

**MINUTES OF 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, JANUARY 30, 2018**

The City Council, with a quorum present, met at 4:30 pm, on the above-mentioned date, in the City Hall Council Chambers for a **Closed Session**.

2.A-C With no public comment, the Council then met in the Council Conference Room 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 (FACTS AND CIRCUMSTANCES) pursuant to Government Code Section 54956.9(e)(2), City as potential defendant: Claim of Christiane M. Brown, received February 11, 2016 re: NCIP Project #10481, 2105 Quinn Avenue; and Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Davis v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:15-cv-05603-EJD.

7. The Council, Stadium Authority, Sports and Open Space Authority and Housing Authority convened at 7:00 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.

9.A 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, City Attorney, Chief Operating Officer and City Clerk/Auditor.

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

- 10.A **MOTION** was made by Davis, seconded and carried with Caserta abstaining (not present at the meeting), that the **Minutes** of the Special Meeting of **January 10, 2018** be adopted as written.
- 12.A As a Special Order of Business, the Council proceeded to consider the Executive Assistant to the Mayor and City Council's informational report regarding the **Santa Clara Sister Cities Association** update on recent and upcoming Association events. Association President Tedra Nikolai addressed the Council and gave an electronic presentation on recent events and student exchanges and announced upcoming events. Ms. Nikolai answered Council questions.
- 12.B As a Special Order of Business, the Council proceeded to consider the Director of Public Works' informational report regarding a summary and survey results for the implementation of a **Pilot Residential Food Scraps Recycling Program**. The Deputy Director of Public Works reviewed the report. He gave an electronic presentation regarding the Program and the customers' survey results. The Council noted the Executive Assistant to the Mayor and City Council's informational memo regarding communications submitted after the agenda was posted. A Council discussion followed and the Deputy Director of Public Works and the City Manager answered questions. The following individuals addressed the Council with concerns regarding the Program: Marshall Caldwell, Mike O'Halloran, Deborah Bress and Hosam Haggag. Sudhanshu Jain addressed the Council in support of the Program.
- 13.A.1 **MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Human Resources' report, the Council **approve** the revised **job description for Police Captain**.
- 13.A.2 **MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Finance's report, the Council **note and file** the **Monthly Financial Status Reports** for November 2017, as presented.
- 13.A.3 **MOTION** was made by Davis, seconded and unanimously carried, that, per the Chief of Police's report, the Council **passed to print** **Ordinance No. 1977** entitled "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING SECTION 2.80.045 ('SPECIAL OPERATIONS DIVISION') TO CHAPTER 2.80 ('POLICE DEPARTMENT') OF TITLE 2 ('ADMINISTRATION AND PERSONNEL') OF 'THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA'" which reflects the current organization of the Police Department.
- 13.A.4 **MOTION** was made by Davis, seconded and unanimously carried, that, per the City Attorney's report, the Council **note and file** the First Amendment to the Declaration of Covenants, Conditions & Restrictions (CC&Rs) of Talavera for the **Talavera Owners Association** regarding the residential development at the intersection of Monroe Street and Scott Boulevard.

- 13.B.1 **MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Human Resources' report, the Council **approve** and authorize the City Manager to execute the **Memorandum of Understanding** with the **City of Santa Clara Employees' Association Units 5, 7 and 8** for December 17, 2017 to December 14, 2019.
- 13.B.2 **MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Public Works' report, the Council **approve** and authorize the City Manager to execute the **Agreement for Performance of Services** with **Fairway Painting, Inc.** to perform on-call painting services at the Santa Clara Convention Center Complex (Maintenance District #183) and City buildings for an amount not to exceed \$200,000 over the three-year term of the Agreement and **authorize** the City Manager to make minor, non-substantive modifications to the Agreement, if necessary.
- 13.B.3 **MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Public Works' report, the Council **approve** and authorize the City Manager to execute the **Agreement for the Performance of Services** with **Serrano Electric, Inc.** to perform on-call electrical services at the Santa Clara Convention Center Complex and City Buildings for the amount not to exceed \$468,240 over the three-year term of the Agreement and **authorize** the City Manager to make minor, non-substantive modifications to the Agreement, if necessary.
- 13.B.4 **MOTION** was made by Davis, seconded and unanimously carried, that, per the Director of Public Works' report, the Council **approve** and authorize the City Manager to execute the **Agreement and Covenant Running with the Land to Install and Maintain a Tieback System within the Public Rights-of-Way (Olcott Street and Scott Boulevard)** with **MDY Properties, Inc.** to install and maintain a tieback system within the public rights-of-way (Olcott Street and Scott Boulevard) at **3075 Olcott Street** [APN 224-46-006 (2017-18); SC 19,013] and **authorize** recordation of the Agreement.
14. Under Public Presentations, Trustee Mark Richardson, Santa Clara Unified School District Board of Trustees, commented on at-risk youth in the community. By Council consensus, Mr. Richardsons' concerns were referred to the City/School Liaison School Committee.
- 13.F.1 The Council proceeded to consider Assistant City Manager Shikada's report recommending approval of the request for Championship Team Funding (12/12/17) submitted by the **Buchser Middle School Music Association** to participate in the Disney Performing Arts Program in Anaheim, California from May 5-8, 2018. Deborah Bress addressed the Council with concerns. Hosam Haggag addressed the Council with general comments and Jodi Muirhead addressed the Council in support of the recommendation. **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **approve** the Association's request and **authorize** the City Manager to execute a Contribution Agreement, subject to final approval of the City Attorney.

Member Mahan stepped off the Council dais for the remainder of the meeting.

MOTION was made by Davis, seconded and unanimously carried (Mahan absent), that the Council **excuse** Member Mahan for the remainder of this evening's meeting.

17.A

The Council proceeded to consider the City Attorney and Assistant City Manager Nader's report regarding a **Charter Amendment for Council District Elections**, including the following recommendations 1) adopt a **Resolution Calling a Special Municipal Election to be held on Tuesday, June 5, 2018** for a vote on a ballot measure related to the **implementation of district elections and method of elective officers that, if passed, would amend Charter Sections 600 and 700.1, and add Section 700.2;** 2) adopt a Resolution requesting that the Santa Clara Board of Supervisors consolidate the election with the Gubernatorial Primary Election on June 5, 2018; 3) adopt a Resolution ordering the submission of a ballot measure to the electors of the City of Santa Clara regarding the proposed Charter Amendment to establish by-district elections and voting method and directing the City Attorney to prepare an Impartial Analysis; 4) authorize the appropriation of \$188,000 to Contractual Services to fully fund the ballot measure; 5) authorize the City Manager to establish a five member Ad-hoc Advisory Districting Committee; and 6) authorize the City Manager to take other related actions as necessary. The City Manager reviewed the report. The City Manager gave an electronic presentation and reviewed the agenda for discussion of the item. The City Attorney continued with the electronic presentation and reviewed the required Resolutions for calling a Special Election, the ballot question, proposed Charter election provisions for two Council districts, options for drafting the ballot arguments and impartial analysis and election timeline. The City Manager then continued with the electronic presentation and introduced Jeanne Gobalet with Lapkoff & Gobalet Demographic Research, Inc. who will provide data and analysis for drawing the district line and Elaine Costello with Management Partners who will facilitate public hearings and provide public engagement services. They reviewed the districting statutory requirements, criteria for an Ad-Hoc Advisory Committee and community outreach dates and locations. A Council discussion followed and the City Attorney, City Manager and Ms. Gobalet answered Council questions. The City Manager noted that Section 5 of the third proposed Resolution regarding the drafting of the argument in favor of the measure be continued to a later date and recommended establishment of a three to five-member Ad-Hoc Advisory Districting Committee. The following individuals addressed the Council in support of the recommendations: Margaret Okuzumi, Pamela Vavra, Linda Sell (provided a handout), Sudhanshu Jain, Pedro Hernandez, Keith Stattenfield, Jodi Muirhead, Saskia Fein, Hosam Haggag and Deborah Bress. The following individuals addressed the Council with concerns: Mike O'Halloran and Suraj Daseka. The City Manager clarified that the estimated cost for the proposed ballot measure, including translation services and other related costs, is approximately \$188,000. The City Clerk reviewed his report outlining the timeline for the June 5, 2018 Special Municipal Election. **MOTION** was made by Davis, seconded and unanimously carried (Mahan absent), that the Council **adopt Resolution No. 18-8491** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2018, FOR A VOTE ON ONE BALLOT MEASURE THAT, IF PASSED, WOULD AMEND SECTIONS 600 AND 700.1 AND ADD SECTION 700.2 TO THE SANTA CLARA CITY CHARTER", as presented to the Council; **adopt Resolution No. 18-8492** entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REQUESTING, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE, THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 5, 2018, WITH THE STATEWIDE DIRECT PRIMARY ELECTION TO BE HELD ON THAT SAME

DATE FOR THE PURPOSE OF SUBMITTING ONE BALLOT MEASURE TO THE VOTERS TO CONSIDER CHARTER AMENDMENTS RELATING TO BY-DISTRICT ELECTIONS AND VOTING METHOD”, as presented to the Council”; **adopt Resolution No. 18-8493** entitled “A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED ELECTORS OF THE CITY AT A JUNE 5, 2018, SPECIAL MUNICIPAL ELECTION REGARDING PROPOSED CITY CHARTER AMENDMENTS TO ESTABLISH BY-DISTRICT ELECTIONS AND THE VOTING METHOD; AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS”, with the elimination of Section 5 of the proposed Resolution regarding the appointment of individuals to draft the argument in favor of the ballot measure; and **authorize** the City Manager to appropriate \$188,000 to Contractual Services to fully fund the ballot measure, establish a three to five member Ad-Hoc Advisory Districting Committee, and take other related actions as necessary;

21. The Mayor gave an electronic presentation on her recent attendance with the City Manager at the United States Conference of Mayors 86th Winter Meeting in Washington, D.C. Member O'Neill reported on her recent attendance at the California Municipal Utilities Association Capitol Day in Sacramento. Member Watanabe reported on her recent attendance at the first Ad Hoc Advisory Committee on South Flow Arrivals at San Jose City Hall.
23. The City Attorney reported that the Council met earlier in the evening in the Council Conference Room for a **Closed Session** 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 (FACTS AND CIRCUMSTANCES) pursuant to Government Code Section 54956.9(2), City as potential defendant: Claim of Christiane M. Brown, received February 11, 2016 re: NCIP Project #10481, 2105 Quinn Avenue; and Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Davis v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:15-cv-05603-EJD and there was no reportable action.

24. There being no further business, the meeting was adjourned at 10:10 pm in **Memory of the Victims of the Benton, Kentucky shooting on January 23, 2018**. The next regular meeting is on Tuesday evening, **February 6, 2018**, in the City Hall Council Chambers.

ATTEST: _____
City Clerk/Secretary/Clerk

APPROVE: _____
Mayor/Chairperson

DRAFT