

**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, FEBRUARY 6, 2018**

The City Council, with a quorum present, met at 3:45 pm, on the above-mentioned date, in the City Hall Council Chambers for a **Closed Session**.

- 2.A-E With no public comment, the Council then met in the Council Conference Room for a Conference with Real Property Negotiators pursuant to Government Code Section 54956.8, Property: APN 269-22-096, 1060 Benton Street, City Negotiator: Deanna J. Santana, City Manager (or designee), Negotiating Parties: Prometheus Partners, Under Negotiation: Purchase of public use easement or fee interest in a portion of 1060 Benton Street to accommodate a possible future extension of Franklin Street (32,000 SF) and Washington Street (4,300 SF); [*Members Caserta and Mahan and Mayor Gillmor abstained due to subject property's proximity to their properties/business*]; 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-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), *County of Santa Clara v. Donald J. Trump, et al.*, Ninth Circuit Court of Appeals, Case No. 17-17480 and *City and County of San Francisco v. Donald J. Trump, et al.*, Case No. 17-17478; and 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: Letter dated December 12, 2017, from Rajeev Batra, regarding retirement benefits.

- 5.A The City Council and the Board of Library Trustees met at 5:02 pm in the City Hall Council Chambers for an **Informational Joint City Council and Board of Library Trustees 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: Board of Library Trustees Leonne Broughman, Jan Hintermeister, David Kyo and Ashish Mangla and Chair Stephen Ricossa.

Staff Present: City Manager, City Attorney, City Clerk/Auditor and City Librarian.

Per the Executive Assistant to the Mayor and City Council's informational report, the **Council and the Board of Library Trustees proceeded with the joint dinner meeting** for an update on current activities and potential future projects. A Council/Board of Library Trustees discussion was held.

- 8.A The Council proceeded with a **Study Session** regarding the **Tasman East Specific Plan Area**. The Director of Community Development reviewed his informational report and gave an electronic presentation which included a progress report on the Plan, open space strategy, school site designation and identified next steps. A Council discussion followed and the Director of Community Development answered questions. The Council noted the following communications submitted after the agenda was posted: an email (2/6/18) with an attached letter (1/11/17) submitted by Colleen Haggerty, Santa Clara Valley Water District; a letter (2/6/18) submitted by Jonathan Fearn, SummerHill Homes, on behalf of Related California, Holland Partner Group, Ensemble Real Estate Investments and St. Anton Communities; and an email (2/6/18) submitted by Jonathan Fearn, SummerHill Homes. The following individuals addressed the Council with concerns: Richard Reisman, Jan Hintermeister, Ron Patrick, Gita Dev, Helen Narverson, Michal Healy, Kirk Vartan, Heather Narcisso, Paul Bickmore and Hazel Alabado.

9. The Council, Stadium Authority, Sports and Open Space Authority and Housing Authority convened at 7:04 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.

11. 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."

12. The Mayor announced that this afternoon she received a letter from City Clerk/Auditor Rod Diridon, Jr. in which he tendered his resignation as City Clerk and Auditor effective February 6, 2018. The City Attorney stated that at this evening's meeting the Council may determine there is a need to take immediate action on this matter which arose after the agenda was posted. **MOTION** was then made by Caserta, seconded and unanimously carried, that the Council find that there is need to take action on this matter which arose after the agenda was posted and direct that the item be considered at this time. The Mayor asked Mr. Diridon to speak to the matter. Mr. Diridon read his resignation letter stating he will resume a career in the high-technology industry and thanked the residents of Santa Clara for the opportunity to serve as Council Member, City Clerk and Auditor. He expressed his deep respect for the elected, appointed and regular staff members with whom he had the privilege to work with. The Council Members expressed appreciation to Mr. Diridon for his 21 years of service to the City as a Council Member, City Clerk and Auditor, as well as serving on the Board of Library Trustees. The Council congratulated Mr. Diridon on his new venture and wished him well. The City Manager reviewed her report and recommendation to appoint Jennifer Yamaguma to the position of Acting City Clerk. **MOTION** was made by Mahan, seconded and unanimously carried, that the Council **note and file** the resignation letter submitted by Rod Diridon, Jr. effective February 6, 2018. **MOTION** was then made by O'Neill, seconded and unanimously carried, that, pursuant to Charter Section 903, the Council **appoint** Jennifer Yamaguma as Acting City Clerk effective February 6, 2018. Photographs were taken.

Acting City Clerk Jennifer Yamaguma took her chair at the dais.

- 13.A As a Special Order of Business, the Council proceeded to consider the Executive Assistant to the City Manager's report for recognition of the **Santa Clara High School and Middle School Students for participation in the County, State, National and International Science Competitions**. Dr. Katy Korsmeyer, President of the Board of Santa Clara Valley Science and Engineering Fair Association and Associate Director of Special Projects, College Arts and Sciences at Santa Clara University, introduced the following students who participated in the competition: Yusra Arub, Nishita Belur, Jason Co, Shashank Dholakia, Shishir Dholakia, Safaa Hussain, Ahmad Ismail, Sakshi Kumar, Nithila Poongovan, Srinath Somasundaram, Misbah Syed, Surya Tallavarjula and Visala Tallavarjula. The Council congratulated the students, and they were presented with Certificates in Honor and Recognition of Student Academic Accomplishment. Photographs were taken.
- 13.B As a Special Order of Business, the Council proceeded to consider the Director of Human Resources' report promoting a **vacancy on the Civil Service Commission**. Commission Chair Mario Bouza gave an electronic presentation regarding the duties and responsibilities of the Civil Service Commission.
- 13.C As a Special Order of Business, the Council proceeded to consider the Director of Community Development's report promoting a **vacancy on the Planning Commission**. Commission Chair Yuki Ikezi gave an electronic presentation regarding the duties and responsibilities of the Planning Commission.

- 14.A.1 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Chief of Police's report, the Council **approve** the request to allow **Police Officer Thomas Nelson to accrue over the maximum vacation hours without penalty** for the limited duration of time that he is off work pursuant to Labor Code Section 4850.
- 14.A.2 **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 candidates Keith Busmire and Cody Diller** at step 2, salary grade B-31.
- 14.A.3 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Community Development's report, the Council **approve** setting the **salary for Customer Service Representative – Permit Center candidate Maylan Cummings** at step 5 of the salary range for schedule A19.
- 14.A.4 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Fire Chief's report, the Council **approve** setting the **salary for Deputy Fire Marshall II candidate David Williams** at step 3, salary grade C-38.
- 14.A.5 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Human Resources' report, the Council **approve** the new **job description for Senior Information Technology Services Manager** and its monthly salary range of \$12,240 to \$15,840 (85% to 110% of Control Point).
- 14.A.6 **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **continue** to **February 20, 2018** the Director of Human Resources' report recommending approval of changes to the **List of Designated Positions, including Disclosure Categories** which require the incumbents to file a Conflict of Interest Statement, Form 700.
- 14.A.7 **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 3205 Alfred Street, 979 Wood Duck Court, 4700 Old Ironsides Drive, 2001 Walsh Avenue, 2954 Bunker Hill Lane and 3150 Coronado Drive.
- 14.A.8 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the City Attorney's report, the Council **adopt Ordinance No. 1976** entitled "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SUBSECTION (b) OF SECTION 2.10.050 ('PUBLISHING OF LEGAL NOTICES') OF CHAPTER 2.10 ('CITY COUNCIL') OF TITLE 2 ('ADMINISTRATION AND PERSONNEL') OF 'THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA' WHICH PERTAINS TO THE FIXED LOCATIONS FOR THE POSTING OF LEGAL NOTICES" which amends subsection (b) of Section 2.10.050 ("Publishing of Legal Notices") of Chapter 2.10 ("City Council") pertaining to **fixed locations for posting**.

- 14.B.1 **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 **Hart High-Voltage Apparatus Repair & Testing Company, Inc.** in an amount not to exceed \$150,000 for Fiscal Year 2017/18, or \$502,508.50 for a three year term of the Agreement for electrical maintenance and repair services for the Electric Department Generation Facilities.
- 14.C.1 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Finance's report, the Council/Authorities **approve** the payment of **Bills and Claims and Progress Payments** for the period of January 5, 2018 through January 18, 2018.
- 14.E.1 **MOTION** was made by Caserta, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Youth Commission** for the meeting of December 12, 2017.
15. Under Public Presentations, Kirk Vartan expressed general comments.
- 14.B.2 The Council proceeded to consider the Director of Public Works' report recommending approval of the **Sustainable Communities Grants Restricted Grant Agreement for Fiscal Year 2017/18** with the **California Department of Transportation for the City of Santa Clara Pedestrian Master Plan**. Kirk Vartan addressed the Council in support of the recommendation. A Council discussion followed. **MOTION** was made by O'Neill, seconded and unanimously carried, that, the Council **adopt** **Resolution No. 18-8494** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUSTAINABLE COMMUNITIES GRANTS RESTRICTED GRANT AGREEMENT FOR FISCAL YEAR 2017/18 WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE CITY OF SANTA CLARA PEDESTRIAN MASTER PLAN" which authorizes the Sustainable Communities Grants Restricted Grant Agreement for Fiscal Year 2017/18 with the California Department of Transportation for the City of Santa Clara Pedestrian Master Plan.
- 18.A PUBLIC HEARING: The Mayor introduced the item previously set by the Council on December 19, 2017 for continuation of the Public Hearing to consider the Director of Community Development's report recommending the adoption of a Resolution overruling an **appeal** and upholding the Planning Commission's denial of a variance to allow a reduction of the minimum rear yard setback requirement for an unpermitted accessory building from five feet to three feet for the property located at **167 Cronin Drive**. The Director of Community Development reviewed his report and gave an electronic presentation of the project description, site plan, project background, site context and Planning Commission recommendation. A Council discussion followed and the Director of Community Development answered Council questions. Applicant David Martin made an electronic presentation describing his project. Mr. Martin, Barbara Martin, architect David Hirzel and the Director of Community Development answered Council questions. The City Attorney and the Director of Community Development made clarifying comments. **MOTION** was made by Caserta, seconded and unanimously carried, that the hearing be

closed. **MOTION** was then made by Mahan, seconded and carried with Kolstad and O'Neill dissenting, that the Council **approve** the appeal and overturn the Planning Commission's denial thereby allowing a reduction of the minimum side setback requirement for an existing accessory building from five feet to three feet.

21. Member O'Neill reported on her attendance at a recent meeting of Second Harvest Food Bank of Santa Clara and San Mateo Counties and the increased local need for services.

23.A,B,
E 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 Real Property Negotiators pursuant to Government Code Section 54956.8, Property: APN 269-22-096, 1060 Benton Street, City Negotiator: Deanna J. Santana, City Manager (or designee), Negotiating Parties: Prometheus Partners, Under Negotiation: Purchase of public use easement or fee interest in a portion of 1060 Benton Street to accommodate a possible future extension of Franklin Street (32,000 SF) and Washington Street (4,300 SF) [*Members Caserta and Mahan and Mayor Gillmor abstained due to subject property's proximity to their properties/business*]; 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 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: Letter dated December 12, 2017, from Rajeev Batra, regarding retirement benefits [Council noted an email which was submitted by Rajeev Batra after the agenda was posted], and the City Attorney reported that there was no reportable action.

23.C The Council also met for a 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 City Attorney reported that **Council approved an offset in the amount of \$10,000 for the payment of interest amount to the plaintiff against the award of sanctions that were awarded in favor of the City and against the plaintiff with a net yield of sanctions awarded in favor of the City in the amount of \$59,756.31.**

23.D The Council also met for a Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *County of Santa Clara v. Donald J. Trump, et al.*, Ninth Circuit Court of Appeals, Case No. 17-17480 and *City and County of San Francisco v. Donald J. Trump, et al.*, Case No. 17-17478 and the City Attorney reported that the **Council authorized the City to sign on as amicus in support of the**

City and County of San Francisco and the County of Santa Clara in their defense of their appeal by the United States.

There being no further business, the meeting was adjourned at 8:51 pm in **Memory** of the **Sanford Diller** (founder of Prometheus Real Estate Group). The next regular meeting is on Tuesday evening, **February 20, 2018**, in the City Hall Council Chambers.

ATTEST: _____
City Clerk/Secretary/Clerk

APPROVE: _____
Mayor/Chairperson

DRAFT