

4/18/17

9.A  
(Updated)

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, MARCH 7, 2017

2.A The City Council, with a quorum present, met at 4:00 pm, on the above-mentioned date, in the City Hall Council Chambers for a **Study Session** to consider the Assistant City Manager Kurotori's informational report regarding the **City Infrastructure Assessment**. The City Manager introduced the item. Assistant City Manager Kurotori addressed the Council and began an electronic presentation summarizing the general government and City enterprise infrastructures and infrastructure funding and grading criteria. The Acting Assistant Director of Public Works/City Engineer continued with the presentation summarizing pavement management, storm drain, traffic signal, bicycle facilities, public buildings and the Santa Clara Convention Center Complex. The Director of Parks and Recreation continued with the presentation summarizing parks infrastructure. The Director of Water and Sewer Utilities continued with the presentation summarizing storage tank rehabilitation, wells, main line replacement and sanitary sewer system infrastructure, and the San Jose-Santa Clara Regional Wastewater Facility. Assistant City Manager Kurotori completed the presentation summarizing Silicon Valley Power infrastructure. A Council discussion followed and the Director of Parks and Recreation, Interim City Manager, Assistant City Manager Kurotori and the Director of Electric Utility answered questions. Deborah Bress addressed the Council with concerns.

3.A The Council and Stadium Authority proceeded with the **Study Session** to consider the Acting Director of Finance/Finance Director for Stadium Authority's informational report requesting Council and Stadium Authority input on the proposed **Santa Clara Stadium Authority Fiscal Year 2017-18 Operating, Debt Service and Capital Budget**. The Acting Director of Finance/Finance Director for Stadium Authority addressed the Council and gave an electronic presentation on the proposed budget. A Council/Stadium Authority discussion followed and the Interim City Manager/Interim Executive Director and Acting Director of Finance/Finance Director for Stadium Authority answered questions. Jim Mercurio, Vice President of Stadium Operations and Security for the San Francisco 49ers, answered questions. Deborah Bress addressed the Council/Stadium Authority with concerns. The Council and Stadium Authority noted an email (3/7/17) submitted by Elizabeth Megas containing her input for the proposed budget. The Interim City Manager/Interim Executive Director acknowledged David Noce, Finance Accounting Division Manager and Tyler Cook, Finance Accountant for their work on the proposed budget.

With no public comment, the Council, with a quorum present, met at 5:55 pm in the Council Conference Room for a **Closed Session**.

**POST MEETING MATERIAL**

5.A-G

The Council met for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City representative: Rajeev Batra, Interim 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); Public Employee Performance Evaluation pursuant to Government Code Section 54957, Title: Interim City Manager; Public Employee Performance Evaluation pursuant to Government Code Section 54957, Title: Interim City Attorney; Public Employee Appointment pursuant to Government Code Section 54957, Title: City Attorney; Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Freedom From Religion Foundation et al. v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 16-CV-2072 HRL; 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 7:05 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: Interim City Manager, Interim City Attorney and City Clerk/Auditor.

11.A **MOTION** was made by Caserta, seconded and unanimously carried, that the **Minutes** for the Special Meeting of **January 31, 2017** be adopted as written.

11.B **MOTION** was made by Davis, seconded and carried with Watanabe abstaining (not present at the meeting), that the **Minutes** for the Meeting of **February 7, 2017** be adopted as written.

13.A As a Special Order of Business, the Council proceeded to consider the Executive Assistant to the Mayor and City Council's informational report recognizing the **Santa Clara High School Girls Basketball Team** for completing their 2016-2017 season undefeated. Coaches DeeDee Kiyota, John Smith and Mickie Ferrer addressed the Council and introduced each team player. A representative from Congressman Ro Khanna's office presented a congratulatory citation to the players and coaches. The Council congratulated the coaches and the team for its success. Photographs were taken.

14.F.1

The Council proceeded to consider the Director of Parks and Recreation's report recommending approval of the request submitted by Wilcox High School Cheer for Championship Team Funding in the amount of \$1,497 for travel expenses to participate in the USA 2017 Spirit Nationals competition at Disney's California Adventure Park in Anaheim from March 23-27, 2017. **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **approve** the funding of \$1,497 and **approve** and authorize the City Manager to execute a **Contribution Agreement** with Wilcox High School Cheer. The Cheer group performed for the Council.

13.B

As a Special Order of Business, the Council proceeded to consider the City Clerk/Auditor's report regarding the interviews and appointment of one applicant to fill the vacancy on the Civil Service Commission for the partial term ending June 30, 2017. The Council proceeded to interview the following applicants: John Casey, Chris Horton and Ram Misra. The following applicants were not present for the interviews: Mini Khroad, Smita Nair and Kiran Shinde. **MOTION** was made by Watanabe, seconded and unanimously carried, that the Council **appoint** John Casey to the Civil Service Commission for the partial term ending June 30, 2017.

13.C

**MOTION** was made by Mahan, seconded and unanimously carried, that the Council **continue** to March 21, 2017 the City Clerk/Auditor's informational report for recognition of Usha Srinivasan and Fatima Fagundes for their service on the Cultural Commission. Commissioner Harbir Bhatia addressed the Council on behalf of the Cultural Commission and summarized upcoming Commission events.

14.A.1

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Chief of Police's report, the Council **approve** setting the **salary** of Lateral Police Officer candidate Jason Guzman at Step 3, Salary Grade B-31.

14.A.2

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Parks and Recreation's report, the Council **approve** setting the **salary** of Recreation Coordinator candidate Angelique Wilson at Step 3, Salary Grade A-27.

14.A.3

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utilities' report, the Council **approve** setting the **salary** of Electric Utility Programmer Analyst candidate Kevin Kmetz at Step 4 of the salary range for Schedule A-36.

14.A.5

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Chief of Police's report, the Council **authorize** the City Manager, or his designee, to accept the funding from the California Board of State and Community Corrections in the amount of \$46,379.96 and **approve** the funding to Police Grants Revenue from Other Agencies; **approve** appropriation of the funding to Police Grants Overtime; and **approve** the rollover of unexpended appropriation to future years.

14.A.6

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the City Librarian's report, the Council **approve** the transfer of \$250,000 from the Library Trust Donations account and \$30,000 from the Expendable Trust Fund and **approve** the appropriation of \$280,000 in the Bookmobile and Mobile Library Services account for the purchase of a **Library Bookmobile**.

14.A.7

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility's report, the Council **approve** the use of **City Electric forces** for the installation of facilities at 3740 El Camino Real and 1525 Alviso Street.

14.A.8

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's report, the Council **accept** the work performed by **O'Grady Paving, Inc.** on the **Great America Parkway Pavement Rehabilitation (Mission College Boulevard to Tasman Drive) Project** and **authorize** the recordation of a Notice of Completion with the County Recorder (CE 15-16-04).

14.B.2

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the City Manager/City Manager for Council Acting as the Successor Agency to the Redevelopment Agency's report, the Council/Successor Agency **approve** and authorize the City Manager to execute a **Grant of Avigation Easement** with the **City of San Jose** for the benefit of the Norman Y. Mineta San Jose International Airport on Successor Agency and City owned parcels located at **4701 Great America Parkway** (APNs 104-42-008, 104-42-014 and 104-42-019).

14.B.3

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility's report, the Council **approve**, and authorize the City Manager to execute, **Amendment No. 1** to the **Electric Service Agreement** with **Vantage data Centers, LLC** to reflect a change in electric usage.

14.B.4

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's report, the Council **approve** and authorize the City Manager to execute the **Agreement and Covenant Running with the Land to Install and Maintain Private Street Light Poles, Non-Standard Driveway Approaches, Non-Standard Sidewalk, Non-Standard Curb Ramps, and Decorative Concrete Pavers within the Public Right-of-way** with **3255 Scott Boulevard LLC and 3265 Scott Boulevard LLC** to construct and maintain non-standard street light poles, driveway approaches, sidewalk, curb ramps and decorative concrete pavers with the public right-of-way along Scott Boulevard and Montgomery Drive at 3370 Montgomery Drive and 3265 Scott Boulevard and **authorize** the recordation of the Agreement with the County Recorder (APN 216-45-022 and 023; SC 18,860).

14.B.5

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility's report, the Council **approve** and authorize the City Manager to execute an **Agreement for Professional Services** with **GEI Consultants, Inc.** in an amount not to exceed \$304,563.39 for engineering services and project management for the Black Butte Erosion Repair Project.

14.B.6

**MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Parks and Recreation's report, the Council **approve** and authorize the City Manager to execute, **Amendment No. 1** to the **Agreement with Gates & Associates** for additional design, engineering and project management services for the San Tomas & Monroe Neighborhood Park & Community Garden and appropriate funds in the amount of \$81,832.50 from Unallocated Parks and Recreation Developer Contributions to the Neighborhood Park & Community Garden Project.

14.C.1

14.E1-7 **MOTION** was made by Caserta, seconded and unanimously carried, that the Council/Authorities **approve** the payment of **Bills and Claims and Progress Payments**.

15.A **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Parks and Recreation Commission** for the meeting of November 15, 2016; **Senior Advisory Commission** for the meeting of November 28, 2016; **Youth Commission** for the meeting of January 10, 2017; **Planning Commission** for the meetings of January 25, 2017 and February 8, 2017; **Housing Rehabilitation Loan Committee** for the meeting of October 13, 2016 and the **City/School Liaison Committee** for the meeting of February 1, 2017.

14.A.4 Under Public Presentations, Howard Myers and Kirk Vartan expressed general comments regarding development in Santa Clara. Deborah Bress expressed general comments of concern.

14.A.9 The Council proceeded to consider the Director of Human Resources' report recommending a **5% merit salary increase for Interim City Manager Rajeev Batra** per the Miscellaneous Management Memorandum of Understanding and to update the Compensation Schedule from \$25,141 per month to \$26,398 per month. A Council discussion followed. **MOTION** was made by Mahan, seconded and unanimously carried, that the Council **approve** the recommendation subject to written confirmation of the application of the Internal Revenue Code Section 401(A)(17) related to the compensation limitation law.

The Council proceeded to consider the Director of Public Works/City Engineer's report recommending the approval of the **Plans and Specifications** for the **Santa Clara High School and Adrian Wilcox High School Crosswalk Study**. The Interim City Manager gave an electronic presentation regarding the project. Michal Healy Santa Clara Unified School District, addressed the Council in support. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **approve** the Plans and Specifications and **authorize** the City Manager to make minor modifications, as necessary, and to advertise for bids (CE16-17-04).

14.B.1

The Housing Authority proceeded to consider the Deputy City Manager's report recommending approval of the **First Amendment** to the **Exclusive Negotiating Rights Agreement** with **Core Affordable Housing, LLC** to extend the term of the Agreement to July 21, 2018. A Housing Authority discussion followed and the Deputy City Manager answered questions. **MOTION** was made by Mahan, seconded and unanimously carried, that the Housing Authority **continue** the item to the March 21, 2017 meeting for consideration.

18.A.

**PUBLIC HEARING:** The Mayor declared the Public Hearing open for consideration of the Director of Community Development's report regarding the proposed construction of a five-story mixed-use development on a 2.74 acre site with 10,000 square feet of commercial floor area and 151 apartment units located at **2232-2240 El Camino Real** with the following recommendations: 1) Adoption of a Resolution adopting the Mitigated Negative Declaration and adopting the Mitigation Monitoring and Reporting Program; 2) Adoption of a Resolution approving the rezone from Community Commercial (CC) to Planned Development (PD) to allow the development, including the additional conditions of approval related to electrical vehicle charging parking and unbundled parking as recommended by the Planning Commission and as agreed by the applicant; and 3) Adoption of a Resolution approving the Vesting Tentative Parcel Map for combining two parcels into one 2.74 acre site (APN: 290-10-090 and 290-10-091) [PLN2016-11807 (Rezone), PLN2016-11824 (Vesting Tentative Parcel Map) and CEQ2016-01009 (MND)]. The Director of Community Development reviewed his report and gave an electronic presentation regarding the project. Applicant Elaine Breeze, Vice President of Development, SummerHill Apartment Communities, addressed the Council and gave an electronic presentation regarding the project. She addressed Council questions. The Council noted the Executive Assistant to the Mayor and City Council's report regarding correspondence received after the agenda was posted. Michal Healy, Santa Clara Unified School District, and Paul Bickmore addressed the Council in support of the project. The following individuals addressed the Council in opposition to the project: Mark Apton, Gary Alves, Howard Myers, Joselyn Lee, Deborah Bress, Prahallad Iyengar, Nareekan Sountornkiti, Karen Hardy, Efran Lopez, Rich Bonito, Raj Chahal, Hosam Haggag, Kevin Park, Markus Bracamontes, Sanaya (last name unknown) and Sam Kumar. The following individuals addressed the Council with general comments: Kirk Vartan, Adam Thompson, Sudhanshu Jain and Harbir Bhatia. Ms. Breeze provided a handout regarding the project and answered Council questions. There being no further public input, **MOTION** was made by Caserta, seconded and unanimously carried, that the Public Hearing be closed. A **Motion** made by O'Neill, and seconded, with Davis, Mahan, Watanabe and Gillmor dissenting, that the Council approve staff recommendations and approve the project, failed to pass.

18.B

PUBLIC HEARING: The Mayor declared the Public Hearing open for consideration of the Director of Community Development's report regarding the **Fiscal Year 2017-18 Annual Plan for the Use of Federal Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Act Entitlement Funds**. The Interim City Manager reviewed the report and clarified that the recommendation for this evening's Public Hearing is to note and file oral and written testimony. Funding approval will be considered at a future Public Hearing. The Council noted a presentation attached to the report that was not electronically presented. Representatives from the following organizations addressed the Council seeking funding: Bill Wilson Center, Next Door Solutions, Silicon Valley Independent Living Center, Senior Adult Legal Assistance, Long Term Care Ombudsman Program, Project Sentinel and Live Oak Adult Day Services. Deborah Bress addressed the Council with general comments. **MOTION** was made by Mahan, seconded and unanimously carried, that the Public Hearing be closed. **MOTION** was then made by Caserta, seconded and unanimously carried, that the Council **note and file** the oral testimony received.

20.A-B

**MOTION** was made by Davis, seconded and unanimously carried, that the Stadium Authority **note and file** the **Minutes** of the **Ad Hoc Stadium Audit Committee** for the meetings of January 23, 2017 and February 6, 2017.

21.B

The Council proceeded to consider the Mayor's report recommending that the Council review and discuss the proposed policy for **Official Travel by Elected and Appointed Members of the City Council** and direct the City Manager to come back with the finalized policy in conjunction with Policy and Procedure 043 of the City of Santa Clara Policy and Procedure Manual and corresponding resolution at the April 4, 2017 Council meeting. A Council discussion followed. Hosam Haggag, Deborah Bress and Burt Fields addressed the Council with general comments. **MOTION** was made by Mahan, seconded and unanimously carried, that the Council **approve** the recommendation and **refer** the policy to the City Manager to return to Council on April 4, 2017.

21.A

Member O'Neill reported on a recent Santa Clara Valley Transportation Authority (VTA) meeting where the Caltrans Regional director addressed concerns related to litter, graffiti and homeless encampments along the freeways within Santa Clara County cities and their associated costs. She reported and gave an electronic presentation on her recent attendance with the Director of Electric Utilities at the American Public Power Association Legislative Rally & Conference in Washington, D.C. and their meeting with senators' staff members.

Member Watanabe reported on her recent attendance at the Elected Officials Disaster Response training in San Jose, two days after the Coyote Creek flood.

Member Davis requested an agenda report related to Proposition 64 (marijuana legalization); announced the Downtown Revitalization Committee meeting on April 20 at 6:30 pm in the Council Chambers; reported that four members attended the Joint Venture meeting on February 17 along with staff members regarding an overview of Silicon Valley Traffic Development and impacts; announced upcoming Triton Museum of Art events –

Brown Bag Lunch on April 9 with curator Preston Metcalf and an Artist Reception on March 12; and reported on the recent Showtime event.

22.A

Burt Field expressed comments of concern related to publishing in the Santa Clara Weekly. By Council consensus, the matter was referred to the Interim City Attorney and City Clerk/Auditor to return with a report. Hosam Haggag expressed general comments related to the placement of Public Presentations on the agenda.

23.A

The Interim City Manager announced the following upcoming meetings: March 14 at 5:00 pm in the Council Chambers: Envisioning Santa Clara County 3.0; March 20 at 7:00 pm in the Council Chambers: Land Use Policy Updates; March 24 at 6:00 pm at Santa Clara University in the Locatelli Student Activity Center: Placemaking Workshop Creating the City of the Future; March 25 at 9:00 am at the Senior Center: 90 North Winchester Visioning Workshop Project, Bay Area Research and Extension Center (BAREC); and March 28 at 6:00 pm in the Council Chambers: Special Council Meeting, General Plan Project.

The City Attorney reported that the Council met earlier in the evening for a **Closed Session** for the Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Freedom From Religion Foundation et al. v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 16-CV-2072 HRL and **approved a Settlement Agreement**.

The City Attorney reported that the Council met for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City representative: Rajeev Batra, Interim 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); Public Employee Performance Evaluation pursuant to Government Code Section 54957, Title: Interim City Manager; Public Employee Performance Evaluation pursuant to Government Code Section 54957, Title: Interim City Attorney; Public Employee Appointment pursuant to Government Code Section 54957, Title: City Attorney; 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 and there was no reportable action.

There being no further business, **MOTION** was made by Mahan, seconded and unanimously carried, to **adjourn** the meeting at 11:45 pm in **Memory** of **Eleanor Billings** (retired Office Specialist III, Finance Department). The next regular scheduled meeting is on Tuesday evening, **March 21, 2017** in the City Hall Council Chambers.

ATTEST: \_\_\_\_\_  
City Clerk/Secretary/Clerk

APPROVE: \_\_\_\_\_  
Mayor/Chairperson