Commission for the partial term ending June 30, 2020; and **set** October 24, 2017, as a Special Order of Business for the promotion of the vacancy; October 31, 2017 at 5:00 pm as the deadline for the receipt of applications; and November 7, 2017 during the Council meeting as the interview date and time.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** the use of **City Electric forces** for the installation of facilities at 4945 Stevens Creek Boulevard and 100 North Winchester Boulevard.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Interim City Attorney's report, the Council **pass to print Ordinance No. 1970** entitled "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 1.05.060 ('SEVERABILITY OF PARTS OF CODE') OF CHAPTER 1.05 ('GENERAL PROVISIONS') OF TITLE 1 ('GENERAL PROVISIONS') OF 'THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA'" which sets forth that all legislative acts, whether by ordinance or resolution, and whether or not it is codified in "The Code of the City of Santa Clara, California" are severable.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Interim City Attorney's report, the Council **adopt Resolution No. 17-8470** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA AUTHORIZING THE CITY ATTORNEY TO EXECUTE LEGAL SERVICES AGREEMENTS" authorizing the City Attorney to execute Legal Services agreements which sets forth that all legislative acts, whether by ordinance or resolution, and whether or not it is codified in "The Code of the City of Santa Clara, California", are severable.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** and authorize the City Manager to execute the **Electric Service Agreement** with **Nvidia Corporation** for the purchase of electricity on a long-term basis in exchange for certain discounted rates.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** and authorize the City Manager to

execute, the **Software Maintenance Agreement** with **ABB Inc.** in an amount not to exceed \$154,439.93 for the first year of the Agreement, and a three-year total not to exceed \$476,364 to provide continued maintenance and support for Silicon Valley Power's Electric Supervisory Control and Data Acquisition (SCADA) System.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** and authorize the City Manager to execute the **Agreement for the Performance of Services** with **Caltrol Inc.** in an amount not to exceed \$52,260 for the first year with a total not to exceed of \$180,477.65 over the three-year term of the Agreement to provide Process Automation Support for the City's generation facilities.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief Electric Utility Officer's report, the Council **approve** and authorize the City Manager to execute **Amendment No. 2 to Call No. 15-3 for Professional Services** with **Schweitzer Engineering Laboratories, Inc.** in an amount not to exceed \$178,924 for a revised not to exceed amount of \$743,129 to commission and prepare documentation on the PQ and Phase Shifting Transformer (PST) controllers.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Assistant City Manager Shikada's report, the Council **approve** and authorize the City Manager to negotiate and execute a **License Agreement** with **Westfield Valley Fair Shopping Center "Westfield LLC"** for the temporary use of **1834 Worthington Circle/90 North Winchester Boulevard** for off-site parking subject to review of the City Attorney for consistency with the terms proposed and the terms of the Special Permit. The Council noted the Executive Assistant to the Mayor and City Council's information report regarding correspondence received after the agenda was posted.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief of Police's report, the Council **approve** and authorize the City Manager to execute the **Master Services and Purchasing Agreement** with **Hexagon Safety & Infrastructure** to provide a Computer Aided Dispatch and Records Management System for an amount not to exceed \$2,670,957.

MOTION was made by Caserta, seconded and unanimously carried, that the Council/Authorities **approve** the payment of **Bills and Claims and Progress Payments**.

MOTION was made by Caserta, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Planning Commission** for the meeting of August 9, 2017, **Housing Rehabilitation Loan Committee** for the meeting of August 10, 2017 and the **Youth Commission** for the meeting of August 29, 2017.

MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Community Development's report, the Council **approve**, subject to conditions, the Special Permit request (9/13/17) submitted by **V.F. Mall, LLC, Westfield** to allow operation of a temporary parking lot for two years at **1834 Worthington Circle** [former Bay Area Research and Extension Center (BAREC) site at 90 North Winchester Boulevard] (PLN2017 – 12853). The Council noted the Executive Assistant to the Mayor and City Council's information report regarding correspondence received after the agenda was posted.

The Council proceeded to consider the Director of Public Works and City Librarian's

report recommending award of the contract for the **Mission Branch Library Remodel Project** to Gonsalves & Stronck Construction Company, Inc. The Director of Public Works reviewed the report. Lee Broughman, Board of Library Trustees Chair, thanked the Council for approving the recommendation. **MOTION** was made by Caserta, seconded and unanimously carried, that the Council 1) **approve** appropriations in the amount of \$1,547,300 from the Capital Projects Reserve to the Mission Branch Library Remodel Project (CE 15-16-07); 2) **award** the public works contract for the Project to the lowest responsive and responsible bidder, **Gonsalves & Stronck Construction Company, Inc.**, in the amount of \$3,843,000 and **authorize** the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of the Project; and 3) **authorize** the City Manager to execute the Contract and change orders up to 10% of the original contract price, or \$384,300, for a total not-to-exceed amount of \$4,227,300.

MOTION was made by O'Neill, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Board of Library Trustees** for the meeting of September 18, 2017 and **accept** the Board's recommendation to award the **Mission Branch Library Remodel Project** to the lowest responsive bidder and approve the appropriation of funds to cover the base bid and bid alternates taking into account the original capital budget for the Project established three years ago.

Under Public Presentations, Jonalyn Trapsi addressed the Council with concerns regarding Levi's® Stadium curfew issues. Deborah Bress addressed the Council and expressed general comments.

The Council proceeded to consider the Director of Parks and Recreation's report recommending the adoption of a Resolution approving the **County of Santa Clara All Inclusive Playground Grant** application for an amount up to \$500,000 for the **Central Park Arbor Playground**. The Director of Parks and Recreation gave an electronic presentation regarding the proposed project. The Council noted an email (10/8/17) submitted by Susan Hinton in support of the recommendation. A Council discussion followed and the Director of Parks and Recreation answered questions. Deborah Bress addressed the Council with concerns. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **adopt Resolution No. 17-8471** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING AN APPLICATION FOR THE COUNTY OF SANTA CLARA ALL-INCLUSIVE PLAYGROUND GRANT FOR AN AMOUNT UP TO \$500,000 FOR THE CENTRAL PARK ARBOR PLAYGROUND" which approves an application form for the County of Santa Clara All-Inclusive Playground Grant in an amount up to \$500,000 for the Central Park Arbor Playground; **approve** and authorize the City Manager to execute the **Funding Agreement** with the **County of Santa Clara** for the project; and **authorize** the City Manager and/or designee to execute all documents necessary for the grant application and grant administration, if funded.

PUBLIC HEARING: The Mayor declared the hearing open for consideration of the Director of Community Development's report recommending adoption of a Resolution denying the appeal submitted by property owners, **Serdar Aksu and Seval Aksu**, for a **Minor Modification** to allow a reduction of the minimum side setback requirement for an existing accessory building from three feet to two and a half feet at **725 Los Padres Boulevard** (PLN2017-12602). The Director of Community Development gave an electronic presentation regarding the history of the item and answered Council questions. Mrs. Aksu addressed the Council and requested that the Council grant the Minor Modification. She

also provided a printed copy of property plans (dated 2005) and answered Council questions. A Council discussion followed. Deborah Bress addressed the Council with concerns. **MOTION** was made by Caserta, seconded and unanimously carried, that the hearing be closed. **MOTION** was then made by Mahan, seconded and carried with Watanabe dissenting, that the Council **approve** the property owner's appeal and overturn the Planning Commission's denial thereby allowing a reduction of the minimum side setback requirement for an existing accessory building from three feet to two and a half feet.

The Council proceeded to consider the Director of Community Development's report recommending that the Council **continue** consideration of the **Affordable Housing Ordinance** and the inclusion of Chapter 17.40 to "The Code of the City of Santa Clara, California". The Council noted the Interim City Attorney's informational report entitled "Summaries of Housing Bills Signed by Governor". A Council discussion followed. Deborah Bress addressed the Council with concerns. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **continue** the item.

The Council proceeded to consider the Director of Community Development's report recommending that the Council pass to print an Ordinance amending Section 18.104.060 ("Application to Existing Businesses") of Chapter 18.104 ("Massage Establishments") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" which extends the **amortization period for existing massage establishments by one year to December 31, 2018**. The Director of Community Development gave a verbal presentation regarding the proposed Ordinance. Dinah Cotton addressed the Council in support of the Ordinance and provided a handout. The following individuals addressed the Council in support of the Ordinance: Linda Zhu, Wein Wei Chen, Kate DeMoss, Michael Yas, and You Wei Bai. Deborah Bress addressed the Council with concerns. A Council discussion followed to extend the amortization period from a one year extension to two years ending December 31, 2019. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **pass to print Ordinance No. 1971** entitled "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 18.104 ('MESSAGE' ESTABLISHMENTS) OF TITLE 18 ('ZONING') OF 'THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA'" which extends the amortization period for existing massage establishments by two years to December 31, 2019,

Member Mahan reported on her recent attendance at the reception held for Maria Ester Fernandez, the new Chief Curator for the Triton Museum of Art and announced that October is Breast Cancer Awareness month and urged preventive and early detection measures. Member O'Neill reported on her recent participation with Member Kolstad at the Northern California Power Agency (NCPA) Annual Conference where information was presented on electric utilities' changing environment toward renewables. Member Watanabe reported on complaints received regarding the recent Coldplay concert at Levi's® Stadium. Member Kolstad reported on his recent visit with the Chief Electric Utility Officer and Silicon Valley Power representatives to Big Horn I and Big Horn II Wind Farms in Washington where a status report on power generation and current efforts to switch to clean carbon-free power was presented. Mayor Gillmor reported on her recent attendance with Member Davis and various department heads at the League of California Cities Conference in Sacramento. She also gave an electronic presentation of the "Santa Clara City Library Comic Con" event held at the Central Park Library. The City Librarian addressed the council with comments and thanked her staff for an extraordinarily successful event.

The City Manager acknowledged that two fire crews and two engines have responded to the Northern California fires and it is anticipated that additional staff may be deployed. She announced that the Website Redesign Committee will meet on October 12, 2017 at 6:00 pm at the Central Park Library to receive public input and that the meeting information has been posted on social media. She also reported that a status update on the curfew for weekday events at Levi's® Stadium, including noise monitoring locations, will be presented to the Stadium Authority.

The Interim City Attorney reported that earlier in the evening the Council met in the Council Conference Room for a **Closed Session** for a Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2) – Exposure to litigation, Number of potentiation cases: 1; Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2) – Exposure to litigation, Number of potential cases: 1 (FACTS AND CIRCUMSTANCES); City as potential defendant: Letter from SSL Law Firm LLP dated April 25, 2017 re: Lease between Morse-Fremont-08, LLC and ETA Lambda Facilities Corporation of Kappa Alpha Theta (“Tenant”) for 981 Fremont Street, Santa Clara (the “Premises”) [Member Caserta and Member Mahan abstained due to the subject property’s proximity to their residences]; Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Harmon v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:16-cv-04228 EJD; and the Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of San Jose v. City of Santa Clara*, San Mateo County Superior Court Case No. 16-CIV-02303 and there was no reportable action.

The Interim City Attorney also reported that the Conference with Labor Negotiators pursuant to Government Code Section 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) and the Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *City of Santa Clara v. City of San Jose*, San Mateo County Superior Court Case No. 17-CIV-00547 were not held.

There being no further business, **MOTION** was made by Davis, seconded and unanimously carried, that the meeting be adjourned at 10:00 pm, in **Memory of James Robert Booth** (retired Santa Clara Police Department Reserve Officer who served for 18 years); **John Elmer Crowe** (Assistant City Clerk, Jose Jasso’s father-in-law); **Victims of the fires in Sonoma, Napa, Mendocino, Yuba and Orange Counties**, and the **Victims of the shooting in Las Vegas, Nevada**. The next regular scheduled meeting is on Tuesday evening, **October 24, 2017** in the City Hall Council Chambers.

ATTEST: _____
City Clerk/Secretary/Clerk

APPROVE: _____
Mayor/Chairperson