



# City of Santa Clara

## Meeting Minutes

### Council and Authorities Concurrent Meeting

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09/11/2018

5:00 PM

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

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

#### 5:00 PM JOINT DINNER

Call to Order in the Council Chambers

Mayor Gillmor called the Joint Dinner to order at 5:02 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

18-875      Informational Joint Dinner Meeting with the Cultural Commission

#### 6:00 PM CLOSED SESSION

Call to Order in the Council Chambers

Mayor Gillmor called the Closed Session to order at 6:06 PM.

Confirmation of a Quorum

Acting City Clerk confirmed a quorum.

Public Comment

None.

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18-1245 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 #98 - Unclassified Fire Management Employees  
Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association)

18-1269 Conference with Real Property Negotiators (CC, SOSA)  
Pursuant to Gov. Code§ 54956.8  
Property: 1531 Stars and Stripes Drive, Portion of APN 104-03-036  
City Negotiator: Deanna J. Santana, City Manager (or designee)  
Negotiating Parties: David Ebrahimi, D.E. I Restaurants, Inc.  
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property  
(provisions, price and terms of payment)

Convene to Closed Session (Council Conference Room)

7:00 PM COUNCIL REGULAR MEETING

Call to Order

Mayor Gillmor called the Regular Meeting at 7:04 PM.

Pledge of Allegiance and Statement of Values

Roll Call

Present: 5 - Council Member Patricia M. Mahan, Council Member Teresa O'Neill, Mayor Lisa M. Gillmor, Vice Mayor Kathy Watanabe, and Council Member Patrick Kolstad

Excused: 1 - Council Member Debi Davis

A motion was made by Council Member Kolstad, seconded by Council Member Watanabe, to excuse Council Member Davis from the meeting.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

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

City Attorney reported that there were no reportable action from Closed Session.

**CONTINUANCES/EXCEPTIONS**

Public Speaker(s): Public Speaker (1)

A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, to continue Item #3 to October 2, 2018 meeting.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

**CONSENT CALENDAR**

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve the consent calendar.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

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1.A      [18-363](#)      Action on the Council and Authorities Concurrent and Stadium Authority Meeting Minutes

**Recommendation:** Note and file the Minutes of:

Council and Authorities Concurrent Meeting - May 15, 2018  
Joint Council and Stadium Authority Meeting - May 22, 2018

A motion was made by Council/Board Member Kolstad, seconded by Council/Board Member Mahan, to staff recommendation.

Aye: 5 - Council/Board Member Mahan, Council/Board Member O'Neill, Mayor/Chairperson Gillmor, Council/Board Member Watanabe, and Council/Board Member Kolstad

Excused: 1 - Council/Board Member Davis

1.B      [18-119](#)      Action on the Contribution Agreement with the Triton Museum of Art

**Recommendation:**

1. Approve and authorize the City Manager to execute the FY 18/19 Contribution Agreement with Triton Museum of Art in the amount not-to-exceed \$289,560;
2. Authorize the City Manager to execute future Contribution Agreements in substantially the same form as long as the City has a valid Lease and Operation Agreement with the Triton Museum, subject to annual budget appropriations and;
3. Authorize the City Manager to make minor modifications to the Contribution Agreement if necessary.

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve staff recommendation.

1.C [18-445](#) Action on an Ordinance Codifying Existing Claims Settlement Authority and Amending Settlement Authority for Workers' Compensation Matters

**Recommendation:** Approve the introduction of an Ordinance Of The City Of Santa Clara, California, Adding Section 1.15.090 ("Claim Settlement Authority") To Chapter 1.15 ("Claims Against The City") Of Title 1 ("General Provisions") Of "The Code Of The City Of Santa Clara, California" to (1) revise the settlement authority limits for workers' compensation matters to reflect that the City Attorney, with written concurrence of the City Manager, has authority to settle claims by compromise and release up to and including \$250,000, and authority to settle stipulations at any amount, and (2) codifying existing authority for City Manager and City Attorney to settle all other claims.

**A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve the introduction of Ordinance No. 1987.**

1.D [18-871](#) Action on Amendment No. 1 to an Agreement with GFI Entertainment, LLC for Citywide Special Events

**Recommendation:** Approve and authorize the City Manager to execute Amendment No.1 to the Agreement with GFI Entertainment, LLC in the amount of \$151,000 for sound, lighting, equipment, talent, production and stage management services

**A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve staff recommendation.**

1.E [18-1075](#) Action on a Resolution for the Use of City Electric Forces at Various Locations

**Recommendation:** Adopt a Resolution approving the use of City Electric Forces for the installation of facilities at Stevens Creek Boulevard at Henry Avenue; 2800 San Tomas Expressway; 3325/3305 The Alameda; 2121 and 2119 Main Street; 2888 San Tomas Expressway; 2950 Lakeside Drive; CalTrain crossings east and west of Scott Boulevard overpass, north of Scott Boulevard/Monroe Street Intersection; Grant Street South of Reed Street; 1048 Monroe Street; 1479 and 1485 Bellomy Street; 2361 Arguello Place; 526 Laurelwood Road.

**A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to adopt Resolution No. 18-8600.**

1.F [18-1065](#) Action on the 2017-2020 Memorandum of Understanding between the City of Santa Clara and the Santa Clara Firefighters, International Association of Firefighters, Local 1171 (Unit 1)

**Recommendation:** 1. Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and Santa Clara Firefighters, International Association of Firefighters, Local 1171 (Unit 1) 2017-2020, with effective dates of December 17, 2017 to December 26, 2020.  
2. Direct the City Manager to allocate \$1.4 million from the FY 2017/18 General Fund surplus to the FY 2018/19 Fire Department General Fund budget.  
3. Adopt a Resolution approving the salary schedule for Santa Clara City Firefighters, IAFF Local 1171 (Unit 1), effective December 17, 2017.

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to adopt Resolution No. 18-8601.

1.G [18-1158](#) Action on Council and Authorities Concurrent and Stadium Authority Meetings for 2019

**Recommendation:** Set the 2019 calendar year Council and Authorities Concurrent and Stadium Authority meetings as reflected on the attached calendar.

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve staff recommendation.

#### PUBLIC PRESENTATIONS

Public Speaker expressed comments of concern on Measure M.

Carolyn Donnell (on behalf of Heart of the Valley) expressed gratitude for the support received by the City of Santa Clara.

#### CONSENT ITEMS PULLED FOR DISCUSSION

#### PUBLIC HEARING/GENERAL BUSINESS

2. Information Related to November 2018 Election:

A. [18-1263](#) Informational Report regarding the November 2018 Election, including Background Information on the Code of Ethics and Values, Previous Consultant Services and Candidate Forums

Public Speaker(s): Public Speakers (2)

A motion was made by Council Member Watanabe, seconded by Council Member O'Neill, to note and file the report.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

B. [18-1261](#) Action on Council Member Mahan's Request for a Candidate Forum for All Santa Clara Candidates

**Recommendation:** There is no staff recommendation for this issue.

Public Speaker(s): Mario Bouza

A motion was made by Council Member Mahan, seconded by Council Member O'Neill, to note and file the report and to include contacting League of Womens Voters to seek assistance with a forum for measures.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

3. [18-444](#) Action on Donations to the City Policy and Gifts to Elected and Appointed Officials Policy and Related Budget Amendment

**Recommendation:** Adopt a resolution to approve the Donations to the City policy and the Gifts to Elected and Appointed Officials policy, and approval of related budget amendment.

A motion was made by Council Member O'Neill, seconded by Council Member Watanabe, to continue Item #3 to October 2, 2018 meeting.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

4. [18-915](#) Public Hearing: Fiscal Year 2017-18 Consolidated Annual Performance and Evaluation Report (CAPER) for the use of HUD Funds

**Recommendation:** Alternatives 1 and 2

1. Approve the FY 2017-18 Consolidated Annual Performance and Evaluation Report (CAPER) for the use of HUD Funds (Attachment 1).
2. Authorize the City Manager, or her designee, to execute the documents for submission to the U.S. Department of Housing and Urban Development (HUD) by September 30, 2018 unless otherwise directed by HUD.

Public Speaker(s): Public Speaker (1)

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

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

A motion was made by Council Member Kolstad, seconded by Council Member Mahan, to approve Alternatives #1 and #2.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

5. [18-899](#) Update on the Selection of a Developer for 2330 Monroe Street Affordable Housing Development (Housing Authority)

**Recommendation:** Alternatives 1 & 2:

1. Note and File Staffs Recommendation of Freebird Development's Proposal for the Development of 2330 Monroe Street.
2. Direct Staff to initiate negotiation on an Exclusive Negotiation Agreement (ENA) with Freebird Development for future Council consideration.

Public Speaker(s): Mitch Mankin  
Robin Zimbler  
Jan Stokley  
Kris Mccann  
Darcy Mccann  
Tom Yetter  
Michael Petros  
Public Speakers (3)

A motion was made by Council Member Watanabe, seconded by Council Member Kolstad, to approve Alternative #1 and #2.

Aye: 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor  
Council Member Watanabe, and Council Member Kolstad

Excused: 1 - Council Member Davis

### STADIUM AUTHORITY ITEMS

6. [18-413](#) Action on the Audited Santa Clara Stadium Authority Fiscal Year 2017/18  
Annual Financial Statements

**Recommendation:** Note and file the Santa Clara Stadium Authority Fiscal Year 2017/18  
Annual Financial Statements.

Public Speaker(s): Public Speaker (1)

A motion was made by Board Member O'Neill, seconded by  
Board Member Watanabe, to note and file the report.

Aye: 5 - Board Member Mahan, Board Member O'Neill, Chairperson  
Gillmor, Board Member Watanabe, and Board Member Kolstad

Excused: 1 - Board Member Davis

### REPORTS OF MEMBERS AND SPECIAL COMMITTEES

Council Member O'Neill reported on a gift received from a University in  
Korea.

### CITY MANAGER/EXECUTIVE DIRECTOR REPORT

City Manager noted the following events:

- Art and Wine Festival September 15-16, 2018
- Grand Opening of Mission Branch Library on September 22, 2018

City Manager also provided an update on Mr. Ken Kim's request for  
additional funding for the Korea Day event. The City Manager's Office  
determined not to fund the request due to the Council's direction to fund  
public safety aspects of the event.

[18-1266](#) Informational Report on the Status of Tourism Improvement District  
Financial Audit

City Manager reported that the auditor needs to confirm information  
received today (September 11, 2018) prior to reporting to City Council.

Public Speaker(s): Public Speaker (1)

A motion was made by Council Member O'Neill, seconded by  
Council Member Watanabe, that this item be noted and filed.

**Aye:** 5 - Council Member Mahan, Council Member O'Neill, Mayor Gillmor, Council Member Watanabe, and Council Member Kolstad

**Excused:** 1 - Council Member Davis

## ADJOURNMENT

[18-1376](#)      Adjournment Post Meeting Material

The meeting was adjourned at 8:58 PM in memory of Donald Korn (City of Santa Clara Parks & Recreation Department employee), Elizabeth "Liz" Call Jones (Mother of West Calley Mission Community College District Board President Anne Kepner), and in remembrance to those who lost their lives on September 11.

The next regular scheduled meeting is on Tuesday evening, September 18, 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.

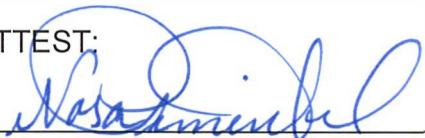
Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

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:

  
Assistant City Clerk/Secretary/Clerk

APPROVE:

  
Mayor/Chairperson